



FIS ANTI-DOPING RULES

**COMPILED IN ACCORDANCE WITH
THE WORLD ANTI-DOPING CODE**

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INTRODUCTION

Preface

These Anti-Doping Rules are adopted and implemented in accordance with FIS's responsibilities under the World Anti-Doping Code ("the Code"), and in furtherance of FIS's continuing efforts to eradicate doping in sport.

These Anti-Doping Rules, like Competition Rules, are sport rules governing the conditions under which sport is played. Aimed at enforcing anti-doping principles in a global and harmonised manner, they are distinct in nature from criminal and civil laws, and are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings. 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 these Anti-Doping Rules implementing the Code and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

Fundamental Rationale for the Code and 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, the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in values we find in and through sport, including:

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

Doping is fundamentally contrary to the spirit of sport.

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 Athletes’ Biological Passport” according to WADA Rules and Guidelines:
- Create individual longitudinal hematological profiling from out- and in-competition blood samples (ADAMS database storage and calculation) (“Hematological Profile”)
- Detection of prohibited substances and profiles in Testosterone/Epi-testosterone ratio as well as EPO urine profiles from out- and in-competition urine samples (“Steroidal Profile”)
- 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

Scope

These Anti-Doping Rules shall apply to FIS and to each of its National Ski Association. They also apply to the following Athletes, Athlete Support Personnel and other Persons, each of whom is deemed, as a condition of his/her membership, accreditation and/or participation in the sport, to have agreed to be bound by these Anti-Doping Rules, and to have submitted to the authority of FIS to enforce these Anti-Doping Rules and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Anti-Doping Rules:

- a. all *Athletes* and *Athlete Support Personnel* who are members of FIS, or of any *National Ski Association*, or of any member or affiliate organisation of any *National Ski Association*;
- b. all *Athletes* and *Athlete Support Personnel* participating in such capacity in *Events*, *Competitions* and other activities organised, convened, authorised or recognised by FIS, or any *National Ski Association*, or any member or affiliate organisation of any *National Ski Association*, wherever held;
- c. any other *Athlete* or *Athlete Support Personnel* or other *Person* who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of FIS, or of any *National Ski Association*, or of any member or affiliate organisation of any *National Ski Association*, for purposes of anti-doping; 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 *Minors* must be counter-signed by their legal guardians.

The National Ski Association must guarantee that all *Athletes* they register with FIS to participate in FIS competitions 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.

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

ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of these Anti-Doping Rules.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

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

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

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

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

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

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

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

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

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

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

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

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

2.3 Evading, Refusing or Failing to Submit to Sample Collection

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

[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample

collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]

2.4 Whereabouts Failures

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

2.5 Tampering or Attempted Tampering with any part of Doping Control

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

[Comment to Article 2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organisations.]

2.6 Possession of a Prohibited Substance or a Prohibited Method

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

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

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

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

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

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

2.9 Complicity

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

2.10 Prohibited Association

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

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

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

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

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

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

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

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

2.11 Doping-related Misconduct by Athletes and Athlete Support Personnel

2.11.1 Failure by any *Athlete* to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations.

2.11.2 Failure by any *Athlete Support Personnel* to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations.

2.11.3 *Use or Possession of a Prohibited Substance or Prohibited Method* by an *Athlete Support Personnel* without valid justification.

2.12 Prohibited scientific and medical Equipment at FIS Events

It is prohibited for any National Ski Association, its representative or team members to bring and/or use any of the following scientific or medical equipment (“Equipment”) into/at any Event Venue during FIS World Championships, World Cups and other competitions registered in the FIS Calendar:

- Oxygen tanks, cylinders and related devices;
- Hypoxic or hyperoxic tents, chambers and related devices;
- Cryogenic chambers for whole body cryotherapy and related devices.

It is the responsibility of the National Ski Association to ensure compliance with this Article 2.12 by all its representatives or team members. Failure to respect this Article 2.12 constitutes an Anti-Doping Rule Violation to be adjudicated by the FIS Doping Panel. In addition to the sanctions listed in Article 10, the FIS Doping Panel may order the immediate removal of the Equipment from the Event Venue at the costs of the responsible NSA. All competition results achieved after the use of the Equipment shall be automatically disqualified.

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 Anti-Doping Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

[Comment to Article 3.1: This standard of proof required to be met by FIS or its National Ski Association is comparable to the standard which is applied in most countries to cases involving professional misconduct.]

3.2 Methods of Establishing Facts and Presumptions

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

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

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

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

departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then 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 3.2.2: *The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to 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.*]

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

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

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

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 current Prohibited List is also available on WADA's website at www.wada-ama.org and the FIS website at <http://www.fis-ski.com/news-multimedia/news/article=anti-doping-rules.html>*]

4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

4.2.1 Prohibited Substances and Prohibited Methods

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication by WADA, without requiring any further action by FIS or its *National Ski Associations*. All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarise themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

4.2.2 Specified Substances

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

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

4.3 WADA's Determination of the Prohibited List

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

4.4 Therapeutic Use Exemptions ("TUEs")

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

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

4.4.2.1 Where the *Athlete* already has a *TUE* granted by his or her *National Anti-Doping Organisation* for the substance or method in question, that *TUE* is not automatically valid for athletes included in

