



# **INTERNATIONAL FENCING FEDERATION**

## **ANTI-DOPING RULES**

### **2010**

based on and compliant with the  
2009 revised World Anti-Doping Code

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# **FIE ANTI-DOPING RULES**

**These Rules come into full force and effect on 1 June 2010**

## **INTRODUCTION**

### **Preface**

At the meeting of the FIE Executive Committee held on 25 January 2009 in Paris, the FIE accepted the revised (2009) World Anti-Doping *Code* (the "*Code*").

These Anti-Doping Rules are adopted and implemented in conformance with the FIE's responsibilities under the *Code*, and are in furtherance of the FIE's continuing efforts to eradicate doping in the sport of fencing.

Anti-Doping Rules, like *Competition* rules, are sport rules governing the conditions under which sport is played. Fencers and other *Persons* accept these rules as a condition of participation and shall be bound by them. These sport-specific rules and procedures, aimed at enforcing anti-doping principles in a global and harmonized manner, are distinct in nature and, therefore, not intended to be subject to, or limited by any national requirements and legal standards applicable to criminal proceedings or employment matters. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the *Code* and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

### **Fundamental Rationale for the Code and the FIE's 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

These Anti-Doping Rules shall apply to the FIE, each member *National Federation* of the FIE, and each *Participant* in the activities of the FIE or any of its *National Federations* by virtue of the *Participant's* membership, accreditation, or participation in FIE and/or *National Federation* activities or *Events*.

To be eligible for participation in FIE events, a fencer must have a valid FIE licence which is issued through his or her *National Federation*. When applying for an FIE licence the *National Federation* of the fencer must confirm the fencer's agreement to respect these FIE Anti-Doping Rules.

Where the Fencer is a *Minor*, this confirmation must be endorsed by a parent or legal guardian.

The FIE licence imposes on the holder the legal requirement to abide by the Rules and Regulations of the FIE, and to comply with and be bound by all of the provisions of these Anti-Doping Rules compiled in accordance with the World Anti-Doping Code.

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

These Anti-Doping Rules shall apply to all *Doping Controls* over which the FIE and its *National Federations* have jurisdiction.

## **ARTICLE 1 DEFINITION OF DOPING**

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

## **ARTICLE 2 ANTI-DOPING RULE VIOLATIONS**

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

The following constitute anti-doping rule violations:

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

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

**2.1.1** It is each *Fencer's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Fencers* 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 *Fencer's* part be demonstrated in order to establish an anti-doping violation under Article 2.1.

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

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

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

*[Comment to Article 2.1.2: The FIE may in its discretion choose to have the B Sample analyzed even if the Fencer 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 *Fencer'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 Fencer of a Prohibited Substance or a Prohibited Method**

*[Comment to Article 2.2: As noted in Article 3 (Proof of Doping), it has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. Unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Fencer, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the FIE provides a satisfactory explanation for the lack of confirmation in the other Sample.]*

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

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

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

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

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

*[Comment to Article 2.3: Failure or refusal to submit to Sample collection after notification was prohibited in almost all pre-Code anti-doping rules. This Article expands the typical pre-Code rule to include "otherwise evading Sample collection" as prohibited conduct. Thus, for example, it would be an anti-doping rule violation if it were established that a Fencer was hiding from a Doping Control official to evade notification or Testing. A violation of "refusing or failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Fencer, while "evading" Sample collection contemplates intentional conduct by the Fencer.]*

**2.4 Violation of applicable requirements regarding the availability of a Fencer for Out-of-Competition Testing, including failure to file required whereabouts information and missed tests which are declared based on rules which comply with the International Standard for Testing.** Any combination of three Missed Tests and/or Filing Failures committed within an eighteen-month period, as declared by the FIE or any other Anti-Doping Organization with jurisdiction over a Fencer, shall constitute an anti-doping rule violation.

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

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

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

## **2.6 Possession of Prohibited Substances and Methods**

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

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

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

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

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



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

*[Comment to Article 2: The Code does not make it an anti-doping rule violation for a Fencer or other Person to work or associate with Athlete Support Personnel who are serving a period of Ineligibility. The FIE reserves the right to adopt its own specific policy which prohibits such conduct.]*

## **ARTICLE 3 PROOF OF DOPING**

### **3.1 Burdens and Standards of Proof**

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

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

### **3.2 Methods of Establishing Facts and Presumptions**

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

*[Comment to Article 3.2: For example, the FIE or its National Federation may establish an anti-doping rule violation under Article 2.2 (Use of a Prohibited Substance or Prohibited Method) based on the Fencer'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 Fencer's blood or urine Samples.]*

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

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

*[Comment to Article 3.2.1: The burden is on the Fencer or other Person to establish, by a balance of probability, a departure from the International Standard that could reasonably have caused the Adverse Analytical Finding. If the Fencer or other Person does so, the burden shifts to the FIE or its National Federation to prove to the comfortable satisfaction of the Doping Disciplinary Tribunal that the departure did not cause the Adverse Analytical Finding.]*

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

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

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

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

## ARTICLE 4 THE PROHIBITED LIST

### 4.1 Incorporation of the *Prohibited List*

These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the Code. The FIE will make the current *Prohibited List* available to each *National Federation*, and each *National Federation* shall ensure that the current *Prohibited List* is available to its members and constituents.

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

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

#### 4.2.1 *Prohibited Substances and Prohibited Methods*

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

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

*There will be only one document called the "Prohibited List." WADA may add additional substances or methods to the Prohibited List for particular sports (e.g. the inclusion of beta-blockers for shooting) but this will also be reflected on the single Prohibited List. A particular sport is not permitted to seek exemption from the basic list of Prohibited Substances (e.g. eliminating anabolic agents from the Prohibited List for "mind sports"). The premise of this decision is that there are certain basic doping agents which anyone who chooses to call himself or herself an Athlete should not take.]*

#### **4.2.2 Specified Substances**

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

*[Comment to Article 4.2.2: In drafting the Code there was considerable debate among stakeholders over the appropriate balance between inflexible sanctions which promote harmonization in the application of the rules and more flexible sanctions which better take into consideration the circumstances of each individual case. This balance continued to be discussed in various CAS decisions interpreting the Code. After three years experience with the Code, the strong consensus of stakeholders is that while the occurrence of an anti-doping rule violation under Articles 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) and 2.2 (Use of a Prohibited Substance or Prohibited Method) should still be based on the principle of strict liability, the Code sanctions should be made more flexible where the Athlete or other Person can clearly demonstrate that he or she did not intend to enhance sport performance. The change to Article 4.2 and related changes to Article 10 provide this additional flexibility for violations involving many Prohibited Substances. The rules set forth in Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances) would remain the only basis for eliminating or reducing a sanction involving anabolic steroids and hormones, as well as the stimulants and the hormone antagonists and modulators so identified on the Prohibited List, or Prohibited Methods.]*

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

As provided in Article 4.3.3 of the Code, WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* and the classification of substances into categories on the *Prohibited List* is final and shall not be subject to challenge by a Fencer or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

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

## 4.4 Therapeutic Use

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

**4.4.2** Fencers included by the FIE in its *Registered Testing Pool* must obtain their TUEs from the FIE. The application for a TUE must be made as soon as possible (in the case of a Fencer in the *Registered Testing Pool*, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 21 days before the Fencer's participation in the *Event*. TUEs granted by the FIE shall be reported to the Fencer's *National Federation*, and to WADA through ADAMS.

**4.4.3** Fencers who are not included in the FIE *Registered Testing Pool* but who are subject to *Testing* and who need to use a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons should obtain their TUE from their National Anti-Doping Organisation or other body designated by their *National Federation*, as required under the rules of the *National Anti-Doping Organization/other body*. *National Federations* shall promptly report any such TUEs to the FIE and WADA.

In those cases where *National Anti-Doping Organisations* have not yet established national Therapeutic Use Exemption Committees and in other circumstances accepted by the FIE, Fencers may apply to the FIE for a TUE.

**4.4.4** The FIE shall appoint a panel of physicians to consider requests for TUEs (the "TUE Panel") in accordance with the *International Standard* for Therapeutic Use Exemptions. The TUE Panel member(s) shall promptly evaluate the request in accordance with the *International Standard* for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of the FIE.

**4.4.5** WADA, on its own initiative, may review at any time the granting of a TUE to any Fencer who is included in the FIE International Registered Testing Pool or to a Fencer in a National Registered Testing Pool. Further, upon request by any such Fencer who has been denied a TUE, WADA may review such denial. If WADA determines that the granting or denial of a TUE did not comply with the *International Standard* for Therapeutic Use

Exemptions then WADA may reverse that decision. Decisions on TUEs are subject to further appeal as provided in Article 13.

