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ISU ANTI-DOPING RULES

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INTRODUCTION

Preface

This Communication is issued based on Rule 139 of the current ISU General Regulations and in accordance with the World Anti-Doping Code (hereinafter “the Code”).

As a condition of participation in ISU activities, especially ISU Events and Competitions according to Rules 100/3, b) and c) and 107 of the ISU General Regulations each ISU Member shall adopt these ISU Anti-Doping Rules as effective to govern the conduct of all Skaters, and other Persons participating or claiming the right to participate in the national and international sporting activities of the ISU Member. Each ISU Member shall cooperate fully in all aspects of the ISU Anti-Doping program, and designate an appropriate independent national body, committee or tribunal to consider claimed violations of the ISU Anti-Doping Rules occurring on the national basis level and to apply sanctions when appropriate.

The ISU shall have sole jurisdiction over alleged violations of the ISU Anti-Doping Rules of Skaters, and other Persons which relate to their participation in ISU Events according to Rule 100/3, b) and c) of the General Regulations or to Out-of-Competition Testing of International-level Skaters and or to seminars or training programs and camps that are organized, financed and/or sponsored by the ISU.

By Agreement between the ISU and WADA, and to meet conditions required by the IOC for ISU participation in the Olympic Winter Games, jurisdiction of the ISU may be shared or superseded as specified in such Agreement or conditions.

Fundamental Rationale for the Code and ISU Anti-Doping Rules

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

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

Doping is fundamentally contrary to the spirit of sport.

Scope of these ISU Anti-Doping Rules

These ISU Anti-Doping Rules shall apply to the ISU, its Members, their members, Skaters, Skaters Support Personnel, other Persons and each participant in activities of the ISU and its Members.
These ISU Anti-Doping Rules shall apply to all Anti-Doping Testing over which the ISU and its Members have jurisdiction.

It is the responsibility of the ISU Members, to ensure that all national-level testing on their Skaters complies with these ISU Anti-Doping Rules. In some countries, the ISU Member itself will be conducting the Anti-Doping Testing described in these ISU Anti-Doping Rules. In other countries, many of the Anti-Doping Testing responsibilities of the ISU Members have been delegated or assigned by statute or agreement to a National Anti-Doping Organization. In those countries, references in these ISU Anti-Doping Rules to the ISU Member shall apply, as applicable, to the Member’s National Anti-Doping Organization.

The following Skaters are considered to be International-Level Skaters to whom the specific provisions of these ISU Anti-Doping Rules regarding Testing, TUEs, whereabouts information, results management and appeals apply:

a. Any Skater who is part of the ISU Registered Testing Pool.

b. Any Skater who participates in ISU Events, according to Rule 100/3, b) and c) of the ISU General Regulations.

ISU Events according to Rule 100/3, b) and c) of the ISU General Regulations currently organized are:

- ISU Championships
- ISU Grand Prix of Figure Skating Final and Series (ISU Grand Prix of Figure Skating)
- ISU Junior Grand Prix of Figure Skating Final and Series (ISU Junior Grand Prix of Figure Skating)
- ISU World Team Trophy in Figure Skating
- ISU Synchronized Skating Junior World Challenge Cup
- ISU Speed Skating World Cup Senior and Junior
- ISU Short Track Speed Skating World Cup
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 ISU 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.

Skaters 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 a Skater’s Sample

2.1.1 It is each Skater’s personal duty to ensure that no Prohibited Substance enters his or her body. Skaters 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 Skater’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 a Skater’s Fault. This rule has been referred to in various CAS decisions as “Strict Liability”. A Skater’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 Skater’s A Sample where the Skater waives analysis of the B Sample and the B Sample is not analyzed; or, where the Skater’s B Sample is analyzed and the analysis of the Skater’s B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Skater’s A Sample; or, where the Skater’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 analyzed even if the Skater 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 a Skater’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 a Skater of a Prohibited Substance or a Prohibited Method
2.2.1 It is each Skater’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 Skater’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 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 authorized in these ISU Anti-Doping Rules or other applicable anti-doping rules.

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 a Skater 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 Organization, 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 organizations.]

2.6 Possession of a Prohibited Substance or a Prohibited Method

2.6.1 Possession by a Skater In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Skater Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Skater 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 a Skater Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Skater Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with a Skater, Competition or training, unless the Skater Support Person establishes that the Possession is consistent with a TUE granted to a Skater 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 Skater In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Skater 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 a Skater or other Person subject to the authority of an Anti-Doping Organization in a professional or sport-related capacity with any Skater Support Person who:

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

2.10.2 If not subject to the authority of an Anti-Doping Organization 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 Skater or other Person has previously been advised in writing by an Anti-Doping Organization with jurisdiction over the Skater or other Person, or by WADA, of the Skater Support Person’s disqualifying status and the potential Consequence of prohibited association and that the Skater or other Person can reasonably avoid the association. The Anti-Doping Organization shall also use reasonable efforts to advise the Skater Support Person who is the subject of the notice to the Skater or other Person that the Skater Support Person may, within 15 days, come forward to the Anti-Doping Organization 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 Skater Support Person’s disqualifying conduct occurred prior to the effective date provided in Article 20.7.)

The burden shall be on the Skater or other Person to establish that any association with Skater Support Personnel described in Article 2.10.1 or 2.10.2 is not in a professional or sport-related capacity. Anti-Doping Organizations that are aware of Skater 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: Skater and other Persons must not work with coaches, trainers, physicians or other Skater 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 Skater Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.]

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

The ISU shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the ISU 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 ISU Anti-Doping Rules place the burden of proof upon the Skater 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 the ISU 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, the ISU may establish an anti-doping rule violation under Article 2.2 based on the Skater’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 Skater’s blood or urine Samples, such as data from the Skater Biological Passport.]

3.2.1 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subjects of peer review are presumed to be scientifically valid. Any Skater 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 Skater 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 Skater or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the ISU 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 Skater 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 Skater or other Person does so, the burden shifts to the ISU 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 ISU 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 Skater 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 the ISU shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the ISU 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 Skater or other Person to whom the decision pertained of those facts unless the Skater or other Person establishes that the decision violated principles of natural justice.
3.2.5 The hearing panel in a hearing on an ISU Anti-Doping Rule Violation may draw an inference adverse to the Skater or other Person who is asserted to have committed an anti-doping rule violation based on the Skater’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 ISU.