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

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

4.4.2.2 If the *Athlete* does not already have a *TUE* granted by his/her *National Anti-Doping Organisation* for the substance or method in question, the *Athlete* must apply directly to FIS for a *TUE* in accordance with the process set out in the International Standard for Therapeutic Use Exemptions, using the form posted on the FIS website at <http://www.fis-ski.com/inside-fis/medical-antidoping/anti-doping/>. If FIS denies the *Athlete*'s application, it must notify the *Athlete* promptly, with reasons. If FIS grants the *Athlete*'s application, it shall notify not only the *Athlete* but also his/her *National Anti-Doping Organisation* (in principle through *ADAMS* automatically). If the *National Anti-Doping Organisation* considers that the *TUE* granted by FIS does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to *WADA* for review in accordance with Article 4.4.6. If the *National Anti-Doping Organisation* refers the matter to *WADA* for review, the *TUE* granted by FIS remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA*'s decision. If the *National Anti-Doping Organisation* does not refer the matter to *WADA* for review, the *TUE* granted by FIS becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

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

4.4.3 If FIS chooses to test an *Athlete* who is not an *International-Level Athlete*, FIS shall recognise a *TUE* granted to that *Athlete* by his or her *National Anti-Doping Organisation*. If FIS chooses to test an *Athlete* who is

not an *International-Level* or a *National-Level Athlete*, FIS shall permit that *Athlete* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that he/she is using for therapeutic reasons.

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

[Comment to Article 4.4.4: The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) may result in a charge of Tampering or Attempted Tampering under Article 2.5.]

An Athlete should not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.]

4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a TUE

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

4.4.5.2 In such event, the *Athlete* shall not be subject to any *Consequences* based on his/her *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, cancellation, withdrawal or reversal of the *TUE*. The review pursuant to Article 7.2 of any subsequent *Adverse Analytical Finding* shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.6 Reviews and Appeals of TUE Decisions

4.4.6.1 *WADA* shall review any decision by FIS not to recognise a *TUE* granted by the *National Anti-Doping Organisation* that is referred

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

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

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

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

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

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of *Testing* and Investigations

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

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

5.1.2 Investigations shall be undertaken:

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

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

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

5.2 Authority to conduct Testing

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

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

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

5.2.3 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.8 of the *Code*.

5.2.4 If FIS delegates or contracts any part of *Testing* to a *National Anti-Doping Organisation* (directly or through a *National Ski Association*), that *National Anti-Doping Organisation* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organisation's* expense. If additional *Samples* are collected or additional types of analysis are performed, FIS shall be notified.

5.3 Event Testing

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

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

5.4 Test Distribution Planning

Consistent with the International Standard for Testing and Investigations, and in coordination with other *Anti-Doping Organisations* conducting *Testing* on the same *Athletes*, FIS shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritises appropriately between the disciplines that are on the programme of the Olympic Winter Games (Cross-Country Skiing, Ski Jumping, Nordic Combined, Alpine Skiing, Freestyle Skiing, Snowboard), categories of *Athletes*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. FIS shall provide *WADA* upon request with a copy of its current test distribution plan.

5.5 Coordination of *Testing*

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

5.6 Athlete Whereabouts Information

5.6.1 FIS shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, and shall make available through *ADAMS*, a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. FIS shall coordinate with *National Anti-Doping Organisations* the identification of such *Athletes* and the collection of their whereabouts information. 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. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. Each *Athlete* in the *Registered Testing Pool* shall do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations: (a) advise FIS of his/her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make him/herself available for *Testing* at such whereabouts.

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

5.6.3 An *Athlete* in FIS's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations unless and until (a) the *Athlete* gives written notice to FIS that he/she has retired or (b) FIS has informed him or her that he/she no longer satisfies the criteria for inclusion in FIS's *Registered Testing Pool*.

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

5.7 Retired Athletes Returning to Competition

5.7.1 An *Athlete* in FIS's *Registered Testing Pool* who has given notice of retirement to FIS may not resume competing in *International Events* or *National Events* until he/she has given FIS written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six months before returning to *Competition*, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. *WADA*, in consultation with FIS and

the *Athlete's National Anti-Doping Organisation*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be *Disqualified*.

5.7.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* shall not resume competing in *International Events* or *National Events* until the *Athlete* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to FIS and to his/her *National Anti-Doping Organisation* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.8 Selection of *Athletes* to be Tested

5.8.1 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 *International Event* as selected by FIS.

5.8.1.1 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).

5.8.1.2 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).

5.8.2 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*.

5.8.3 In addition to the selection procedures set forth in Articles 5.8.1 and 5.8.2 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.

5.8.4 *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

5.9 Independent Observer Programme

FIS and the organising committees for FIS *Events*, as well as the *National Ski Associations* and the organising committees for *National Events*, shall authorise and facilitate the *Independent Observer Program* at such *Events*.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analysed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories

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

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

6.2 Purpose of Analysis of Samples

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

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

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

6.3 Research on Samples

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

6.4 Standards for *Sample* Analysis and Reporting

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

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

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

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

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

6.5 Further Analysis of *Samples*

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

ARTICLE 7 RESULTS MANAGEMENT

7.1 Responsibility for Conducting Results Management

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

7.1.2 The FIS Council shall appoint a Doping Panel consisting of a Chair, a Vice-Chair and other members with experience in anti-doping (“FIS Doping Panel”). Each panel member shall serve a term of four years. The Chair and Vice-Chair shall be a lawyer. When a potential violation is referred to the Doping Panel by FIS, the Chair of the Doping Panel shall appoint one or more members of the Panel (which may include the Chair) to conduct the review discussed in this Article 7. In the event the Chair has a potential conflict of interest from an independency perspective, the Vice-Chair shall assume the role of Chair.