## **ARTICLE 5 TESTING**

### **5.1 Authority to Test**

All Fencers under the jurisdiction of a *National Federation* or holding an FIE licence shall be subject to *Testing* by the FIE, the Fencer's *National Federation*, and any other *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate. All Fencers under the jurisdiction of a *National Federation* or holding an FIE licence, including Fencers serving a period of ineligibility or a *Provisional Suspension*, shall be subject to *Testing* at any time or place, with or without advance notice, *In-Competition* or *Out-of-Competition* by the FIE, WADA, the Fencer's *National Federation*, the *National Anti-Doping Organization* of any country where the Fencer is present, the IOC during the Olympic Games, the IPC during the Paralympic Games and any other *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate.

All Fencers must comply with any request for *Testing* by any *Anti-Doping Organization* with *Testing* jurisdiction.

### **5.2 Test Distribution Plan**

In coordination with other *Anti-Doping Organizations* conducting *Testing* on the same Fencers, and consistent with the *International Standard for Testing*, the FIE and its *National Federations* shall:

**5.2.1.** Plan and conduct an effective number of *In-Competition* and *Out-of-Competition* tests on licensed Fencers, including but not limited to Fencers in the *Registered Testing Pool*.

Except in exceptional circumstances all *Out-of-Competition Testing* shall be *No Advance Notice*.

**5.2.2.** Make Target Testing a priority.

*[Comment to Article 5.2.2: Target Testing is specified because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Fencers will be tested (e.g., world-class Fencers, Fencers whose performances have dramatically improved over a short period of time, Fencers whose coaches have had other Fencers test positive, etc.). Obviously, Target Testing must not be used for any purposes other than legitimate Doping Control. These anti-doping rules make it clear that Fencers have no right to expect that they will be tested only on a random basis. Similarly, they do not impose any reasonable suspicion or probable cause requirement for Target Testing]*

**5.2.3.** Conduct *Testing* on Fencers serving a period of *Ineligibility* or a *Provisional Suspension*.

**5.2.4.** Every organiser of an official FIE competition or Event must plan for doping controls to take place and must ensure that, during the competition or Event, the necessary facilities, sample collection materials and doping control personnel are available, and the testing procedures are correctly applied and conducted by qualified persons so authorized.

**5.2.5.** At every official FIE competition the organising committee must ensure that an *FIE Anti-Doping Officer* is designated for that competition. The *FIE Anti-Doping Officer* will either be the FIE Medical Commission Delegate, the FIE Supervisor, or else a member of the Directoire Technique designated as such by the organizing committee.

**5.2.6.** The *FIE Anti-Doping Officer* shall be responsible for coordinating all Testing conducted at official FIE competitions.

**5.2.7.** The organising committee shall ensure that copies of the completed Doping Control Forms are transmitted to the FIE office immediately after each competition. The National Federation is responsible for ensuring that this is done.

**5.2.8.** The costs of doping control are the responsibility of the Federation or the organisation organising the competition.

### **5.3 Standards for Testing**

*Testing* conducted by the FIE and its member *National Federations* shall be in substantial conformity with the *International Standard for Testing* in force at the time of *Testing*.

**5.3.1** Blood (or other non-urine) *Samples* may be used to detect *Prohibited Substances* or *Prohibited Methods*, for screening procedure purposes, or for longitudinal profiling (the "biological passport").

### **5.4 Coordination of Testing**

#### **5.4.1 Event Testing Coordination**

The collection of *Samples* for *Doping Control* shall take place at both *International Events* and *National Events*. However, except as otherwise provided below, only a single organization should be responsible for initiating and directing *Testing* during the *Event Period*. At *International Events*, the collection of *Doping Control Samples* shall be initiated and directed by the international organization which is the ruling body for the *Event* (e.g., the International Olympic Committee for the Olympic Games, the FIE for a World Championship, and Pan-American Sports Organisation for the Pan American Games). At *National Events*, the collection of *Doping Control Samples* shall be initiated and directed by the designated *National Anti-Doping Organization* or *National Federation* of that country.

**5.4.1.1** If the FIE or its *National Federations* nevertheless desire to conduct additional *Testing* of Fencers at an *Event* for which they are not responsible for initiating and directing *Testing* during the *Event Period*, the FIE or its *National Federations* shall first confer with the ruling body of the *Event* to obtain permission to conduct, and to coordinate, any additional *Testing*. If the FIE or its *National Federations* are not satisfied with the response from the ruling body of the *Event*, the FIE or its *National Federations* may ask WADA for permission to conduct additional *Testing* and to determine how to coordinate such additional *Testing*.

*[Comment to Article 5.4.1.1: The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]*

#### **5.4.2 Out-of-Competition Testing Coordination**

*Out-of-Competition Testing* shall be initiated and directed by both international and national organizations. *Out-of-Competition Testing* may be initiated and directed by: (a) WADA; (b) the International Olympic Committee or International Paralympic Committee in connection with the Olympic Games or Paralympic Games; (c) the FIE or the Fencer's *National Federation*; or (d) any other *Anti-Doping Organization* that has *Testing* jurisdiction over the Fencer as provided in Article 5.1 (Authority to Test). *Out-of-Competition Testing* shall be coordinated through ADAMS where reasonably feasible in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing* of individual Fencers.

*[Comment to Article 5.4.2: Additional authority to conduct Testing may be authorized by means of bilateral or multilateral agreements among Signatories and governments.]*

#### **5.4.3 Report**

The FIE and member *National Federations* shall promptly report completed tests through the WADA clearinghouse to avoid unnecessary duplication in *Testing*.

### **5.5 Fencer Whereabouts Requirements**

**5.5.1** The FIE shall identify a *Registered Testing Pool* of those Fencers who are required to comply with the whereabouts requirements of the *International Standard for Testing*, and shall publish the criteria for Fencers to be included in this *Registered*



*Testing Pool* as well as a list of the Fencers meeting those criteria for the period in question. The FIE shall review and update as necessary its criteria for including Fencers in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with the set criteria. Each Fencer in the *Registered Testing Pool* (a) shall advise the FIE and WADA of his/her whereabouts on a quarterly basis, in the manner set out in Article 11.3 of the *International Standard for Testing*; (b) shall update that information as necessary, in accordance with Article 11.4.2 of the *International Standard for Testing*, so that it remains accurate and complete at all times; and (c) shall make him/herself available for Testing at such whereabouts, in accordance with Article 11.4 of the *International Standard for Testing*.

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

Each National Federation shall use its best efforts to ensure that fencers in the FIE Registered Testing Pool submit whereabouts information as required. However, the ultimate responsibility for providing whereabouts information rests with each fencer.

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

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

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

**5.5.5** Whereabouts information provided pursuant to Articles 5.5.1 and 5.5.4 shall be shared with WADA and other *Anti-Doping*

*Organizations* having jurisdiction to test a Fencer in accordance with Articles 11.7.1(d) and 11.7.3(d) of the *International Standard for Testing*, including the strict condition that it be used only for *Doping Control* purposes.

## **5.6 Selection of Fencers to be Tested**

**5.6.1** At its official competitions, the FIE shall determine the number of finishing placement tests, random tests and target tests to be performed.

The following Fencers shall be tested in competition:

**5.6.1.1** In individual World Cup competitions, World Championships – Open, Junior and Cadets – and Open Zonal Championships, doping control will in principle be carried out on two fencers: the fencer placed first in the final, plus one more chosen by drawing lots among the remaining three finalists of the final of 4 fencers.

**5.6.1.2** In Satellite competitions, doping control will in principle be carried out on one fencer: the fencer ranked first.

**5.6.1.3** In team World Cup competitions, team World Championships – Open, Junior and Cadets – and team Open Zonal Championships, doping control will in principle be carried out on one fencer drawn by lots from among each of the first two teams.

**5.6.1.4** At World Championships – Open, Junior and Cadets – the method of selection for doping control is determined by the delegates of the FIE Medical Commission in agreement with the President of the FIE or his representative.

**5.6.1.5** At World Cup competitions, both individual and team, the drawing of lots is made by the organisers, with the agreement of the FIE supervisor.

**5.6.2** At *National Events*, each *National Federation* shall determine the number of fencers selected for *Testing* in each *Competition* and the procedures for selecting the Fencers for *Testing*.

**5.6.3** Before leaving the competition venue, every fencer liable for doping control must obtain confirmation from the President of the Directoire Technique that he has not been selected for testing. If a fencer does not do so and he is selected for doping control, he will be considered to have refused to take part in the doping control.

