



**FEDERATION INTERNATIONALE DE SKI
INTERNATIONAL SKI FEDERATION
INTERNATIONALER SKI VERBAND**

FIS Anti-Doping Rules

**compiled in accordance with
The World Anti-Doping Code**

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FIS ANTI-DOPING RULES

INTRODUCTION

Preface

At the FIS Congress held on 30th May 2008 in Cape Town (RSA), FIS accepted the revised (2009) World Anti-Doping *Code* (the "*Code*"). These Anti-Doping Rules are adopted and implemented in conformance with FIS's responsibilities under the *Code*, and are in furtherance of FIS's continuing efforts to eradicate doping in the sport of Skiing. They are complemented by other FIS documents and *WADA International Standards* addressed throughout the *Rules*.

Anti-Doping Rules, like *Competition* rules, are sport rules governing the conditions under which sport is played. All *Participants* (*Athletes* and other *Persons*) accept these rules as a condition of participation and shall be bound by them. For the purposes of these *Rules*, FIS serves as an *Anti-Doping Organisation* (ADO).

These sport-specific rules and procedures, aimed at enforcing anti-doping principles in a global and harmonised manner, are distinct in nature and, therefore, not intended to be subject to, or limited by any national requirements and legal standards applicable to criminal proceedings or employment matters. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the *Code* and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

Fundamental Rationale for the Code and FIS's Anti-Doping Rules

Anti-doping programmes seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterised by the following values:

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

- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

Description of FIS Anti-Doping Activities

The International Ski Federation (FIS) has been one of the most active and innovative leading International Sport Federations in the tough and very complex fight against doping. FIS is strongly committed to the fight against doping, in order to offer to all Athletes and Participants in every discipline fair and safe competitions.

The FIS Medical Committee is responsible for advising the FIS Council on anti-doping education and preventative programmes, which includes:

- developing anti-doping education and preventative programmes which can be used by National Ski Associations;
- reviewing the WADA Prohibited List in relation to specific knowledge about the FIS disciplines;
- advising on sports-specific information in regard to characteristics of disciplines and types of performance-enhancing substances.

Responsibilities for other aspects of FIS Anti-Doping activities, such as the organisation of Testing, etc. are defined in the relevant Articles of the FIS Anti-Doping Rules.

The FIS Anti-Doping Expert is responsible for developing and overseeing the testing programme, including:

- Set-up the best possible anti-doping control system which in public terms is referred to as "the Biological Passport":
 - Create individual longitudinal hematological profiling from out- and in-competition blood samples
 - Detection of prohibited substances and profiles in Testosterone/Epi-testosterone ratio as well as EPO urine profiles from out- and in-competition urine samples
 - Propose FIS rules according to scientific validated limits and statistical algorithms
 - Continuously improve the FIS anti-doping programme

- Prepare documents when an infringement of the FIS anti-doping rules is suspected
- Reviewing dispensations for:
 - The use of substances listed on the WADA prohibited list of substances:
 - a) Asthma
 - b) Other medical conditions requiring the use of prohibited substances
 - Natural elevated haemoglobin values.

Scope

These Anti-Doping Rules shall apply to FIS, each member *National Ski Association* of FIS, and each *Participant* in the activities of FIS or any of its *National Ski Associations* by virtue of the *Participant's* membership, accreditation by FIS or an Organising Committee, or participation in FIS, or their activities or *Events*. To be eligible for participation in FIS events, an Athlete must have a licence issued by his or her National Ski Association. The FIS licence will only be issued to Athletes who have personally signed the FIS Athletes Declaration in the form approved by the FIS Council and returned it to his or her National Ski Association. All forms from under-age applicants must be counter signed by their legal guardians.

The National Ski Association must guarantee that all Athletes registered with a FIS Licence to participate in FIS races accept the Rules of the FIS, including these FIS Anti-Doping Rules, and in particular the provision which foresees the exclusive competence of the Court of Arbitration for Sport as the court of appeal in doping cases.

It is the responsibility of each *National Ski Association* to ensure that all national-level *Testing* on the *National Ski Association's Athletes* complies with these Anti-Doping Rules. In some countries, the *National Ski Association* itself will be conducting the *Doping Control* described in these Anti-Doping Rules. In other countries, many of the *Doping Control* responsibilities of the *National Ski Association* have been delegated or assigned by statute or agreement to a *National Anti-Doping Organisation*. In those countries, references in these Anti-Doping Rules to the *National Ski Association* shall apply, as appropriate, to the *National Anti-Doping Organisation*.

These Anti-Doping Rules shall apply to all *Doping Controls* over which FIS and its *National Ski Associations* have jurisdiction.

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 2.8 of these Anti-Doping Rules.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

The following constitute anti-doping rule violations:

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

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

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

[Comment to Article 2.1.1: For purposes of anti-doping violations involving the presence of a Prohibited Substance (or its Metabolites or Markers), FIS's Anti-Doping Rules adopt the rule of strict liability which was found in the Olympic Movement Anti-Doping Code ("OMADC") and the vast majority of pre-Code anti-doping rules. Under the strict liability principle, an Athlete is responsible, and an anti-doping rule violation occurs, whenever a Prohibited Substance is found in an Athlete's Sample. The violation occurs whether or not the Athlete intentionally or unintentionally used a Prohibited Substance or was negligent or otherwise at fault. If the positive Sample came from an In-Competition test, then the results of that Competition are automatically invalidated (Article 9 (Automatic Disqualification of Individual Results)). However, the Athlete then has the possibility to avoid or reduce sanctions if the Athlete can demonstrate that he or she was not at fault or significant fault (Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances)) or in certain circumstances did not intend to enhance his or her sport performance (Article 10.4

(Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances)).

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

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either 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*.

[Comment to Article 2.1.2: FIS may in 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 Method

[Comment to Article 2.2: As noted in Article 3 (Proof of Doping), 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. Unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be

established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where FIS provides a satisfactory explanation for the lack of confirmation in the other Sample.]

2.2.1 It is each Athlete's personal duty to ensure that no *Prohibited Substance* enters his or her body. 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* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.

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

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

2.3 Refusing or failing without compelling justification to submit to *Sample* collection after notification as authorised in these Anti-Doping Rules, or otherwise evading *Sample* collection.

[Comment to Article 2.3: Failure or refusal to submit to Sample collection after notification was prohibited in almost all pre-Code anti-

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

2.4 Violation of applicable requirements regarding Athlete availability for Out-of-Competition Testing set out in the International Standard for Testing, including failure to file whereabouts information in accordance with Article 11.3 of the *International Standard for Testing* (a "**Filing Failure**") and failure to be available for Testing at the declared whereabouts in accordance with Article 11.4 of the *International Standard for Testing* (a "**Missed Test**"). Any combination of three Missed Tests and/or Filing Failures committed within an eighteen-month period, as declared by FIS or any other Anti-Doping Organisation with jurisdiction over an Athlete, shall constitute an anti-doping rule violation.

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

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

[Comment to Article 2.5: This Article prohibits conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. For example, altering identification numbers on a Doping Control form during Testing, breaking the B Bottle at the time of B Sample analysis or providing fraudulent information to FIS.]

2.6 Possession of Prohibited Substances and Methods

2.6.1 *Possession by an Athlete In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited in Out-of-Competition Testing unless the Athlete establishes that the Possession is pursuant to a therapeutic use exemption ("TUE") granted in*

accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.-

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

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

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

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

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

[Comment to Article 2: The Code does not make it an anti-doping rule violation for an Athlete or other Person to work or associate with Athlete Support Personnel who are serving a period of Ineligibility. However, FIS may adopt its own specific policy which prohibit such conduct.]

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

FIS and its *National Ski Associations* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FIS or its *National Ski Association* has established an anti-doping rule violation to the comfortable satisfaction

of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Articles 10.4 and 10.6, where the *Athlete* must satisfy a higher burden of proof.

[Comment to Article 3.1: This standard of proof required to be met by FIS or its National Ski Association is comparable to the standard which is applied in most countries to cases involving professional misconduct. It has also been widely applied by courts and hearing panels in doping cases. See, for example, the CAS decision in N., J., Y., W. v. FINA, CAS 98/208, 22 December 1998.]

3.2 Methods of Establishing Facts and Presumptions

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

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

3.2.1 WADA-accredited laboratories 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* 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* occurred which could reasonably have caused the *Adverse Analytical Finding*, then FIS or its *National Ski Association* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

[Comment to Article 3.2.1: The burden is on the Athlete or other Person to establish, by a balance of probability, a

departure from the International Standard that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to FIS or its National Ski Association to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

3.2.2 Departures from any other *International Standard* or other anti-doping rule or policy which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Athlete* or other *Person* establishes that a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused the *Adverse Analytical Finding* or other anti-doping rule violation occurred, then FIS or its *National Ski Association* 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.

3.2.3 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.

3.2.4 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 tribunal) and to answer questions either from the hearing panel or from the *Anti-Doping Organisation* asserting the anti-doping rule violation.

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

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the *Prohibited List*

These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the *Code*. FIS will make the current *Prohibited List* available to each *National Ski*

Association, and each National Ski Association shall ensure that the current *Prohibited List* is available to its members and constituents.

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

4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

4.2.1 Prohibited Substances and Prohibited Methods

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication of the *Prohibited List* by WADA without requiring any further action by FIS. As described in Article 4.2 of the *Code*, FIS may upon the recommendation of its Medical Committee request that WADA expand the *Prohibited List* for the sport of Skiing or certain disciplines within the sport of Skiing FIS may also upon the recommendation of its Medical Committee request that WADA include additional substances or methods, which have the potential for abuse in the sport of Skiing, in the monitoring program described in Article 4.5 of the *Code*. As provided in the *Code*, WADA shall make the final decision on such requests by FIS.

[Comment to Article 4.2.1: There will be one Prohibited List. The substances which are prohibited at all times would include masking agents and those substances which, when Used in training, may have long term performance enhancing effects such as anabolics. All substances and methods on the Prohibited List are prohibited In-Competition. Out-of-Competition Use (Article 2.2) of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites is reported for a Sample collected In-Competition (Article 2.1).

There will be only one document called the "Prohibited List." WADA may add additional substances or methods to the Prohibited List for particular sports (e.g. the inclusion of beta-blockers for shooting) but this will also be reflected on the single Prohibited List. A particular sport is not permitted to seek exemption from the basic list of Prohibited Substances (e.g.

eliminating anabolics from the Prohibited List for "mind sports"). The premise of this decision is that there are certain basic doping agents which anyone who chooses to call himself or herself an Athlete should not take.]

4.2.2 Specified Substances

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

4.2.3 New Classes of Prohibited Substances

In the event WADA expands the *Prohibited List* by adding a new class of *Prohibited Substances* in accordance with Article 4.1 of the *Code*, WADA's Executive Committee shall determine whether any or all *Prohibited Substances* within the new class of *Prohibited Substances* shall be considered Specified Substances under Article 4.2.2.

4.3 Criteria for Including Substances and Methods on the Prohibited List

As provided in Article 4.3.3 of the *Code*, 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* is final and shall not be subject to challenge by an *Athlete* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

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

4.4 Therapeutic Use

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

4.4.2 Subject to Article 4.4.3, *Athletes* included by FIS in its *Registered Testing Pool* and other *Athletes* participating in any *International Event* must obtain a TUE from FIS (regardless of whether the *Athlete* previously has received a TUE at the national level). The application for a TUE must be made as soon as possible (in the case of an *Athlete* in the *Registered Testing Pool*, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 21 days before the *Athlete's* participation in the *Event*.

4.4.3 The only exception to Article 4.4.2 is that, in accordance with Article 7.13 of the *International Standard* for Therapeutic Use Exemptions, *Athletes* not in FIS's *Registered Testing Pool* who inhale Glucocorticosteroids and/or formoterol, salbutamol, salmeterol or terbutaline to treat asthma or one of its clinical variants do not need a TUE in advance of participating in an *International Event* unless so specified by FIS. Instead, if necessary, any such *Athlete* may apply for a Retroactive TUE after the *Event* in accordance with Article 7.13 of the *International Standard* for Therapeutic Use Exemptions and Article 7.1.3 of these Anti-Doping Rules.

4.4.4 TUE's granted by FIS shall be reported to the *Athlete's National Ski Association* and to WADA. Other *Athletes* subject to *Testing* who need to use a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons must obtain a TUE from their *National Anti-Doping Organisation* or other body designated by their *National Ski Association*, as required under the rules of the *National Anti-Doping Organisation/other body*. *National Ski Associations* shall promptly report any such TUE's to FIS and WADA.

4.4.5 FIS shall appoint a panel of physicians to consider requests for TUE's (the "**TUE Panel**"). Upon FIS's receipt of a TUE request, the Chair of the TUE Panel shall appoint one or more members of

the TUE Panel (which may include the Chair) to consider such request. The TUE Panel member(s) so designated shall promptly evaluate such request in accordance with the *International Standard* for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of FIS.

4.4.6 WADA, at the request of an *Athlete* or on its own initiation, may review the granting or denial of any TUE by FIS. If WADA determines that the granting or denial of a TUE did not comply with the *International Standard* for Therapeutic Use Exemptions in force at the time then WADA may reverse that decision. Decisions on TUE's are subject to further appeal as provided in Article 13.