7.2 Review of *Adverse Analytical Findings* From Tests Initiated by FIS

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

7.2.1 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 confidentially and in conformity with ADAMS.

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

7.2.3 If the review of an *Adverse Analytical Finding* under Article 7.2.2 reveals an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete’s National Ski Association* the *Athlete’s National Anti-Doping Organisation* and WADA shall be so informed.

7.3 Notification After Review Regarding *Adverse Analytical Findings*

7.3.1 If the review of an *Adverse Analytical Finding* under Article 7.2.2 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, FIS shall promptly notify the *Athlete*, and simultaneously the *Athlete’s National Anti-Doping Organisation* and WADA, in the manner set out in Article 14.1, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete’s* right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the B *Sample* analysis if the *Athlete* or 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 in accordance with the International Standard for

Laboratories if such analysis is requested; and (f) the *Athlete's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories. If 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.

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

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

7.3.4 If the B *Sample* analysis does not confirm the A *Sample* analysis, 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*, the *Athlete's National Anti-Doping Organisation*, the *Athlete's National Ski Association* and WADA shall be so informed.

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

7.4 Review of Atypical Findings

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

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

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

7.4.4 If that review does not reveal an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, FIS shall conduct

the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.3.1, or else the *Athlete*, the *Athlete's National Anti-Doping Organization* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

7.4.5 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:

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

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

7.5 Review of Atypical Passport Findings and Adverse Passport Findings

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

7.6 Review of Whereabouts Failures

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

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

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

7.8 Identification of Prior Anti-Doping Rule Violations

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

7.9 Provisional Suspensions

7.9.1 Mandatory Provisional Suspension: If analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or for a *Prohibited Method*, and a review in accordance with Article 7.2.2 does not reveal an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, a *Provisional Suspension* shall be imposed upon or promptly after the notification described in Articles 7.2, 7.3 or 7.5.

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

7.9.3 Where a *Provisional Suspension* is imposed pursuant to Article 7.9.1 or Article 7.9.2, the *Athlete* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Athlete* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 13.2 (save as set out in Article 7.9.3.1).

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

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

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

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

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

7.10 Resolution Without a Hearing

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

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

Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by FIS.

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

7.11 Notification of Results Management Decisions

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

7.12 Retirement from Sport

If an *Athlete* or other *Person* retires while FIS is conducting the results management process, 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 authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, FIS has authority to conduct results management in respect of that anti-doping rule violation.

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

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1 Principles for a Fair Hearing

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

8.1.2 Hearings shall be scheduled and completed within a reasonable time. The Hearing Process is defined in Article FIS.E of the FIS Procedural Rules and Guidelines. Hearings held in connection with *Events* that are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the hearing panel.

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

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

8.1.4 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 member (which may include the Chair) 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.

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

8.1.6 The FIS Doping Panel shall act in a fair and impartial manner towards all parties at all times.

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 Chair 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 All hearings pursuant to these Anti-Doping Rules 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*.

8.2 Decisions

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

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

8.2.3 If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Article 14.3.2; but (b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Athlete* or other *Person* who is the subject of the decision. FIS shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

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

8.3 Single Hearing Before CAS

Cases asserting anti-doping rule violations may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the *Athlete*, FIS, WADA, and any other *Anti-Doping Organisation* that would have had a right to appeal a first instance hearing decision to CAS.

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

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

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

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

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

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

[Comment to Article 10.1: Whereas Article 9 disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the FINA World Championships).]

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

10.1.2 An athlete subject to an anti-doping rule violation will have FIS and any Cup points achieved since the anti-doping rule violation deleted, as well as the repayment of any prize money.

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

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

10.2.1 The period of *Ineligibility* shall be four (4) years where:

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

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

10.2.2 If Article 10.2.1 does not apply, the period of *Ineligibility* shall be two (2) years.

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

10.3 *Ineligibility* for Other Anti-Doping Rule Violations

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

10.3.1 For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be four (4) years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two (2) years.

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting

laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

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

10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to four (4) years, depending on the seriousness of the violation.

10.3.5 For violations of Article 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.

10.3.6. For violations of Article 2.11, the period of *Ineligibility* shall be up to two (2) years, or a fine up to CHF 50'000.

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

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

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

[Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence.]

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

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

10.5.1.1 *Specified Substances*

Where the anti-doping rule violation involves a *Specified Substance*, and the *Athlete* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

10.5.1.2 *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish *No Significant Fault or Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

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

10.5.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.5.1

If an *Athlete* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years.

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

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

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

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

10.6.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of FIS or at the request of the *Athlete* or other *Person* who has (or has been asserted to have) committed an anti-doping rule violation, *WADA* may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. *WADA*'s approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13,

WADA's decisions in the context of this Article may not be appealed by any other *Anti-Doping Organisation*.

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

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

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

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

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

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

An *Athlete* or other *Person* potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by FIS, and also upon the approval and at the discretion of both WADA and FIS, may receive a reduction in the period of *Ineligibility* down to a minimum of two (2) years, depending on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*.

10.6.4 Application of Multiple Grounds for Reduction of a Sanction

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

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

10.7 Multiple Violations

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

- (a) six (6) months;
- (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or
- (c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

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

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

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

10.7.4 Additional Rules for Certain Potential Multiple Violations

10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if FIS can establish that the *Athlete* or other *Person* committed the

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

10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, 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 had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

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

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

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

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

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

10.9 Allocation of CAS Cost Awards and Forfeited Prize Money

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

10.10 Financial Consequences

Where an *Athlete* or other *Person* commits an anti-doping rule violation, FIS may, in its discretion and subject to the principle of proportionality, elect to a) recover from the *Athlete* or other *Person* costs associated with the anti-doping rule violation including FIS' legal fees, regardless of the period of *Ineligibility* imposed and/or b) fine the *Athlete* or other *Person* in an amount up to \$100,000 U.S. Dollars, only in

cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

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

10.11 Commencement of *Ineligibility* Period

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

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

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

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

10.11.2 Timely Admission

Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by 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. This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3.