**5.6.4** In addition to the selection procedures set forth in Articles 5.6.1 and 5.6.2 above, the FIE at *International Events*, and the *National Federation* at *National Events*, may also select individual fencers or teams for *Target Testing* so long as such *Target Testing* is

not used for any purpose other than legitimate *Doping Control* purposes.

**5.6.5** Fencers shall be selected for *Out-of-Competition Testing* by the FIE and by *National Federations* through a process that substantially complies with the *International Standard for Testing* in force at the time of selection.

## **5.7 In Competition Testing**

**5.7.1** Upon selection of a Fencer for doping control during a Competition, the following procedures shall be followed:

**5.7.1.1** The official responsible for notifying the Fencer for Doping Control (whether the *FIE Anti-Doping Officer* or an officially designated Doping Control Officer (DCO) or Chaperone) shall write the name of the Fencer on the official Notification form and present it to the Fencer, as discreetly as possible, immediately after the Fencer has completed his last bout in the competition. The Fencer shall sign to confirm receipt of notification and retain a copy. The time of signing shall be recorded on the form. The Fencer must stay in view of the Chaperone until reporting to the Doping Control station.

**5.7.1.2** If a Fencer refuses to sign the Notification form, the escort shall immediately report this to the FIE Anti-Doping Officer who shall make every effort to inform the Fencer of his obligation to undergo doping control and the consequences of his not submitting himself to the control. If the Fencer fails or refuses to sign this notice or fails to report to the Doping Control Station as required, the Fencer shall be deemed to have refused to submit to doping control for the purpose of Articles 2.3 and 10.3.1 of these rules. Even if the Fencer indicates reluctance to report to the Doping Control Station, the Chaperone shall keep the Fencer in view until there is no question that the Fencer has refused to submit to doping control.

**5.7.1.3** The Fencer is required to report immediately to the *Doping Control Station*, unless there is a valid reason for a delay, as determined in accordance with clause 5.7.1.6. .

**5.7.1.4** The Fencer shall be entitled to be accompanied to the Doping Control Station by  
(i) a competition-accredited representative from his National Federation, and  
(ii) an interpreter if required.

**5.7.1.5** The Fencer must show identification at the Doping Control Station. The Fencer's time of arrival at the Doping Control Station shall be recorded on the doping control form.

**5.7.1.6** The Fencer has the right to ask the DCO or Chaperone for permission to delay reporting to the Doping Control Station and/or to leave the Doping Control Station temporarily after arrival, but the request may be granted only if the Fencer can be continuously chaperoned and kept under direct observation during the delay, and if the request relates to the following activities:

- a) Participation in a victory ceremony;
- b) Fulfilment of media commitments;
- c) Competing in further *Competitions*;
- d) Performing a warm down;
- e) Obtaining necessary medical treatment;
- f) Locating a representative and/or interpreter;
- g) Obtaining photo identification; or
- h) Any other exceptional circumstances which may be justified, and which shall be documented.

**5.7.1.7** Only the following persons may be present in the Doping Control Station:

- a) Anti-Doping Officer (Medical Commission member, FIE Supervisor, or designated member of DT)
- b) Staff assigned to the station
- c) Authorised interpreters
- d) The Fencers selected for doping control and their respective accredited representatives
- e) Other people only with the permission of the FIE Anti-Doping Officer.

The news media shall not be admitted to the Doping Control Station.

The doors of the station must not be left open.

No photography or filming shall be permitted in the Doping Control Station during the hours of operation.

## **5.8 Out-of-Competition Testing**

**5.8.1** Out-of-competition doping control may be conducted by the FIE, WADA or a National Anti-Doping Organisation (NADO) (or agencies appointed by them) at any time or location in any member country. This testing shall be carried out without any advance notice to the Fencer or his National Federation. Every Fencer affiliated to a member Federation is obliged to undergo out-of-competition testing as decided by the FIE, WADA or the NADO.

**5.8.2** Every member Federation shall include in their Rules a

provision obliging the member Federation to allow out-of-competition testing of any Fencer under its jurisdiction. It is the duty of every member Federation to assist the FIE, WADA, the NADO and, if appropriate, other National Federations in the carrying out of out-of-competition testing. Any member Federation preventing, hindering or otherwise obstructing the carrying out of such testing shall be liable to sanctions.

**5.8.3** It shall be the obligation of each Fencer liable to be subject to Out-of Competition testing as well as that Fencer's National Federation, to keep the FIE, WADA and the NADO informed of the Fencer's whereabouts (see article 5.5)

## **5.9 Procedures**

### **5.9.1 Collection of Urine Samples at an FIE Competition.**

**5.9.1.1** Each Fencer asked to provide a Sample shall also provide information on an official Doping Control Form. The Fencer's name, his country, the code number of the sample and the event identification will be entered into the form. The Fencer shall declare any medication and nutritional supplements that he/she has used in the preceding seven (7) days. The form shall also provide the names of the people present at the Doping Control Station involved with the obtaining of the Sample, including the Anti-Doping Officer and the Doping Control Officer (DCO) in charge of the station. Any irregularities must be registered on the form. The form shall include four copies for distribution as follows:

- a) a copy to be retained by the FIE Anti-Doping Officer for forwarding to the FIE Office by the day after the competition;
- b) a copy to be given to the Fencer;
- c) a special copy to be sent to the Laboratory which is to conduct the analysis - this laboratory copy must be so designed that it does not contain any information which could identify the Fencer who provided the Sample;
- d) an extra copy, for distribution as the FIE deems appropriate.

**5.9.1.2** The Fencer shall select a sealed collection vessel from a number of such vessels, visually check that it is empty and clean, and proceed to provide a minimum of 90 ml of urine under the direct supervision of, and within the view of, the DCO or appropriate official who shall be of the same gender as the Fencer. To ensure authenticity of the Sample, the DCO will require such disrobing as is necessary to confirm the urine is produced by the Fencer. No one other than the Fencer and the DCO or appropriate official shall be present when the urine sample is collected. Blood sampling may be

performed prior to, after or instead of a urine Sample (see art. 5.3.1).

**5.9.1.3** The Fencer shall remain in the Doping Control Station until he or she has fulfilled the duty to pass an adequate quantity of urine. If the Fencer is unable to provide the required amount, the urine which is collected shall be sealed in a container and the seal shall be broken when the Fencer is ready to provide more urine. The Fencer may be required to retain custody of the sealed container while waiting to provide more urine.

**5.9.1.4** When the Fencer has provided the required volume of urine, he or she shall select from a number of such kits a sealed urine control kit, containing two containers for Samples A and B. The Fencer shall check to be sure the containers are empty and clean.

**5.9.1.5** The Fencer, or his representative, shall pour approximately two-thirds of the urine from the collection vessel into the A bottle and one-third into the B bottle which are then sealed as provided for in the International Standard for Testing Having closed both bottles the Fencer shall check that no leakage can occur. The DCO may, with permission of the Fencer, assist the Fencer with the procedures in this article 5.9.1.5. The Fencer must also verify at each step in the doping control procedure that each bottle has the same code and that this is the same code as entered on the doping control form.

**5.9.1.6** The Fencer shall certify, by signing the Doping Control Form (see art. 5.9.1.1), that the entire process has been performed in compliance with the procedures outlined above. The Fencer shall also record any irregularities or procedural deviations he/she identifies. Any irregularities or procedural deviations identified by the Fencer's accredited representative (if present), the DCO, the Anti-Doping Officer or station staff shall be recorded on the form. The form will also be signed by the Fencer's accredited representative (if present).

**5.9.1.7** The accumulation of Samples may take place over several competition sessions before dispatch to the laboratory. During this time, the Samples must be kept under security. If there is prolonged delay in dispatching the Samples to the laboratory, storage in a cool, secure place is necessary to ensure no possible deterioration could occur. The organising committee of the Competition shall be responsible for the secure transport of the containers to the accredited Laboratory as soon as possible after doping control.

**5.9.1.8** The Organising Committee will provide identification labels, if required, for customs purposes. The opening of the transport container will not, of itself, invalidate doping control.

**5.9.1.9** The national federations/competition organisers are required to reach an agreement with the WADA-accredited laboratory(ies) to ensure that the doping control analyses are performed in the shortest possible time:

- within 15 days for a World Cup Competition
- within 48 hours for a World Championship

It is essential that the Laboratories are instructed to send all Analytical Reports to the FIE office in Lausanne, Switzerland.

## **5.9.2 Collection of urine samples Out-Of-Competition.**

**5.9.2.1** When a Fencer has been selected for unannounced Out of Competition doping control, the DCO will arrive unannounced at the Fencer's training camp, accommodation or any other place where the Fencer's Whereabouts Information indicates he is to be found. The DCO shall show proof of identity and provide a copy of his letter of appointment. The DCO shall also require proof of identity of the Fencer. The actual collection of the Sample shall be in accordance with the International Standard for Testing.