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the Prohibited List

These ISU Anti-Doping Rules incorporate the Prohibited List, which is published and revised by WADA as described in Article 4.1 of the Code. All ISU Members are obliged to respect any amendments to the Prohibited List and ensure that the current Prohibited List is available to its members and constituents.

[Comment to Article 4.1: The current Prohibited List is available on WADA’s website at www.wada-ama.org and on the ISU website at www.isu.org]

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 ISU Anti-Doping Rules three months after publication by WADA, without requiring any further action by the ISU or its Members. All Skaters 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 Skaters and other Persons to familiarize 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 a Skater 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 a Skater 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.

An International-Level Skater must apply for any TUE to the ISU.

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

4.4.2.1 If the Skater has a TUE granted by his or her National Anti-Doping Organization for the substance or method in question, that TUE is not automatically valid for ISU Events. Rather, the Skater must apply to the ISU to recognize 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, the ISU shall recognize it for purposes of ISU Events. If the ISU considers that the TUE does not meet those criteria and refuses to recognize it, the ISU shall notify the Skater and his or her National Anti-Doping Organization promptly, with reasons. The Skater and the National Anti-Doping Organization 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 Organization remains valid except for ISU Events pending WADA’s decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose including national-level competitions at the expiry of the 21-day review deadline.

[Comment to Article 4.4.2.1: If the ISU refuses to recognize 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 set out in the International Standard for Therapeutic Use Exemptions, the matter shall not be referred to WADA. Instead, the file shall be completed and re-submitted to the ISU.]

4.4.2.2 If the Skater does not already have a TUE granted by his/her National Anti-Doping Organization for the substance or method in question, the Skater must apply directly to the ISU for a TUE in accordance with the process set out in the International Standard for Therapeutic Use Exemptions, using the form posted on the ISU website at https://www.isu.org/anti-doping Therapeutic Use Exemption. If the ISU denies the Skater’s application, it must notify the Skater promptly, with reasons. If the ISU grants the Skater’s application, it shall notify not only the Skater but also his/her National Anti-Doping Organization. If the National Anti-Doping Organization considers that the TUE granted by the ISU 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 Organization refers the matter to WADA for review, the TUE granted by the ISU remains valid for ISU Events and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA’s decision. If the National Anti-Doping
Organization does not refer the matter to WADA for review, the TUE granted by the ISU becomes valid for national-level Competition as well upon expiry of the 21-day review deadline.

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

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

4.4.4 An application to the ISU 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 Skater’s next ISU Event. The members of the ISU Medical Commission are the ISU’s standing “TUE Committee.” The ISU standing “TUE Committee” for considering application for the grant or recognition of TUEs consists of the members of the ISU Medical Commission and Medical experts appointed by the ISU. Upon receipt of a TUE request, the ISU’s Anti-Doping Administrator shall appoint 3 members of the TUE Committee who will form the panel for this request. The panel shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions. Its decision shall be the final decision of the ISU, and shall be reported to the Skater’s Member, WADA and other relevant Anti-Doping Organizations, including the Skater’s National Anti-Doping Organization, 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 Organization for such a TUE) may result in a charge of Tampering or Attempted Tampering under Article 2.5.

A Skater may 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 Skater’s own risk.]

4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a TUE

4.4.5.1 A TUE granted pursuant to these ISU 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 Skater 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 met; or (d) may be reversed on review by WADA or on appeal.
4.4.5.2 In such event, the Skater shall not be subject to any Consequences based on his/her Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, cancellation, withdrawal or reversal of the TUE. The review pursuant to Article 7.2 of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.6 Reviews and Appeals of TUE Decisions

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

4.4.6.2 Any TUE decision by the ISU that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Skater and/or the Skater’s National Anti-Doping Organization exclusively to CAS, in accordance with Article 13.

[Comment to Article 4.4.6.2: In such cases, the decision being appealed is the ISU’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 Skater, the National Anti-Doping Organization and/or the ISU 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 ISU Anti-Doping Rules and ISU Anti-Doping Procedures supplementing that International Standard.

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

5.1.2 Investigations shall be undertaken:

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

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

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

5.2 Authority to conduct Testing

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

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

[Comment to Article 5.2.2: Unless the Skater has identified a 60-minute time-slot for Testing between the hours of 11 pm and 6 am, or has otherwise consented to Testing during that period, the ISU will not test a Skater during that period unless it has a serious and specific suspicion that the Skater may be engaged in doping. A challenge to whether the ISU 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 the ISU delegates or contracts any part of Testing to a National Anti-Doping Organization (directly or through its respective Member), that National Anti-Doping Organization may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping
Organization’s expense. If additional Samples are collected or additional types of analysis are performed, the ISU shall be notified.

5.3 Event Testing

5.3.1 Except as provided in Article 5.3 of the Code, only a single organization shall be responsible for initiating and directing Testing at Event Venues during an Event Period. At ISU Events, Open International Competitions and Olympic Qualifying Events, the collection of Samples shall be initiated and directed by the ISU. At the request of the ISU, any Testing during the Event Period outside of the Event Venues shall be coordinated with the ISU.

5.3.2 If an Anti-Doping Organization which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Skaters at the Event Venues during the Event Period, the Anti-Doping Organization shall first confer with the ISU (or any other international organization which is the ruling body of the Event) to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organization is not satisfied with the response from the ISU (or any other international organization which is the ruling body of the Event), the Anti-Doping Organization 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 the ISU (or any other international organization which is the ruling body for the Event). WADA’s decision shall be final and not subject to appeal. Unless otherwise provided in the authorization 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 Organization initiating the test unless provided otherwise in the rules of the ruling body of the Event.

5.3.3 Any Skater who achieves a World Record result must have been selected for doping control on the day of the race and have tested negative on the day of the race as per . For the selection for doping control of Skaters who achieve a World Record Rule 221, 2 (f, h), (i) and (j) and Rule 292, 1 (d, e), (f) and (g) of the ISU Special Regulations for Speed Skating and Short Track Speed Skating apply.