10.11.3 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

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

such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

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

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

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

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

10.12 Status During *Ineligibility*

10.12.1 Prohibition Against Participation During *Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than 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 or any elite or national-level sporting activity funded by a governmental agency.

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

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

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

10.12.2 Return to Training

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

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

10.12.3 Violation of the Prohibition of Participation During *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person’s* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by FIS. This decision may be appealed under Article 13.

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

10.12.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by FIS and its *National Ski Associations*.

10.13 Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 Testing of Teams

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

11.2 Consequences for Teams

11.2.1 An anti-doping rule violation committed by a member of a team in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained by the team in that *Competition*, with all resulting consequences for the team and its members, including forfeiture of any medals, points and prizes.

11.2.2 An anti-doping rule violation committed by a member of a team occurring during or in connection with an *Event* (e.g. *FIS World Championships*) may lead to *Disqualification* of all of the results obtained by the team in that *Event* with all consequences for the team and its members, including forfeiture of all medals, points and prizes, except as provided in Article 11.2.3.

11.2.3 Where an *Athlete* who is a member of a team committed an anti-doping rule violation during or in connection with one *Competition* in an *Event*, if the other member(s) of the team establish(es) that he/she/they bear(s) *No Fault or Negligence* for that violation, the results of the team in any other *Competition(s)* in that *Event* shall not be *Disqualified* unless the results of the team in the *Competition(s)* 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.

ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST SPORTING BODIES

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, 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 Article 2.4) 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 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 (b) ban all officials from that *National Ski Association* for participation in any FIS activities for a period of up to two years and/or (c) cancellation of the organisation of future FIS Events in the disciplines concerned and/or (d) withdraw some or all FIS funding to the National Ski Association and/or (e) fine the *National Ski Association* in an amount up to the total FIS financial support due for two years but no less than CHF 50'000 (swiss francs). (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

12.3.1.1 If four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4) are committed in addition to the violations described in Article 12.3.1 by *Athletes* or other *Persons* affiliated with a *National 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 FIS may suspend that *National Ski Associations'* membership for a period of up to 4 years.

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

12.3.3 A *National Ski Association* has failed to make diligent efforts to keep the IF 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 1'000 per *Athlete* in addition to all of the FIS costs incurred in *Testing* that *National Ski Associations' Athletes*.

ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.7 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organisation's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

13.1.1 Scope of Review Not Limited

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

13.1.2 CAS Shall Not Defer to the Findings Being Appealed

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

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

13.1.3 WADA Not Required to Exhaust Internal Remedies

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

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

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months notice requirement for a retired *Athlete* to return to *Competition* under Article 5.7.1; a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by FIS not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; FIS failure to comply with Article 7.9; a decision that FIS lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1; a decision under Article 10.12.3; and a decision by FIS not to recognize another *Anti-Doping Organisation's* decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

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

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

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

13.2.2 Appeals Involving Other Athletes or Other Persons

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

13.2.3 Persons Entitled to Appeal

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

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

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

13.2.4 Cross Appeals and other Subsequent Appeals Allowed

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

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

13.3 Failure to Render a Timely Decision

Where, in a particular case, FIS or its National Ski Associations fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if FIS or its National Ski Associations had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney 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 or its National Ski Association 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 or its National Ski Association an opportunity to explain why it has not yet rendered a decision.]

13.4 Appeals Relating to TUEs

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

13.5 Notification of Appeal Decisions

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

13.6 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*.

13.7 Time for Filing Appeals

13.7.1 Appeals to CAS

The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- a) Within fifteen (15) days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- b) If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

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

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

13.7.2 Appeals Under Article 13.2.2

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

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

- (a) Twenty-one days (21) after the last day on which any other party in the case could have appealed, or
- (b) Twenty-one days (21) 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 Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and Other Asserted Anti-Doping Rule Violations

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

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

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

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

14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation under Article 2.1 shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

Notice of anti-doping rule violations other than under Article 2.1 shall include the rule violated and the basis of the asserted violation.

14.1.4 Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, *National Anti-Doping Organisations* and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 Confidentiality

The recipient organisations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee and National Ski Association*) until FIS has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 14.3.

14.1.6 FIS shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3, and shall include provisions in any contract entered into between FIS and any of its employees (whether permanent or otherwise), contractors, agents and consultants, for the protection of such confidential information as well as for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.

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

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

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

14.3 Public Disclosure

14.3.1 The identity of any *Athlete* or other *Person* who is asserted by FIS to have committed an anti-doping rule violation may be *Publicly Disclosed* by FIS only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to WADA and the *National Anti-Doping Organisation* of the *Athlete* or other *Person* in accordance with Article 14.1.2.

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

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

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

14.3.5 Neither FIS, nor its *National Ski Associations*, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete* or other *Person*

against whom an anti-doping rule violation is asserted, or their representatives.

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

14.4 Statistical Reporting

FIS shall publish annually after the end of the competition season a general statistical report of its *Doping Control* activities, with a copy provided to *WADA*. FIS may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*.

