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*Fédération  
Aéronautique  
Internationale*

# **FAI Anti-Doping Rules & Procedures**

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## TABLE OF CONTENTS

INTRODUCTION .....	3
PREFACE .....	3
Fundamental Rationale for the <i>World Anti-Doping Code</i> and FAI's Anti-Doping Rules and Procedures .....	3
Scope.....	4
ARTICLE 1            DEFINITION OF DOPING .....	5
ARTICLE 2            ANTI-DOPING RULE VIOLATIONS .....	5
ARTICLE 3            PROOF OF DOPING.....	6
ARTICLE 4            THE PROHIBITED LIST .....	7
ARTICLE 5 <i>TESTING</i> .....	8
ARTICLE 6            ANALYSIS OF <i>SAMPLES</i> .....	9
ARTICLE 7            RESULTS MANAGEMENT .....	10
ARTICLE 8            RIGHT TO A FAIR HEARING.....	11
ARTICLE 9            AUTOMATIC <i>DISQUALIFICATION</i> OF INDIVIDUAL RESULTS .....	12
ARTICLE 10           SANCTIONS ON INDIVIDUALS.....	13
ARTICLE 11 <i>CONSEQUENCES</i> TO TEAMS.....	16
ARTICLE 12           (OMITTED).....	16
ARTICLE 13           APPEALS.....	17
ARTICLE 14 <i>NATIONAL AIRSPORT CONTROLS'</i> INCORPORATION OF FAI RULES, REPORTING AND RECOGNITION.....	18
ARTICLE 15           RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS .....	19
ARTICLE 16           STATUTE OF LIMITATIONS.....	19
ARTICLE 17           FAI COMPLIANCE REPORTS TO <i>WADA</i> .....	19
ARTICLE 18           AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES .....	24
APPENDIX 1           DEFINITIONS .....	21
APPENDIX 2           ACKNOWLEDMENT AND AGREEMENT .....	25

# FAI ANTI-DOPING RULES AND PROCEDURES

## INTRODUCTION

### Preface

At the 96<sup>th</sup> FAI General Conference in Krakow, Poland, FAI accepted the *World Anti-Doping Code*. These FAI Anti-Doping Rules and Procedures are designed to implement FAI's responsibilities under this Code, and to reflect FAI's determination to ensure that there is no doping in air sports.

Anti-Doping Rules, like *Competition* rules, govern the conditions under which sport is pursued. *Athletes* accept these rules as a condition of participation. Anti-Doping Rules are not intended to be subject to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and standards set forth in the *World Anti-Doping Code* and implemented in these Anti-Doping Rules and Procedures represent the consensus of a broad spectrum of opinion of those interested in fair sport, and are likely to be respected by all courts and adjudicating bodies.

The use of italics in these Rules and Procedures (for example: "*Athlete*") indicates that the word or phrase concerned is defined in Appendix 1. Readers are invited to consult this important Appendix before reading the document itself, and to become familiar with the definitions shown there, especially with the meaning of terms such as "*Athlete*", which here embraces pilots, parachutists and aeromodellers.

### Fundamental Rationale for the World Anti-Doping Code and FAI's Anti-Doping Rules and Procedures

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is sometimes referred to as "the spirit of sport". This spirit of sport is characterized by such positive elements as:

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

Doping is fundamentally contrary to the spirit of sport.

## Scope

This document consists essentially of text provided by the World Anti-Doping Agency (WADA) and based on the requirements set out in the *World Anti-Doping Code*. In the interests of standardization across all sports and ease of future amendment, WADA terminology has been retained even where this is slightly at variance with traditional FAI usage.

It is not the intention of FAI, nor of WADA, to prohibit the intake of any substance essential for the maintenance of an *Athlete's* health and well-being in the air, and thus for flight safety. In particular, the carriage and use of supplemental oxygen in accordance with the recommendations of the International Civil Aviation Organisation (ICAO) does **not** constitute a violation of any FAI anti-doping rule.

These Anti-Doping Rules and Procedures shall apply to FAI, and where applicable to each *National Airsport Control* of FAI, and each *Participant* in the activities of FAI or any of its *National Airsport Controls* by virtue of the *Participant's* membership, accreditation, or participation in FAI, its *National Airsport Controls*, or their activities or *Events*.

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

These Anti-Doping Rules and Procedures shall apply to all *Doping Controls* over which FAI and its *National Airsport Controls* have jurisdiction.