**5.9.2.2** As the DCO's arrival is unannounced, he should give the Fencer reasonable time to complete any reasonable activity in which he is engaged under the observation of the DCO, but Testing should commence as soon as possible.

**5.9.2.3** Each Fencer selected for out-of-competition Testing shall complete a Doping Control Form similar to the form described in article 5.9.1.1.

**5.9.2.4** If the Fencer refuses to provide a urine Sample, the DCO shall note this on the doping control form, sign his name on the form and ask the Fencer to sign the form. The DCO shall also note any other irregularities in the doping control process.

**5.9.2.5** The nature of Out-of-Competition doping control requires that no prior warning is given to the Fencer. Every effort will be made by the DCO to collect the Sample speedily and efficiently with the minimum of interruption to the Fencer's training, social or work arrangements. If there is an interruption, however, no Fencer may take action to gain compensation for any inconvenience incurred.

## **5.10 Retirement and Return to Competition**

**5.10.1** A Fencer who has been identified by the FIE for inclusion in the FIE's *Registered Testing Pool* shall continue to be subject to these Anti-Doping Rules, including the obligation to comply with the whereabouts requirements of the *International Standard for Testing* unless and until the Fencer gives written notice to the FIE directly or through his or her National Federation that he or she has retired or

until he or she no longer satisfies the criteria for inclusion in the FIE's *Registered Testing Pool* and has been so informed by the FIE.

**5.10.2** A Fencer who has given notice of retirement to the FIE may not resume competing unless he or she notifies the FIE directly or through his or her National Federation at least three months before he or she expects to return to competition and makes him/herself available for unannounced *Out-of-Competition Testing*, including (if requested) complying with the whereabouts requirements of the *International Standard for Testing*, at any time during the period before actual return to competition.

**5.10.3** *National Federations/National Anti-Doping Organizations* may establish similar requirements for retirement and returning to competition for Fencers in the national *Registered Testing Pool*.

**5.11** *National Federations* and the organizing committees for *National Federation Events* shall provide access to *Independent Observers* at Competitions or *Events* as directed by the FIE.

## **ARTICLE 6 ANALYSIS OF SAMPLES**

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

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

For purposes of Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*), the FIE or its *National Federations* shall send *Samples* for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The FIE Anti-Doping Officer must make sure this happens and point it out in his report. Any organiser not respecting this obligation will be penalised by the cancellation of his competition the following season.

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

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

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



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

### **6.3 Research on Samples**

No *Sample* may be used for any purpose other than as described in Article 6.2 without the Fencer's written consent. *Samples* used (with the Fencer's consent) for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular Fencer.

### **6.4 Standards for Sample Analysis and Reporting**

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

### **6.5 Retesting Samples**

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

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

## **ARTICLE 7 RESULTS MANAGEMENT**

### **7.1 Results Management for Tests Initiated by the FIE**

Results management for tests initiated by the FIE (including tests performed by WADA pursuant to agreement with the FIE on the one hand and by the national federations at official FIE competitions on the other) shall proceed as set forth below:

**7.1.1** The Laboratory must send results of all analyses to the FIE in encoded form (in accordance with the deadlines allowed in 5.9.1.9), in a report signed by an authorised representative of the laboratory. All communication must be conducted in confidentiality and in conformity with ADAMS, the internet database management tool developed by WADA. ADAMS is consistent with data privacy statutes and norms applicable to WADA and other organizations using it.

**7.1.2** The FIE shall appoint a Doping Review Panel consisting of a Chair and at least 2 other members with training and experience in anti-doping. Each panel member shall serve a term of four years. In each case the Chair of the panel shall appoint 1 or more members of the panel (which may include the Chair) to conduct the review

discussed in Articles 7.1.3 and 7.1.9, and to review any other potential violations of these Anti-Doping Rules as may be requested by the FIE.

**7.1.3** Upon receipt of an *A Sample Adverse Analytical Finding*, the Administrative Office of the FIE shall send the Doping Review Panel all the documents they have received concerning this matter. The Panel shall conduct an initial review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided for in the *International Standard* for Therapeutic Use Exemptions, or (b) there is any apparent departure from the *International Standard* for Testing or *International Standard* for Laboratories that caused the *Adverse Analytical Finding*.

**7.1.4** If the initial review of an *Adverse Analytical Finding* under Article 7.1.3 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided for in the *International Standard* for Therapeutic Use Exemptions, or departure from the *International Standard* for Testing or the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*, the Head-Office of the FIE, following precise instructions from the Doping Review Panel, shall promptly notify the Fencer and the relevant National Federation by registered letter or secure fax of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the Fencer'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 Fencer or the FIE chooses to request an analysis of the *B Sample*; (e) the opportunity for the Fencer and/or the Fencer's representative to attend the *B Sample* opening and analysis within the time period specified in the *International Standard* for Laboratories if such analysis is requested; (f) the Fencer'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, and (g) the Fencer's right to submit, in the form of a letter addressed to the FIE, all the explanations that he considers necessary relating to the adverse analytical finding.

The FIE shall also notify the Fencer's *National Anti-Doping Organization* and WADA. If the FIE decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the Fencer and his National Federation, the Fencer's *National Anti-Doping Organization* and WADA.

**7.1.5** Where requested by the Fencer or the FIE, arrangements shall be made for *Testing* the *B Sample* within the time period specified in the *International Standard* for Laboratories. A Fencer may accept the *A Sample* analytical results by waiving the requirement for *B Sample* analysis. The FIE may nonetheless elect to proceed with the *B Sample* analysis at its expense.

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

**7.1.7** If analysis of the B *Sample* proves negative, then (unless the FIE takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the Fencer, his *National Federation*, the FIE and WADA shall be so informed.

**7.1.8** If analysis of the B sample confirms the identification of a *Prohibited Substance* or the *Use of a Prohibited Method*, the findings shall be reported to the Fencer, his *National Federation*, the FIE, and WADA.

**7.1.9** The FIE Doping Review Panel shall conduct any follow-up investigation into a possible anti-doping rule violation not covered by articles 7.1.1 to 7.1.9. At such time as the FIE is satisfied that an anti-doping rule violation has occurred, it shall promptly notify the Fencer or other Person subject to sanction, in the manner set out in Article 7.1.4, of the anti-doping rule violated, and the basis of the violation. The FIE shall also notify the Fencer's *National Anti-Doping Organization* and WADA.

## **7.2 Review of Atypical Findings**

**7.2.1** As provided in the *International Standards*, in certain circumstances laboratories are directed to report the presence of *Prohibited Substances* that may also be produced endogenously as *Atypical Findings* that should be investigated further.

**7.2.2** Upon receipt of an A *Sample Atypical Finding*, the Doping Review Panel shall conduct an initial review to determine whether: (a) an applicable TUE has been granted, or (b) there is any apparent departure from the *International Standard for Testing* or *International Standard for Laboratories* that caused the *Atypical Finding*.

**7.2.3** If the initial review of an *Atypical Finding* under Article 7.2.2 reveals an applicable TUE or departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Atypical Finding*, the entire test shall be considered negative and the Fencer, the Fencer's *National Anti-Doping Organization*, and WADA shall be so informed.

**7.2.4** If the initial review does not reveal an applicable TUE or departure that caused the *Atypical Finding*, the FIE shall conduct the required investigation. After the investigation is completed, the Fencer, WADA and the Fencer's *National Anti-Doping Organization* shall be notified whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The Fencer shall be notified as provided for in Article 7.1.4.

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

(a) If the FIE determines the B *Sample* should be analyzed prior to the conclusion of its follow-up investigation, it may conduct the B *Sample* analysis after notifying the Fencer, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.1.4 (b) to (g).

(b) If the FIE receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or from a sports organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any Fencer identified on a list provided by the *Major Event Organization* or sports organization has a pending *Atypical Finding*, the FIE shall so identify any such Fencer after first providing notice of the *Atypical Finding* to the Fencer.

### **7.3 Results Management for Tests Initiated During Other International Events**

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

### **7.4 Results Management for Tests initiated by National Federations**

Results management conducted by *National Federations* shall be consistent with the general principles for effective and fair results management which are underlined in the detailed provisions set forth in this Article. *Adverse Analytical findings, Atypical Findings* and other asserted violations of anti-doping rules shall be reported by *National Federations* in accordance with the principles outlined in this Article 7 to the Fencer's *National Anti-Doping Organization*, the FIE and to WADA no later than the completion of the *National Federation's* results management process. Any apparent anti-doping rule violation by a Fencer who is a member of that *National Federation* shall be promptly referred to an appropriate Doping Disciplinary Tribunal established pursuant to the rules of the *National Federation, National Anti-Doping Organization* or national law. Apparent anti-doping rule violations by Fencers who are members of another *National Federation* shall be referred to the Fencer's *National Federation* for hearing.