5.4 Test Distribution Planning

Consistent with the International Standard for Testing and Investigations, and in coordination with other Anti-Doping Organizations conducting Testing on the same Skaters, the ISU Anti-Doping Administrator jointly with the ISU Medical Commission shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of Skaters, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. The ISU 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  **Skater Whereabouts Information**

5.6.1  The ISU shall identify a Registered Testing Pool of those Skaters 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 Skaters included in its Registered Testing Pool by name. This list shall be published on the ISU Website (www.isu.org). The ISU shall coordinate with National Anti-Doping Organizations the identification of such Skaters and the collection of their whereabouts information. The ISU shall review and update as necessary its criteria for including Skaters 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, which shall be published on the ISU website (www.isu.org). Skaters shall be notified when they are included in a Registered Testing Pool and when they are removed from that pool. Each Skater 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 the ISU 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, a Skater’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  A Skater in the ISU’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 Skater gives written notice to the ISU that he/she has retired or (b) the ISU has informed him or her that he/she no longer satisfies the criteria for inclusion in ISU’s Registered Testing Pool.

5.6.4  Whereabouts information relating to a Skater shall be shared (through ADAMS) with WADA and other Anti-Doping Organizations having authority to test that Skater, 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 Skaters Returning to Competition

5.7.1 A Skater who has been informed about his/her future inclusion in the ISU Registered Testing Pool or who is included in the ISU Registered Testing Pool must give written notice to the ISU that he/she has retired or that he/she is temporarily not participating in any ISU Event. Failure to do so can result in a disciplinary sanction according to Article 24/25 of the ISU Constitution.

5.7.2 A Skater in the ISU’s Registered Testing Pool who has given notice of retirement or of temporary non participation in ISU Events may not resume competing in ISU Events until he/she has given the ISU 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 ISU Events, including, if applicable, complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. The ISU, in consultation with WADA and the Skater’s National Anti-Doping Organization, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair. The refusal to grant such exemption may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be Disqualified.

5.7.3 If a Skater retires from sport while subject to a period of Ineligibility, the Skater shall not resume competing in ISU Events, Competitions according to Rule 107 of the ISU General Regulations or National Events until the Skater has given six months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Skater retired, if that period was longer than six months) to the ISU and to his/her National Anti-Doping Organization of his/her intent to resume competing and has made him/herself available for Testing for that notice period, including, if applicable, complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.8 Independent Observer Program

The ISU and the organizing committees for ISU Events, as well as ISU Members and the organizing committees for Competitions according to Rule 107 of the ISU General Regulations and of National Events, shall authorize and facilitate the Independent Observer Program at such Events.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories

For purposes of Article 2.1, Samples shall be analyzed 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 the ISU or the Anti-Doping Agency acting on its behalf.

[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 analyzed to detect Prohibited Substances and Prohibited Methods and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the Code; or to assist the ISU in profiling relevant parameters in a Skater’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 The ISU shall ask laboratories to analyze 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 Skater’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 Skater.

6.4 Standards for Sample Analysis and Reporting

Laboratories shall analyze 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 analyze Samples in conformity with those menus, except as follows:

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

6.4.2 The ISU may request that laboratories analyze 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 analyze 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 recognized 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 analyzed.]

6.5 Further Analysis of Samples

Any Sample may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2. (a) by WADA at any time; and/or (b) by the ISU at any
time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by the ISU to the Skater 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

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

7.2 Review of Adverse Analytical Findings from Tests Initiated by the ISU

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

7.2.1 The results from all analyses must be sent to the ISU in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted confidentially and in conformity with ADAMS.

7.2.2 Upon receipt of an Adverse Analytical Finding, the ISU Anti-Doping Administrator 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 Atypical Finding, the entire test shall be considered negative and the Skater through the ISU Member, the Skater’s National Anti-Doping Organization 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 ISU Anti-Doping Rules, the ISU Anti-Doping Procedures, International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, the ISU Anti-Doping Administrator shall promptly notify the ISU Member which shall promptly forward such notification to the Skater. The ISU shall simultaneously notify the
Skater’s National Anti-Doping Organization and WADA, in the manner set out in Article 14.1.

In addition to the information required under Art. 14.1.3, the notification shall include:

a) the Adverse Analytical Finding;
b) the ISU Anti-Doping Rule violated;
c) the Skater’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 Skater or the ISU chooses to request an analysis of the B Sample;
e) the opportunity for the Skater and/or the Skater’s representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested;
f) the Skater's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories;
g) the Skater’s right, within 15 days from receipt of notification of the positive A sample, to submit a written explanation to the ISU Director General about the overall circumstances of the case or to dispute the ISU assertion that an anti-doping rule violation has occurred;
h) the imposition of a Provisional Suspension, if applicable;
i) the Skater’s opportunity to promptly admit the anti-doping rule violation and consequently request the reduction of the period of ineligibility according to art 10.6.3 of these ISU Anti-Doping Rules;
j) the Skater’s opportunity to cooperate and provide Substantial Assistance in discovering or establishing anti-doping rule violations according to art 10.6.1 of these ISU Anti-Doping Rules.

If the ISU decides not to bring forward the Adverse Analytical Finding as an ISU Anti-Doping Rule Violation, it shall so notify the Skater through the Member, the Athlete’s National Anti-Doping Organization and WADA.

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

7.3.3 The Skater and/or his/her representative shall be allowed to be present at the analysis of the B Sample. Also, a representative of the ISU as well as a representative of the Skater's National Federation shall be allowed to be present.

7.3.4 If the B Sample analysis does not confirm the A Sample analysis, the entire test shall be considered negative and the Skater through the ISU Member, the Skater’s National Anti-Doping Organization and WADA shall be so informed, unless the ISU takes the case forward as an ISU Anti-Doping Rule Violation under Article 2.2
7.3.5 If the B Sample analysis confirms the A Sample analysis, the findings shall be reported to the Skater through the ISU Member, the Skater’s National Anti-Doping Organization and to WADA.

7.4 Review of Atypical Findings

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

7.4.2 Upon receipt of an Atypical Finding, the ISU Anti-Doping Administrator 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 Skater through the ISU Member, the Skater’s National Anti-Doping Organization and WADA shall be so informed.