*National Airsport Controls* and Event Organizers should require all *Participants* to sign an Acknowledgement and Agreement regarding doping in accordance with the format shown at Appendix 2.

## ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.8 of these Anti-Doping Rules and Procedures.

## ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

The following constitute anti-doping rule violations:

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

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

**2.1.2** Sufficient proof of an anti-doping rule violation under article 2.1 is established by either of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or where the *Athlete's B Sample* is analyzed 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*.

**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*

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

**2.2.2** The success or failure of the *Use* 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.

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

**2.4** Violation of applicable requirements regarding *Athlete* availability for *Out-of-Competition Testing*, including failure to file required whereabouts information and missed tests which are declared based on rules which comply with the *International Standard for Testing*. Any combination of three missed tests and/or filing failures within an eighteen-month period as determined by *Anti-Doping Organizations* with jurisdiction over the *Athlete* shall constitute an anti-doping rule violation.

**2.5** *Tampering, or Attempting Tampering*, with any part of *Doping Control*.

**2.6 Possession of Prohibited Substances and Methods**

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

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

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

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

**ARTICLE 3 PROOF OF DOPING**

**3.1 Burdens and Standards of Proof**

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

**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:

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

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

**3.2.2** Departures from any other *International Standard* for *Testing* or other anti-doping rule or policy which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Athlete* or other *Person* establishes that a departure a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused the *Adverse Analytical Finding* occurred, then FAI or its *National Airsport Control* shall have the burden to establish that such a departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

## ARTICLE 4 THE PROHIBITED LIST

### 4.1 Incorporation of the *Prohibited List*

These Anti-Doping Rules and Procedures incorporate the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the *World Anti-Doping Code*. The *Prohibited List* in force is available on WADA's website at: <http://www.wada-ama.org>.

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

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 and Procedures three months after publication of the *Prohibited List* by WADA without requiring any further action by FAI.

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

As provided in Article 4.4.3 of the *World Anti-Doping Code*, WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* shall be final and shall not be subject to challenge by an *Athlete* or other *Person*.

### 4.4 Therapeutic Use

**4.4.1** *Athletes* with a documented medical condition requiring the use of a *Prohibited Substance* or a *Prohibited Method* must first obtain a Therapeutic Use Exemption ("TUE").

**4.4.2** *Athletes* included by FAI in its *Registered Testing Pool* must obtain a TUE from FAI (regardless of whether the *Athlete* previously has received a TUE at the national level). TUE's granted by FAI shall be reported to the *Athlete's National Airsport Control* and to WADA. Other *Athletes* subject to *Testing* may obtain a TUE from their *National Anti-Doping Organization* or other body designated by their *National Airsport Control*. *National Airsport Controls* shall promptly report any such TUE's to FAI and WADA.

**4.4.3** The FAI Executive Board, advised by the FAI Medical and Physiological Commission, shall appoint a panel of physicians to consider requests for TUE's (the "TUE Panel"). Upon FAI's receipt of a TUE request, the Chair of the TUE Panel shall appoint one or more members of the TUE Panel (which may include the Chair) to consider such request. The TUE Panel member(s) so designated shall promptly evaluate such request in accordance with the *International Standard* for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of FAI.

**4.4.3.1** *International-Level Athletes* who are included in the FAI's *Registered Testing Pool*, should apply to FAI for the TUE at the same time the *Athlete* first provides whereabouts information to the FAI and, except in emergency situations, no later than 21 days before the *Athlete's* participation at an *International Event*.

**4.4.3.2** *Athletes* participating in *International Events* who are not included in the FAI *Registered Testing Pool* must, except in emergency situations, ensure that any TUE obtained from their *National Anti-Doping Organization* or other body designated by their *National Airsport Control* is received by FAI no later than 21 days before the *Athlete's* participation at an *International Event*.

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

## **ARTICLE 5 TESTING**

### **5.1 Authority to Test**

All *Athletes* affiliated with a *National Airsport Control* shall be subject to *In-Competition Testing* by FAI, the *Athlete's National Airsport Control*, and any other *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate.

### **5.2 Responsibility for FAI Testing**

The FAI Medico-Physiological Commission shall be responsible for overseeing all *Testing* conducted by FAI. *Testing* may be conducted by members of the FAI Medico-Physiological Commission or by other qualified persons so authorized by FAI.

