



INTERNATIONAL FENCING FEDERATION

ANTI-DOPING RULES

2015

Based on and compliant with the
2015 revised World Anti-Doping Code

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FIE ANTI-DOPING RULES

INTRODUCTION

Preface

At the meeting of the FIE Executive Committee held on February 20, 2015 in Lausanne the FIE accepted the revised (2015) 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 in furtherance of the FIE's continuing efforts to eradicate doping in the sport of fencing.

These Anti-Doping 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 from criminal and civil laws, and are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules implementing the *Code* and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

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

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

Doping is fundamentally contrary to the spirit of sport.

Scope

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

- a. all *Fencers* and *Athlete Support Personnel* who are members of the FIE, or of any *National Federation*, or of any member or affiliate organization of any *National Federation* (including any clubs, teams, associations or leagues);
- b. all *Fencers* and *Athlete Support Personnel* participating in such capacity in *Events, Competitions* and other activities organized, convened, authorized or recognized by the FIE, or any *National Federation*, or any member or affiliate organization of any *National Federation* (including any clubs, teams, associations or leagues), wherever held;
- c. any other *Fencer* or *Athlete Support Personnel* or other *Person* who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of the FIE, or of any *National Federation*, or of any member or affiliate organization of any *National Federation* (including any clubs, teams, associations or leagues), for purposes of anti-doping.

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.

International-Level Fencers for purposes of these Anti-Doping Rules:

Within the overall pool of *Fencers* set out above who are bound by and required to comply with these Anti-Doping Rules, the following *Fencers* shall be considered to be *International-Level Fencers* for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to *International-Level Fencers* (as regards *Testing* but also as regards *Therapeutic Use Exemptions*, whereabouts information, results management, and appeals) shall apply to such *Fencers*:

- a. *Fencers* who are in the FIE *Registered Testing Pool*; and

- b. *Fencers* who are ranked in the top 32 in each of the 6 weapon categories at the start of each season.

ARTICLE 1 DEFINITION OF DOPING

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

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *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 rule violation under Article 2.1.

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

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *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*; or, where the *Fencer's B Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

[Comment to Article 2.1.2: The FIE may, at 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: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Fencer, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the 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 and that no *Prohibited Method* is *Used*. 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 or a Prohibited Method 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 is a violation of Article 2.1 regardless of when that substance might have been administered).]

2.3 Evading, Refusing or Failing to Submit to *Sample* Collection

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

*[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading *Sample* collection" if it were established that a Fencer was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to *Sample* collection" may be based on either intentional or negligent conduct of the Fencer, while "evading" or "refusing" *Sample* collection contemplates intentional conduct by the Fencer.]*

2.4 Whereabouts Failures

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

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

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

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

2.6 Possession of a Prohibited Substance or a Prohibited Method

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

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

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

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

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

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

2.9 Complicity

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

2.10 Prohibited Association

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

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

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

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

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

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

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

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

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

The FIE shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the FIE has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the *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.

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

3.2 Methods of Establishing Facts and Presumptions

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

[Comment to Article 3.2: For example, the FIE may establish an anti-doping rule violation under Article 2.2 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, such as data from the Athlete Biological Passport.]

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

3.2.2 *WADA*-accredited laboratories, and other laboratories approved by *WADA*, are presumed to have conducted *Sample* analysis and

custodial procedures in accordance with the International Standard for Laboratories. The *Fencer* or other *Person* may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*. If the *Fencer* or other *Person* rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then the FIE shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

[Comment to Article 3.2.2: The burden is on the Fencer or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Fencer or other Person does so, the burden shifts to the FIE to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

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

3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *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.

3.2.5 The hearing panel 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 hearing panel) and to answer questions from the hearing panel or the FIE.

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*.

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

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

4.2.1 Prohibited Substances and Prohibited Methods

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

4.2.2 Specified Substances

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

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

4.3 WADA's Determination of the *Prohibited List*

WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, and the classification of a substance as prohibited at all times or *In-Competition* only, is final and shall not be subject to challenge by a *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.