7.4.4 If the 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, the ISU Anti-Doping Administrator 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 Skater through the ISU Member, the Skater’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 The ISU will not provide notice of an Atypical Finding until it has completed its investigation and has decided whether it will bring the Atypical Finding forward as an Adverse Analytical Finding unless one of the following circumstances exists:

7.4.5.1 If the ISU determines the B Sample should be analyzed prior to the conclusion of its investigation, it may conduct the B Sample analysis after notifying the Skater through the ISU Member, 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 the ISU is asked (a) by a Major Event Organization shortly before one of its International Events, or (b) by a sport organization responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Skater identified on a list provided by the Major Event Organization or sport
organization has a pending Atypical Finding, the ISU shall so advise the Major Event Organization or sports organization after first providing notice of the Atypical Finding to the Skater through the ISU Member.

7.5 Review of Atypical Passport Findings and Adverse Passport Findings

Review of Atypical Passport Findings and Adverse Passport Findings shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as the ISU is satisfied that an ISU Anti-Doping Rule Violation has occurred, it shall promptly give the Skater through the ISU Member, the Skater’s National Anti-Doping Organization and WADA notice of the ISU Anti-Doping Rule Violation asserted and the basis of that assertion.

7.6 Review of Whereabouts Failures

The ISU shall review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations, in respect of Skaters who file their whereabouts information with the ISU, in accordance with Annex I to the International Standard for Testing and Investigations. If the ISU is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the Skater through the ISU Member, the Skater’s National Anti-Doping Organization and WADA notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

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

The ISU shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2–7.6. If the ISU is satisfied that an ISU Anti-Doping Rule Violation has occurred, it shall promptly give the Skater through the ISU Member or other Person (and simultaneously the Skater’s or other Person’s National Anti-Doping Organization and WADA) notice of the ISU Anti-Doping Rule Violation asserted and the basis of that assertion.

7.8 Identification of Prior Anti-Doping Rule Violations

Before giving a Skater or other Person notice of an asserted ISU Anti-Doping Rule Violation as provided above, the ISU shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations 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, 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, the ISU Director General, after approval by the ISU President may impose a *Provisional Suspension* on the Skater 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 Skater or other *Person* may request to be given either:

(a) 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*.

If the Skater or Other *Person* requests a *Provisional Hearing* the case will be submitted to the ISU Disciplinary Commission.

7.9.3.1 The *Provisional Suspension* shall be lifted if the Skater demonstrates to the ISU Disciplinary Commission that

a) the violation is likely to have involved a *Contaminated Product*; or b) 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 Skater or other *Person*; or
c) the Skater 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 violation is likely to be eliminated by application of Article 10.4; or
d) other facts make it seems disproportionate in consideration of all circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8.

The ISU Disciplinary Commission decision shall not be appealable.

[Comment to Article 7.9.3.1.d): This provision is to be construed narrowly and to be applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Skater or other *Person* from participating in a particular Competition or Event shall not qualify as exceptional circumstance 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, the Director General *President* shall lift the Provisional Suspension with immediate effect.

7.10 **Resolution Without an Oral Hearing**

7.10.1 A *Skater* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time.

7.10.2 A *Skater* or other *Person* against whom an anti-doping rule violation is asserted may waive an oral hearing either explicitly or by failing to request an oral hearing within the deadline specified by the ISU Disciplinary Commission.
7.11 Notification of Results Management Decisions

In all cases where the ISU has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a Provisional Suspension, the ISU shall give notice thereof in accordance with Article 14.2.1 to other Anti-Doping Organizations with a right to appeal under Article 13.2.3.

7.12 Retirement from Sport

If a Skater or other Person retires while the ISU is conducting the results management process, the ISU retains jurisdiction to complete its results management process. If a Skater or other Person retires before any results management process has begun, and the ISU would have had results management authority over the Skater or other Person at the time the Skater or other Person committed an anti-doping rule violation, the ISU has authority to conduct results management in respect of that anti-doping rule violation.

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

7.13 Results Management for Tests initiated by ISU Members

Results management conducted by ISU Members shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in Article 7. Results of all ISU Anti-Doping Tests shall be reported to the ISU and to WADA within ten (10) days of the conclusion of the Member’s results management process. Any apparent anti-doping rule violation by a Skater who is a member of that ISU Member shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the Member or national law according to the principles of the Code. Apparent anti-doping rule violations by Skaters who are members of another ISU Member shall be referred to the ISU to pass on to the Skater’s Member for hearing.

7.13.1 Any sanction imposed by an ISU Member upon its members for an Adverse Analytical Findings shall be in compliance with those specified in Article 10 of these ISU Anti-Doping Rules. In the case that the sanction applied by the ISU Member for an anti-doping rule violation is below the lower limit of the sanction that would be applicable under these ISU Anti-Doping Rules, the ISU Council shall have the right to apply sanctions to the ISU Member according to these ISU Anti-Doping Rules and to file a complaint to the ISU Disciplinary Commission asking that the correct sanctions specified in Article 10 be applied to the Skater concerned, which sanction will be applicable for any national and international appearances of the Skater.

7.13.2 All decisions taken by the body designated by the ISU Member to decide cases of alleged violation of the ISU Anti-Doping rules shall be rendered in writing and English-language true copies of such decisions shall be sent within ten (10) days after the date such decision is taken, by email or postal mail to the ISU Director General and WADA.

The ISU Member shall at the same time inform the ISU and WADA about the name of the appellate tribunal and whether or not an appeal has been or will be lodged, mentioning all relevant dates and deadlines. If an appeal is filed, the ISU Member shall notify the ISU and WADA within ten (10) days upon receipt of
the decision of the appellate body attaching English-language true copies thereof to such notice. The appeal procedures shall be in compliance with the principles specified in Article 13 of these ISU Anti-Doping Rules and article 13 of the Code.

ARTICLE 8  RIGHT TO A FAIR HEARING

8.1 Principles for a Fair Hearing

8.1.1 If the ISU sends a notice to a Skater or other Person asserting an ISU Anti-Doping Rule Violation, the case shall be referred to the ISU Disciplinary Commission for hearing and deciding the case.

8.1.2 Oral Hearings, if applicable, shall be scheduled without delay and the hearing procedure and the decision of the ISU Disciplinary Commission rendered within a reasonable time. Oral Hearings held in connection with Events or Competition that are subject to these ISU 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 Skater's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Skater's results or continued participation in the Event.]

8.1.3 If an oral hearing takes place, WADA and a representative of the Member of the Skater or other Person may attend as observers. In any event, the ISU shall keep WADA fully apprised as to the status of pending cases and the final decision of the ISU Disciplinary Commission.