### **5.3 Testing Standards**

Any *Testing* conducted by FAI and its *National Airsport Controls* shall be in substantial conformity with the *International Standard for Testing* in force at the time of *Testing*.

#### **5.4 Coordination of Testing**

FAI and *National Airsport Controls* shall promptly report completed tests through the WADA clearinghouse to avoid unnecessary duplication in *Testing*.

#### **5.5 Athlete Whereabouts Requirements**

**5.5.1** FAI shall identify a *Registered Testing Pool* of those *Athletes* who are required to provide up-to-date whereabouts information to FAI. FAI may revise its *Registered Testing Pool* from time to time as appropriate. Each *Athlete* in the *Registered Testing Pool* shall file reports with FAI which specify on a daily basis the locations and times where the *Athlete* will be residing, training and competing. *Athletes* shall update this information as necessary so that it is current at all times. The ultimate responsibility for providing whereabouts information rests with each *Athlete*, however, it shall be the responsibility of each *National Airsport Control* to use its best efforts to assist FAI in obtaining whereabouts information as requested by FAI.

**5.5.2** Whereabouts information provided pursuant to Article 5.5.1 shall be shared with WADA and other *Anti-Doping Organizations* having jurisdiction to test an *Athlete* on the strict condition that it be used only for *Doping Control* purposes.

#### **5.6 Retirement and Return to Competition**

**5.6.1** An *Athlete* who has been identified by FAI for inclusion in FAI's *Registered Testing Pool* shall continue to be subject to these Anti-Doping Rules and Procedures, including the obligation to be available for *No Advance Notice Out-of-Competition Testing*, unless and until the *Athlete* gives written notice to FAI that he or she has retired or until he or she no longer satisfies the criteria for inclusion in the FAI's *Registered Testing Pool* and has been so informed by FAI.

**5.6.2** If an *Athlete* or other *Person* retires while a results management process is underway, FAI retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before the results management process has begun, FAI has jurisdiction to conduct results management.

**5.6.3** An *Athlete* who has given notice of retirement to FAI may not resume competing unless he or she notifies FAI at least six months before he or she expects to return to *Competition* and is available for unannounced *Out-of-Competition Testing* at any time during the period before actual return to *Competition*.

#### **5.7 Selection of Athletes to be Tested**

**5.7.1** At *International Events*, the appropriate FAI Air Sport Commission, advised by the FAI Medico-Physiological Commission, shall determine the number of tests to be performed. It shall target a certain number of *Athletes* not necessarily linked to final placements in order to maximize the diversity of *Athletes* tested or based on information provided by the WADA Clearinghouse on previous tests.

**5.7.2** *Athletes* shall be selected for *Out-of-Competition Testing* by the appropriate Commissions and by *National Airport Controls* through a process that substantially complies with the *International Standard for Testing* in force at the time of selection.

## **ARTICLE 6 ANALYSIS OF SAMPLES**

*Samples* collected under these Anti-Doping Rules and Procedures shall be analyzed in accordance with the following principles:

### **6.1 Use of Approved Laboratories**

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

### **6.2 Purpose of Collection and Analysis of Samples**

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

### **6.3 Research on Samples**

No *Sample* may be used for any purpose other than as described in Article 6.2, without the *Athlete's* written consent. *Samples* used 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 analyze *Doping Control Samples* and report results in conformity with the *International Standard for Laboratories*.

## **ARTICLE 7 RESULTS MANAGEMENT**

### **7.1 Results Management for Tests Initiated by FAI**

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

**7.1.1** The results from all analyses must be sent to FAI in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in such a way that the results of the analyses are confidential.

**7.1.2** Upon receipt of an A *Sample Adverse Analytical Finding*, the FAI Independent Doping Review Panel shall conduct a review to determine whether: (a) an applicable therapeutic use exemption 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 International Standard for Laboratories that caused the Adverse Analytical Finding.*

**7.1.2.1** The FAI Executive Board shall appoint an Independent Doping Review Panel consisting of a Chair and 3 other members with experience in anti-doping. The members of this Panel shall be bound by the provisions of the FAI Code of Ethics. In each case the Chair of the panel shall appoint 1 or more members of the panel (which may include the Chair) to conduct the review described in Article 7 and to review any other potential violations of these Anti-Doping Rules and Procedures as may be requested by FAI.