14.5 Doping Control Information Clearinghouse

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organisations*, FIS shall report all *In-Competition* and *Out-of-Competition* tests on such *Athletes* to the *WADA* clearinghouse, using *ADAMS*, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and any other *Anti-Doping Organisations* with *Testing* authority over the *Athlete*.

14.6 Data Privacy

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

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

ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS

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

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

15.2 FIS and its *National Ski Associations* shall recognise the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

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

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

ARTICLE 16 INCORPORATION OF FIS ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL SKI ASSOCIATIONS

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

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

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

16.4 All *National Ski Associations* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited*

Methods without valid justification from providing support to *Athletes* under the jurisdiction of FIS or the *National Ski Associations* .

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

ARTICLE 17 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

ARTICLE 18 FIS COMPLIANCE REPORTS TO WADA

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

ARTICLE 19 EDUCATION

FIS shall plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Article 18.2 of the *Code*, and shall support active participation by *Athletes* and *Athlete Support Personnel* in such programs.

ARTICLE 20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 21 INTERPRETATION OF THE CODE

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

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

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

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

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

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

ARTICLE 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

22.1 Roles and Responsibilities of Athletes

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

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

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

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

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

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

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

22.2 Roles and Responsibilities of *Athlete Support Personnel*

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

22.2.2 To cooperate with the *Athlete Testing* programme.

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

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

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

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

APPENDIX 1 - DEFINITIONS

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

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

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

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

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

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

[Comment: This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organisations, respectively. The

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

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

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

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

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

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

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

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

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

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

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

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

Equipment: Oxygen tanks, cylinders and related devices; Hypoxic or hyperoxic tents, chambers and related devices; Cryogenic chambers for whole body cryotherapy and related devices.

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

Event Venues: Those venues so designated by the ruling body for the *Event*. All venues which require an accreditation or ticket to gain entry, including the team accommodation, the competition venue/s and the training and practice venue/s.

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

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of 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 Article 10.5.1 or 10.5.2.

[*Comment: The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.5.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is*

that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]

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

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

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

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

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

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

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

International-Level Athlete: *Athletes* who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations. *International-Level Athletes* are defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.

[Comment: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular International Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation must publish a list of those International Events.]

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

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

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

Metabolite: Any substance produced by a biotransformation process.

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

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

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

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

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

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

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

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

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

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

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

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

Possession: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Specified Substance: See Article 4.2.2.

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

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

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

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

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

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

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organisation* to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances*

which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

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

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

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

WADA: The World Anti-Doping Agency.

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

APPENDIX 2 - EXAMPLES OF THE APPLICATION OF ARTICLE 10

EXAMPLE 1.

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

Application of Consequences:

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

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

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

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

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

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

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

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

EXAMPLE 2.

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

Application of Consequences:

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

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

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

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

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

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

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

Ineligibility, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

EXAMPLE 3.

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

Application of Consequences:

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

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

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

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

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

EXAMPLE 4.

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

Application of Consequences:

1. Since the violation was intentional, Article 10.2.1 would be applicable and the basic period of *Ineligibility* imposed would be four years.
2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Articles 10.4 and 10.5).
3. Based on the *Athlete's* spontaneous admission (Article 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the *Athlete's Substantial Assistance* (Article 10.6.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.* Under Article 10.6.4, in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.
4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Article 10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Article 10.11.2 would not be permitted. The provision seeks to prevent an *Athlete* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Article 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the *Athlete's* last *Use* of the anabolic steroid.
5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

EXAMPLE 5.

Facts:

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

Application of Consequences:

1. According to Article 10.3.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration

in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)

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

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

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

EXAMPLE 6.

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

Application of Consequences:

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

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

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

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

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

4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.
5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*

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

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 and Investigations.

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 other Sample Collection Providers 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 and Investigations, Article 5.0 – Notification of Athletes, Article 6.0 – Preparing for 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 and Investigations: Article 5.0 – Notification of Athletes, Article 6.0 – Preparing for 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 – Insufficient volume, 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 and Investigations, Article 10 – Ownership of Samples.

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 Laboratories.

FIS.A.6.2 Analysis of blood Samples must be carried out by a WADA accredited or WADA approved 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 7.3 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 7.3.2).
- 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.B The hematological module of the FIS Athlete Biological Passport (BLOOD TESTING)

The hematological module of the FIS testing programme involves regular monitoring of Markers of blood doping on a longitudinal basis to identify enhancement of oxygen transport, including use of erythropoiesis stimulating agents and any form of blood transfusion or manipulation as provided for in the FIS Anti-Doping Rules and in the WADA ATHLETE BIOLOGICAL PASSPORT OPERATING GUIDELINES AND COMPILATION OF REQUIRED ELEMENTS in its current version.

Longitudinal monitoring of athletes' blood profiles helps detect blood doping and warrants the exclusion from competition of athletes with aberrant variations in markers of blood doping.

The following Markers are considered within the Athlete Biological Passport haematological module:

HCT: Haematocrit
HGB: Haemoglobin
RBC: Red blood cells count
RET%: The percentage of reticulocyte
RET#: Reticulocytes count
MCV: Mean corpuscular volume
MCH: Mean corpuscular haemoglobin
MCHC: Mean corpuscular haemoglobin concentration

Further calculated Markers specific to the haematological module include OFF-hr Score (OFFS), which is a combination of HGB and RET%, and Abnormal Blood Profile Score (ABPS), which is a combination of HCT, HGB, RBC, RET%, MCV, MCH, and MCHC.