4.4.7 The TUE application form, as well as the current requirements for use of beta-2 agonists, can be found on the FIS website or obtained through the FIS Office by email antidoping@fisski.ch.

ARTICLE 5 TESTING

5.1 Authority to Test

All *Athletes* under the jurisdiction of a *National Ski Association* or participating in a FIS event shall be subject to *In-Competition Testing* by FIS, the *Athlete's National Ski Association*, and any other *Anti-Doping Organisation* responsible for *Testing* at a *Competition* or *Event* in which they participate. All *Athletes* under the jurisdiction of a *National Ski Association*, including *Athletes* serving a period of ineligibility or a *Provisional Suspension*, shall also be subject to *Out-of-Competition Testing* at any time or place, with or without advance notice, by FIS, WADA, the *Athlete's National Ski Association*, the *National Anti-Doping Organisation* of any country where the *Athlete* is present, the IOC during the Olympic Games, and the IPC during Paralympic Games. *Target Testing* will be made a priority.

[Comment to Article 5.1: Target Testing is specified because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Athletes will be tested (e.g., world-class Athletes, Athletes whose performances have dramatically improved over a short period of time, Athletes whose coaches have had other Athletes test positive, etc.). Obviously, Target Testing must not be used for any purposes other than legitimate Doping Control. The Code makes it clear that Athletes have no right to expect that they will be tested only on a random basis. Similarly, it does not impose any reasonable suspicion or probable cause requirement for Target Testing]

5.2 Responsibility for FIS Testing

The FIS Anti-Doping Expert respectively the Anti-Doping Agency appointed by FIS shall be responsible for drawing up a test distribution plan for the sport of Skiing and its disciplines that are on the programme of the Olympic Winter Games (Cross-Country Skiing, Ski Jumping, Nordic Combined, Alpine Skiing, Freestyle Skiing, Snowboard) in accordance with Article 4 of the *International Standard for Testing*, and for the implementation of that plan, including overseeing all *Testing* conducted by or on behalf of FIS. *Testing* may be conducted by members of the Anti-Doping Agency appointed by FIS or by other qualified persons so authorised by FIS.

5.3 Testing Standards

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

5.3.1 Blood (or other non-urine) *Samples* may be used to detect *Prohibited Substances* or *Prohibited Methods*, for screening procedure purposes, or for longitudinal hematological profiling ("the passport"). If the *Sample* is collected for screening only, it will have no consequences for the *Athlete* other than to identify him/her for a urine test under these anti-doping rules. In these circumstances, the FIS may decide at its own discretion which blood parameters are to be measured in the screening *Sample* and what levels of those parameters will be used to indicate that an *Athlete* should be selected for a urine test. If however, the *Sample* is collected for longitudinal hematological profiling ("the passport"), it may be used for anti-doping purposes in accordance with Article 2.2 of the *Code*.

5.4 Coordination of Testing

FIS and *National Ski Associations* shall promptly report completed tests through the WADA clearinghouse to avoid unnecessary duplication in *Testing*.

5.5 Athlete Whereabouts Requirements

5.5.1 FIS shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of the *International Standard for Testing*, and shall publish the criteria for *Athletes* to be included in this *Registered Testing Pool* as well as a list of the *Athletes* meeting those criteria for the period in question. FIS 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. Each *Athlete* in the *Registered Testing Pool* (a) shall advise FIS of his/her whereabouts on a quarterly basis, in the manner set out in Article 11.3 of the *International Standard for Testing*; (b) shall update that information as necessary, in accordance with Article 11.4.2 of the *International Standard for Testing*, so that it remains accurate and complete at all times; and (c) shall make him/herself available for Testing at such whereabouts, in accordance with Article 11.4 of the *International Standard for Testing*.

[*Comment to Article 5.5.1: The purpose of the FIS Registered Testing Pool is to identify top-level International Athletes who the FIS requires to provide whereabouts information to facilitate Out-of-Competition Testing by FIS and other Anti-Doping Organisations with jurisdiction over the Athletes. FIS will identify such Athletes in accordance with the requirements of Articles 4 and 11.2 of the International Standard for Testing.*]

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

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

5.5.4 Each *National Ski Association* shall also assist its *National Anti-Doping Organisation* in establishing a national level *Registered Testing Pool* of top level national *Athletes* to whom the whereabouts requirements of the *International Standard for Testing* shall also apply. Where those *Athletes* are also in the FIS's *Registered Testing Pool*, the FIS and the *National Anti-Doping Organisation* will agree (with the assistance of WADA if required) on which of them will take responsibility for receiving whereabouts filings from the *Athlete* and sharing it with the other (and with other *Anti-Doping Organisations*) in accordance with Article 5.5.5.

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

5.6 Retirement and Return to Competition

5.6.1 An *Athlete* who has been identified by FIS for inclusion in FIS's *Registered Testing Pool* shall continue to be subject to these Anti-Doping Rules, including the obligation to comply with the whereabouts requirements of the *International Standard for Testing* unless and until the *Athlete* gives written notice to FIS that he or she has retired or until he or she no longer satisfies the criteria for inclusion in FIS's *Registered Testing Pool* and has been so informed by FIS.

5.6.2 An *Athlete* who has given notice of retirement to FIS may not resume competing unless he or she notifies FIS at least six months before he or she expects to return to competition and makes him/herself available for unannounced *Out-of-Competition Testing*, including (if requested) complying with the whereabouts requirements of the *International Standard for Testing*, at any time during the period before actual return to competition.

5.6.3 *National Ski Associations/National Anti-Doping Organisations* may establish similar requirements for retirement and returning to competition for *Athletes* in the national *Registered Testing Pool*.

5.7 Selection of *Athletes* to be Tested

5.7.1 At *International Events*, the FIS Anti-Doping Rules shall determine the number of finishing placement tests, random tests and target tests to be performed.

The following *Athletes* shall be tested for each *Competition* at an *International Event*.

5.7.1.1 Each *Athlete* finishing in one of the top four placements in the *Competition*, plus at least one other *Athlete* in the *Competition* selected at random.

At the FIS World Championships, the number of teams selected at random shall be two (one *Athlete* per team).

5.7.1.2 At the FIS Junior World Championships, the competitions at which testing takes place during the event may be agreed in consultation with FIS (e.g. Alpine, 1 speed and 1 technical event per gender; Cross-Country and Nordic Combined 1 distance and 1 sprint event; Ski Jumping 1 competition, Freestyle and Snowboarding, 1 technical and 1 freestyle event per gender).

5.7.2 At *National Events*, each *National Ski Association* shall determine the number of Athletes selected for *Testing* in each *Competition* and the procedures for selecting the *Athletes* for *Testing*.

5.7.3 In addition to the selection procedures set forth in Articles 5.7.1 and 5.7.2 above, the FIS at *International Events*, and the *National Ski Association* at *National Events*, may also select *Athletes* or teams for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate *Doping Control* purposes.

5.7.4 *Athletes* shall be selected for *Out-of-Competition Testing* by the FIS and by *National Ski Associations* through a process that substantially complies with the *International Standard* for *Testing* in force at the time of selection.

5.8 *National Ski Associations* and the organising committees for *National Ski Association Events* shall provide access to *Independent Observers* at *Events* as directed by FIS.

5.9 An Athlete who is not regular member of an IF or one of its National Federations will not be permitted to compete in an International Event unless he or she is available for *Sample* collection and where applicable, he/she provides accurate and up-to-date whereabouts information as part of the IF's *Registered Testing Pool* at least three months before he or she expects to compete.

ARTICLE 6 ANALYSIS OF SAMPLES

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

6.1 Use of Approved Laboratories

FIS shall send *Doping Control Samples* for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other laboratory or method approved by WADA) used for the *Sample* analysis shall be determined exclusively by FIS, respectively its appointed Anti-Doping Agency.

[Comment to Article 6.1: Violations of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) may be established only by Sample analysis performed by a WADA-approved laboratory or another laboratory specifically authorized by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]

6.2 Purpose of Collection and Analysis of Samples

Samples shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the Monitoring Programme described in Article 4.5 of the *Code* or to assist *FIS* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.

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

6.3 Research on Samples

No *Sample* may be used for any purpose other than as described in Article 6.2 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 Reporting

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

6.5 Retesting Samples

A *Sample* may be reanalysed for the purposes described in Article 6.2 at any time exclusively at the direction of *FIS* or *WADA*. The circumstances and conditions for retesting *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

[Comment to Article 6.5: Although this Article is new, Anti-Doping Organisations have always had the authority to reanalyse Samples. The International Standard for Laboratories or a new technical document which is made a part of the International Standard will harmonise the protocol for such retesting.]

ARTICLE 7 RESULTS MANAGEMENT

7.1 Results Management for Tests Initiated by FIS

Results management for tests initiated by *FIS* (including tests performed by *WADA* pursuant to agreement with *FIS*) shall proceed as set forth below:

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

7.1.2 Upon receipt of an *A Sample Adverse Analytical Finding*, the FIS anti-doping administrator shall conduct a review to determine whether: (a) the *Adverse Analytical Finding* is consistent with an applicable TUE, or (b) there is any apparent departure from the *International Standard for Testing* or *International Standard for Laboratories* that caused the *Adverse Analytical Finding*.

7.1.3 In the following circumstances:

- (a) The *Adverse Analytical Finding* is for a Glucocorticosteroid, formoterol, salbutamol, salmeterol or terbutaline; and
- (b) The *Sample* in question was provided by an *Athlete* who is not in FIS's *Registered Testing Pool*, during his/her participation in an *International Event* for which (in accordance with Article 7.13 of the *International Standard for Therapeutic Use Exemptions* and Article 4.4.3 of these Anti-Doping Rules) FIS does not require a TUE for asthma medication in advance;

then, before the matter is referred to the FIS Doping Panel under Article 7.1, the *Athlete* shall be given an opportunity to apply to the TUE Committee for a Retroactive TUE in accordance with Article 7.13 of the *International Standard for Therapeutic Use Exemptions*. The result of that application shall be forwarded to the FIS anti-doping administrator for consideration in its review of the *Adverse Analytical Finding* under Article 7.1.2.

7.1.4 If the initial review of an *Adverse Analytical Finding* under Article 7.1.2 does not reveal an applicable TUE, or departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, FIS shall promptly notify the *Athlete* 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 (which shall be within the time period specified in the *International Standard* for Laboratories) if the *Athlete* or FIS 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 at the scheduled date, time and place if such analysis is requested; and (f) the *Athlete's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the *International Standard* for Laboratories. FIS shall also notify the *Athlete's National Anti-Doping Organisation* and WADA. If FIS 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.

7.1.5 Where requested by the *Athlete* or FIS, arrangements shall be made for *Testing* the B *Sample* within the time period specified in the *International Standard* for *Testing*. An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. FIS may nonetheless elect to proceed with the B *Sample* analysis.

7.1.6 The *Athlete* and/or his representative shall be allowed to be present at the analysis of the B *Sample* within the time period specified in the *International Standard* for Laboratories. Also a representative of the *Athlete's National Ski Association* as well as a representative of FIS shall be allowed to be present.

7.1.7 If the B *Sample* proves negative, then (unless FIS takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Athlete*, his *National Ski Association*, and FIS shall be so informed.

7.1.8 If a *Prohibited Substance* or the *Use of a Prohibited Method* is identified, the findings shall be reported to the *Athlete*, his *National Ski Association*, FIS, and to WADA.

7.1.9 For apparent anti-doping rule violations that do not involve *Adverse Analytical Findings*, FIS shall conduct any necessary follow-up investigation and, at such time as it is satisfied that an anti-doping rule violation has occurred, it shall then promptly notify the *Athlete* of the anti-doping rule which appears to have been violated, and the basis of the violation.

7.2 Results Management for Atypical Findings

7.2.1 As provided in the *International Standards*, in certain circumstances laboratories are directed to report the presence of

Prohibited Substances that may also be produced endogenously as *Atypical Findings* that should be investigated further.

7.2.2 If a laboratory reports an *Atypical Finding* in respect of a *Sample* collected from an *Athlete* by or on behalf of FIS, the FIS anti-doping administrator shall conduct a review to determine whether:

(a) the *Atypical Finding* is consistent with an applicable TUE that has been granted as provided in the *International Standard for Therapeutic Use Exemptions*, or

(b) there is any apparent departure from the *International Standard for Testing* or *International Standard for Laboratories* that caused the *Atypical Analytical Finding*.

7.2.3 If the initial review of an *Atypical Finding* under Article 7.2.2 reveals an applicable TUE or departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Atypical Finding*, the entire test shall be considered negative and the *Athlete*, his *National Ski Association*, and FIS shall be so informed.

7.2.4 If the initial review of an *Atypical Finding* under Article 7.2.2 does not reveal an applicable TUE or departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Atypical Finding*, FIS shall conduct the follow-up investigation required by the *International Standards*. If, once that investigation is completed, it is concluded that the *Atypical Finding* should be considered an *Adverse Analytical Finding*, FIS shall pursue the matter in accordance with Article 7.1.3.

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

(a) If FIS determines the B *Sample* should be analysed prior to the conclusion of its follow-up investigation, it may conduct the B *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.1.3(c) to (f).

(b) If FIS receives a request, either from a *Major Event Organisation* shortly before one of its *International Events* or from a sports 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 but the *Major Event Organisation* or sports organisation has a pending *Atypical Finding*, FIS shall so identify any such *Athlete* after first providing notice of the *Atypical Finding* to the *Athlete*.