4.4 Therapeutic Use Exemptions (“TUEs”)

4.4.1 A Fencer with a documented medical condition requiring the use of a *Prohibited Substance* or a *Prohibited Method* must obtain a Therapeutic Use Exemption (TUE). The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method*, shall not be considered an anti-doping rule violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.2 “*International-Level Fencers*” (defined as such for purposes of these Anti-Doping Rules - see Appendix I) must apply directly to the FIE for their TUEs in accordance with the process set out in the International Standard for Therapeutic Use Exemptions, using the form posted on the FIE website.

4.4.2.1 Where the *Fencer* already has a TUE granted by his or her *National Anti-Doping Organization* for the substance or method in question, if that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the FIE must recognize it. If the FIE considers that the TUE does not meet those criteria and so refuses to recognize it, it must notify the *Fencer* and his or her *National Anti-Doping Organization* promptly, with reasons. The *Fencer* or the *National Anti-Doping Organization* shall have 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the matter is referred to WADA for review, the TUE granted by the *National Anti-Doping Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.

4.4.2.2 If the *Fencer* does not already have a TUE granted by his or her *National Anti-Doping Organization* for the substance or method in question, the *Fencer* must apply directly to the FIE for a TUE as soon as the need arises. If the FIE (or the *National Anti-Doping Organization*, where it has agreed to consider the application on behalf of the FIE) denies the *Fencer's* application, it must notify the *Fencer* promptly, with reasons. If the FIE grants the *Athlete's* application, it must notify not only the *Athlete* but also his or her *National Anti-Doping Organization*, and if the *National Anti-Doping Organization* considers that the TUE does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to WADA for review. If the

National Anti-Doping Organization refers the matter to *WADA* for review, the *TUE* granted by the *FIE* remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA*'s decision. If the *National Anti-Doping Organization* does not refer the matter to *WADA* for review, the *TUE* granted by the *FIE* becomes valid for national-level *Competition* as well when the 21-day review deadline expires

4.4.3 If the *FIE* decides to test a *Fencer* who is not an "*International-Level Fencer*" or a *National-Level Fencer*, the *FIE* shall permit that *Fencer* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that he/she is using for therapeutic reasons.

4.4.4 An application for the granting of a *TUE* must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the *Fencer's* next *Competition*. The *FIE* shall appoint a committee of at least three physicians to consider applications for the granting of *TUEs*: the Therapeutic Use Exemption Committee (*TUEC*). The members of the *TUEC* shall have experience in the care and treatment of athletes and a sound knowledge of clinical sports and exercise medicine. The majority of the members of the *TUEC* should be free of conflicts of interest or political responsibility in the *FIE* or a National Federation. The *TUEC* may seek whatever medical or scientific expertise it deems appropriate in reviewing the circumstances of any application for a *TUE*. Upon the *FIE's* receipt of a *TUE* application, the Chair of the *TUEC* shall appoint one or more members of the *TUEC* (which may include the Chair) to promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions. Subject to Article 4.4.6 of these Rules, the *TUEC's* decision shall be the final decision of the *FIE*, and shall be reported to *WADA* and other relevant *Anti-Doping Organizations*, including the *Fencer's National Anti-Doping Organization*, through *ADAMS*, in accordance with the International Standard for Therapeutic Use Exemptions.

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

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

4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a TUE

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

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

4.4.6 Reviews and Appeals of TUE Decisions

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

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

[Comment to Article 4.4.6.2: In such cases, the decision being appealed is the FIE's TUE decision, not WADA's decision not to review the TUE decision or (having

reviewed it) not to reverse the TUE decision. However, the deadline to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

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

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

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of Testing and Investigations

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

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

5.1.2 Investigations shall be undertaken:

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

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

doping rule violation has occurred under any of Articles 2.2 to 2.10.