These Markers of blood doping are exposed to the integrated ABP software (the Adaptive Model) in ADAMS. The Adaptive Model is capable of identifying atypical values or profiles that warrant further attention and review. The Adaptive Model predicts for an individual an expected range within which a series of Marker values falls assuming a normal physiological condition. Outliers correspond to those values out of the 99.9-range (0.05-99.95 percentiles).

FIS.B.1 Athletes may be selected for blood testing by Anti-Doping Agencies and/or other Sample Collection Providers - both 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 and part field Testing

Full field and/or part 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.

FIS.B.3 Analysis

FIS.B.3.1 Analysis of the blood Samples will be carried out using WADA accredited laboratories certified to conduct haematological analyses for the biological passport.

FIS.B.3.2 If an Athlete's hematological 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.4 Start Prohibition

FIS.B.4.1 In the event that a result rendered by a WADA accredited or approved Laboratory is an atypical value or triggers an atypical longitudinal profile, the Passport must be reviewed by the FIS Anti-Doping expert and if he deems necessary by a further expert. The expert/s shall review the Passport anonymously (without reference to the specific Athlete by name) and conduct his/her or her activities in strict confidence. The expert/s shall evaluate the Passport and if it is highly unlikely that the longitudinal profile is the result of a normal physiological or pathological condition and may be the result of the use of a Prohibited Substance or Prohibited Method then a start prohibition of 5 (five) consecutive days is issued.

FIS.B.4.2 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 itself. Consequently, no disciplinary measures will be taken regarding this start prohibition. FIS is entitled to open proceedings against the Athlete based on the Athletes blood profile in accordance with WADA Rules and Regulations.

FIS.B.4.3 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.4.4 Follow up blood test
Before the Athlete may start again at any level of FIS competition; he/she will be subject to a new blood test at the conclusion of the start prohibition of five (5) days according to the above procedures and regulations. If a new blood sample collected five (5) days later renders a blood profile returning to normal conditions when exposed to the adaptive model, the start prohibition is removed.

Regardless of the return of the blood markers to a normal pattern, the longitudinal blood profile will be sent to two other experts for a further review and evaluation.

FIS.B.4.5 Notification of Start Prohibition
In the case of an atypical blood result as mentioned in FIS.B.4.1 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.4.6 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.4.7 Provision of Blood values
Blood values from all FIS Testing can be accessed by the Athlete through his/her personal login in ADAMS.

FIS.B.5 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.5.1 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 in case requested by FIS 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 Laboratory technician of the laboratory.
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.5.2 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 FIS-appointed Doping Control Agency prior to the blood testing in order to go through the procedures thoroughly. The provision of additional Blood Collection Officials may be requested by FIS if it is deemed necessary to facilitate the Testing organisation.

In addition, six to eight Chaperones (twelve for sprint races) are required to accompany the athletes from the 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.C IN-COMPETITION TESTING

FIS.C.1 FIS In-Competition Testing at FIS World Cup Competitions

FIS In-Competition Tests will be carried out by a Doping Control Agency appointed by FIS at selected FIS World Cup competitions in Alpine Skiing, Cross-Country, Ski Jumping, Nordic Combined, Freestyle Skiing 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 FIS-appointed Doping Control 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 Doping Control Agency will receive information from FIS where In-Competition Testing shall be carried out and make direct contact with the Organisers in regard to the logistical arrangements.

FIS.C.1.3 In-Competition Testing may be organised by the National Anti-Doping Agency (including other FIS World Cup events than those where FIS Testing is taking place) 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. National Anti-Doping Agencies and FIS make best efforts to coordinate testing in accordance with the WADA International Standards for Testing.

FIS.C.2 Testing and Supervision at FIS World Championships

FIS.C.2.1 FIS will cover the costs of testing additional Athletes 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.2.2 The timeline of analysing samples during the World Championships period shall be 48 hours for urine samples, and as soon as possible for blood but in any case no longer than one week.

FIS.C.2.3 FIS World Cup competitions the year prior to the FIS World 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 blood testing and out-of-competition controls.

Additionally if services are arranged by FIS to be carried out by the FIS appointed Doping Control Agency that is covering the rest of the World Cup events, FIS will pay for such services. The costs for the LOC would remain the logistical costs of accommodation and meals for the personnel from the FIS appointed agency.

The services and testing 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.2.4 FIS World Cup Events the year prior to the Olympic Winter Games (Test Events)

For the pre-Olympic Winter Games Test Events that are conducted as FIS World Cup competitions it is customary that the Olympic Games Organising Committee Anti-Doping Department will arrange and carry out the testing. Laboratories can report results within the standard time.

FIS.C.2.5 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 Anti-Doping Agency carrying out the testing about the organisational aspects, and providing information to the teams and Jury.

FIS.C.2.5.1 For the FIS Junior World Championships in the Nordic, Alpine, Freestyle Skiing 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.2.6 Organisation of Testing at FIS World Cup Events

FIS.C.2.6.1 The appointed agency's representative, respectively the National Anti-Doping Agency carrying out the Testing is required to liaise with the responsible FIS Officials at FIS World Cup Events or the Technical Delegate at other FIS Events in order to determine the programme for conducting the Testing, the latest two days before the first competition to be tested. Phone numbers can be requested through FIS Anti-Doping antidoping@fisski.com or +41 79 376 5561

The FIS appointed Doping Control Agency, respectively the representative of the National Anti-Doping Agency, has to discuss the implementation of the control procedures at the event. This includes location and timing of athletes' notification, location of doping control rooms and any other issues, which may influence the schedule of the event in order to prepare a fluent doping control procedure that does not impede the competition organisation.