7.3 Results Management for Tests Initiated During Other International Events

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

7.4 Results Management for Tests initiated by National Ski Associations

Results management conducted by *National Ski Associations* shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in Article 7. Results of all *Doping Controls* shall be reported to FIS and to WADA within 14 days of the conclusion of the *National Ski Association's* results management process. Any apparent anti-doping rule violation by an *Athlete* who is a member of that *National Ski Association* shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the *National Ski Association* or national law. Apparent anti-doping rule violations by *Athletes* who are members of another *National Ski Association* shall be referred to FIS to pass on to the *Athlete's National Ski Association* for hearing.

7.5 Results Management for Whereabouts Violations

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

7.5.2 Results management in respect of an apparent Missed Test by an *Athlete* in FIS's *Registered Testing Pool* as a result of an attempt to test the *Athlete* by or on behalf of FIS shall be conducted by FIS in accordance with Article 11.6.3 of the *International Standard for Testing*. Results management in respect of an apparent Missed Test by such *Athlete* as a result of an attempt to test the *Athlete* by or on behalf of another *Anti-Doping Organisation* shall be conducted by that other *Anti-Doping*

Organisation in accordance with Article 11.7.6(c) of the *International Standard for Testing*.

7.5.3 Where, in any eighteen-month period, an *Athlete* in FIS's *Registered Testing Pool* is declared to have three Filing Failures, or three Missed Tests, or any combination of Filing Failures or Missed Tests adding up to three in total, whether under these Anti-Doping Rules or under the rules of any other *Anti-Doping Organisation*, FIS shall bring them forward as an apparent anti-doping rule violation.

7.6 Provisional Suspensions

7.6.1 If analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a Specified Substance, and a review in accordance with Article 7.1.2 does not reveal an applicable TUE or departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, FIS shall *Provisionally Suspend* the *Athlete* pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.-

7.6.2 In any case not covered by Article 7.6.1 where FIS decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, the FIS President and/or Secretary General, after consultation with the FIS anti-doping administrator and/or FIS Anti-Doping Expert, may *Provisionally Suspend* the *Athlete* pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.

7.6.3 Where a *Provisional Suspension* is imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, the *Athlete* shall be given either (a) an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a *Provisional Suspension*. *National Ski Associations* shall impose *Provisional Suspensions* in accordance with the principles set forth in this Article 7.6.

7.6.4 If a *Provisional Suspension* is imposed based on an *Adverse Analytical Finding* in respect of an *A Sample*, and any subsequent analysis of the *B Sample* analysis 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 of the *Code* (Presence of a *Prohibited Substance* or

its *Metabolites* or *Markers*). 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, if, without otherwise affecting the *Competition*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Competition*.

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

In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event. Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the Athlete may be able to take part in future Competitions.

Athletes shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed as provided in Article 10.9.3.]

7.7 Retirement from Sport

If an *Athlete* or other *Person* retires while a results management process is underway, FIS retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun and FIS would have had results management jurisdiction over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, FIS has jurisdiction to conduct results management.

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

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1 Hearings arising out of FIS Testing or Tests at International Events

8.1.1 The FIS Council shall appoint a standing panel consisting of a Chair and other experts with experience in anti-doping ("FIS Doping Panel"). The Chair shall be a lawyer. Each panel member shall be otherwise independent of FIS. Each panel member shall serve a term of two years.

8.1.2 When it appears, following the Results Management process described in Article 7, that these Anti-Doping Rules have been violated in connection with FIS *Testing* or *Testing* at an *International Event* then the case shall be assigned to the FIS Doping Hearing Panel for adjudication.

8.1.3 The Chair of the FIS Doping Panel shall appoint three members from the panel (which may include the Chair) to hear each case. At least one appointed member shall be a lawyer. The Chair may appoint a medical and/or legal expert from outside the FIS Doping Panel as an additional member(s) of the panel hearing and adjudicating case. The appointed members shall have had no prior involvement with the case and shall not have the same nationality as the *Athlete* or other *Person* alleged to have violated these Anti-Doping Rules.

8.1.4 Hearings pursuant to this Article shall be completed expeditiously following the completion of the results management process described in Article 7. The Hearing Process is defined in Article FIS.E of the FIS Procedural Rules and Guidelines. Hearings held in connection with *Events* may be conducted on an expedited basis. The right to be heard includes the right to be acquainted with the charges and the right to appear personally in front of the FIS Doping Panel or to submit a defence in writing.

8.1.5 The *National Ski Association* of the *Athlete* or other *Person* alleged to have violated these Anti-Doping Rules may attend the hearing as an observer.

8.1.6 FIS shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

8.1.7 An *Athlete* or other *Person* may forego a hearing by acknowledging the Anti-Doping Rule violation and accepting *Consequences* consistent with Articles 9 and 10 as proposed by FIS. The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge FIS's assertion that an anti-doping rule violation has occurred within 21 days of

the first notification of the alleged anti-doping violation, respectively within 10 days of the provision of the laboratory documentation package. Where no hearing occurs, FIS shall submit to the persons described in Article 13.2.3 a reasoned decision explaining the action taken.

8.1.8 If, at any time (i.e. before, during or after the hearing), circumstances suggest such a course of action, the FIS Doping Panel may extend the procedure to any other *Person(s)* (particularly amounts the *Athlete's* entourage), who may have contributed to the apparent anti-doping rule violation. The Chairman of the FIS Doping Panel will decide if this will take place in the form of an independent procedure or as part of the on-going procedure.

8.1.9 Decisions of the FIS Doping Panel may be appealed to Court of Arbitration for Sport as provided in Article 13.

8.2 Hearings Arising Out of National Testing

8.2.1 When it appears, following the Results Management process described in Article 7, that these Anti-Doping Rules have been violated in connection with *Testing* other than in connection with FIS *Testing* or *Testing* at an *International Event*, the *Athlete* or other *Person* involved shall be brought before a disciplinary panel of the *Athlete* or other *Person's National Ski Association* for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what *Consequences* should be imposed.

8.2.2 Hearings pursuant to this Article 8.2 shall be completed expeditiously and in all cases within three months of the completion of the Results Management process described in Article 7. Hearings held in connection with *Events* may be conducted by an expedited process. If the completion of the hearing is delayed beyond three months, FIS may elect to bring the case directly before the FIS Doping Panel at the responsibility and at the expense of the *National Ski Association*.

8.2.3 *National Ski Associations* shall keep FIS and WADA fully apprised as to the status of pending cases and the results of all hearings.

8.2.4 FIS and WADA shall have the right to attend hearings as an observer.

8.2.5 The *Athlete* or other *Person* may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting *Consequences* consistent with Articles 9 and 10 as proposed by the *National Ski Association*. The right to a hearing

may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge the *National Ski Association's* assertion that an anti-doping rule violation has occurred within 21 days of the first notification of the alleged anti-doping violation, respectively within 10 days of the provision of the laboratory documentation package. Where no hearing occurs, the *National Ski Association* shall submit to the persons described in Article 13.2.3 a reasoned decision explaining the action taken.

8.2.6 Decisions by *National Ski Associations*, whether as the result of a hearing or the *Athlete* or other *Person's* acceptance of *Consequences*, may be appealed as provided in Article 13.

8.2.7 Hearing decisions by the *National Ski Association* shall not be subject to further administrative review at the national level except as provided in Article 13 or required by applicable national law.

8.3 Principles for a Fair Hearing

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

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

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of these Anti-Doping Rules in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting consequences, including forfeiture of any medals, points and prizes.

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

For Team Sports, see Article 11 (Consequences to Teams).

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 FIS.]

ARTICLE 10 SANCTIONS ON INDIVIDUALS

10.1 Disqualification of Results in Event During which an Anti-Doping Rule Violation Occurs

An *Anti-Doping Rule* violation occurring during or in connection with an *Event* may lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all races during the Event. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity 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 *Competition* shall not be *Disqualified* unless the *Athlete's* results in *Competition* 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 Prohibited Substances and Prohibited Methods

The period of *Ineligibility* imposed for a violation of Article 2.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), Article 2.2 (*Use or Attempted Use of Prohibited Substance or Prohibited Method*) or Article 2.6 (*Possession of Prohibited Substances and Methods*) shall be as follows, unless the conditions for eliminating or reducing the period of *Ineligibility*, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of *Ineligibility*, as provided in Article 10.6, are met:

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

[Comment to Article 10.2: 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 harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short (e.g., artistic gymnastics) a two year Disqualification has a much more significant effect on the Athlete than in sports where careers are traditionally much longer (e.g., equestrian and shooting); in Individual Sports, the Athlete is better able to maintain competitive skills through solitary practice during Disqualification than in other sports where practice as part of a team is more important. A primary argument in favor of 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 bodies to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between IFs and National Anti-Doping Organisations.]

10.3 Ineligibility for Other Anti-Doping Rule Violations

The period of *Ineligibility* for violations of these Anti-Doping Rules other than as provided in Article 10.2 shall be as follows:

10.3.1 For violations of Article 2.3 (refusing or failing to submit to *Sample* collection) or Article 2.5 (*Tampering with Doping Control*), the *Ineligibility* period shall be two (2) years unless the conditions provided in Article 10.5, or the conditions provided in Article 10.6, are met.

10.3.2 For violations of Article 2.7 (*Trafficking*) or Article 2.8 (Administration of *Prohibited Substance* or *Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility* unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than Specified Substances shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, significant violations of such Articles which also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

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

10.3.3 For violations of Article 2.4 (Filing Failures and/ or Missed Tests), the period of *Ineligibility* shall be at a minimum one (1) year and at a maximum two (2) years based on the *Athlete's* degree of fault.

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

10.4 Elimination or Reduction of the Period of *Ineligibility* for Specified Substances under Specific Circumstances

Where an *Athlete* or other *Person* can establish how a Specified Substance entered his or her body or came into his or her possession and that such Specified Substance was not intended to enhance the *Athlete's* sport performance or mask the use of a performance-enhancing substance, the period of *Ineligibility* found in Article 10.2 shall be replaced with the following:

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

To justify any elimination or reduction, the *Athlete* or other *Person* must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the

absence of an intent to enhance sport performance or mask the use of a performance enhancing substance. The *Athlete* or other *Person's* degree of fault shall be the criterion considered in assessing any reduction of the period of *Ineligibility*.

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

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

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

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

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

10.5.1 *No Fault or Negligence*

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

10.5.2 *No Significant Fault or Negligence*

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Significant Fault or Negligence*, then the period of *Ineligibility* may be reduced, 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 section may be no less than 8 years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Sample* in violation of Article 2.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

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

for those anti-doping rule violations where knowledge is an element of the violation.

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

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

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

While minors are not given special treatment per se in determining the applicable sanction, certainly youth and lack of

experience are relevant factors to be assessed in determining the Athlete or other Person's fault under Article 10.5.2, as well as Articles 10.4 and 10.5.1.

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

10.5.3 *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations

The FIS Doping Panel may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in the *Anti-Doping Organisation* discovering or establishing an anti-doping rule violation by another *Person* or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another *Person*. After a final appellate decision under Article 13 or the expiration of time to appeal, FIS may only suspend a part of the 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 8 years. If FIS suspends any part of the period of *Ineligibility* under this Article, it shall promptly provide a written justification for its decision to each *Anti-Doping Organisation* having a right to appeal the decision. If FIS subsequently reinstates any part of the suspended period of *Ineligibility* because the *Athlete* or other *Person* has failed to provide the *Substantial Assistance* which was anticipated, the *Athlete* or other *Person* may appeal the reinstatement pursuant to Article 13.2.

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

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

If the Athlete or other Person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Athlete or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), FIS shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing under Article 8 on the anti-doping rule violation, the hearing panel shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article at the same time the hearing panel decides whether the Athlete or other Person has committed an anti-doping rule violation. If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the Athlete or other Person is still serving the period of Ineligibility, the Athlete or other Person may apply to FIS to consider a suspension in the period of Ineligibility under this Article. Any such suspension of the period of Ineligibility shall require the approval of WADA. If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, FIS shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by FIS under this Article may be appealed pursuant Article 13.2.

This is the only circumstance under FIS's Anti-Doping Rules where the suspension of an otherwise applicable period of Ineligibility is authorised.]

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

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

[Comment to Article 10.5.4: 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 knows he or she is about to be caught.]

10.5.5 Where an *Athlete* or Other *Person* Establishes Entitlement to Reduction in Sanction under More than One Provision of this Article

Before applying any reductions under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two or more of Articles 10.5.2, 10.5.3 or 10.5.4, then the period of *Ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *Ineligibility*.

[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4 or Article 10.6) applies to the particular anti-doping rule violation. In a second step, the hearing panel establishes whether there is a basis for elimination or reduction of the sanction (Articles 10.5.1 through 10.5.4). Note, however, not all grounds for elimination or reduction may be combined with the provisions on basic sanctions. For example, Article

10.5.2 does not apply in cases involving Articles 10.3.3 or 10.4, since the hearing panel, under Articles 10.3.3 and 10.4, will already have determined the period of Ineligibility based on the Athlete or other Person's degree of fault. In a third step, the hearing panel determines under Article 10.5.5 whether the Athlete or other Person is entitled to a reduction under more than one provision of Article 10.5. Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.9. The following four examples demonstrate the proper sequence of analysis:

Example 1.

Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; the Athlete promptly admits the anti-doping rule violation as alleged; the Athlete establishes No Significant Fault (Article 10.5.2); and the Athlete provides important Substantial Assistance (Article 10.5.3).

Application of Article 10:

- 1. The basic sanction would be two years under Article 10.2. (Aggravating circumstances (Article 10.6) would not be considered because the Athlete promptly admitted the violation. Article 10.4 would not apply because a steroid is not a Specified Substance.)*
- 2. Based on No Significant Fault alone, the sanction could be reduced up to one-half of the two years. Based on Substantial Assistance alone, the sanction could be reduced up to three-quarters of the two years.*
- 3. Under Article 10.5.5, in considering the possible reduction for No Significant Fault and Substantial Assistance together, the most the sanction could be reduced is up to three-quarters of the two years. Thus, the minimum sanction would be a six-month period of Ineligibility.*
- 4. Under Article 10.9.2, because the Athlete promptly admitted the 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 (minimum three months) after the date of the hearing decision.*

Example 2.

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

Application of Article 10:

1. *The basic sanction would be between two and four years Ineligibility as provided in Article 10.6.*
2. *Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the maximum four years.*
3. *Article 10.5.5 does not apply.*
4. *Under Article 10.9.2, the period of Ineligibility would start on the date of the hearing decision.*

Example 3.

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

Application of Article 10:

1. *Because the Adverse Analytical Finding involved a Specified Substance and the Athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. The hearing panel would assess the Athlete's fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of eight months.)*
2. *Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) [No Significant Fault (Article 10.2) would not be applicable because the Athlete's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1.]*

3. *Article 10.5.5 does not apply.*

4 *Under Article 9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event, the Athlete would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)*

Example 4.

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

Application of Article 10:

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

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

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

4. *If Article 10.5.4 was considered by the hearing panel in arriving at the minimum six month period of Ineligibility at step 3, the period of Ineligibility would start on the date the hearing panel imposed the sanction. If, however, the hearing panel did not consider the application of Article 10.5.4 in reducing the period of Ineligibility in step 3, then under Article 10.9.2, the*

commencement of the period of Ineligibility could be started as early as the date the anti-doping rule violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.]

10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

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

An *Athlete* or other *Person* can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by FIS.

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

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

10.7 Multiple Violations

10.7.1 Second Anti-Doping Rule Violation

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

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

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

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

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

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

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

AS (Aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Article

10.6 because the *Anti-Doping Organisation* established the conditions set forth under Article 10.6.

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

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

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

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

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

10.7.3 Third Anti-Doping Rule Violation

A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the

condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or involves a violation of Article 2.4 (Filing Failures and/or and Missed Tests). In these particular cases, the period of *Ineligibility* shall be from eight (8) years to life ban.

10.7.4 Additional Rules for Certain Potential Multiple Violations

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

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

[Comment to Article 10.7.4: In a hypothetical situation, an Athlete commits an anti-doping rule violation on January 1, 2008 which FIS does not discover until December 1, 2008. In the meantime, the Athlete commits another anti-doping rule violation on March 1, 2008 and the Athlete is notified of this violation by FIS on March 30, 2008 and a hearing panel rules on June 30, 2008 that the Athlete committed the March 1, 2008 anti-doping rule violation. The later-discovered violation which occurred on January 1, 2008 will provide the basis for

Aggravating Circumstances because the Athlete did not voluntarily admit the violation in a timely basis after the Athlete received notification of the later violation on March 30, 2008.]

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

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

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

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

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

10.8.2 Allocation of Forfeited Prize Money.

Forfeited prize money shall be reallocated to other *Athletes*. All National Ski Associations shall agree with its *Athletes* to provide for the legal authority to reclaim prize-money as set out above. This agreement shall include a provision whereby once a doping offence has been determined, the *Athlete* immediately returns to the National Ski Association all prize-money won following the date of the doping offence, for re-distribution to the newly eligible *Athletes* through FIS.

[Comment to Article 10.8.2: Nothing in FIS's Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

10.9 Commencement of *Ineligibility* Period

Except as provided below, the period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed.

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

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, the *FIS* or *Anti-Doping Organisation* imposing the sanction 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.

10.9.2 Timely Admission

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

[Comment to Article 10.9.2: This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.5.4 (Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).]

10.9.3 If a *Provisional Suspension* is imposed and respected by the *Athlete*, then the *Athlete* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed.

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

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

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

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

10.10 Status During *Ineligibility*

10.10.1 Prohibition against Participation during *Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in an *Event* or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by FIS or any *National Ski Association* or a club or other member organisation of FIS or any *National Ski Association*, or in *Competitions* authorised or organised by any professional league or any international or national level *Event Organisation*.

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 in local sport events in a sport other than sports subject to the jurisdictions of FIS and its *National Ski Associations*, but only so long as the local sport event is not at a level that could otherwise qualify such *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*.

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

[Comment to Article 10.10.1: For example, an ineligible Athlete cannot participate in a training camp, exhibition or practice organised by his or her National Ski Association or a club which is a member of that National Ski Association. 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 10.10.2. Sanctions in one sport will also be recognised by other sports (see Article 15).]

10.10.2 Violation of the Prohibition of Participation during *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.10.1, the results of such participation shall be *Disqualified* and the period of *Ineligibility* which was originally imposed shall start over again as of the date of the violation. The new period of *Ineligibility* may be reduced under Article 10.5.2 if the *Athlete* or other *Person* establishes he or she bears *No Significant Fault or Negligence* for violating the prohibition against participation. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether a reduction under Article 10.5.2 is appropriate, shall be made by FIS.

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

Where an Athlete Support Personnel or other Person substantially assists an Athlete in violating the prohibition against participation during Ineligibility, FIS may appropriately impose sanctions under its own disciplinary rules for such assistance.]

10.10.3 Withholding of Financial Support during *Ineligibility*

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

10.11 Reinstatement Testing

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by FIS, the applicable *National Ski Association*, and any other *Anti-Doping Organisation* having *Testing* jurisdiction, and must comply with the whereabouts requirements of Article 11 of the *International Standard for Testing*. If an *Athlete* subject to a period of *Ineligibility* retires from sport and is removed from *Out-of-Competition Testing* pools and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified FIS and the applicable *National Ski Association* and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of (a) the period set forth in Article 5.6 and (b) period of *Ineligibility* remaining as of the date the *Athlete* had retired. During such remaining period of *Ineligibility*, a minimum of 2 tests must be conducted on the *Athlete* with at least three months between each test. The *National Ski Association* shall be responsible for conducting the necessary tests, but tests by any *Anti-Doping Organisation* may be used to satisfy the requirement. The results of such tests shall be reported to FIS. In addition, immediately prior to the end of the period of *Ineligibility*, an *Athlete* must undergo *Testing* by FIS for the *Prohibited Substances* and *Methods* that are prohibited in *Out-of-Competition Testing*. Once the period of an *Athlete's Ineligibility* has expired, and the *Athlete* has fulfilled the conditions of reinstatement, then the *Athlete* will become automatically re-eligible and no application by the *Athlete* or by the *Athlete's National Ski Association* will then be necessary.

10. 12 Imposition of Financial Sanctions

No financial sanction may be considered a basis for reducing the period of *Ineligibility* or other sanction which would otherwise be applicable under the *Code*.

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 If a member of a team is found to have committed a violation of these Anti-Doping Rules during an *Event*, the team shall be *Disqualified* from the *Event* with all resulting consequences, including forfeiture of any medals, points and prizes.

11.1.1 An Anti-Doping rule violation by a member of a team occurring in connection with an *Event* during which a *Team Competition* is held (FIS World Ski Championships, etc.), but not during such *Team Competition*, may lead to *Disqualification* of the results of the team in application of Article 10.1 / 10.1.1.

ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL ASSOCIATIONS

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

12.2 *National Ski Associations* shall be obligated to reimburse FIS 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 Ski Association*.

12.3 FIS may elect to take additional disciplinary action against National Ski Associations with respect to recognition, organisation of events, the eligibility of its officials and athletes to participate in International Events and fines based on the following:

12.3.1 Four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed by *Athletes* or other *Persons* affiliated with a *National Ski Association* within a 12-month period in testing conducted by FIS or Anti-Doping Organisations other than the *National Ski Association* or its *National Anti-Doping Organisation*. In such event the FIS may in its discretion elect to: (a) withdraw some or all FIS membership rights, including participation in all FIS calendar competitions, voting rights at the FIS Congress, ban all officials from that *National Ski Association* for participation in any FIS activities for a period of up to two years and/or (b) cancellation of the organisation of future FIS events in the disciplines concerned and/or (c) withdraw some or all FIS funding to the *National Ski Association* (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

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

12.3.2 More than one *Athlete* or other *Person* from a *National Ski Association* commits an *Anti-Doping Rule* violation during an *International Event*. In such event FIS may fine that *National Ski Association* in an amount up to CHF 50'000.--.

12.3.3 A *National Ski Association* has failed to make diligent efforts to keep FIS informed about an *Athlete's* whereabouts after receiving a request for that information from FIS. In such event FIS may fine the National Ski Association in an amount up to CHF 1000.-- per *Athlete* in addition to all of FIS costs incurred in *Testing* that *National Ski Association's Athletes*.

ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.4 or as otherwise provided in these Anti-Doping Rules. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorized in these rules must be exhausted (except as provided in Article 13.1.1).

13.1.1 WADA Not Required to Exhaust Internal Remedies

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

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

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.10.2 (prohibition of participation during *Ineligibility*); a decision that the FIS or its *National Ski Association* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision by any *National Ski Association* 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 7.4; and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or otherwise in

violation of Article 7.4 may be appealed exclusively as provided in this Article 13.2. Notwithstanding any other provision herein, the only *Person* that may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

13.2.1 Appeals Involving *International-Level Athletes*

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

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

13.2.2 Appeals Involving National-Level Athletes

In cases involving *Athletes* who do not have a right to appeal under Article 13.2.1, each *National Ski Association* shall have in place an appeal procedure that respects the following principles: a timely hearing, a fair and impartial hearing panel; the right to be represented by a counsel at the person's expense; and a timely, written, reasoned decision. FIS's rights of appeal with respect to these cases are set forth in Article 13.2.3 below.

[Comment to Article 13.2.2: FIS may elect to comply with this Article by giving its national-level Athletes the right to appeal directly to CAS.]

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) FIS and any other *Anti-Doping Organisation* under whose rules a sanction could have been imposed; (d) 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 (e) WADA. In cases under Article 13.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the *National Ski Association'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) FIS; and (d) WADA. For cases under Article 13.2.2, WADA and FIS shall also have the

right to appeal to CAS with respect to the decision of the national-level reviewing body.

13.3 Failure to Render a Timely Decision by FIS and its *National Ski Associations*

Where, in a particular case, FIS or its *National Ski Associations* fail 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 FIS or its *National Ski Associations* had rendered a decision finding no anti-doping rule violation. If the CAS 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 FIS or its *National Ski Associations*.

[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 FIS to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with FIS and give FIS an opportunity to explain why it has not yet rendered a decision. Nothing in this rule prohibits FIS from also having rules which authorise it to assume jurisdiction for matters in which the results management performed by one of its National Ski Associations has been inappropriately delayed.]

13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to CAS by the *Athlete*, FIS, or *National Anti-Doping Organisation* or other body designated by a *National Ski Association* which granted or denied the exemption. Decisions to deny TUE's, and which are not reversed by WADA, may be appealed by *International-Level Athletes* to CAS and by other *Athletes* to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a TUE, that decision may be appealed to CAS by WADA.

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

13.5 Appeal from Decisions Pursuant to Article 12

Decisions by FIS pursuant to Article 12 may be appealed exclusively to CAS by the *National Ski Association*.

13.6 Time for Filing Appeals

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 lead to the decision subject to appeal:

(a) Within ten (10) days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;

(b) If such a request is made within the ten-day period, then the party making such request shall have twenty-one (21) 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.

ARTICLE 14 NATIONAL SKI ASSOCIATIONS' INCORPORATION OF FIS RULES, REPORTING AND RECOGNITION

14.1 Incorporation of FIS Anti-Doping Rules

All *National Ski Associations* shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each *National Ski Associations* Rules. All *National Ski Associations* shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules. Each *National Ski Association* shall obtain the written acknowledgment and agreement, in the form attached as Appendix 1, of all *Athletes* subject to *Doping Control* and *Athlete Support Personnel* for such *Athletes*. Notwithstanding whether or not the required form has been signed, the Rules of each *National Ski Association* shall specifically provide that all *Athletes*, *Athlete Support Personnel* and other *Persons* under the jurisdiction of the *National Ski Association* shall be bound by these Anti-Doping Rules.

14.2 Statistical Reporting

14.2.1 *National Ski Associations* shall report to FIS at the end of every season (June 30) results of all *Doping Controls* within their jurisdiction sorted by *Athlete* and identifying each date on which the *Athlete* was tested, the entity conducting the test, and whether the test was *In-Competition* or *Out-of-Competition*. FIS may periodically publish *Testing* data received from *National Ski Associations* as well as comparable data from *Testing* under FIS's jurisdiction. Where possible this information should be entered directly into ADAMS by NSAs or NADOs.