**7.1.3** If the initial review of an *Adverse Analytical Finding* under Article 7.1 does not reveal an applicable therapeutic use exemption entitlement to a therapeutic use exemption as provided in the *International Standard for Therapeutic Use Exemptions* the *Adverse Analytical Finding*, FAI shall promptly notify the *Athlete* of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete's* right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the B *Sample* analysis of the *Athlete* or *Anti-Doping Organization* chooses to request an analysis of the B *Sample*; (e) the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the B *Sample* opening and analysis within the time period specified in the *International Standard for Laboratories* if such analysis is requested; and the *Athlete's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the *International Standard for Laboratories*. The *Anti-Doping Organization* shall also notify the other *Anti-Doping Organizations* described in Article 14.1.2 If the *Anti-Doping Organization* decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete* and the *Anti-Doping Organizations* as described in Article 14.

**7.1.4** Arrangements shall be made for *Testing* the B *Sample* within three weeks of the notification described in Article 7.1.3. An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. FAI may nonetheless elect to proceed with the B *Sample* analysis.

**7.1.5** The *Athlete* and/or his representative shall be allowed to be present at the analysis of the B *Sample*. Also a representative of the *Athlete's National Airsport Control* as well as a representative of FAI shall be allowed to be present.

**7.1.6** If the B *Sample* proves negative, the entire test shall be considered negative and the *Athlete*, his *National Airsport Control*, and FAI shall be so informed.

**7.1.7** If a *Prohibited Substance* or the *Use of a Prohibited Method* is identified, the findings shall be reported to the *Athlete*, his *National Airsport Control*, FAI, and to WADA.

**7.1.8** The FAI Independent Review Panel shall conduct any follow-up investigation as may be required by the *Prohibited List*. Upon completion of such follow-up investigation, FAI shall promptly notify the *Athlete* regarding the results of the follow-up investigation and whether or not FAI asserts that an anti-doping rule was violated.

**7.1.9** For apparent anti-doping rule violations that do not involve *Adverse Analytical Findings*, FAI shall conduct any necessary follow-up investigation and shall then promptly notify the *Athlete* of the anti-doping rule which appears to have been violated, and the basis of the violation.

## **7.2 Provisional Suspensions**

The FAI shall promptly *Provisionally Suspend* an *Athlete* after an *A Sample Adverse Analytical Finding* is received for a *Prohibited Substance*, other than a *Specified Substance*, following the review and notification as described in Article 7.1. The *Athlete* shall either be given the opportunity for a *Provisional Hearing* in accordance with Article 8 on a date which avoids substantial prejudice to the *Athlete*, or the *Athlete* shall be given an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*. FAI may *Provisionally Suspend* an *Athlete* based on *A Sample Adverse Analytical Findings* for *Specified Substances* or other Anti-Doping rule violation. *National Airsport Controls* may impose *Provisional Suspensions* in accordance with the principles set forth in this Article 7.2.

## **ARTICLE 8 RIGHT TO A FAIR HEARING**

### **8.1 Fair Hearings**

When it appears, following the results management process described in Article 7, that these Anti-Doping Rules and Procedures have been violated, the *Athlete* or other *Person* involved shall be brought before a disciplinary panel of the *Athlete* or other *Person's National Airsport Control* for a hearing to adjudicate whether a violation of these Anti-Doping Rules and Procedures occurred and if so what *Consequences* should be imposed. Such hearing process 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 Doping panel's discretion to accept testimony by telephone or written submission);
- the *Person's* right to an interpreter at the hearing, with the Doping 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** Hearings pursuant to this Article shall be completed expeditiously and in all cases within three months of the completion of the Results Management process described in Article 7. Hearings held in connection with *Events* may be conducted by

an expedited process. If the completion of the hearing is delayed beyond three months, FAI may elect, if the *Athlete* is an *International Level Athlete*, to bring the case directly to a single arbitrator from the Court of Arbitration for Sport. The case before the Court of Arbitration for Sport shall be handled in accordance with the Court of Arbitration for Sport appeal procedure without reference to any time limit for appeal. If the completion of the hearing is delayed beyond three months, and the *Athlete* is not an *International Level Athlete*, FAI may elect to bring the case directly to the national level appellate body referenced in Article 13.2.2. In either case, the hearing shall proceed at the responsibility of and the expense of the *National Airsport Control*. In either case the appeal from such decision shall be to the Court of Arbitration for Sport.