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

5.2 Authority to conduct *Testing*

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

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

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

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

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

5.3 *Event Testing*

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

of the *Event Venues* shall be coordinated with the FIE (or the relevant ruling body of the *Event*).

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

5.4 Test Distribution Planning

Consistent with the International Standard for Testing and Investigations, and in coordination with other *Anti-Doping Organizations* conducting *Testing* on the same *Fencers*, the FIE shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of *Fencers*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. The FIE shall provide *WADA* upon request with a copy of its current test distribution plan.

The FIE shall ensure that *Athlete Support Personnel* and/or any other *Persons* with a conflict of interest are not involved in developing the test distribution plan for their *Fencers* or in the process of selection of *Fencers* for *Testing*.

5.5 Coordination of Testing

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

5.6 Athlete Whereabouts Information

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

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

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

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

5.6.5 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*.

5.7 Selection of Fencers to be *Tested* in official FIE competitions

5.7.1 The FIE determines the number of *In-Competition* finishing placement tests, random tests and *Target Tests* to be performed at the official FIE *Competitions*.

The following finishing placement tests shall be conducted at the official FIE *Competitions* listed below:

5.7.1.1 In these Individual *Competitions*:

- (a) all Junior and Senior World Cups,
- (b) Junior and Senior World Championships, and
- (c) Senior Zonal Championships,

Doping Controls will in principle be carried out on two *Fencers* chosen by drawing lots among the finalists.

5.7.1.2 In these Team *Competitions*:

- (a) all Senior Team World Cups,
- (b) all Junior and Senior Team World Championships, and
- (c) all Senior Team Zonal Championships,

Doping Controls will in principle be carried out on two *Fencers*, i.e. one *Fencer* drawn by lots from each of the first two teams.

5.7.1.3 At World Championships the drawing of lots shall be performed by or under the supervision of the official delegate of the FIE Medical Commission.

5.7.1.4 At World Cup *Competitions* and Zonal Championships, the drawing of lots is made by the Doping Control Officer responsible for *Testing* and/or by the FIE Anti-Doping Officer designated for the *Competition*.

5.7.2 At National *Competitions*, each *National Federation* shall determine the number of *Fencers* to be selected for *Testing* and the procedures for selecting the *Fencers* for *Testing*.

5.7.3 In order to ensure that *Testing* is conducted on a No Advance Notice basis, the selection decisions are only disclosed in advance of *Testing* to those who need to know (typically the Chaperone and/or Doping Control Officer) in order for such *Testing* to be conducted.

5.7.4 In addition to the selection procedures set forth in Articles 5.7.1 and 5.7.2 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.

5.8 *In-Competition Testing*

5.8.1 At every official FIE *Competition* or *Event* described in Article 5.7.1 of these Rules, the organiser must plan for *Doping Controls* to take place, and must ensure that the necessary facilities, *Sample* collection materials and *Doping Control* personnel are available, and the *Testing* procedures are correctly applied in accordance with the International Standard for Testing and Investigation and conducted by qualified *Persons* so authorized.

5.8.1.1 It is essential that a doping control station reasonably separated from public activities with the following minimum requirements is set up for the *Competition*:

- (a) one (1) private room (“Doping Control Station”) exclusively dedicated for use by the DCO with one (1) table, at least two (2) chairs, pens and paper, and one (1) lockable fridge;
- (b) an adjacent waiting room/area with a suitable number of chairs as well as an appropriate amount of individually sealed, non-caffeinated and non-alcoholic beverages, including a mix of natural mineral water and soft drinks; and
- (c) one (1) private, clean and equipped bathroom/toilet, adjacent or as near as possible to the Doping Control Station and waiting area.