14.2.2 FIS shall publish annually a general statistical report of its Doping Control activities during the calendar year with a copy provided to WADA.

14.3 Doping Control Information Clearinghouse

When a *National Ski Association* has received an *Adverse Analytical Finding* on one of its *Athletes* it shall report the following information to FIS and WADA within fourteen (14) days of the process described in Article 7.1.2 and 7.1.3: the *Athlete's* name, country, sport and discipline within the sport, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory. The *National Ski Association* shall also regularly update FIS and WADA on the status and findings of any review or proceedings conducted pursuant to Article 7 (*Results Management*), Article 8 (*Right to a Fair Hearing*) or Article 13 (*Appeals*), and comparable information shall be provided to FIS and WADA within 14 days of the notification described in Article 7.1.9, with respect to other violations of these Anti-Doping Rules. In any case in which the period of *Ineligibility* is eliminated under Article 10.5.1 (*No Fault or Negligence*) or reduced under Article 10.5.2 (*No Significant Fault or Negligence*), FIS and WADA shall be provided with a written reasoned decision explaining the basis for the elimination or reduction. Neither FIS nor WADA shall disclose this information beyond those persons within their organisations with a need to know until the *National Ski Association* has made public disclosure or has failed to make public disclosure as required in Article 14.4 below.

14.4 Public Disclosure

14.4.1 Neither FIS nor its *National Ski Association* shall publicly identify *Athletes* whose *Samples* have resulted in *Adverse Analytical Findings*, or who were alleged to have violated other Articles of these Anti-Doping Rules until it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely

challenged [or the *Athlete* has been *Provisionally Suspended*]. Once a violation of these Anti-Doping Rules has been established, it shall be publicly reported within 20 days. FIS or its *National Ski Association* must also report within 20 days appeal decisions on an anti-doping rule violation. FIS or its *National Ski Association* shall also, within the time period for publication, send all hearing and appeal decisions to WADA.

14.4.2 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the *Athlete* or other *Person* who is the subject of the decision. FIS or its *National Ski Association* 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.

14.4.3 Neither FIS nor its *National Ski Association* or WADA accredited laboratory, or official of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete*, other *Person* or their representatives.

14.5 Recognition of Decisions by FIS and *National Ski Associations*

Any decision of FIS or a *National Ski Association* regarding a violation of these Anti-Doping Rules shall be recognized by all *National Ski Associations*, which shall take all necessary action to render such results effective.

ARTICLE 15 RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS

Subject to the right to appeal provided in Article 13, the *Testing*, TUE's and hearing results or other final adjudications of any *Signatory* to the *Code* which are consistent with the *Code* and are within the *Signatory's* authority, shall be recognised and respected by FIS and its *National Ski Associations*. FIS and its *National Ski Associations* may recognize the same actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

[Comment to Article 15: 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, FIS or its National Ski Association should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to

have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his body but the period of Ineligibility applied is shorter than the period provided for in the Code, then FIS or its National Ski Association should recognise the finding of an anti-doping rule violation and they should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]

ARTICLE 16 STATUTE OF LIMITATIONS

No action may be commenced under these Anti-Doping Rules against an *Athlete* or other *Person* for a violation of an anti-doping rule contained in these Anti-Doping Rules unless such action is commenced within eight years from the date the violation occurred.

ARTICLE 17 FIS COMPLIANCE REPORTS TO WADA

The FIS will report to *WADA* on the FIS's compliance with the *Code* every second year and shall explain reasons for any noncompliance.

ARTICLE 18 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

18.1 These Anti-Doping Rules may be amended from time to time by the *FIS* Council.

18.2 Except as provided in Article 18.5, these Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

18.3 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.

18.4 The INTRODUCTION and the APPENDIX I DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.

18.5 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 comments annotating various provisions of the *Code* may, where applicable, assist in the understanding and interpretation of these Anti-Doping Rules.

18.6 Notice to an *Athlete* or other *Person* who is a member of a *National Ski Association* may be accomplished by delivery of the notice to the *National Ski Association* that is responsible for providing the *Athlete* or *Other Person* and if required, his representative, with any notice.

18.7 These Anti-Doping Rules shall come into full force and effect on 1 January 2009 (the "**Effective Date**"). They shall not apply retrospectively to matters pending before the Effective Date; provided, however, that:

18.7.1 Any case pending prior to the Effective Date, or brought after the Effective Date based on an anti-doping rule violation that occurred prior to the Effective Date, shall be governed by the predecessor to these Anti-Doping Rules in force at the time of the anti-doping rule violation, subject to any application of the principle of *lex mitior* by the hearing panel determining the case.

18.7.2 Any Article 2.4 whereabouts violation (whether a filing failure or a missed test) declared by FIS under rules in force prior to the Effective Date that has not expired prior to the Effective Date and that would qualify as a whereabouts violation under Article 11 of the *International Standard for Testing* shall be carried forward and may be relied upon, prior to expiry, as one of the three Filing Failures and/or Missed Tests giving rise to an anti-doping rule violation under Article 2.4 of these Anti-Doping Rules. *[Note: where existing whereabouts violations are carried over to the new regime, any restrictions under the old rules on combining those whereabouts violations with other whereabouts violations must also be carried over. Hence:]*

(a) a filing failure that is carried forward in this manner may only be combined with (post-Effective Date) Filing Failures;

(b) a missed test that is carried forward in this manner may only be combined with (post-Effective Date) Missed Tests; and

(c) a filing failure or missed test declared by any Anti-Doping Organisation other than [FIS and a National Ski Association] prior to the Effective Date may not be combined with any Filing Failure or Missed Test declared under these Anti-Doping Rules.]

18.7.3 Where a period of *Ineligibility* imposed by FIS under rules in force prior to the Effective Date has not yet expired as of the Effective Date, the *Person* who is *Ineligible* may apply to FIS for a reduction in the period of *Ineligibility* in light of the amendments made to the *Code* as from the Effective Date. To be valid, such application must be made before the period of *Ineligibility* has expired.

18.7.4 Subject always to Article 10.7.5, anti-doping rule violations committed under rules in force prior to the Effective

Date shall be taken into account as prior offences for purposes of determining sanctions under Article 10.7. Where such pre-Effective Date anti-doping rule violation involved a substance that would be treated as a Specified Substance under these Anti-Doping Rules, for which a period of *Ineligibility* of less than two years was imposed, such violation shall be considered a Reduced Sanction violation for purposes of Article 10.7.1.

APPENDIX 1 - DEFINITIONS

Adverse Analytical Finding. A report from a laboratory or other approved *Testing* entity that 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*.

Anti-Doping Organisation. 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 participates in sport at the international level (as defined by each International Federation), the national level (as defined by each *National Anti-Doping Organisation*, including but not limited to those *Persons* in its *Registered Testing Pool*), and any other *Athlete* in sport who is otherwise subject to the jurisdiction of any *Signatory* or other sports organisation accepting the *Code*. All provisions of the *Code*, including, for example, *Testing*, and TUE's must be applied to international and national-level *Athletes*. Some *National Anti-Doping Organisations* may elect to test and apply anti-doping rules to recreational-level or masters *Athletes* who are not current or potential national caliber *Athletes*. *National Anti-Doping Organisations* are not required, however, to apply all aspects of the *Code* to such *Persons*. Specific national rules may be established for *Doping Control* for non-international-level or national-level *Athletes* without being in conflict with the *Code*. Thus, a country could elect to test recreational-level *Athletes* but not require TUE's or whereabouts information. In the same manner, a *Major Event Organisation* holding an *Event* only for masters-level *Athletes* could elect to test the *Athletes* but not require advance TUE or whereabouts information. For purposes of Article 2.8 (Administration or Attempted Administration) 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*.

[Comment to Athlete: This definition makes it clear that all international and national-caliber athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the FISs and National Anti-Doping Organisations, respectively. At the national level, anti-doping rules adopted pursuant to the Code shall apply, at a minimum, to all persons on national teams and all persons qualified to compete in any national championship in any sport. That does not mean, however, that all such Athletes must be included in a National Anti-Doping Organisation's Registered Testing Pool. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping control program beyond national-caliber athletes to Athletes at lower levels of competition. Competitors at all levels of competition should receive the benefit of anti-doping information and education.]

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 laboratory or other WADA-approved entity 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*.

CAS. The Court of Arbitration for Sport.

Code. The World Anti-Doping Code.

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

Consequences of anti-doping rule violations. 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 for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.9; and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

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.

Event. A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, FIS World Championships, or Pan American Games).

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

In-Competition. “*In-Competition*” means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

The period defined as In-Competition Testing commences from the Opening Ceremony or 24 hours before the first official training whichever is the earlier, and continues until the Closing Ceremony or 24 hours after the final competition whichever is the later irrespective of whether the *Athlete* is present at the competition site.

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* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organisation*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*. In the case of FIS Events this includes the FIS World Championships, FIS Junior World Championships, FIS World Cup events (and other international FIS calendar events as determined by FIS).

International-Level Athlete. *Athletes* designated by one or more International Federations as being within the *Registered Testing Pool* for an International Federation.

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 parameter(s) that indicates the *Use of a Prohibited Substance or Prohibited Method*.

Metabolite. Any substance produced by a biotransformation process.

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

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. This includes an entity which may be designated by multiple countries to serve as regional *Anti-Doping Organisation* for such countries. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

National Event. A sport *Event* involving international or national-level *Athletes* that is not an *International Event*.

National Ski Association (NSA). A national entity which is a member of or is recognized by FIS as the entity governing the FIS's sport in that nation.

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

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

No Fault or Negligence. The *Athlete's* 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*.

No Significant Fault or Negligence. The *Athlete'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.

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

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

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

Possession. The actual, physical possession, or the constructive possession (which shall be found only if the person has exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists); provided, however, that if the person does not have exclusive control over the

Prohibited Substance/Method or the premises in which a *Prohibited Substance/Method* exists, constructive possession shall only be found if the person knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on possession if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have possession and has renounced possession by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes possession by the *Person* who makes the purchase.

[*Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organisation must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organisation must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids.*]

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 so described on the *Prohibited List*.

Provisional Hearing. For purposes of Article 7.6, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension. See *Consequences* above.

Publicly Disclose or Publicly Report. To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with Article 14.

Registered Testing Pool. The pool of top level *Athletes* established separately by each International Federation and *National Anti-Doping Organisation* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or National Anti-Doping Organisation's test distribution plan.

Retroactive TUE. As defined in the *International Standard* for Therapeutic Use Exemptions.

Sample. Any biological material collected for the purposes of *Doping Control*.

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

Signatories. Those entities signing the *Code* and agreeing to comply with the *Code*, including the International Olympic Committee, International Federations, International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organisations*, *National Anti-Doping Organisations*, and WADA.

Specified Substances. As defined in Article 4.2.2.

Substantial Assistance. For purposes of Article 10.5.3, 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; or providing fraudulent information to an *Anti-Doping Organisation*.

Target Testing. Selection of *Athletes* for *Testing* where specific *Athletes* or groups of *Athletes* are selected on a non-random basis for *Testing* at a specified time.

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 a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Personnel* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organisation* to any third party; 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.

TUE. As defined in Article 2.6.1.

TUE Panel. As defined in Article 4.4.3.

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 utilisation, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

WADA. The World Anti-Doping Agency.

FIS PROCEDURAL RULES AND GUIDELINES

INTRODUCTION

These Procedural Rules and Guidelines take into account the FIS Anti-Doping Rules compiled in accordance with the World Anti-Doping Code and the International Standard for Testing.

FIS.A TESTING

- FIS.A.1 Reference is made to the FIS Anti-Doping Rules, Article 5.1 Authority to Test and Article 5.2 – Responsibility for FIS Testing.
- FIS.A.2 Anti-Doping Agencies and/or Sample Collection Agencies conducting Testing on behalf of FIS are responsible for the obligations of the Anti-Doping Organisation (ADO) referred to in the International Standard for Testing, Article 5.0 – Notification of Athletes, Article 6.0 – Preparing the Sample Collection Session, Article 7.0 – Conducting the Sample Collection Session, 8.0 – Security/Post Test administration, 9.0 – Transport of Samples and documentation, Annex F – Urine Samples – Insufficient volume, Annex G – Urine Samples – Samples that do not meet requirements for Suitable Specific Gravity for Analysis, Annex H – Sample Collection Personnel Requirements and other aspects of Doping Control procedures delegated by FIS.
- FIS.A.3 The Doping Control procedure at any In-Competition Testing or Out-of-Competition Testing may include blood Sampling in addition to urine Sampling. The Doping Control Notification shall state whether the Athlete is required to undergo blood Sampling in addition to urine Sampling. Blood Sampling may be performed prior to, or after the urine Sampling procedure at the convenience of the Doping Control Officer.
- FIS.A.4 The following procedures apply to both In- and Out-of-Competition Testing and are defined in the International Standard for Testing: Article 5.0 – Notification of Athletes, Article 6.0 – Preparing the Sample Collection Session, Article 7.0 – Conducting the Sample Collection Session, 8.0 – Security /Post Test administration, 9.0 – Transport of Samples and documentation, Annex D – Collection of urine Samples and Annex E – Collection of blood Samples, Annex F – Urine Samples – Samples that do not meet requirements for Suitable Specific Gravity for Analysis, Annex H – Sample Collection Personnel Requirements:
- FIS.A.5 All Samples provided by Athletes (urine and/or blood Samples) immediately become the property of FIS as defined in the International Standard for Testing, Article 10.