8.2 Decisions

8.2.1 At the end of the hearing, or on a timely basis thereafter, the ISU Disciplinary Commission 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 Skater or other Person and to other Anti-Doping Organizations 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 Skater or other Person who is the subject of the decision. The ISU 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 Skater or other Person may approve.

8.3 Single Hearing Before CAS

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

[Comment to Article 8.2: Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organization that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]

8.4 Hearings Arising Out of National Testing

8.4.1 If the results management process described in Article 7 indicates a violation of these ISU Anti-Doping Rules in connection with Testing other than with WADA Testing, ISU Testing or Testing at an ISU Event, the Skater or other Person involved shall be brought before the hearing panel of the Skater’s or other Person’s Member.

8.4.2 In proceedings before the hearing panel of the Skater or other Person’s Member, the principles for the fair hearing according to Article 8 apply. If the completion of the hearing is delayed beyond three months, the respective ISU Member shall be requested to give reasons and be warned of the sanctions according to Article 12.1 and 3 of these ISU Anti-Doping Rules.

8.4.3 ISU Members shall keep the ISU and WADA informed as to the status of pending cases and the results of all hearings.

8.4.4 The ISU and WADA shall have the right to attend oral hearings, if conducted, as an observer.

8.4.5 Decisions by ISU Members and the ISU Member’s hearing bodies, whether as the result of a hearing or the Skater or other Person’s acceptance of Consequences, may be appealed as provided in Article 13.

8.4.6 Hearing decisions by the ISU Member shall not be subject to further administrative review at the national level except as provided in Article 13 or required by applicable national law.

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

[Comment to Article 9: 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 ISU Disciplinary Commission, lead to Disqualification of all of the Skater's 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 considered whether to Disqualify other results in an Event might include, for example, the seriousness of the Skater's anti-doping rule violation and whether the Skater tested negative in the other Competitions.

[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Skater tested positive, this Article may lead to Disqualification of all results in all races during the Event]

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

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 years where:

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

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

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

10.2.3 As used in Articles 10.2 and 10.3, the term “intentional” is meant to identify those Skaters who cheat. The term therefore requires that the Skater 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 Skater 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 Skater can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

10.3 Ineligibility for Other Anti-Doping Rule Violations

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

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

10.3.2 For violations of Article 2.4, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Skater’s degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Skater where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Skater 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 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 Skater Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for Skater 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 Skaters or covering up doping should be subject to sanctions which are more severe than the Skaters who test positive. Since the authority of sport organizations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Skater Support Personnel to competent authorities is an important step in the deterrence of doping.]

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

10.3.5 For violations of Article 2.10, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Skater or other Person’s degree of Fault and other circumstances of the case.

[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 a Skater 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 a Skater could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Skaters 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 Skater’s personal physician or trainer without disclosure to the Skater (Skaters 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 Skater’s food or drink by a spouse, coach or other Person within the Skater’s circle of associates (Skaters 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 Skater or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years of Ineligibility, depending on the Skater’s or other Person’s degree of Fault.

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

[Comment to Article 10.5.1.2: In assessing that Skater’s degree of Fault, it would, for example, be favorable for the Skater if the Skater 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 a Skater 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 Skater or other Person’s degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight years.

[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 The ISU Disciplinary Commission 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 Skater or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body which results in:

i) the Anti-Doping Organization discovering or bringing forward an anti-doping rule violation by another Person, or

ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to the ISU. After a final appellate decision under Article 13 or the expiration of time to appeal, the ISU Disciplinary Commission 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 Skater or other Person and the significance of the Substantial Assistance provided by the Skater 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 Skater or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, the ISU Disciplinary Commission shall reinstate the original period of Ineligibility. If the ISU Disciplinary Commission 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 Skaters and other Persons to provide Substantial Assistance to Anti-Doping Organizations, at the request of the ISU Disciplinary Commission or at the request of the Skater 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 Organization.

10.6.1.3 If the ISU Disciplinary Commission 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 Organizations 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 authorize the ISU 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 Skaters, Skater 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 authorized.]

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

Where a Skater 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 a Skater or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization 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 Skater 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 Skater 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

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

10.6.4 Application of Multiple Grounds for Reduction of a Sanction

Where a Skater 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 Skater 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 ISU Disciplinary Commission (ISU DC) 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 ISU DC must determine the applicable sanction within that range according to the Skater or other Person’s degree of Fault. In a third step, the ISU DC establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the ISU DC 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 a Skater or other Person’s second anti-doping rule violation, the period of Ineligibility shall be the greater of:

(a) six months;

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

(c) twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

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

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

10.7.3 An anti-doping rule violation for which a Skater 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 the ISU can establish that the Skater or other Person committed the second anti-doping rule violation after the Skater or other Person received notice pursuant to Article 7, or after the ISU made reasonable efforts to give notice of the first anti-doping rule violation. If the ISU cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.
10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, the ISU discovers facts involving an anti-doping rule violation by the Skater or other Person which occurred prior to notification regarding the first violation, then the ISU Disciplinary Commission 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 Skater 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 ISU Anti-Doping Rules precludes clean Skaters 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 Skaters; and third, reimbursement of the expenses of the ISU.

10.10 Financial Consequences

If a Skater or other Person commits an anti-doping rule violation, the ISU DC may, regardless of the period of Ineligibility imposed fine the Athlete or other Person in an amount up to CHF 50'000.00 if is imposed.

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 oral hearing is waived or there is no oral 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 Skater or other Person, the ISU Disciplinary Commission 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 Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Skater 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 Skater or other Person promptly (which, in all events, for a Skater means before the Skater competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the ISU, 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 Skater or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Skater 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 Skater or other Person, then the Skater 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 Skater 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 a Skater or other Person voluntarily accepts a Provisional Suspension in writing from the ISU and thereafter respects the Provisional Suspension, the Skater 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 Skater 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: A Skater’s voluntary acceptance of a Provisional Suspension is not an admission by the Skater and shall not be used in any way as to draw an adverse inference against the Skater.]

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 Skater elected not to compete or was suspended by his or her team.

10.11.3.4 In Team Sports, where a period of Ineligibility is imposed upon a team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or
otherwise imposed. Any period of team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.