Cross-Country Skiing

World Cup: FIS Event Coordinator, Sandra Spitz spitz@fisski.com

Ski Jumping

World Cup men: FIS Race Director, Walter Hofer hofer@fisski.com

World Cup ladies: FIS Race Director, Chika Yoshida yoshida@fisski.com

COC Events: COC Coordinator, Horst Tielmann, tielmann@fisski.com

Nordic Combined

World Cup: FIS Nordic Combined Race Director Lasse Ottesen

ottesen@fisski.com

COC Events: Toni Guggemoos, toniguggemoos@t-online.de

Alpine Skiing

World Cup Ladies:

FIS Technical Operations Manager, Andy Krönner kroenner@fisski.com

World Cup Men:

FIS Technical Operations Manager, Mike Kertesz kertesz@fisski.com

Freestyle Skiing

World Cup: FIS Freestyle Skiing Coordinator Joe Fitzgerald, fitzgerald@fisski.com or Ski Cross Race Director Martin Fiala, fiala@fisski.com

Snowboarding World Cup: FIS Race Director Snowboard Uwe Beier, beier@fisski.com or FIS Assistant Race Director Snowboard Roby Moresi, moresi@fisski.com

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 that are exclusively reserved for the doping controls (separate for men and ladies) and may not be accessed by the public.

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.5.1.

FIS.C.3.4 Sample collection equipment
Sample collection equipment is provided by the FIS appointed Agency in conformance to the International Standard for Testing and Investigations, 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 to 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 5.8 and the FIS Procedural Rules and Guidelines, article, FIS.C.5 by the representative of the FIS-appointed 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 5.8.1.1.

FIS.C.4.3 Athletes selected at random will be drawn by the representative of the FIS appointed Doping Control 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. 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 (entered for) 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) and not a position in the competition in order to avoid having to wait until the end of the competition and eventual jury decisions in regard to the results.

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 (when 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 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 as defined on the start list (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. 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). In the Team Sprint event only two competitors form the team. Notification to the Doping Control will only be issued after the final part of the competition is concluded.

FIS.C.5.6 Alpine Skiing

The programme for in-competition doping controls needs to take into account the post-competition schedule, which may include official training for the following day's competition, e.g. free skiing on the competition course, which is generally organised when a super G, giant slalom or slalom takes place the following day. This can be clarified by the appointed agency's representative, respectively the National Anti-Doping Agency carrying out the

Testing, when they liaise with the responsible FIS Official before the competition (see C.2.6.1).

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 when 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 at the official result list.

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 when 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 of the official result list.

FIS.C.5.6.3 Alpine Combined

Athletes are selected before the final (second) run 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 when 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 Alpine Combined competition at the official result list.

FIS.C.5.7 Freestyle Skiing

FIS.C.5.7.1 Moguls, Dual Moguls, Aerials, Halfpipe, Slopestyle and BigAir

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 Parallel Giant Slalom, Parallel Slalom, Snowboard Cross, Halfpipe, Slopestyle and Big Air

Randomly-selected Athletes are selected from the starting field using the starting numbers (bibs). If a 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 and Investigations, Article 5.4.

FIS.C.6.2 In addition to the persons defined in the International Standard for Testing and Investigations, Article 6.3.3, the FIS Anti-Doping Expert, appointed Medical Supervisor and a WADA Independent Observer 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 WADA Independent Observers

In the event that WADA decides to send an Independent Observers to the FIS World Ski Championships, the costs for bed and breakfast for up to 4 persons will be divided between FIS and the LOC if they are not paid by WADA.

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 and Investigations (ISTI) 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). There is also an "App" available for Athletes using ADAMS to update their Whereabouts information.

FIS.D.1 Registered Testing Pool

According to article 5.6.1 of the FIS Anti-Doping Rules, FIS shall identify a Registered Testing Pool (FIS RTP) of those Athletes who are required to comply with the whereabouts requirements of the International Standard for Testing and Investigations.

The following criteria determine Athletes in the FIS Registered Testing Pool. In addition FIS can select athletes to be included in the FIS RTP.

FIS.D.1.1 Cross-Country Skiing

Athletes ranked in the top 30 of the World Ranking List in Distance or Sprint are included in the FIS Registered Testing Pool. Any Athlete who progresses into the top 30 of the above lists may 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 or following official announcement of retirement to FIS by his/her National Ski Association.

FIS.D.1.2 Nordic Combined

Athletes ranked in the top 20 of the World Cup Standings are included in the FIS Registered Testing Pool. Any Athlete who moves into the top 20 of the World Cup Standings may be included. An Athlete who drops out of the top 20 of the World Cup Standings will only be excluded at the end of the competition season or following official announcement of retirement to FIS by his/her National Ski Association.

FIS.D.1.3 Ski Jumping

Athletes ranked in the top 15 of the Overall World Cup Standings are included in the FIS Registered Testing Pool. Any Athlete who moves into the top 15 of the above list during the competition season may be included. An

Athlete who drops out of the top 15 of the above list will only be excluded at the end of the season or following official announcement of retirement to FIS by his/her National Ski Association.

FIS.D.1.4 Alpine Skiing

Athletes ranked in the top 20 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 20 of the above lists during the competition season may be included. An Athlete who drops out of the top 20 of the above lists will only be excluded at the end of the season or following official announcement of retirement to FIS by his/her National Ski Association.

FIS.D.1.5 Freestyle Skiing

Athletes ranked in the top 5 of the World Cup Overall Standings or the top 5 in the Aerials, Moguls, Ski Cross, Slopestyle, BigAir and Halfpipe World Cup Standings may be included in the FIS Registered Testing Pool. Any Athlete who moves into the top 5 during the season may be included. An Athlete who drops out of the top 5 of the above lists will only be excluded at the end of the season or following official announcement of retirement to FIS by his/her National Ski Association.