FIS.A.6 Analysis of Samples

- FIS.A.6.1 The principles for the Analysis of Samples are described in the FIS Anti-Doping Rules, Article 6 and the International Standard for Laboratory Analysis.
- FIS.A.6.2 Analysis of blood Samples may be carried out by the specialist Doping Control Agency's qualified expert using mobile Testing units or at a recognised laboratory for the analysis of blood Samples, as approved

by WADA, and provided for in the International Standard for Testing, Annex E – Collection of blood Samples, article D.4.14 or at a WADA accredited laboratory.

FIS.A.6.3 If at any stage a question or issue arises on the Testing or interpretation of results, the person responsible for Testing at the laboratory may consult FIS for guidance.

FIS.A.6.4 If at any stage a question or issue arises in relation to the Sample and its analysis, the laboratory may conduct any further Tests necessary to clarify the issue raised and such Tests may be relied upon by the FIS when deciding whether a Sample has Tested positive for a Prohibited Substance or Method.

FIS.A.7 Analysis of B Samples

FIS.A.7.1 In the event that the National Ski Association on behalf of the Athlete requests the analysis of the B Sample as provided for in the FIS Anti-Doping Rules, Article 7.1 ff, the costs associated with the analysis of the B Sample (attendance by Athlete or representative, etc.) are the responsibility of the National Ski Association of the Athlete who provided the positive A Sample. If a representative of FIS is appointed to attend the analysis of the B Sample, the representative's travel expenses are paid by FIS.

FIS.A.7.2 At FIS World Championships, the analysis of the B Sample should begin as soon as practically possible by the laboratory following the notification of the adverse analytical finding A Sample to the National Ski Association of the Athlete concerned (if possible within 24 hours). An Athlete may accept the A Sample analytical results by waiving the requirement for B Sample analysis (FIS Anti-Doping Rules 7.1.5).

FIS.A.7.3 The analysis of the B Sample must be performed at the same laboratory as the A Sample, as defined in the International Standard for Laboratories, article 5.2.4.3.2.2.

FIS.A.7.4 In the case of blood Samples that are measured on-site for parameters including haemoglobin and reticulocytes, only an A Sample is drawn (FIS Anti-Doping Rules Procedural Rules and Guidelines B3. - B.4).

FIS.B LONGITUDINAL HEMATOLOGICAL PROFILING (BLOOD TESTING)

The FIS blood testing programme serves as longitudinal hematological profiling as provided for in article 5.3.1 of the FIS Anti-Doping Rules.

Longitudinal monitoring of athletes' blood profiles helps detect blood doping and warrants the exclusion from competition of athletes with aberrant variations in key hematologic values. A haemoglobin z-score $(Hb_{current} - Hb_{mean}) / \sqrt{(\sigma^2 (1 + 1/n))}$ and Bayesian Model have been developed based on longitudinal blood profiles in elite athletes.

FIS.B.1 Athletes may be selected for blood testing by a specialist Doping Control Agency appointed by FIS or at the request of WADA at any time, as either In- or Out-of-Competition Testing.

FIS B.2 Full field Testing

Full field blood Testing at FIS World Championships, World Cup Events and other International Events may take place on the days prior to the competition(s) and/or on the competition day(s). It will be scheduled so as not to interfere with the competition programme. Team captains, coaches or Athletes will be contacted directly by the specialist Agency's coordinator in regard to the time and location of the blood testing.

FIS.B.2.1 Every Athlete selected to undergo blood testing is obliged to report for and undergo Testing, even if the Athlete has withdrawn from the competition. Failure to do so will be dealt with under the International Standard Annex A – Investigating a possible failure to comply.

FIS.B.3 On-Site Measurements

At FIS World Cup, FIS World Championships and other International Events as deemed necessary by FIS, a qualified expert from the specialist Agency appointed by FIS will be responsible for evaluating the measurement of the blood Samples.

FIS.B.3.1 Measurement of the blood Samples will be carried out using measuring machines that are capable of measuring parameters including haemoglobin and reticulocytes. Only the qualified expert(s) from the specialist Agency shall be present during the on-site measurement of the blood Sample. The Athlete's haemoglobin and reticulocytes values will be stored in a database accessible only to FIS and WADA and by FIS selected independent experts.

FIS.B.3.2 If an Athlete's haematological parameters show any signs of abnormality in relation to his/her personal blood profile, an unannounced urine test may be carried out thereafter, and/or additional analyses of the Athlete's blood.

FIS.B.3.3 If an Athlete has blood values that are equal to or exceed (higher or lower) the following values on the first measurement, a second measurement of the blood Sample that has already been drawn will be performed immediately and by the same procedure. The Athlete is not allowed to leave the testing area before providing a urine Sample or received instructions thereto. The time between the two consecutive measurements may not exceed 5 minutes:

Parameters	Men	Ladies
Hb (g/dL)	17.0 or higher	16.0 or higher
Reticulocyte values	<0.2% and >2%	<0.2% and >2%

FIS.B.4 Start Prohibition

FIS.B.4.1 Haemoglobin concentrations equal to or more than 17 g/dL (men) and 16 g/dL (ladies)

An Athlete with a haemoglobin concentration that measures equal to or exceeds 17 g/dL (men) and 16 g/dL (ladies) after the two consecutive measurements, is not allowed to start any competitions for five consecutive days, including the day on which the test took place: e.g. if the blood test takes place on Monday the Athlete will not be permitted to start again until Saturday (and then only subject to the results of a new blood test, see FIS.B.4.7).

FIS.B.4.2 Haemoglobin z-score and OFF z-score ≥ 3.09

An Athlete with a haemoglobin z-score $(Hb_{current} - Hb_{mean}) / \sqrt{(\sigma^2 (1+1/n))}$ or an OFF z-score of ≥ 3.09 is subject to a start prohibition of 14 days. A new blood sample is obtained after 14 days and if the haemoglobin z-score or OFF z-score is ≤ 3.09 the Athlete is permitted to start after the conclusion of the 14 day start prohibition.

If the z-scores of ≥ 2.33 or ≤ -2.33 the athlete is treated as suspicious and follow-up testing will take place accordingly.

FIS.B.4.3 OFF-score model ≥ 125.6 in males and ≥ 113.5 in females

The OFF score depicts a previous likely EPO use. OFF score = $Hb (g/l) - 60 * \sqrt{retic (\%)}$. An Athlete with an OFF-score exceeding the above mentioned values is subject to a start prohibition of 14 days. A new blood test is obtained after 14 days and if the OFF-score is ≤ 125.6 or ≤ 113.5 respectively, the Athlete is authorised start after the conclusion of the 14 day start prohibition.

FIS.B.4.4 Positive Bayesian model

The Bayesian approach is a model that has been developed by WADA to detect individual variations in blood profiles that are beyond the normal variation. If the blood values generate a positive Bayesian model, the Athlete will be issued with a start prohibition for 14 days .

- FIS.B.4.5 Only the Athlete or his/her National Ski Association has the right to comment on this start prohibition notification. This prohibition from participating in the competition(s) is not a sanction, but is considered a protection of the health of the Athlete. Consequently, no disciplinary measures will be taken.
- FIS.B.4.6 Neither a request by the Athlete, his/her team or National Ski Association to carry out another measurement of a new blood Sample, or an appeal against the measurement of the blood values is permitted.
- FIS.B.4.7 Follow up blood test
Before the Athlete may start again in any level of FIS competition; he/she will be subject to a new blood test at the conclusion of the start prohibition of 5 respectively 14 days, according to the above procedures and regulations.
- FIS.B.4.8 Notification of Start Prohibition
In the case of blood values equal to or exceeding those listed in FIS.B.4 at a FIS competition, the appointed jury member or official will hand over details of the values to the Athlete or the Team Official in writing on advising of the Athlete's start prohibition. The Athlete or Team Official is required to sign the form acknowledging the procedure.
- FIS.B.4.9 Out of Competition elevated values
In the event of out-of-competition testing, the notification will be issued to the National Ski Association in writing by FIS.
- FIS.B.4.10 Provision of Haemoglobin values
The National Ski Association of the Athlete concerned may obtain the haemoglobin values of its own Athlete(s) from FIS, on request in writing. This information will not be released to coaches, team officials or National Ski Association representatives at the competition site.
- FIS.B.4.11 Longitudinal Hematological Profiling at the Olympic Winter Games
At the Olympic Winter Games, in the event of an athlete with reticulocytes or haemoglobin values that are equal to or exceed those defined in articles FIS.B.3.3 or FIS.B.4 articles, the follow-up urine doping control will be carried out by the International Olympic Committee in the form of an unannounced out-of-competition test.
- FIS.B.5 Announcement of naturally elevated levels**
Athletes whose normal (natural) haemoglobin values are equal to or exceed the limits of 16.0 g/dl for ladies and 17.0 g/dl for men are required to provide certification for review by a specialist appointed by the FIS before the start of each season, latest by 1st September.

These will be reviewed by the FIS anti-doping expert within 4-6 weeks (send to the FIS Office). Requests for dispensation when the competition season has already started will be treated where possible within 6 weeks and only if the necessary documentation is provided.

This certification must come from an officially recognised Haematological Department and contain the Athlete's full history and haematological profile from an early age in life.

The application must include a proof of high red cell mass, haemoglobin concentration and related blood variables from childhood and/or in the immediate family. Evaluation is to be undertaken by a specialist in haematology for the disease polycythaemia vera.

The above documentation should be complemented with repeated blood testing over the period of one year. The Athlete may be subject to a further examination by a haematological institution designated by WADA or FIS, and, during the period of the Olympic Winter Games the IOC.

Approval is valid for one season only and updated documentation is required for every season an application is submitted.

In cases arising from decisions made by FIS based on non-granting of an exemption, the decision may be appealed exclusively to the Court of Arbitration for Sport ("CAS") in accordance with the provisions applicable before such court.

FIS.B.6 Costs for blood Testing

The costs for the blood testing at FIS World Cup events are covered by FIS (fees, equipment and travel costs) and the Organisers (accommodation and meals for up to four persons from the Agency) as defined in the World Cup Organisers Contract.

FIS.B.6.1 Location and facilities

The Blood Testing Station requires a separate room for the blood drawing containing, if possible, a lockable refrigerator, one table and two chairs, and an additional secure and lockable room with electricity and a room temperature between +15 to 28 degrees C for the analysis of the blood Samples that can only be accessed by the qualified expert. Where possible the blood testing should take place in the same facility as the doping control station. One room shall have internet access available.

FIS.B.6.2 Blood Collection Officials

The Organiser is required to organise and cover any related costs for two qualified Blood Collection Officials (nurses) for Cross-Country and Nordic Combined events and one qualified Blood Collection Official for Alpine and other events. They should be able to communicate in

English and will be required to meet with the coordinator from the appointed specialist Doping Control Agency prior to the blood testing in order to go through the procedures thoroughly.

In addition, six to eight Chaperones (twelve for sprint races) are required to accompany the athletes from the appointed announcement place to the blood testing station. (If urine testing is also taking place these may be the same chaperones as foreseen under art. FIS.C.3.5.)

FIS.B.7 Laboratory Analysis

Blood Samples may also be analysed at accredited laboratories for erythropoietins and other products that enhance the uptake, transport or delivery of oxygen (see Prohibited List M1.b) as well as any other substances that are contained on the Prohibited List, such as human growth hormone (hGH), according to article 6.2 of the FIS Anti-Doping Rules.

FIS.C IN-COMPETITION TESTING

- FIS.C.1 In-Competition Tests will be carried out by a specialist Doping Control Agency appointed by FIS at selected FIS World Cup competitions in Alpine Skiing, Cross-Country, Ski Jumping, Nordic Combined, Freestyle and Snowboarding in accordance with the FIS Anti-Doping Rules.
- FIS.C.1.1 FIS pays for the Doping Control services carried out by the specialist Agency, whilst the local Organising Committee will be responsible for the logistical costs of the Doping Control Officers on site, including accommodation and meals for two to four persons depending on whether urine and blood Testing will be carried out, as well as the provision of Blood Collection Officials (nurses) for blood testing (see FIS.B.5.2 for details of provision of Blood Collection Officials).
- FIS.C.1.2 The specialist Doping Control Agency will identify where In-Competition Testing is carried out and make direct contact with the Organisers in regard to the logistical arrangements.
- FIS.C.1.3 All Doping Control Officers and Chaperones require the necessary (neutral) accreditation to access the relevant areas to accompany the athlete.
- FIS.C.1.4 At other FIS events, In-Competition Testing organised by the National Anti-Doping Agency (including other FIS World Cup events) and the costs thereof remain the responsibility of the Testing Organisation (National Anti-Doping Agency), the Organising Committee or the National Ski Association depending on the national arrangements.
- FIS.C.1.5 FIS will cover the costs of additional doping controls carried out at the FIS World Ski Championships, over and above the requirements for the 6 in-competition controls per event that are paid for by the Organising Committee. Consequently, the Organisers can accurately budget for the testing and related services, whereby FIS can ensure even at short notice that new tests and methods are included in the testing programme of the Championships.