[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the Skater, timely admission by the Skater 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 Skater or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any Signatory, Signatory’s member organization, or a club or other member organization of a Signatory’s member organization or in Competitions authorized or organized by any professional league or any international or national level Event organization or any elite or national-level sporting activity funded by a governmental agency.

A Skater 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 a Skater 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 Skater or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event, and does not involve the Skater or other Person working in any capacity with Minors.

A Skater 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 Skater cannot participate in a training camp, exhibition or practice organized by his or her ISU Member or a club which is a member of that ISU Member or which is funded by a governmental agency. Further, an Ineligible Skater may not compete in a non-Signatory professional league, Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the Consequences set forth in Article 10.12.3. The term “activity” also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Mutual Recognition).]

10.12.2 Return to Training

As an exception to Article 10.12.1, a Skater may return to train with a team or to use the facilities of a club or other member organization of the ISU Member concerned during the shorter of: (1) the last two months of the Skater’s period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.

[Comment to Article 10.12.2: In the sport of Skating, a Skater cannot effectively train on his/her own so as to be ready to compete at the end of the Skater’s period of Ineligibility. During the training period described in this Article, an Ineligible Skater 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 a Skater 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 Skater or other Person’s degree of Fault and other circumstances of the case. The determination of whether a Skater or other Person has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organization whose results management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Article 13.

Where a Skater Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, the ISU Disciplinary Commission 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 the ISU and its Members.

10.13 Automatic Publication of Sanction

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

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

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 Testing of Teams

Where one member of a skating 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 Testing of all members of the team during the Event Period.

11.2 Consequences for Teams

11.2.1 If any competing member of a Team including substitutes, is found to have committed a violation of these ISU Anti-Doping Rules during a Competition for Team Discipline Skaters, the Team shall be Disqualified from that Competition and any Skater who is found to have committed an ISU Anti-
Doping violation in that *Competition* shall be sanctioned individually according to these ISU Anti-Doping Rules.

11.2.2 If any competing *Skater* on a *Team* including substitutes committed a violation of these ISU Anti-Doping Rules during a prior *competition* of the same *Event*, whether for individual *Skaters* or for *Team Discipline Skaters*, the *Skater’s* result and the *Team’s* result shall be *Disqualified* and the *Team* shall not be permitted to compete in any subsequent part of that *Competition* and if any such subsequent part of that *Competition* has taken place, all results of that team in such *Competition* are *Disqualified*, regardless of whether the *Skater* who committed the violation participated in such subsequent part of the *Competition* or not.

11.2.3 Article 10.8 applies to the subsequent results of *Teams* in which the *Skater* who committed a violation of the Anti-Doping Rules competed as a member of the *Team*.

**ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST ISU MEMBERS**

12.1 The ISU Council has the authority to withhold some or all funding and any non-financial support to ISU *Members* that are not in compliance with these ISU Anti-Doping Rules.

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

12.3 The ISU Council may elect to take additional disciplinary action against ISU *Members* with respect to recognition, the eligibility of its officials and *Skaters* to participate in *International Events* and fines based on the following:

12.3.1 If four or more violations of these ISU Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Skaters* or other *Persons* affiliated with an ISU *Member* within a 12-month period in testing conducted by the ISU or *Anti-Doping Organizations* other than the ISU *Member* or its *National Anti-Doping Organization*, the ISU Council may in its discretion elect to:

a) Withdraw some or all ISU membership rights, including participation in all ISU *Events*, voting rights at the ISU Congress, ban all officials from that ISU *Member* for participation in any ISU activities for a period of up to two years;

b) Cancel the organization of future ISU *Events* in that country in the disciplines concerned;

c) Withdraw some or all ISU funding to the ISU *Member*. (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 ISU Anti-Doping Rules (other than violations involving Articles 2.4) are committed in addition to the violations described in Article 12.3.1 by *Skaters* or other *Persons*
affiliated with an ISU Member within a 12-month period in Testing conducted by the ISU or Anti-Doping Organizations other than the ISU Member or its National Anti-Doping Organization, then the ISU Council may suspend that ISU Member’s membership for a period of up to 4 years.

12.3.2 If more than one Skater or other Person affiliated to an ISU Member commits an ISU Anti-Doping Rule Violation during an ISU Event, the ISU Council may fine that ISU Member in an amount up to CHF 50’000.

12.3.3 If an ISU Member has failed to make diligent efforts to keep the ISU informed about a Skater’s whereabouts after receiving a request for that information from the ISU, the ISU Disciplinary Commission may fine the ISU Member in an amount up to CHF 1’000 per Skater.

ARTICLE 13  APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these ISU Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.7 or as otherwise provided in these ISU 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 Organization'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 ISU’s process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in ISU’s process.

[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of ISU’s process (for example, a first oral hearing) and no party elects to appeal that decision to the next level of ISU’s process, then WADA may bypass the remaining steps in ISU’s 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 Skater to return to Competition under Article 5.7.1; a decision by WADA assigning results management under Article 7.1 of the Code; a decision by the ISU 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; ISU’s failure to comply with Article 7.9; a decision that the ISU lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, a period of Ineligibility or to reinstate, or not reinstate, a suspended period of Ineligibility under Article 10.6.1; a decision under Article 10.12.3; and a decision by the ISU not to recognize another Anti-Doping Organization’s decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

13.2.1 Appeals Involving International-Level Skaters or ISU Events, Open International Competitions, Olympic Qualifying Events or International Events

In cases arising from participation in an ISU Event Open International Competitions, Olympic Qualifying Events or International Events or in cases involving International-Level Skaters, the decision of the ISU Disciplinary Commission 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 against decision of the hearing panel of ISU Members

Appeals against decision of the hearing panel of ISU Members 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 Organization having jurisdiction over the Skater 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 Organization has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such national appeal body.

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 Skater or other Person who is the subject of the decision being appealed;

b) the other party to the case in which the decision was rendered;

c) the ISU;

d) the National Anti-Doping Organization of the Person’s country of residence or countries where the Person is a national or ISU Member; 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 Organization*'s rules but, at a minimum, shall include the following parties:

a) the **Skater or other Person** who is the subject of the decision being appealed;

b) the other party to the case in which the decision was rendered;

c) the ISU;

d) the *National Anti-Doping Organization* 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 the ISU 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 Organization* 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 **Skater** 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 a Skater the right to cross appeal when an Anti-Doping Organization appeals a decision after the Skater’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, the ISU 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 ISU 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 the ISU.