**8.3** *National Airsport Controls* shall keep FAI fully apprised as to the status of pending cases and the results of all hearings.

**8.4** FAI shall have the right to attend hearings as an observer.

**8.5** The *Athlete* or other *Person* may forego a hearing by acknowledging the violation of these Anti-Doping Rules and Procedures and accepting *Consequences* consistent with Articles 9 and 10 as proposed by the *National Airsport Control*.

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

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

## **ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

A violation of these Anti-Doping Rules and Procedures 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.

## **ARTICLE 10 SANCTIONS ON INDIVIDUALS**

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

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

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

### **10.2 *Imposition of Ineligibility for Prohibited Substances and Prohibited Methods***

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

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

### **10.3 *Ineligibility for Other Anti-Doping Rule Violations***

The period of *Ineligibility* for other violations of these Anti-Doping Rules and Procedures shall be as follows:

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

**10.3.2** For violations of Article 2.7 (*Trafficking*) or Article 2.8 (Administration of *Prohibited Substance* or *Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility* unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than Specified Substances referenced in Article 4.2, shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, significant violations of such Articles which also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

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

### **10.4 Elimination or Reduction of the period of *Ineligibility* for Specified Substances under Specific Circumstances.**

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

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

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

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

### **10.5.1 No Fault or Negligence**

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

### **10.5.2 No significant Fault or Negligence**

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Significant Fault or Negligence*, then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Sample* in violation of Article 2.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

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

The FAI Executive Board may also reduce the period of *Ineligibility* in an individual case where the *Athlete* or other *Person* has provided substantial assistance to FAI or an *Anti-Doping Organization*, *criminal authority* or *professional disciplinary body* which results in FAI discovering or establishing an anti-doping rule violation by another *Person* or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another *Person*. After a final appellate decision under Article 13 or the expiration of time to appeal, FAI may only suspend a part of the applicable period of *Ineligibility* with the approval of WADA. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than 8 years. If FAI subsequently reinstates any part of the suspended period of *Ineligibility* because the *Athlete* or other *Person* has failed to provide the *Substantial Assistance* which was anticipated, the *Athlete* or other *Person* may appeal the reinstatement pursuant to Article 13.2.

### **10.5.4 Admission of an Anti-Doping Rule Violation in the Absence of other Evidence**

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or in the case of an anti-

doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

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

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

**10.6 Aggravating Circumstances Which May Increase the Period of *Ineligibility***

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

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

**10.7 Multiple Violations**

**10.7.1 Second Anti-Doping Rule Violation**

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

Second Violation First Violation	<b>RS</b>	<b>FFMT</b>	<b>NSF</b>	<b>St</b>	<b>AS</b>	<b>TRA</b>
<b>RS</b>	1-4	2-4	2-4	4-6	8-10	10-life
<b>FFMT</b>	1-4	4-8	4-8	6-8	10-life	life
<b>NSF</b>	1-4	4-8	4-8	6-8	10-life	life
<b>St</b>	2-4	6-8	6-8	8-life	life	life
<b>AS</b>	4-5	10-life	10-life	life	life	life
<b>TRA</b>	8-life	life	life	life	life	life

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

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

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

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

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

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

#### **10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second Violation**

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

#### **10.7.3 Third Anti-Doping Rule Violation.**

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

#### **10.7.4 Additional Rules for Certain Potential Multiple Violations**

For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the FAI (or its *National Airport Control*) can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7 (Results Management), or after FAI (or its *National Airport Control*) made reasonable efforts to give notice, of the first anti-doping rule violation; if the FAI (or its *National Airport Control*) cannot establish this, the violations shall be considered together as one single first

violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, however the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 10.6)

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

#### **10.7.5 Multiple Anti-Doping Rule Violations During Eight-Year Period.**

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

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

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

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

#### **10.8.2 Allocation of Forfeited Prize Money**

Forfeited prize money shall be allocated to reimburse the anti-doping and results management expenses of FAI.

## **10.9 Commencement of *Ineligibility* Period**

Except as provided below, the period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

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

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, the FAI or *Anti-Doping Organization* imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection, or the date on which another anti-doping rule violation last occurred.

### **10.9.2 Timely Admission**

Where the *Athlete* promptly (which, in all events, means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by FAI or *Anti-Doping Organization*, 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 or the date of a hearing decision imposing a sanction.