### **7.5 Results Management for Whereabouts Violations**

**7.5.1** Results management in respect of an apparent *Filing Failure* by a Fencer in the FIE's *Registered Testing Pool* shall be conducted by the FIE in accordance with Article 11.6.2 of the *International Standard for Testing* (unless it has been agreed in accordance with Article 5.5.4

that the *National Federation* or *National Anti-Doping Organization* shall take such responsibility).

**7.5.2** Results management in respect of an apparent Missed Test by a Fencer in the FIE's *Registered Testing Pool* as a result of an attempt to test the Fencer by or on behalf of the FIE shall be conducted by the FIE in accordance with Article 11.6.3 of the *International Standard for Testing*. Results management in respect of an apparent Missed Test by such Fencer as a result of an attempt to test the Fencer by or on behalf of another *Anti-Doping Organization* shall be conducted by that other *Anti-Doping Organization* in accordance with Article 11.7.6(c) of the *International Standard for Testing*.

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

## **7.6 Provisional Suspensions**

**7.6.1** If analysis of an A Sample has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a Specified Substance, and a review in accordance with Article 7.1.2 does not reveal an applicable TUE or departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, the FIE Bureau shall promptly impose a *Provisional Suspension* after the review and notification described in Article 7.1.

**7.6.2** In any case not covered by Article 7.6.1 where the FIE decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, the FIE Bureau, after consultation with the Doping Review Panel, may impose a *Provisional Suspension* after the review and notification described in Article 7.1, but prior to the analysis of the Fencer's B Sample or the final hearing as described in Article 8 (Right to a Fair Hearing).

**7.6.3** However, a *Provisional Suspension* may not be imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, unless the Fencer or other *Person* is given either (a) an opportunity for a *Provisional Hearing* either before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a *Provisional Suspension*. *National Federations* shall impose *Provisional Suspensions* in accordance with the principles set forth in this Article 7.6.

**7.6.4** If a *Provisional Suspension* is imposed based on an A Sample *Adverse Analytical Finding* and a subsequent B Sample analysis does not confirm the A Sample analysis, then the Fencer shall not

be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 of the *Code* (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*). In circumstances where the Fencer (or the Fencer's team as may be provided in these anti-doping rules) has been removed from a *Competition* based on a violation of Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, if, without otherwise affecting the *Competition*, it is still possible for the Fencer or team to be reinserted, the Fencer or team may continue to take part in the *Competition*.

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

*In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Fencer who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event, be they Individual or Team competitions.*

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

## **7.7 Retirement from Sport**

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

*[Comment to Article 7.7: Conduct by a Fencer or other Person before the Fencer or other Person was subject to the jurisdiction of the FIE would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Fencer or other Person membership of the FIE.]*

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

### **8.1 Hearings following FIE result management**

**8.1.1** The FIE Executive shall appoint a standing panel consisting of five persons: two lawyers with experience in anti-doping and three members of the FIE Anti-Doping Commission ("FIE Doping Hearing Panel").

**8.1.2** Violations of the FIE's Anti-Doping Rules will be adjudicated by a "Doping Disciplinary Tribunal" consisting of two members of the FIE Doping Hearing Panel, at least one of whom must be a lawyer, and two members of the FIE Executive Committee, appointed by the FIE Bureau.

**8.1.3** When it appears, following the Results Management process described in Article 7, that these Anti-Doping Rules have been violated, then the FIE Bureau shall immediately appoint the 4 members of the Doping Disciplinary Tribunal and submit the matter to this Tribunal for adjudication.

**8.1.4** The members of the Doping Disciplinary Tribunal shall have had no prior involvement with the case and shall not have the same nationality as the Fencer or other Person alleged to have violated these Anti-Doping Rules.

**8.1.5** Hearings by the Doping Disciplinary Tribunal pursuant to this Article shall be completed expeditiously following the completion of the results management process described in Article 7. Hearings held in connection with Events may be conducted on an expedited basis. A Fencer who has been Provisionally Suspended as per Article 7.6, has the right to request that the hearing be conducted on an expedited basis.

*[Comment to Article 8.1.5: 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 Fencer's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Fencer's results or continued participation in the Event.]*

**8.1.6** The Fencer or other Person alleged to have violated these Anti-Doping Rules may be accompanied by the person of his choice should he or she so wish.

**8.1.7** The *National Federation* of the Fencer or other *Person* alleged to have violated these Anti-Doping Rules may attend the hearing as an observer.

**8.1.8** The FIE shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

**8.1.9** A Fencer or other Person may forego a hearing by acknowledging the Anti-Doping Rule violation and accepting the Consequences consistent with Articles 9 and 10 as proposed by the FIE. The right to a hearing may be waived either expressly or by the Fencer's or other *Person's* failure to challenge the FIE's assertion that an anti-doping rule violation has occurred within 10 working days of receipt of notification of the violation. Where no hearing occurs, the FIE shall submit to the Persons entitled to appeal (Article 13.2.3) a reasoned decision explaining the action taken.

**8.1.10** Decisions of the FIE Doping Disciplinary Tribunal may be appealed to the Court of Arbitration for Sport as provided in Article 13 and in the FIE Disciplinary Rules.

## **8.2 Hearings following National Federations result management**

**8.2.1** When it appears, following the Results Management process performed by National Federations in accordance with Article 7, that these Anti-Doping Rules have been violated in connection with *Testing* other than *Testing* at FIE Events, the Fencer or other *Person* involved shall be brought before a disciplinary panel of the Fencer or other *Person's National Federation* or *National Anti-Doping Organization* in accordance with the rules of the *National Federation* or the *National Anti-Doping Organization* for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what *Consequences* should be imposed.

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

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

**8.2.4** The FIE and WADA shall have the right to attend hearings as an observer.

**8.2.5** The Fencer or other *Person* may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting *Consequences* consistent with Articles 9 and 10 as proposed by the *National Federation*. The right to a hearing may be waived either expressly or by the Fencer's or other *Person's* failure to challenge the *National Federation's* assertion that an anti-doping rule violation has occurred within 10 working days of receipt of notification of the violation. Where no hearing occurs, the *National Federation* shall submit to the persons described in Article 13.2.3 a reasoned decision explaining the action taken.

**8.2.6** Decisions by *National Federations* or *National Anti-Doping Organizations*, whether as the result of a hearing or the Fencer or other *Person's* acceptance of *Consequences*, may be appealed as provided in Article 13.



### **8.3 Principles for a Fair Hearing**

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

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

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

An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting *Consequences*, including forfeiture of any medals, points and prizes. In this case all the Fencers ranked after the Fencer disqualified move up one place in the results of the competition. If necessary the 2 third places are decided according to their ranking for the composition of the table.

*[Comment to Article 9: When a Fencer wins a gold medal with a Prohibited Substance in his or her system, that is unfair to the other Fencers in that Competition regardless of whether the gold medalist was at fault in any way. Only a "clean" Fencer should be allowed to benefit from his or her competitive results. For Team Sports, see article 11 (Consequences to Teams).]*

## **ARTICLE 10            SANCTIONS ON INDIVIDUALS**

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

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

*[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) Disqualifies the result in a single Competition in which the Fencer tested positive, this Article may lead to Disqualification of all results in all competitions during the Event. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Fencer's anti-doping rule violation and whether the Fencer tested negative in the other Competitions.]*

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

## **10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods**

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

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

*[Comment to Article 10.2: 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 (e.g., artistic gymnastics) a two year Disqualification has a much more significant effect on the Athlete than in sports where careers are traditionally much longer (e.g., equestrian and shooting); in Individual Sports, the Athlete is better able to maintain competitive skills through solitary practice during Disqualification than in other sports where practice as part of a team is more important. A primary argument in favor of 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 bodies to be more lenient with dopers. The lack of harmonization of*

*sanctions has also frequently been the source of jurisdictional conflicts between IFs and National Anti-Doping Organizations.]*

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

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

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

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

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

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

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

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

Where a Fencer or other *Person* can establish how a Specified Substance entered his or her body or came into his or her *Possession* and that such Specified Substance was not intended to enhance the Fencer's sport performance or mask the Use of a performance-enhancing substance, the

period of *Ineligibility* found in Article 10.2 shall be replaced with the following:

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

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

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

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

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

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

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

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

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

### **10.5.2**      *No Significant Fault or Negligence*

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

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

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

*To illustrate the operation of Article 10.5.1, an example where No Fault or Negligence would result in the total elimination of a sanction is where a Fencer could prove that, despite all due care, he or she was sabotaged by a competitor.*

*Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Fencers 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 Fencer's personal physician or trainer without disclosure to the Fencer (Fencers 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 Fencer's food or drink by a spouse, coach or other person within the Fencer's circle of associates (Fencers are responsible for what they ingest and for the conduct of those persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction based on No Significant Fault or Negligence. (For example, reduction may well be appropriate in illustration (a) if the Fencer clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substances and the Fencer exercised care in not taking other nutritional supplements.)*

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

*While Minors are not given special treatment per se in determining the applicable sanction, certainly youth and lack of experience are relevant factors to be assessed in determining the Fencer or other Person's fault under Article 10.5.2, as well as Articles 10.3.3, 10.4 and 10.5.1.*

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

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

The FIE or its National Federations may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the Fencer or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in the *Anti-Doping Organization* discovering or establishing an anti-doping rule violation by another *Person* or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another *Person*. After a final

appellate decision under Article 13 or the expiration of time to appeal, the FIE may only suspend a part of the applicable period of *Ineligibility* with the approval of WADA. After a final appellate decision under Article 13 or the expiration of time to appeal, *National Federations* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of the FIE and 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 Fencer or other *Person* and the significance of the *Substantial Assistance* provided by the Fencer 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 (8) years. If the FIE or its *National Federations* suspend any part of the otherwise applicable period of *Ineligibility* under this Article, they shall promptly provide a written justification for its decision to each *Anti-Doping Organization* having a right to appeal the decision. If the FIE or its *National Federations* subsequently reinstate any part of the suspended period of *Ineligibility* because the Fencer or other *Person* has failed to provide the *Substantial Assistance* which was anticipated, the Fencer or other *Person* may appeal the reinstatement pursuant to Article 13.2.

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

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

*If the Fencer or other Person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Fencer or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), the FIE or its National Federations shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. If the Fencer or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing under Article 8 on the anti-doping rule violation, the Doping Disciplinary Tribunal shall determine whether a suspension of a portion of the otherwise applicable period of Ineligibility is appropriate under this Article at the same time the Doping*

Disciplinary Tribunal *decides whether the Fencer or other Person has committed an anti-doping rule violation. If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense. If the Fencer or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the Fencer or other Person is still serving the period of Ineligibility, the Fencer or other Person may apply to the FIE or its National Federations to consider a suspension in the period of Ineligibility under this Article. Any such suspension of the otherwise applicable period of Ineligibility shall require the approval of WADA (and the FIE if the suspension of the otherwise applicable period of Ineligibility is decided by a National Federation) . If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, the FIE or its National Federations shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by the FIE or its National Federations under this Article may be appealed pursuant to Article 13.2.*

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

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

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

*[Comment to Article 10.5.4: This Article is intended to apply when a Fencer 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 Fencer or other Person believes he or she is about to be caught.]*

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

Before applying any reduction or suspension under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6. If the Fencer or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two or



more of Articles 10.5.2, 10.5.3 or 10.5.4, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

*[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the Doping Disciplinary Tribunal determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4 or Article 10.6) applies to the particular anti-doping rule violation. In a second step, the Doping Disciplinary Tribunal establishes whether there is a basis for suspension, elimination or reduction of the sanction (Articles 10.5.1 through 10.5.4). Note, however, not all grounds for suspension, elimination or reduction may be combined with the provisions on basic sanctions. For example, Article 10.5.2 does not apply in cases involving Articles 10.3.3 or 10.4, since the Doping Disciplinary Tribunal, under Articles 10.3.3 and 10.4, will already have determined the period of Ineligibility based on the Fencer's or other Person's degree of fault. In a third step, the Doping Disciplinary Tribunal determines under Article 10.5.5 whether the Fencer or other Person is entitled to elimination, reduction or suspension under more than one provision of Article 10.5. Finally, the Doping Disciplinary Tribunal decides on the commencement of the period of Ineligibility under Article 10.9. The following four examples demonstrate the proper sequence of analysis:*

*Example 1.*

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

*Application of Article 10:*

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

*Example 2.*

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

*Application of Article 10:*

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

*Example 3.*

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

*Application of Article 10:*

- 1. Because the Adverse Analytical Finding involved a Specified Substance and the Fencer has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. The Doping Disciplinary Tribunal would assess the Fencer's fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of eight months.)*
- 2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) [No Significant Fault (Article 10.2) would not be applicable because the Fencer's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1.]*
- 3. Article 10.5.5 does not apply.*
- 4. Under Article 10.9.2, because the Fencer 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 Fencer would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)*

*Example 4.*

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

*Application of Article 10:*

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

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

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

*4. If Article 10.5.4 was considered by the Doping Disciplinary Tribunal in arriving at the minimum six month period of Ineligibility at step 3, the period of Ineligibility would start on the date the Doping Disciplinary Tribunal imposed the sanction. If, however, the Doping Disciplinary Tribunal did not consider the application of Article 10.5.4 in reducing the period of Ineligibility in step 3, then under Article 10.9.2, the commencement of the period of Ineligibility could be started as early as the date the anti-doping rule violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.]*

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

If the FIE or its National Federations establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*) and 2.8 (*Administration* or *Attempted Administration*) that aggravating circumstances are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased up to a maximum of four (4) years unless the Fencer or other *Person* can prove to the comfortable satisfaction of the Doping Disciplinary Tribunal that he did not knowingly commit the anti-doping rule violation.

A Fencer or other *Person* can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by the FIE or its National Federations.

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

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

## 10.7 Multiple Violations

### 10.7.1 Second Anti-Doping Rule Violation

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

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

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

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

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

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

**St** (Standard sanction under Articles 10.2 or 10.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two (2) years under Articles 10.2 or 10.3.1.

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

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

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

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

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

Where a Fencer or other *Person* who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a

portion of the period of *Ineligibility* under Article 10.5.3 or Article 10.5.4, the Doping Disciplinary Tribunal shall first determine the otherwise applicable period of *Ineligibility* within the range established in the table in Article 10.7.1, and then apply the appropriate suspension or reduction of the period of *Ineligibility*. The remaining period of *Ineligibility*, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of *Ineligibility*.

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

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

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

- For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the FIE (or its *National Federation*) can establish that the Fencer or other *Person* committed the second anti-doping rule violation after the Fencer or other *Person* received notice pursuant to Article 7 (Results Management), or after the FIE (or its *National Federation*) made reasonable efforts to give notice, of the first anti-doping rule violation; if the FIE (or its *National Federation*) cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 10.6).
- If, after the resolution of a first anti-doping rule violation, the FIE (or its National Federations) discovers facts involving an anti-doping rule violation by the Fencer or other *Person* which occurred prior to notification regarding the first violation, then the FIE (or its National Federations) shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8. To avoid the possibility of a finding of Aggravating Circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the Fencer or other *Person* must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when the FIE (or its National Federations) discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.

*[Comment to Article 10.7.4: In a hypothetical situation, a Fencer commits an anti-doping rule violation on January 1, 2008 which the FIE (or its National Federations) does not discover until December 1, 2008. In the meantime, the Fencer commits another anti-doping rule violation on March 1, 2008 and the Fencer is notified of this violation by the FIE (or its National Federations) on March 30, 2008 and a Doping Disciplinary Tribunal rules on June 30, 2008 that the Fencer committed the March 1, 2008 anti-doping rule violation. The later-discovered violation which occurred on January 1, 2008 will provide the basis for aggravating circumstances because the Fencer did not voluntarily admit the violation in a timely basis after the Fencer received notification of the later violation on March 30, 2008.]*

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

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

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

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

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

**10.8.2** Allocation of Forfeited Prize Money.

Forfeited prize money shall be reallocated to other Fencers.

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

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

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

*Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* imposed.

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

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

**10.9.2** Timely Admission

Where the Fencer promptly (which, in all events, means before the Fencer competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the *FIE* or its *National Federations*, 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 Fencer or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the Fencer or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.

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

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

**10.9.4** If a Fencer voluntarily accepts a *Provisional Suspension* in writing from the *FIE* or its *National Federations* and thereafter refrains from competing, the Fencer 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 Fencer's voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Article 14.1.

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

**10.9.5** No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of



whether the Fencer elected not to compete or was suspended by his or her team.