FIS.C.2 Supervision

- FIS.C.2.1 A FIS Medical Supervisor is appointed by the FIS Council for the FIS World Championships and will be responsible at the designated event for liaising with the Organising Committee and the doping Agency carrying out the testing about the organisational aspects, and providing information to the teams and Jury.
- FIS.C.2.1.1 For the FIS Junior World Championships in the Nordic, Alpine, Freestyle and Snowboard Events the Medical Supervisor is in principle the organising nation's member of the FIS Medical Committee. In the

event that the organising nation does not have one, a suitable alternative member of the FIS Medical Committee will be assigned to support the Organising Committee.

The Medical Supervisor will be responsible prior to the designated event for liaising with the Organising Committee to check the medical organisation and assisting the Organising Committee in communicating with the Agency carrying out the doping control testing. It is not mandatory for the Medical Supervisor to be present during the event unless it is agreed between the Organising Committee and the Medical Supervisor that it is necessary.

FIS.C.2.2 When no FIS Medical Supervisor is present, a representative of the appointed Doping Control Agency may carry out this role.

FIS.C.2.3 The appointed agency's representative carrying out the Testing are required to liaise with FIS Race Directors at FIS World Cup Events or the Technical Delegate at other FIS Events in order to determine the programme for conducting the Testing

FIS.C.3 Facilities, Equipment and Personnel

FIS.C.3.1 Doping Control Station

The Organiser shall provide a Doping Control Station that is used solely as a Doping Control Station for the duration of the event, situated near to the location where the press conference is taking place (finish area, press conference vicinity) and is clearly marked, where urine and blood Sampling can be undertaken. The Doping Control Station must consist of a waiting area, a working room and toilets (men and ladies).

FIS.C.3.2 Sealed refreshments (mineral water, soft drinks, fruit juice, etc.) must be available in the waiting area. These drinks should only contain water, minerals, sweeteners and carbohydrates. It is recommended that the Doping Control Station is also equipped with running water and TV set.

The Doping Control Station shall be adequately equipped and facilities to allow the Doping Control Officer(s) and Blood Collection Official(s) to wash his/her hands and fulfil usual medical standards.

FIS.C.3.3 Blood testing Station
Requirements for the Blood Testing Station are described under Article FIS.B.6.1.

FIS.C.3.4 Sample collection equipment
Sample collection equipment is provided by the specialist Agency in conformance to the International Standard for Testing, article 6.3.4

and Annexe D – Collection of urine Samples and Annex E – Collection of blood Samples.

FIS.C.3.5 Chaperones and Coordinator

The Organiser shall provide a sufficient number of Chaperones (six to eight per competition are normally required) to accompany the Athletes after they have been selected to undergo a Doping Control. They should be able to communicate in principle in English and if possible other languages and be of the same sex as the Athlete.

Additionally the Organiser shall provide a chaperone coordinator who has experienced in the sports organisation of the event, can assist the identify an Athlete and generally support the Chaperones. It is helpful if the Chaperones can assist with translation during the Doping Control procedure. The chaperones need to be trained in advance of the event and be on-site for a briefing at least two hours before the start on the first day of the competition and thereafter at least 30 minutes.

FIS.C.3.5.1 For Cross-Country Sprint competitions, the number of Chaperones required is 12.

FIS.C.3.6 Accreditation of Doping Control Personnel

The Organiser shall be responsible for providing all Doping Control Personnel, including WADA Independent Observers, appropriate accreditation to enable them to access the necessary areas.

FIS.C.4 Selection and number of Athletes to be controlled

FIS.C.4.1 The selection of Athletes and the total number to undergo In-Competition testing must be carried out according to the FIS Anti-Doping Rules, article 5.7 and the FIS Procedural Rules and Guidelines, article, FIS.C.5 by the representative of the specialist Doping Control Agency and if possible in conjunction with a representative of the competition jury.

FIS.C.4.2 The numbers of Athletes to be tested is defined in the FIS Anti-Doping Rules, article 5.7.1.1.

FIS.C.4.3 Athletes selected at random will be drawn by the representative of the specialist Agency with the representative of the jury based on the FIS Procedural Rules and Guidelines, Article FIS.C.5 Athletes Selected at Random.

FIS.C.4.4 The selection of the Athletes has to be implemented so that the Athletes or team officials have no warning before the end of the race in which the Athlete is scheduled for Doping Control.

- FIS.C.4.5 Once an Athlete has received notification for Testing, the Doping Control Officer/Chaperone shall keep the Athlete under observation at all times (International Standard, Notification of Athletes, 5.4.2). This applies to all activities such as a post-competition warm down which must be carried out under the observation of the Doping Control Officer/Chaperone.
- FIS.C.4.6 Any Athlete participating in FIS competitions may be subject to Testing. The notification may not infringe on the competition itself and shall respect the competition programme. Inappropriate timing of a request to provide a Sample however will not invalidate the request. Athletes may note any concerns on the Doping Control forms.

FIS.C.5 Athletes Selected at Random and logistical recommendations

FIS.C.5.1 The following guidelines for the different disciplines and events are given to assist the Doping Control Officers, FIS Medical Supervisor and jury representative in the logistics of scheduling and carrying-out In-Competition Testing and the Athletes selected at random.

FIS.C.5.2 In all disciplines, reserve Athletes will be drawn in case a random selection finishes in the top 4 positions.

FIS.C.5.3 Cross-Country

FIS.C.5.3.1 Individual Events

Randomly-selected Athletes are selected using the starting numbers (bibs). Testing is carried out following the conclusion of the race, or following an Athlete's withdrawal if he/she does not finish.

FIS.C.5.3.2 Cross-Country Sprint Events

Randomly-selected Athletes are selected from the Finals starting field using the starting numbers (bibs) or position (results). If an Athlete qualifies for the quarter-finals, semi-finals or finals then the Athlete will be given notification to the Doping Control only after the Athlete has concluded the competition (he/she is eliminated, withdraws or is the winner). Testing on the top 4 Athletes takes place following the conclusion of the competition.

FIS.C.5.3.3 Team Races

Athletes are selected according to the starting position within the team (1st leg, 3rd leg, etc). In the case of the Team Sprint, if a team qualifies for the semi-finals or finals, then the Athlete will be given notification to the Doping Control only after the athlete has concluded the competition. Testing on Athletes in the top 4 teams takes place following the conclusion of the competition.

FIS.C.5.4 Ski Jumping

FIS.C.5.4.1 Individual Events

Randomly-drawn Athletes are selected using the starting position in the final competition jump (note: the starting bib does not refer to the starting position in the final competition jump). Testing takes place following the conclusion of the competition.

FIS.C.5.4.2 Team Competitions

Athletes are selected according to the starting position within the team (1st competitor, 3rd competitor, etc). Testing takes place following the conclusion of the competition.

FIS.C.5.5 Nordic Combined

FIS.C.5.5.1 Individual Events

Randomly-selected Athletes are selected using the starting numbers (bibs). Notification to the Doping Control will only be issued after the final part of the competition is concluded. In the case of the Mass Start events, the Ski Jumping event is last; in Individual Events the Cross-Country race is last. If a randomly-drawn Athlete withdraws during the competition, Testing may be conducted following the withdrawal.

FIS.C.5.5.2 Team Competitions

Athletes are selected using the starting position within the team (1st competitor, 3rd competitor, etc). Notification to the Doping Control will only be issued after the final part of the competition is concluded.

FIS.C.5.6 Alpine Skiing

FIS.C.5.6.1 Downhill, Super G

Athletes are selected using the starting numbers (bibs). Reserve starting numbers are selected in case one or more of the previously drawn Athletes does not finish the race and is injured. Both Downhill and Super G are 1 run races (Downhill may be carried out in 2 runs on occasions). Testing of the top 4 Athletes is carried out following the conclusion of the race and the positions are finally determined. For randomly-selected Athletes testing may be conducted once it is apparent they are not in the top 4 positions.

FIS.C.5.6.2 Slalom, Giant Slalom

Athletes are selected after the first run and before the second (final) run using the starting numbers (bibs). Reserve starting numbers are selected in case one or more of the previously drawn Athletes does not finish the race. Testing of the top 4 Athletes is carried out following the conclusion of both runs of the race and the positions are finally determined. For randomly-selected Athletes testing may be conducted once it is apparent they are not in the top 4 positions.

FIS.C.5.6.3 Super Combined

Athletes are selected before the final run (there may be two or three runs in the Combined) using the starting numbers (bibs). Reserve starting numbers are selected in case one or more of the previously selected Athletes does not finish the race. Testing of the top 4 Athletes is carried out following the conclusion of all runs of the competition and the positions are finally determined. For randomly-selected Athletes testing may be conducted once it is apparent they are not in the top 4 positions in the Combined competition.

FIS.C.5.7 Freestyle Skiing

FIS.C.5.7.1 Moguls, Dual Moguls, Aerials and HalfPipe

Randomly-selected Athletes are selected using the starting numbers (bibs) from the start list of the final rounds or runs, before the start of the final. The bib number of the finalists are randomly chosen. For randomly-selected Athletes testing may be conducted once it is apparent they are not in the top 4 positions in the competition. Testing on the top 4 Athletes takes place following the conclusion of the competition.

FIS.C.5.7.2 Ski Cross

Randomly-selected Athletes are selected from the Finals starting field using the starting numbers (bibs). If a randomly-selected Athlete qualifies for the future rounds, quarter-finals, semi-finals or finals then the Athlete will be notified to the Doping Control only after the athlete has concluded the competition. Testing on the top 4 Athletes takes place following the conclusion of the competition.

FIS.C.5.8 Snowboarding

FIS.C.5.8.1 Giant Slalom, Slalom

Randomly-selected Athletes are selected using the starting numbers (bibs). Reserve starting numbers are selected in case one or more of the previously selected Athletes does not finish the race and is injured. If a randomly-selected Athlete qualifies for the second (final) run then he will be notified to the Doping Control only after the end of the competition. Testing on the top 4 Athletes takes place following the conclusion of the competition.

FIS.C.5.8.2 Parallel Giant Slalom, Parallel Slalom, Snowboard Cross, Halfpipe, Big Air

Randomly-selected Athletes are selected from the starting field using the starting numbers (bibs). If an randomly-selected Athlete qualifies for the future rounds, quarter-finals, semi-finals or finals then he will be notified to the Doping Control only after the athlete has concluded the competition. Testing on the top 4 Athletes takes place following the conclusion of the competition.

FIS.C.6 Notification and attendance at the Doping Control Station

FIS.C.6.1 Details of the notification procedure and attendance at the Doping Control Station are described in the International Standard for Testing, article 5.4.

FIS.C.6.2 In addition to the persons defined in the International Standard for Testing, article 6.3.3, the FIS Doping Expert and the appointed Medical

Supervisor may be authorised to be present in the Doping Control Station.

FIS.C.6.3 Photographs or films may not be taken in the Doping Control Station at any time during Doping Control. It is recommended that a security officer be positioned outside the Doping Control Station to monitor the flow of people in and out and to keep unauthorised persons from entering the station.

FIS.C.7 FIS World Cup Events the year prior to the Championships (Test Events)

For the pre-World Championships or test Events it is advisable that the National Anti-Doping Agency (generally) appointed to conduct the testing at the championships has an opportunity to test its' procedures, the facilities, etc. and therefore the same division of costs as for the FIS World Ski Championships apply. Namely, the LOC covers the costs for the in-competition doping controls, whilst FIS pays for any additional doping controls such as full-field blood testing and out-of-competition controls.

Additionally if any services are carried out by the FIS appointed agency who is covering the rest of the World Cup events, FIS will pay for such service. The costs for the LOC would remain the logistical costs of accommodation and meals for the personnel from the FIS appointed agency.

The service for the World Cup events that serve as the test events for the FIS World Ski Championships should be reviewed between all parties, LOC, NADO and FIS in good time.

FIS.C.7.1 FIS World Cup Events the year prior to the Olympic Winter Games (Test Events)

Similarly, for the pre-Olympic Winter Games Test Events it is advisable that the Anti-Doping Agency appointed to conduct the testing at the championships has an opportunity to test its' procedures, the facilities, etc.

Therefore, the expectations of FIS (and past practice) is that the OC covers the costs for the in-competition doping controls, whilst FIS pays for any additional doping controls such as full-field blood testing and out-of-competition controls organised by FIS.

FIS.C.8 WADA Independent Observers

In the event that WADA decides to send a Independent Observers to the FIS World Ski Championships (as was the case in 2003), the costs for bed and breakfast for up to 4 persons will be divided between FIS and the LOC.

FIS.D OUT-OF-COMPETITION TESTING

Article 2.4 of the FIS Anti-Doping Rules compiled in accordance with the World Anti-Doping Code and Section 11 of the WADA International Standard for Testing (IST) state that it is recognised and accepted that (a) No Advance Notice Out-of-Competition Testing is at the core of effective Doping Control; and (b) without accurate information as to an Athlete's whereabouts, such Testing can be inefficient and often impossible.

In order to assist the anti-doping administrative tasks, WADA has developed an on-line Anti-Doping Administration Management System, otherwise known as "ADAMS". The system can be accessed from anywhere in the world through the internet and has been constantly improved based on the experience of users in the ADAMS system.

The ADAMS system is now compulsory for many of the National Anti-Doping Agencies and is used by WADA and FIS and FIS strongly recommends the Athletes to use the ADAMS system for the purpose of entering whereabouts. The importance of filing whereabouts is a key element for the Athletes to fulfil their obligations of the WADA Code and the FIS Anti-Doping Rules. The ADAMS system is set up to receive short notice changes directly, by using mobile phone text messages (sms).