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

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

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

## **10.10 Status During *Ineligibility***

### **10.10.1 Prohibition Against Participation During *Ineligibility***

No *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in an *Event* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by FAI or any *National Airsport Control* or a club or other member organization of a *National Airsport Control*, or in *Competitions* authorized or organized by any professional league or any international level *Event* organization.

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

A *Person* subject to a period of *Ineligibility* shall remain subject to testing.

#### **10.10.2 Violation of the Prohibition of Participation During Ineligibility**

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

#### **10.10.3 Withholding of Financial Support during Ineligibility**

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

### **10.11 Reinstatement Testing**

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by FAI, the applicable *National Airsport Control*, and any other *Anti-Doping Organization* having *Testing* jurisdiction, and must provide current and accurate whereabouts information as provided in Article 5.5. If an *Athlete* subject to a period of *Ineligibility* retires from sport and is removed from *Out-of-Competition Testing* pools and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified FAI and the applicable *National Airsport Control* and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of the period set forth in Article 5.6 or the period of *Ineligibility* remaining as of the date the *Athlete* had retired.

### **10.12 Imposition of Financial Sanctions**

FAI may impose financial sanctions on account of anti-doping rule violations. However, no financial sanction may be considered a basis for reducing the period of *Ineligibility* or other sanction which would otherwise be applicable under the Code.

## **ARTICLE 11 CONSEQUENCES TO TEAMS**

**11.1** If, in air sports where teams of competitors jointly contribute to the sporting performance, a member of a team is found to have committed a violation of these Anti-Doping Rules and Procedures during an *Event*, the team shall be *Disqualified* from the

*Event*. The *National Airsport Control* organising the event shall conduct appropriate *Target Testing* of the team during the *Event Period*.

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

## **ARTICLE 12 (Deliberately blank.)**

## **ARTICLE 13 APPEALS**

### **13.1 Decisions Subject to Appeal**

Decisions made under these Anti-Doping Rules and Procedures may be appealed as set forth below in Article 13.2 through 13.4 or as otherwise provided in the *Code*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorized in Article [8.7] [8.2.7] must be exhausted, providing that such review respects the principles set forth in Article 13.2.2 except as provided in Article 13.1.1.

#### **13.1.1 WADA not Required to Exhaust Internal Remedies**

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

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed, a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.10.2 (prohibition of participation during *Ineligibility*); a decision that the FAI or its *National Airsport Control* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision by the FAI not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.4; [and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or otherwise in violation of Article 7.5] may be appealed exclusively as provided in this Article 13.2. [Notwithstanding any other provision herein, the only *Person* that may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.]

#### **13.2.1 Appeals involving International-Level *Athletes***

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

### **13.2.2 Appeals involving National-Level *Athletes***

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

### **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) FAI (d) the National *Anti-Doping Organization* of the *Person's* residence; the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (e) *WADA*.

In cases under Article 13.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the *National Airsport Control'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) FAI; and (d) the National *Anti-Doping Organization* of the *Person's* country of residence; (e) *WADA*. For cases under Article 13.2.2, *WADA* and FAI shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body. Any party filing an appeal shall be entitled to assistance from *CAS* to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if *CAS* so directs.

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

(a) Twenty-one (21) days after the last day on which any other party in the case could have appealed.

(b) Twenty-one (21) days after *WADA's* receipt of the complete file relating to the decision

### **13.3 Failure to Render a Timely Decision by an *Anti-Doping Organization***

Where, in a particular case, an *Anti-Doping Organization* fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if the *Anti-Doping Organization* had rendered a decision finding no anti-doping rule violation. If the CAS panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney's fees in prosecuting the appeal shall be reimbursed to WADA by the *Anti-Doping Organization*.

### **13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption**

Decisions by WADA reversing the grant or denial of a TUE exemption may be appealed exclusively to CAS by the *Athlete*, FAI, or *National Anti-Doping Organization* or other body designated by a *National Airsport Control* which granted or denied the exemption. Decisions to deny therapeutic use exemptions, and which are not reversed by WADA, may be appealed by *International-Level Athletes* to CAS and by other *Athletes* to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a therapeutic use exemption, that decision may be appealed to CAS by WADA.

When an *Anti-Doping Organization* fails to take action on a properly submitted therapeutic use exemption application within a reasonable time, the *Anti-Doping Organization's* failure to decide may be considered a denial for purposes of the appeal rights provided in this article.