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

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

### **10.10.1 Prohibition against Participation during *Ineligibility***

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

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

A Fencer or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

*[Comment to Article 10.10.1: For example, an ineligible Fencer cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation. Further, an ineligible Fencer may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), 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 10.10.2. Sanctions in one sport will also be recognized by other sports (see Article 15 Mutual Recognition).]*

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

Where a Fencer or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.10.1, the results of such participation shall be *Disqualified* and the period of *Ineligibility* which was originally imposed shall start over again as of the date of the violation. The new

period of *Ineligibility* may be reduced under Article 10.5.2 if the Fencer or other *Person* establishes he or she bears *No Significant Fault or Negligence* for violating the prohibition against participation. The determination of whether a Fencer or other *Person* has violated the prohibition against participation, and whether a reduction under Article 10.5.2 is appropriate, shall be made by the FIE or its National Federations.

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

*Where a Fencer Support Personnel or other Person substantially assists a Fencer in violating the prohibition against participation during Ineligibility, the FIE or its National Federations may appropriately impose sanctions under its own disciplinary rules for such assistance.]*

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

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

#### **10.11 Reinstatement Testing**

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, a Fencer must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by the FIE, the applicable *National Federation*, and any other *Anti-Doping Organization* having *Testing* jurisdiction, and must if requested, provide current and accurate whereabouts information. If a Fencer subject to a period of *Ineligibility* retires from sport and is removed from *Out-of-Competition Testing* pools and later seeks reinstatement, the Fencer shall not be eligible for reinstatement until the Fencer has notified the FIE and the applicable *National Federation* and has been subject to *Out-of-Competition Testing* for a period of time equal to the period of *Ineligibility* remaining as of the date the Fencer had retired. During such remaining period of *Ineligibility*, a minimum of 2 tests must be conducted on the Fencer with at least three months between each test. The *National Federation* shall be responsible for conducting the necessary tests, but tests by any *Anti-Doping Organization* may be used to satisfy the requirement. The results of such tests shall be reported to the FIE. In addition, immediately prior to the end of the period of *Ineligibility*, a Fencer must undergo *Testing* by the FIE or its National Federations for the *Prohibited Substances* and *Methods* that are prohibited in *Out-of-Competition Testing*. Once the period of a Fencer's *Ineligibility* has expired, and the Fencer has fulfilled the conditions of

reinstatement, then the Fencer will become automatically re-eligible and no application by the Fencer or by the Fencer's *National Federation* will then be necessary.

## **10. 12            Imposition of Financial Sanctions**

The FIE has made provision for the imposition of financial sanctions on account of anti-doping rule violations. However, no financial sanction may be considered as a basis for reducing the period of *Ineligibility* or other sanction which would otherwise be applicable under the *Code*.

## **ARTICLE 11            CONSEQUENCES TO TEAMS**

**11.1** If a member of a team is found to have committed a violation of these Anti-Doping Rules during an Event in which he fenced, the team shall be Disqualified from the Event with all of the resulting consequences including forfeiture of any medals, points and prizes and the other teams ranked after the team disqualified move up one place in the results of the competition.

**11.2** In addition to the automatic Disqualification of the results in the Competition which produced a Sample found to be positive under Article 11.1 above, all other competitive results obtained by teams in which the fencer has fenced, from the date the positive Sample was collected (whether In-Competition or Out-of-Competition), or other doping 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 and the other teams ranked after the team disqualified move up one place in the results of the competition (until the beginning of the provisional suspension or the suspension).

## **ARTICLE 12            SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL FEDERATIONS**

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

**12.2** The FIE may require National Federations to reimburse costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by a Fencer or other Person affiliated with that National Federation.

**12.3** The FIE may elect to take additional disciplinary action against National Federations with respect to recognition, the eligibility of their officials and Fencers to participate in International Events and fines based on the following:

**12.3.1** Four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed by Fencers or other *Persons* affiliated with a *National Federation* within a

12-month period in testing conducted by the FIE or Anti-Doping Organizations other than the *National Federation* or its *National Anti-Doping Organization*. In such event the FIE may in its discretion elect to: (a) ban all officials from that *National Federation* for participation in any FIE activities for a period of up to two years and/or (b) fine the *National Federation* in an amount up to \$ 10,000 U.S. Dollars. (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

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

**12.3.2** More than one Fencer or other *Person* from a *National Federation* commits an *Anti-Doping Rule* violation during an *International Event*. In such event the FIE may fine that *National Federation* in an amount up to \$ 10,000 U.S. Dollars.

**12.3.3** A *National Federation* has failed to make diligent efforts to keep the FIE informed about a Fencer's whereabouts after receiving a request for that information from the FIE. In such event the FIE may fine the *National Federation* in an amount up to \$ 1,000 U.S. Dollars per Fencer in addition to all of the FIE costs incurred in *Testing* that *National Federation's* Fencers.

## **ARTICLE 13            APPEALS**

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

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.4 or as otherwise provided in these Anti-Doping Rules. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in these rules or in the rules of the *Anti-Doping Organization* conducting the hearing process as per article 8 must be exhausted (except as provided in Article 13.1.1).

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

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

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

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.10.2 (Violation of the Prohibition of Participation during *Ineligibility*); a decision that the FIE or its *National Federation* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision by an Anti-Doping Organization not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.4; and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or otherwise in violation of Article 7.5 may be appealed exclusively as provided in this Article 13.2.

### **13.2.1 Appeals Involving *International-Level* Fencers**

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

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

### **13.2.2 Appeals Involving National-Level Fencers**

In cases involving *national-level Fencers* as defined by each *National Anti-Doping Organization* who do not have a right to appeal under Article 13.2.1, the decision may be appealed to an independent and impartial body in accordance with rules established by the *National Anti-Doping Organization*. 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 court.

### **13.2.3**      *Persons Entitled to Appeal*

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the Fencer 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 FIE; (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA. In cases under Article 13.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties: (a) the Fencer 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 FIE; (d) the *National Anti-Doping Organization* of the *Person's* country of residence; and (e) WADA. For cases under Article 13.2.2, WADA and the FIE shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

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

### **13.3 Failure to Render a Timely Decision by the FIE and its *National Federations***

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

*[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 FIE or its National Federations to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the FIE or its National Federations and give the FIE or its National Federations an opportunity to explain why it has*

*not yet rendered a decision. Nothing in this Article prohibits the FIE or its National Federations from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]*

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

Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to CAS by the Fencer, or the FIE, or *National Anti-Doping Organization* whose decision was reversed. Decisions by Anti-Doping Organizations other than WADA denying TUE's, which are not reversed by WADA, may be appealed by *International-Level* Fencers to CAS and by other Fencers to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a TUE, that decision may be appealed to CAS by WADA.

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

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

Decisions by the FIE pursuant to Article 12 may be appealed exclusively to CAS by the *National Federation*.

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

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

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

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

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

## **ARTICLE 14           REPORTING AND RECOGNITION**

### **14.1 Notice, Confidentiality and Reporting**

#### **14.1.1           Notice to Fencers and Other *Persons*.**

Notice to Fencers or other *Persons* shall occur as provided under Article 7. Notice to a Fencer or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

#### **14.1.2           Notice to *National Anti-Doping Organizations*, *National Federations* and *WADA*.**

Notice to *National Anti-Doping Organizations*, *National Federations* and *WADA* shall occur as provided under Article 7.

#### **14.1.3           Content of Notification.**

Notification to the Fencer's *National Anti-Doping Organization*, *National Federations* and *WADA* according to Article 7 shall include: the Fencer's name, country, sport and discipline within the sport, the Fencer's competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory.

#### **14.1.4           Status Reports.**

The same *Persons* and *Anti-Doping Organizations* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7 (Results Management), 8 (Right to a Fair Hearing) or 13 (Appeals) 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*, *National Federation*, and team in a *Team Sport*) until the *Anti-Doping Organization* with results management responsibility has made public disclosure or has failed to make public disclosure as required in Article 14.2 below.

*[Comment to Article 14.1.5: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]*

### **14.2 Public Disclosure.**



**14.2.1** The identity of any Fencer or other *Person* who is asserted by the FIE or its *National Federations* to have committed an anti-doping rule violation, may be *publicly disclosed* by the FIE or its *National Federations* only after notice has been provided to the Fencer or other *Person* in accordance with Articles 7.1, 7.2 or 7.4, and to the applicable Anti-Doping *Organizations* in accordance with Article 14.1.2.

**14.2.2** No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, the FIE or its *National Federations* must publicly report the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the Fencer or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved and the *Consequences* imposed. The FIE or its *National Federations* must also report within 20 days appeal decisions concerning anti-doping rule violations. The FIE or its *National Federations* shall also, within the time period for publication, send all hearing and appeal decisions to WADA.

**14.2.3** In any case where it is determined, after a hearing or appeal, that the Fencer or other *Person* did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the Fencer or other *Person* who is the subject of the decision. The FIE and its *National Federations* 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 Fencer or other *Person* may approve.