FIS.D.1 Registered Testing Pool

According to article 5.5.1 of the FIS Anti-Doping Rules, FIS shall identify a Registered Testing Pool of those Athletes who are required to comply with the whereabouts requirements of the International Standard for Testing.

The following criteria determine Athletes in the FIS Registered Testing Pool. In addition FIS can select athletes to be included in the FIS RTP (e.g. athletes applying for an exemption according to FIS.B.5).

FIS.D.1.1 Cross-Country Skiing

Athletes ranked in the top 30 of the World Ranking List in Distance, Sprint or Overall are included in the FIS Registered Testing Pool. Any Athlete who progresses into the top 30 of the above lists will automatically be included. An Athlete who drops out of the top 30 of the above lists will only be excluded at the end of the competition season (15th April) or following official announcement of retirement to FIS by his National Ski Association.

FIS.D.1.2 Nordic Combined

Athletes ranked in the top 30 of the World Ranking List are included in the FIS Registered Testing Pool. Any Athlete who moves into the top 30 of the World Ranking List will automatically be included. An Athlete who drops out of the top 30 of the World Ranking List will only be

excluded at the end of the competition season (30th April) or following official announcement of retirement to FIS by his National Ski Association.

FIS.D.1.3 Ski Jumping

Athletes ranked in the top 30 of the Overall World Cup Standings are included in the FIS Registered Testing Pool. Any Athlete who moves into the top 30 of the above list during the competition season will automatically be included. An Athlete who drops out of the top 30 of the above list will only be excluded at the end of the season (15th April) or following official announcement of retirement to FIS by his National Ski Association.

FIS.D.1.4 Alpine Skiing

Athletes ranked in the top 30 of the World Cup Starting List in Downhill, Super G, Giant Slalom, Slalom or the Overall Standings are included in the FIS Registered Testing Pool. Any Athlete who moves into the top 30 of the above lists during the competition season will automatically be included. An Athlete who drops out of the top 30 of the above lists will only be excluded at the end of the season (15th April) or following official announcement of retirement to FIS by his National Ski Association.

FIS.D.1.5 Freestyle Skiing

Athletes ranked in the top 10 of the World Cup Overall Standings or the top 6 in the Aerials, Moguls, Ski Cross, Half Pipe World Cup Standings are included in the FIS Registered Testing Pool. Any Athlete who moves into the top 10 during the season will automatically be included. An Athlete who drops out of the top 10 of the above lists will only be excluded at the end of the season (15th April) or following official announcement of retirement to FIS by his National Ski Association.

FIS.D.1.6 Snowboarding

Athletes ranked in the top 10 of the World Cup Standings in Parallel, Snowboard Cross, Halfpipe and Big Air are included in the FIS Registered Testing Pool. Any Athlete who moves into the top 10 of the above lists during the competition season will automatically be included in the FIS Registered Testing Pool. An Athlete who drops out of the top 10 of the above lists will only be excluded at the end of the season (15th April) or following official announcement of retirement to FIS by his National Ski Association.

FIS.D.1.7 Retirement and Return to Competition

Athletes that have officially announced their Retirement are subject to Reinstatement Testing as defined in the FIS Anti-Doping Rules, article 10.11. Depending on the performance level of the Athlete at the time of Retirement, an Athlete is subject to inclusion in the FIS Registered

Testing Pool or the National Testing Pool for six months prior to the return to competition.

- FIS.D.1.8 Athletes subject to Reinstatement Testing
The regulations for Athletes subject to Reinstatement Testing are defined in the FIS Anti-Doping Rules, article 10.11 and these Athletes will be included in the FIS Registered Testing Pool.

FIS.D.2 Athletes Whereabouts Filing

The requirement for Athletes Whereabouts Filing is defined in the FIS Anti-Doping Rules, article 5.5 and the International Standard for Testing (IST) 11.3. Correspondence in regard to whereabouts information and Athletes Whereabouts Filing will be sent to the National Ski Association of the Athlete.

In order to assist the anti-doping administrative tasks, notably the Whereabouts Filing, WADA has developed an on-line Anti-Doping Administration and Management System, otherwise known as "ADAMS". FIS strongly recommends athletes to use the ADAMS system for the purpose of entering Whereabouts. The ADAMS system is also set up to receive short notice changes directly, by using mobile phone text messages (sms).

More information about ADAMS can be obtained from the FIS ftp-site: <ftp://ftp.fisiski.ch/ADAMS/> (Athletes User Guide in English, French, German, Russian).

Please note that in order to be able to use the system you need to obtain a password from FIS Anti-Doping (email antidoping@fisiski.com, Tel. +41 33 244 61 24, Fax +41 33 244 61 71).

The following Articles (and their numbering) are derived from the IST and are published in this section of the Procedural Rules and Guidelines to the FIS Anti-Doping Rules to highlight some key regulations. The complete WADA International Standard for Testing (IST) can be downloaded from http://www.wada-ama.org/rtecontent/document/IST_En_2009.pdf

IST 11.3.1 Prior to the first day of each quarter (i.e. 1st January - 31st March, 1st April - 30th June, 1st July -30th September and 1st October - 31st December, respectively), an Athlete in the FIS international Registered Testing Pool must file a Whereabouts Filing with FIS.

IST 11.3.2 The Whereabouts Filing must also include, for each day during the following quarter, one specific 60-minute time slot between 6 a.m. and 11 p.m. each day where the Athlete will be available and accessible for Testing at a specific location.

IST 11.4.1 An Athlete in a Registered Testing Pool must specifically be present and available for Testing on any given day in the relevant quarter for the 60-minute time slot specified for that day in his/her Whereabouts Filing, at the location that the Athlete has specified for that time slot in such filing.

[IST 11.4.1 Comment: This specific requirement is without prejudice to the Athlete's basic obligation to provide information as to his/her whereabouts generally during the forthcoming quarter, and to submit to Testing at any time and any place during that quarter.

11.4.2 It is the Athlete's responsibility to ensure (including by updates, where necessary) that the whereabouts information provided in his/her Whereabouts Filing is sufficient to enable any ADO to locate him/her for Testing on any given day in the quarter, including but not limited to during the 60-minute time slot specified for that day in his/her Whereabouts Filing.

FIS.D.3 Costs for Out-of-Competition Testing organised and carried out by the World Anti-Doping Agency (WADA) are covered by WADA and/or FIS.

FIS.D.4 Waiver

The nature of Out-of-Competition Doping Control makes it inevitable that little or no prior warning is given to the Athlete. Every effort will be made by the Sample Collection Personnel to collect the Samples speedily and efficiently with the minimum of interruption to the athlete's training plans and/or to his social or work schedule. If there is an interruption, however, then no athlete may take any action to gain compensation for any inconvenience caused, or loss of earnings.

Out of Competition Testing Additional Instructions for Doping Control Officers

In addition to the WADA International Standards "**Guideline for Out of Competition Testing**", the following information is designed to assist the task of the DCO with practical information about the FIS Disciplines and specifics relating to training.

FIS.D.5 On Snow Training Camps out of the competition season

(Cross-Country Skiing, Alpine Skiing, Freestyle Skiing, Snowboarding)

On-snow training camps for skiing and snowboarding generally involve very early morning starts and continue for at least the entire morning. In the afternoon there may be another on-snow session if the snow conditions permit, which is more likely in spring or the autumn and this would usually mean staying on the mountain and not returning to the hotel at lunchtime. In any case a physical training session usually takes place in the afternoon. The Athletes also have other obligations such as preparing skis or discussing equipment with service personnel and analysing video of the training session.

The programme will of course be changed if on-snow training is not possible due to weather or snow conditions. Generally, physical training and other sport activities will then replace the on-snow sessions.

If there are several days of bad weather forecast the training camp may be cancelled and re-scheduled. In this case the Athlete will have notified FIS of a change of programme, either through the FIS sms update system, e-mail, fax or the ADAMS on-line system. This updated information is communicated immediately on receipt (during set working hours) to WADA and the agency appointed to conduct Out-of-Competition testing for FIS.

Some training camps can take place in locations that are more susceptible to extreme weather such as avalanches, which may restrict access in or out.

FIS.D.5.1 Other sport-specific Training Camps out of the competition season

(Ski Jumping on hills with plastic matting, Freestyle Aerials water jumps, Skiing and Snowboarding in indoor ski halls)

The timing of the specific training session can be different to an on-snow camp since there is not the same necessity to plan the day around the snow conditions. Specific training may include evening sessions since many competitions take place in the evening.

FIS.D.5.2 Home Training

When the Athletes are training from their home-base between team training camps, whilst the top Athletes have relatively structured training programmes in terms of the workload they need to complete in a specific period, the sessions can nevertheless be organised in such a way to account for weather conditions. If it is raining a cycle may be replaced with a gym session. Changes may also be enforced due to unexpected events, such as an injury or illness, work, team or family obligations.

A number of Athletes attend specific sports schools, many of which are residential. Sometimes the trainers and teachers change the programme without advance notice to the students, which may mean being off the premises at a snow camp or mountain tour for a few days although still officially 'in school'.

FIS.D.5.3 Training Camps during the competition season

Generally a training day during the competition season, when it is not at a competition venue in conjunction with a competition, follows similar daily patterns to pre-season training.

FIS.D.5.4 No-notice testing

In accordance with the World Anti-Doping Code and WADA International Standard for Testing, all *Out-of-Competition Testing* shall be *No Advance Notice, except in exceptional circumstances*.

If the Doping Control Officer deems at the time that the circumstances so warrant proceeding to attempt to contact the athlete or a member of the support staff, this must be noted in the DCO's report with detailed explanation.

FIS.E HEARING PROCESS

- FIS.E.1 The Athlete or Other Person alleged to have violated the FIS Anti-Doping Rules has the right to a fair hearing which includes the right to be acquainted with the charges and the right to appear personally in front of the FIS Doping Panel, by phone conference or to submit a defence in writing.
- FIS.E.2 The request of the Athlete or Other Person to appear personally in front of the FIS Doping Panel, by phone conference or to submit a defence in writing must be made in writing through his National Ski Association within 21 days of the first notification of the alleged anti-doping violation to the National Ski Association of the Athlete or Other Person, as provided for in article 8.1.7 of the FIS Anti-Doping Rules.
- FIS.E.2.1 If the Athlete, through his National Ski Association requests the provision of the laboratory documentation package as referred to in Article 7.1.3 of the FIS Anti-Doping Rules, then the request of the Athlete or Other Person to appear personally in front of the FIS Doping Panel, by phone conference or to submit a defence in writing may be made in writing through his National Ski Association. This request must be made within 10 days of receipt of the laboratory documentation package even if this is more than 21 days after the first notification of the alleged anti-doping violation as provided for in FIS.E.3, and stated in article 8.1.7 of the FIS Anti-Doping Rules.
- FIS.E.3 The right to appear personally in front of the FIS Doping Panel, if requested, shall in principle take place the day prior to the next Meeting or Gathering of the FIS Council, providing that this is less than 3 months and more than 28 days after the first notification of the alleged anti-doping rule violation, respectively the provision of the laboratory documentation package to the National Ski Association of the Athlete or Other Person.
- FIS.E.4 Should the next Meeting or Gathering of the FIS Council be scheduled more than three months after the date that the National Ski Association has been notified of the Adverse Analytical Finding or other alleged violation of the FIS Anti-Doping Rules, the FIS Doping Panel shall convene, respectively handle the case beforehand.
- FIS.E.5 The FIS Doping Panel, through the FIS Office will advise the National Ski Association of the time and place of the hearing.
- FIS.E.6 The FIS Doping Panel shall determine the nature and circumstances of any breach of the FIS Anti-Doping Rules that may have been committed. It shall allow the Athlete or Other Person an opportunity to give an explanation in person, by telephone or to submit a defence in

writing concerning the circumstances and the facts in relation to the alleged violation of the FIS Anti-Doping Rules.

- FIS.E.7 The Athlete or Other Person may submit evidence for the defence of the case that does not require the use of disproportionate means. The Doping Panel shall make a decision in this regard.
- FIS.E.8 The Doping Panel may seek the opinion of experts.
- FIS.E.9 After completion of the hearing, the FIS Doping Panel shall compile a timely, written, reasoned decision.
- FIS.E.10 Expedited hearing procedure at FIS World Championships
If the alleged violation of the FIS Anti-Doping Rules has taken place during the FIS World Championships, then the FIS Doping Panel shall handle the case by means of an expedited hearing procedure that takes place, if possible, during the championships by telephone conference. Alternatively, the Chairman of the FIS Doping Panel may authorise the FIS President and Secretary General to convene a hearing comprising FIS Council Members present.
- FIS.E.11 Appeals
Decisions made under the FIS Anti-Doping Rules may be appealed as set forth in the FIS Anti-Doping Rules article 13.1 ff. Decisions of the FIS Doping Panel shall remain in effect as a provisional order while under appeal, unless the appellate body orders otherwise.
- FIS.E.12 Public Disclosure
A public disclosure of the anti-doping rule violation will be made as provided for in the FIS Anti-Doping Rules, article 14.4. Prior to such an announcement all parties are obliged to treat the matter in strict confidence.