[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for the ISU to render a decision.
before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the ISU and give the ISU 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 Organization that is a party to an appeal shall promptly provide the appeal decision to the Skater or other Person and to the other Anti-Doping Organizations that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

13.6 Appeals from Decisions Pursuant to Article 12

Decisions by the ISU pursuant to Article 12 may be appealed exclusively to CAS by the Member.

13.7 Time for Filing Appeals

13.7.1 Appeals to CAS

The time to file an appeal to CAS shall be twenty-one 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 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 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 after the last day on which any other party in the case could have appealed; or

b) Twenty-one days after WADA’s receipt of the complete file relating to the decision.

13.7.2 Appeals Under Article 13.2.2

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

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

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

13.8 Article 13.7 also applies to any appeal to the national review body against the decision of the ISU Member-designated hearing panel deciding an anti-doping violation under Article 7.13 and to appeals against decisions of such national review body.

ARTICLE 14 CONFIDENTIALITY AND REPORTING

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 Skaters and other Persons

Notice to Skaters or other Persons of anti-doping rule violations asserted against them shall be given as provided under Articles 7 and 14 of these ISU Anti-Doping Rules. Notice to any Person who is a member of an ISU Member shall be notified through the respective Member.

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

Notice of the assertion of an anti-doping rule violation to National Anti-Doping Organizations and WADA shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules, simultaneously with the notice to the Skater 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 Organizations 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 organizations 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, Members, and team in a Team
Sport) until the ISU has made Public Disclosure or has failed to make Public Disclosure as required in Article 14.3.

14.1.6 The ISU shall ensure that information concerning Adverse Analytical Findings, Atypical Findings, and other asserted anti-doping rule violations remains confidential until such information is Publicly Disclosed in accordance with Article 14.3, and shall include provisions in any contract entered into between the ISU 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.

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

14.3 Public Disclosure

14.3.1 The identity of any Skater or other Person who is asserted by the ISU to have committed an anti-doping rule violation may be Publicly Disclosed by the ISU only after notice has been provided to the Skater 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 Organization of the Skater or other Person in accordance with Article 14.1.2.

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

14.3.3 Publication shall be accomplished at a minimum by placing the required information on the ISU’s 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.

14.3.4 Neither the ISU, nor its Members, 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 Skater or other Person against whom an anti-doping rule violation is asserted, or their representatives.

14.4 Statistical Reporting
The ISU shall publish at least annually a general statistical report of its Doping Control activities during the previous season, with a copy provided to WADA. The ISU may also publish reports showing the name of each Skater 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 Organizations, the ISU shall report all In-Competition and Out-of-Competition tests on such Skaters 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 Skater, the Skater's National Anti-Doping Organization and any other Anti-Doping Organizations with Testing authority over the Skater.

14.6 Data Privacy

14.6.1 The ISU may collect, store, process or disclose personal information relating to Skaters 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 ISU Anti-Doping Rules.

14.6.2 Any Participant who submits information including personal data to any Person in accordance with these ISU 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 ISU 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 recognized and respected by the ISU and all its Members.

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

15.2 The ISU and its Members shall recognize 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, The ISU and its Members 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 a Skater 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 ISU Anti-Doping Rules, then the ISU shall recognize 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 the ISU regarding a violation of these ISU Anti-Doping Rules shall be recognized by all ISU Members, which shall take all necessary action to render such decision effective.

ARTICLE 16 INCORPORATION OF THE ISU ANTI-DOPING RULES AND OBLIGATIONS OF THE ISU MEMBERS

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

16.2 All ISU Members shall establish rules requiring all Skaters and each Skater Support Personnel who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a Competition or activity authorized or organized by an ISU Member or one of its member organizations to agree to be bound by these ISU Anti-Doping Rules and to submit to the results management authority of the Anti-Doping Organization responsible under the Code as a condition of such participation.

16.3 All ISU Members shall report any information suggesting or relating to an anti-doping rule violation to the ISU and to their National Anti-Doping Organizations, and shall cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct the investigation.

16.4 All ISU Members shall have disciplinary rules in place to prevent Skater Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Skaters under the jurisdiction of the ISU or the ISU Member.

16.5 All ISU Members shall be required to conduct anti-doping education in coordination with their National Anti-Doping Organizations.

ARTICLE 17 STATUTE OF LIMITATIONS

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

ARTICLE 18 ISU COMPLIANCE REPORTS TO WADA
The ISU will report to WADA on ISU’s compliance with the Code in accordance with Article 23.5.2 of the Code.

ARTICLE 19 EDUCATION

The ISU 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 Skaters and Skater Support Personnel in such programs.

ARTICLE 20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

20.1 Except as provided in Article 20.5, these ISU Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

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

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

20.4 These ISU 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 ISU Anti-Doping Rules.

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

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

20.6.1 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.

20.6.2 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.

20.6.3 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.

20.6.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Skater or other Person is still serving the period of Ineligibility as of the Effective Date, the Skater or other Person may apply to the Anti-Doping Organization which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these ISU 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 ISU 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.

20.6.5 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 ISU 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 SKATERS AND OTHER PERSONS

22.1 Roles and Responsibilities of Skaters

22.1.1 To be knowledgeable of and comply with these ISU 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 a Skater’s human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, some Skaters might 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 ISU Anti-Doping Rules.

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

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

22.1.7 It is the responsibility of the Skater to make sure that he/she has not been selected for Testing. If the absent Skater nevertheless gains knowledge of having been selected for Testing, he/she must return to the Doping Control Station immediately, at the latest before the testing procedures for the competition in which he/she participated are completed.

A Skater who fails to receive notification for sample collection due to not reporting at the Doping Control Station at the end of each segment of the Event in which he/she has participated to confirm whether he/she has been selected for Testing is subject to the following disciplinary sanctions:

First time violation: from a reprimand to a period of up to one year suspension from competing at any ISU Event.

Any additional violation: up to two years suspension from competing at any ISU Event.

The above-mentioned sanctions shall not constitute an anti-doping rule violation as defined in Article 2 and the Skater shall not be subject to any of the Consequences set out in Articles 9 and 10.
22.1.8 Failure by any Skater to cooperate in full with Anti-Doping Organizations investigating anti-doping rule violations may result in a charge of a disciplinary or ethical offense under the ISU Code of Ethics.