**14.2.4** For purposes of Article 14.2, publication shall be accomplished at a minimum by placing the required information on the FIE or its *National Federations'* Web site and leaving the information up for at least one (1) year.

**14.2.5** Neither the FIE nor its *National Federations* nor officials of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Fencer, other *Person* or their representatives.

### **14.3 Fencer Whereabouts Information.**

As further provided in the *International Standard for Testing*, Fencers who have been identified by the FIE or its *National Federations* for inclusion in a *Registered Testing Pool* shall provide accurate, current location information. The FIE and *National Anti-Doping Organizations* shall coordinate the identification of Fencers and the collecting of current location information and shall submit these to WADA. This information will be accessible, through ADAMS where reasonably feasible, to other *Anti-Doping Organizations* having jurisdiction to test the Fencer. This

information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Testing*; and shall be destroyed after it is no longer relevant for these purposes.

#### **14.4 Statistical Reporting.**

The FIE or its *National Federations* shall, at least annually, publish publicly a general statistical report of their *Doping Control* activities with a copy provided to WADA. The FIE or its *National Federations* may also publish reports showing the name of each Fencer tested and the date of each *Testing*.

#### **14.5 Doping Control Information Clearinghouse.**

WADA shall act as a central clearinghouse for *Doping Control Testing* data and results for *International-Level* Fencers and national-level Fencers who have been included in their *National Anti-Doping Organization's Registered Testing Pool*. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organizations*, the FIE or its *National Federations* shall report all *In-Competition* and *Out-of-Competition* tests on such Fencers to the WADA clearinghouse as soon as possible after such tests have been conducted. This information will be made accessible to the Fencer, the Fencer's National Federation, *National Olympic Committee* or *National Paralympic Committee*, *National Anti-Doping Organization*, the FIE, and the *International Olympic Committee* or *International Paralympic Committee*.

To enable it to serve as a clearinghouse for *Doping Control Testing* data, WADA has developed a database management tool, *ADAMS*, that reflects emerging data privacy principles. Private information regarding a Fencer, *Athlete Support Personnel*, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the *International Standard* for the protection of privacy.

#### **14.6 Data Privacy.**

When performing obligations under these rules, the FIE or its *National Federations* may collect, store, process or disclose personal information relating to Fencers and third parties. The FIE or its *National Federations* shall ensure that they comply with applicable data protection and privacy laws with respect to their handling of such information, as well as the *International Standard* for the protection of privacy that WADA shall adopt to ensure Fencers and non-Fencers are fully informed of and, where necessary, agree to the handling of their personal information in connection with anti-doping activities arising under the *Code and these anti-doping rules*.

## **ARTICLE 15            MUTUAL RECOGNITION**

**15.1** Subject to the right to appeal provided in Article 13, *Testing*, TUE's and hearing results or other final adjudications of any *National Federation* or *Signatory* which are consistent with the *Code* and are within the *National Federation* or *Signatory's* authority, shall be recognized and respected by the FIE and all *National Federations*.

*[Comment to Article 15.1: There has in the past been some confusion in the interpretation of this Article with regard to therapeutic use exemptions. Unless provided otherwise by the rules of the FIE or by agreement with the FIE, National Anti-Doping Organizations do not have "authority" to grant therapeutic use exemptions to International-Level Fencers.]*

**15.2** The FIE and its *National Federations* shall recognize the same actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

*[Comment to Article 15.2: 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 FIE or its National Federation shall attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Fencer to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his body but the period of Ineligibility applied is shorter than the period provided for in the Code, then the FIE or its National Federation should recognize the finding of an anti-doping rule violation and they should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in these Anti-Doping Rules should be imposed.]*

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

## **ARTICLE 16            INCORPORATION OF FIE ANTI-DOPING RULES**

All *National Federations* shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each *National Federations* Rules. All *National Federations* shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules.

## **ARTICLE 17            STATUTE OF LIMITATIONS**

No action may be commenced against a Fencer or other *Person* for an anti-doping rule violation contained in these Anti-Doping Rules unless such action is

commenced within eight (8) years from the date the violation is asserted to have occurred.

## **ARTICLE 18            FIE COMPLIANCE REPORTS TO WADA**

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

## **ARTICLE 19            AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES**

**19.1** These Anti-Doping Rules may be amended from time to time by the FIE.

**19.2** These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes, except as provided in Article 19.5.

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

**19.4** The INTRODUCTION, the APPENDIX I, DEFINITIONS and the *International Standards* issued by WADA shall be considered integral parts of these Anti-Doping Rules.

**19.5** These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*.

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

**19.7** These Anti-Doping Rules shall come into full force and effect on 1 January 2010 (the "Effective Date"). They shall not apply retrospectively to matters pending before the Effective Date; provided, however, that:

**19.7.1**        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 that occurred prior to the Effective Date, the case shall be governed by substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the tribunal hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.

**19.7.2**        Any Article 2.4 whereabouts violation (whether a filing failure or a missed test) declared by the FIE under rules in force prior

to the Effective Date that has not expired prior to the Effective Date and that would qualify as a whereabouts violation under Article 11 of the *International Standard for Testing* shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standards for Testing*.

**19.7.3** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Fencer or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the Fencer 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 anti-doping rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These anti-doping rules shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

**19.7.4** Subject always to Article 10.7.5, anti-doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior offences for purposes of determining sanctions under Article 10.7. Where such pre-Effective Date anti-doping rule violation involved a substance that would be treated as a Specified Substance under these Anti-Doping Rules, for which a period of *Ineligibility* of less than two years was imposed, such violation shall be considered a Reduced Sanction violation for purposes of Article 10.7.1.

## **ARTICLE 20: ADDITIONAL ROLES AND RESPONSIBILITIES OF FENCERS AND OTHER *PERSONS***

### **20.1** Roles and Responsibilities of Fencers.

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

20.1.2 To be available for *Sample* collection.

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

20.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these anti-doping rules.

## **20.2** Roles and Responsibilities of *Athlete Support Personnel*

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

20.2.2 To cooperate with the FIE anti-doping program.

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

## APPENDIX 1 - DEFINITIONS

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

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

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

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

*[Comment to Athlete: This definition makes it clear that all international and national-caliber Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the FIE and National Anti-Doping Organizations, respectively. At the national level, anti-doping rules adopted pursuant to the Code shall apply, at a minimum, to all persons on national teams and all persons qualified to compete in any national championship in any sport. That does not mean, however, that all such Athletes must be included in a National Anti-Doping Organization's Registered Testing Pool. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping*

*program beyond national-caliber Athletes to competitors at lower levels of competition. Competitors at all levels of competition should receive the benefit of anti-doping information and education.]*

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

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

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

*CAS.* The Court of Arbitration for Sport.

*Code.* The World Anti-Doping Code.

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

*Consequences of anti-doping rule violations.* An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.10; and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

*Disqualification.* See *Consequences of anti-doping rule violations*, above.

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

*Event.* A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, FIE World Championships, Zonal Championships, FIE World Cups, etc).



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

Fencer. An *Athlete* who participates in the sport of Fencing.

FIE Anti-Doping Officer. The person responsible for co-ordinating doping control at each official FIE competition; this will either be the FIE Medical Commission Delegate, the FIE Supervisor, or else a member of the Directoire Technique designated as such by the organising committee.

In-Competition. Unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organization*, “*In-Competition*” means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

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

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

Ineligibility. See *Consequences of anti-doping rule violations* above.

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

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

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

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

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

Metabolite. Any substance produced by a biotransformation process.

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

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

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

*National Federation.* A national or regional entity which is a member of or is recognized by the FIE as the entity governing fencing in that nation or region.

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

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

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

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

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

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

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

*Possession.* The actual, physical Possession, or the constructive Possession (which shall be found only if the person has exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance* 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 an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids.]*

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

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

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

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

*Provisional Suspension.* See *Consequences* of anti-doping rule violations above.

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

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

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

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

*Signatories.* Those entities signing the *Code* and agreeing to comply with the *Code*, including the International Olympic Committee, International Federations, International Paralympic Committee, *National Olympic Committees*, National

Paralympic Committees, Major Event Organizations, National Anti-Doping Organizations, and WADA.

Specified Substances. As defined in Article 4.2.2.

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

Tampering. Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring; or providing fraudulent information to an *Anti-Doping Organization*.

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

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

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

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

TUE Therapeutic Use exemption approved by a Therapeutic Use Exemption Committee based on a documented medical file and obtained before *Use* or *Possession* of, a substance or method that would otherwise be prohibited by the *Code*.

TUE Panel. As defined in Article 4.4.4.

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

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

WADA. The World Anti-Doping Agency.