### **13.5 Appeal from Decisions Pursuant to Article 12**

Decisions by FAI pursuant to Article 12 may be appealed exclusively to CAS by the *National Airsport Control*.

### **13.6 Time for Filing Appeals**

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

- a) Within ten (10) days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;
- b) If such a request is made within the ten-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

## **ARTICLE 14 NATIONAL AIRSPORT CONTROLS' INCORPORATION OF FAI RULES, REPORTING AND RECOGNITION**

### **14.1 Incorporation of FAI Anti-Doping Rules and Procedures**

All *National Airsport Controls* shall adopt these Anti-Doping Rules and Procedures. These Anti-Doping Rules and Procedures shall be incorporated either directly or by reference into each *National Airsport Control's* Rules. All *National Airsport Controls* shall

include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules and Procedures. The Rules of each *National Airsport Control* shall specifically provide that all *Athletes*, *Athlete Support Personnel* and other *Persons* under the jurisdiction of the *National Airsport Control* shall be bound by these Anti-Doping Rules and Procedures.

#### **14.2 Public Disclosure**

Neither FAI nor its *National Airsport Control* shall publicly identify *Athletes* whose *Samples* have resulted in *Adverse Analytical Findings*, or who were alleged to have violated other Articles of these Anti-Doping Rules and Procedures until it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, or the *Athlete* has been *Provisionally Suspended*. Once a violation of these Anti-Doping Rules and Procedures has been established, it shall be publicly reported within 20 days on the FAI website.

#### **14.3 Recognition of Decisions by FAI and *National Airsport Controls***

Any decision of FAI or a *National Airsport Control* regarding a violation of these Anti-Doping Rules and Procedures shall be recognized by all *National Airsport Controls*, which shall take all necessary action to render such results effective.

### **ARTICLE 15 RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS**

Subject to the right to appeal provided in Article 13, the *Testing*, therapeutic use exemptions and hearing results or other final adjudications of any *Signatory* to the *World Anti-Doping Code* which are consistent with that *Code* and are within the *Signatory's* authority, shall be recognised and respected by FAI and its *National Airsport Controls*. FAI and its *National Airsport Controls* shall recognize the same actions of other bodies which have not accepted the *World Anti-Doping Code* if the rules of those bodies are otherwise consistent with that *Code*.

### **ARTICLE 16 STATUTE OF LIMITATIONS**

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

### **ARTICLE 17 FAI COMPLIANCE REPORTS TO WADA**

FAI will report to *WADA* on the FAI's compliance with the *World Anti-Doping Code* every second year and will explain reasons for any noncompliance.

### **ARTICLE 18 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES AND PROCEDURES**

**18.1** These Anti-Doping Rules and Procedures may be amended from time to time under the authority of the FAI Executive Board.

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

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

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

**18.5** These Anti-Doping Rules and Procedures have been adopted pursuant to the applicable provisions of the *World Anti-Doping Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *World Anti-Doping Code*. The comments annotating various provisions of the *World Anti-Doping Code* may, where applicable, assist in the understanding and interpretation of these Anti-Doping Rules and Procedures.

**18.6** Notice to an *Athlete* or other *Person* who is a member of a *National Airport Control* may be accomplished by delivery of the notice to the *National Airport Control*.

**18.7** These Anti-Doping Rules and Procedures shall not apply retrospectively to matters pending before the date these Anti-Doping Rules and Procedures came into effect.

## 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.

Adverse Analytical Finding. A report from a laboratory or other WADA-approved entity that, consistent with the *International Standard for Laboratories and 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*.

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

Athlete. Any *Person* who participates in sport at the international level (as defined by each International Federation) or national level (as defined by each *National Anti-Doping Organization*) including but not limited to those *Persons* in its *Registered Testing Pool*, and any other competitor in sport who is otherwise subject to the jurisdiction of any *Signatory* or other sports organization accepting the *Code*. All provisions of the *Code*, including, for example, testing, and therapeutic use exemptions must be applied to international and national-level competitors. Some *National Anti-Doping Organizations* are not required, however, to apply all aspects of the *Code* to such *Persons*. Specific national rules may be established for Doping Control for non-international-level or national-level competitors without being in conflict with the *Code*. Thus, a country could elect to test recreational-level competitors but not require therapeutic use exemptions or whereabouts information. In the same manner, a *Major Event Organization* holding an *Event* only for masters-level competitors could elect to test the competitors but not require advance therapeutic use exemptions or whereabouts information. For purposes of Article 2.8 (Administration or Attempted Administration) and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *World Anti-Doping Code* is an *Athlete*.