22.2 **Roles and Responsibilities of Skater Support Personnel**

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

22.2.2 To cooperate with the Skater Testing program.

22.2.3 To use his or her influence on Skater values and behavior to foster anti-doping attitudes.

22.2.4 To disclose to his or her National Anti-Doping Organization and to the ISU 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 Organizations investigating anti-doping rule violations.

22.2.6 Failure by any Skater Support Personnel to cooperate in full with Anti-Doping Organizations investigating anti-doping rule violations may result in a charge of a disciplinary or ethical offense under the ISU Code of Ethics.

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

22.2.8 Use or Possession of a Prohibited Substance or Prohibited Method by a Skater Support Personnel without valid justification may result in a charge of a disciplinary or ethical offense under the ISU Code of Ethics.

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Tubbergen, November xx, 2018

Lausanne, November xx, 2018

Jan Dijkema, President

Fredi Schmid, Director General
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 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/Skater:** Any Person who competes in sport at the international level (as defined by the ISU), or the national level (as defined by each National Anti-Doping Organization). An Anti-Doping Organization has discretion to apply anti-doping rules to an Athlete/Skater who is neither an International-Level Athlete/Skater nor a National-Level Athlete/Skater, and thus to bring them within the definition of “Athlete/Skater.” In relation to Athletes/Skaters who are neither International-Level nor National-Level Athletes/Skaters, an Anti-Doping Organization may elect to: conduct limited Testing or no Testing at all; analyze 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/Skater over whom an Anti-Doping Organization 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 organization accepting the Code is an Athlete.

[Comment: This definition makes it clear that all International- and National-Level Athletes/Skaters 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 Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes/Skaters 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 Organization 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/Skaters who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]

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**Athlete/Skater 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/Skater 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/Skater 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 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 ISU rules. A single skating competition or race, regardless of how many segments, heats or qualifying rounds it consists of, provided that it leads to one final result. The Skaters competing in such Competition may be competing as individuals or as members of a Team.

**Consequences of Anti-Doping Rule Violations (“Consequences”):** A Skater's or other Person's violation of an ISU Anti-Doping Rule may result in one or more of the following: (a) **Disqualification** means the Skater’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 Skater or other Person is barred on account of an ISU Anti-Doping Rule Violation for a specified period of time from participating in any Competition, Event or other ISU activity or funding as provided in Article 10.12.1; (c) **Provisional Suspension** means the Skater or other Person is barred temporarily from participating in any Competition, Event or other ISU activity prior to the final decision at a hearing conducted under Article 8; (d) **Financial Consequences** means a financial sanction imposed for an ISU Anti-Doping Rule Violation or to recover costs associated with an ISU 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.

**Event:** A series of individual Competitions conducted together under one ruling body (e.g., the Olympic Games). ISU Events according to Rule 100/3, b) and c) of the ISU General Regulations currently are
ISU Championships, ISU Grand Prix of Figure Skating Final and Series (ISU Grand Prix of Figure Skating), ISU Junior Grand Prix of Figure Skating Final and Series (ISU Junior Grand Prix of Figure Skating), ISU World Team Trophy in Figure Skating, ISU Synchronized Skating Junior World Challenge Cup, ISU Speed Skating World Cup Senior and Junior and ISU Short Track Speed Skating World Cup.

**Event Venues:** Those venues so designated by the ruling body for the Event. For the ISU Events, Event Venues are the official training, accommodation and competition venues for the ISU Event.

**Event Period:** The time between the beginning and end of an Event, as established by the ruling body of the Event. For the ISU, the Event Period corresponds to the In-Competition period, as defined in these ISU Anti-Doping rules.

**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 a Skater or other Person’s degree of Fault include, for example, the Skater’s or other Person’s experience, whether the Skater or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Skater and the level of care and investigation exercised by the Skater in relation to what should have been the perceived level of risk. In assessing the Skater’s or other Person’s degree of Fault, the circumstances considered must be specific and relevant to explain the Skater’s or other Person’s departure from the expected standard of behavior. Thus, for example, the fact that a Skater would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Skater 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 a Skater’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 Skater or other Person was involved.]

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

**In-Competition:** “In-Competition” means the period commencing 24 hours before the official draw and ending 12 hours after the end of the Event (last race/program/exhibition) and the Sample collection process related to such Event.

**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 ISU, the International Olympic Committee, the International Paralympic Committee, 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 Skater:** Skaters who compete in sport at the international level, as defined by the ISU, consistent with the International Standard for Testing and Investigations. For the sport of Skating, International-Level Skaters are defined as set out in the Scope section of the Introduction to these ISU Anti-Doping Rules.

**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*.

**ISU Member:** Members are those organizations recognized by the ISU as controlling in a country either or both of the Branches of skating (Figure and Speed).

**Major Event Organizations:** 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 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 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 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 skating *Event* involving *International- or National-Level Skaters* that is not an *International Event*.

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

**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 Fault or Negligence:** The *Skater* 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 ISU Anti-Doping Rule. Except in the case of a *Minor*, for any violation of Article 2.1, the *Skater* must also establish how the *Prohibited Substance* entered his or her system.

**No Significant Fault or Negligence:** The *Skater* 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 ISU Anti-Doping Rule Violation. Except in the case of a *Minor*, for any violation of Article 2.1, the *Skater* 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 *Skater* or *Skater Support Person*.

**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 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 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.

[Comment: Under this definition, steroids found in a Skater's car would constitute a violation unless the Skater establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Skater did not have exclusive control over the car, the Skater 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 a Skater and spouse, the Anti-Doping Organization must establish that the Skater knew the steroids were in the cabinet and that the Skater 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 Skater 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 Skater 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 Organization: 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 Skaters established separately at the international level by International Federations and at the national level by National Anti-Doping Organizations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organization's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the Code and the International Standard for Testing and Investigations.

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.

Skater: Refer to Athlete/Skater definition.

Skater Biological Passport: Refer to Athlete/Skater Biological Passport definition.


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 Organization 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 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.


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 a Skater, Skater Support Person 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 or are intended to enhance sport performance.

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

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

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

[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 analyze 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 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 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 Organization 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 Organization 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 analyze 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.