FIS.D.1.6 Snowboarding

Athletes ranked in the top 5 of the World Cup Standings in Snowboard Cross, Halfpipe and Slopestyle may be included in the FIS Registered Testing Pool. Any Athlete who moves into the top 5 of the above lists during the competition season may be included in the FIS Registered Testing Pool. An Athlete who drops out of the top 5 of the above lists will only be excluded at the end of the season or following official announcement of retirement to FIS by his/her National Ski Association.

FIS.D.1.7 Retirement and Return to Competition

Athletes that have officially announced their Retirement are subject to article 5.7 FIS Anti-Doping Rules. 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.2 Athletes Whereabouts Filing

The requirement for Athletes Whereabouts Filing is defined in the FIS Anti-Doping Rules, article 5.6 and the International Standard for Testing and Investigations (ISTI) Annex I.3. Correspondence in regard to whereabouts information and Athletes Whereabouts Filing will be sent to the National Ski Association of the Athlete.

More information about ADAMS can be obtained from the FIS website: <http://www.fis-ski.com/uk/medical/fisanti-doping/medicalantidoping/fisandwada.html> (Athletes User Guide in various languages).

Please note that in order to be able to use the system you need to obtain a password from FIS Anti-Doping (email antidoping@fisski.com, Tel. +41 79 376 55 61).

The complete WADA International Standard for Testing and Investigations (ISTI) can be downloaded from www.wada-ama.org

An Athlete in the FIS International Registered Testing Pool must file a Whereabouts Filing with FIS must submit his/her Whereabouts the latest at the 15th of the respective previous quarter (e.g. for 2nd Quarter the submission deadline would be 15th March).

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/her 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 Standard for Testing and Investigations, 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 ADAMS on-line system or its SMS update function.

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 and Investigations, 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 The FIS Doping Panel shall adjudicate any alleged violation of the FIS ADR, based on a written notification by the FIS Secretary General. The laboratory documentation package, if available, shall automatically be forwarded to the FIS Doping Panel.
- 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 and/or to submit a defence in writing. The right to appear personally in front of the FIS Doping Panel is also met by holding the hearing via video, on-line or phone conference.
- FIS.E.2 If the Athlete is no longer subject to the jurisdiction of the NSA, all information shall be sent to the Athlete or his/her duly authorised representative. The NSA shall in any event assist the FIS in communicating with the Athlete
- FIS E.2.1 Upon notification by FIS of the result of the A sample analysis, the Athlete or Other Person may (i) promptly request the analysis of the B Sample, or, within 21 days, (ii) waive the analysis of the B Sample and request to appear personally (respectively by video, on-line or phone conference) in front of the FIS Doping Panel, or (iii) waive the analysis of the B-Sample and submit a defence in writing.
- FIS E.2.1.1 Upon notification by FIS of the result of the B sample analysis, the Athlete or Other Person may (i) within 10 days, request the Laboratory Documentation Package, and/or within 21 days, (ii) request to appear personally (respectively by video, on-line or phone conference) in front of the FIS Doping Panel, or (iii) submit a defence in writing.
- FIS E.2.1.2 Within 21 days upon notification by FIS of another ADR violation including an Adverse Passport Finding, the Athlete or Other Person may (i) request to appear personally (respectively by video, on-line or phone conference) in front of the FIS Doping Panel, or (ii) submit a defence in writing.
- FIS E.2.1.3 If the Athlete or Other Person does not request a hearing, the FIS Doping Panel will issue a decision as soon as possible, thereby taking the timely written defence of the Athlete or Other Person into consideration.
- FIS.E.2.2 Within 5 days upon notification by FIS that the Athlete will be or has been provisionally suspended or that a provisional suspension will be upheld, the Athlete may request a Provisional Hearing or submit any observations in writing.
- FIS.E.2.3 The FIS Doping Panel, through the FIS Office will advise the National Ski Association of the time and place of the hearing. The hearing shall not be public.
- 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.3.1 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 by video, on-line or phone conference, respectively handle the case beforehand.
- FIS.E.4 The Hearing shall be conducted by the Chair of the FIS Hearing Panel. The FIS Hearing Panel may hear such witnesses it deems relevant. It may seek the opinion of experts and collect further evidence.
- FIS E.4.1 The Athlete may be accompanied at the hearing by a representative who does not have to be a qualified lawyer. The FIS may attend the hearing before the FIS Doping Panel and make oral statements.
- FIS E.4.2 Any prior written submission of the Athlete or Other Person or the FIS shall not preclude them from submitting new arguments or evidence at the Hearing.
- FIS.E.5 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.6 The Athlete or Other Person may submit evidence for the defence of the case that does not require the use of disproportionate means. The FIS Doping Panel shall make a decision in this regard.
- FIS.E.7 After completion of the hearing, the FIS Doping Panel shall compile a timely, written, reasoned decision.
- FIS.E.8 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 video, on-line or phone, conference. Alternatively, the Chair of the FIS Doping Panel may authorise the FIS President and Secretary General to convene a hearing comprising FIS Council Members present.
- FIS.E.9 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. An appeal does not have suspensive effect and the 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.10

Public Disclosure

A public disclosure of the anti-doping rule violation will be made as provided for in the FIS Anti-Doping Rules, article 14.3. Prior to such an announcement all parties are obliged to treat the matter in strict confidence.