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

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

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

Competition. A single race, match, game or singular athletic contest. For example, a basketball game or the finals of the Olympic 100-metre race in athletics. For stage races and other athletic contests where prizes are awarded on a daily or other interim basis the

distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

*Consequences of Anti-Doping Rules Violations.* An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.9; [and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).]

*Disqualification.* See *Consequences of Anti-Doping Rules 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, therapeutic use exemptions results management, and hearings.

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

*In-Competition.* Unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organization*, "*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*.

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

*Ineligibility.* See *Consequences of Anti-Doping Rules Violations* above.

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

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

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

*International Standard.* A standard adopted by WADA in support of the *World Anti-Doping 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 Organizations. This term refers to the continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*.

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

Metabolite. Any substance produced by a biotransformation process.

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

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

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

National Airsport Control (NAC). A national or regional entity which is a member of FAI or holds sporting powers delegated by a FAI member and is recognized by FAI as the entity governing the FAI's sport(s) in that nation or region.

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

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

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

No Significant Fault or Negligence. The *Athlete's* establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation.

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

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

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

Possession. The actual, physical possession, or the constructive possession (which shall be found only if the *Person* has exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists); provided, however, that if the

*Person* does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive possession shall only be found if the *Person* knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on possession if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have possession and has renounced possession by explicitly declaring it to an *Anti-Doping Organization*. 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.

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

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

*Prohibited Substance*. Any substance so described on the *Prohibited List*.

*Provisional Hearing*. For purposes of Article 7.5, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

[*Provisional Suspension*. See *Consequences* above.]

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

*Registered Testing Pool*. The pool of top level *Athletes* established separately by each International Federation and *National Anti-Doping Organization* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or Organization's test distribution plan. Each International Federation shall publish a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria.

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

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

*Substantial Assistance*: For purposes of Article 10.5.3, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

*Tampering*. Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly: obstructing, misleading or engaging in any

fraudulent conduct to alter results or prevent normal procedures from occurring; or providing fraudulent information to an *Anti-Doping Organization*.

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

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

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

*Trafficking.* Selling, giving, transporting, sending, delivering or distributing a *Prohibited Substance* or *Prohibited Method* (either physically or by any other electronic or other means) by an *Athlete*, *Athlete Support Personnel* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organization* 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.

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

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

*WADA.* The World Anti-Doping Agency

World Anti-Doping Code. The document approved in Copenhagen in March 2003 that seeks to harmonize anti-doping regulations for all sports and in all countries (see: <http://www.wada-ama.org/> ).

## APPENDIX 2 - Acknowledgment and Agreement

I, as a member of [National Airsport Control] and/or a participant in a [National Airsport Control or FAI] authorized or recognized event, hereby acknowledge and agree as follows:

1. I have received and had an opportunity to review the FAI Anti-Doping Rules and Procedures.
2. I consent and agree to comply with and be bound by all of the provisions of the FAI Anti-Doping Rules and Procedures, including but not limited to, all amendments to the Anti-Doping Rules and Procedures and all International Standards incorporated in the Anti-Doping Rules and Procedures.
3. I acknowledge and agree that National Airsport Controls and FAI have jurisdiction to impose sanctions as provided in the FAI Anti-Doping Rules and Procedures.
4. I also acknowledge and agree that any dispute arising out of a decision made pursuant to the FAI Anti-Doping Rules and Procedures, after exhaustion of the process expressly provided for in the FAI Anti-Doping Rules and Procedures, may be appealed exclusively as provided in Article 13 of the FAI Anti-Doping Rules and Procedures to an appellate body for final and binding arbitration, which in the case of International-Level *Athletes* is the Court of Arbitration for Sport.
5. I acknowledge and agree that the decisions of the arbitral appellate body referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.
6. I have read and understand this Acknowledgement and Agreement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name (Last Name, First Name)

\_\_\_\_\_  
Date of Birth  
(Day/Month/Year)

\_\_\_\_\_  
Signature (or, if a minor, signature of  
legal guardian)