5.8.1.2 The organiser must ensure that an FIE Anti-Doping Officer is designated for that *Competition*. The FIE Anti-Doping Officer will be:

- (a) the FIE Supervisor (at World Cups or Grands Prix), or
- (b) an appropriate member of the Directoire Technique (at those *Competitions* where there is no FIE Supervisor), or
- (c) a FIE Medical Commission Delegate (at Senior and Junior World Championships, and any other *Events* as determined by the FIE.)

5.8.1.3 The organiser may also be required to ensure the availability of a specified number of Chaperones as requested by the FIE prior to the *Competition*.

5.8.1.4 The organiser must ensure that at least one staff member is available to act as point of contact and support for the Doping Control Officer/s (DCOs) and the Chaperone/s with anything that may be needed during the *Doping Control* mission, with the contact name and details of this staff member to be communicated to the FIE Anti-Doping Officer at least four (4) weeks prior to the starting date of the *Competition*.

5.8.2 Upon selection of a *Fencer* for *Doping Control* during a *Competition*, the following procedures shall be followed.

5.8.2.1 The official responsible for notifying the *Fencer* selected 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.

5.8.2.2 If a *Fencer* refuses to sign the Notification form, the Chaperone 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*.

5.8.2.3 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 5.8.2.7.

5.8.2.4 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.

5.8.2.5 *Minor Athletes* shall be entitled to be accompanied by a representative, but the representative cannot directly observe the passing of the urine *Sample* unless requested to do so by the *Minor*.

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

5.8.2.7 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 presentation 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 reasonable circumstances as determined by the FIE Anti-Doping Officer and or by the DCO, taking into account any instructions of the FIE.

5.8.2.8 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) Authorized interpreters
- d) The *Fencers* selected for *Doping Control* and their respective representative
- e) Other people only with the permission of the FIE Anti-Doping Officer.
- f) The Doping Control Officer/s and the Chaperone/s.
- g) The WADA Independent Observer

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.

5.9 *Out-of-Competition Testing*

5.9.1 *Out-of-Competition Doping Controls* 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 *National Federation* is obliged to make him or herself available for *Out-of-Competition Testing* as decided by the FIE, WADA or the NADO.

5.9.2 Every *National Federation* shall include in their Rules a provision obliging the *National Federation* to allow *Out-of-Competition Testing* of any *Fencer* under its jurisdiction. It is the duty of every *National Federation* to assist the FIE, WADA, the NADO and, if appropriate, other *National Federations* in the carrying out of *Out-of-Competition Testing*. Any *National Federation* preventing, hindering or otherwise obstructing the carrying out of such *Testing* shall be liable to sanctions.

5.9.3 It shall be the obligation of each *Fencer* 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 5.6)

5.10 Sample Collection Procedure

5.10.1 The *Testing* procedures shall be in conformity with the requirements of the International Standard for Testing and Investigation. The articles below provide information on procedures for the collection of *Samples* under the jurisdiction of the FIE at FIE *Competitions* and *Events*, and also for *Out-of-Competition Sample* collection.

5.10.1.1 Each *Fencer* asked to provide a *Sample* shall also provide information required on the official Doping Control Form (DCF). The *Fencer's* name, his country, the code number of the *Sample* and the *Competition* 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, and any transfusions received over the last six months. The form shall also record the names of the people present at the Doping Control Station involved with the obtaining of the *Sample*, including the FIE Anti-Doping Officer and the Doping Control Officer (DCO) in charge of the station. Any irregularities must be registered on the form.

It is essential that the FIE is recorded as the 'Testing Authority' and the 'Result Management Authority' in the appropriate spaces provided on the form. The form shall include at least 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.

5.10.1.2 When asked to provide a urine *Sample*, 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 the required amount of urine established in the International Standard for Testing and Investigation under the

direct supervision of, and within the view of the DCO or appropriate official (Chaperone) who shall be of the same gender as the *Fencer*.

Sample Collection Equipment systems shall, at a minimum, meet the following criteria. They shall:

a) Have a unique numbering system incorporated into all bottles, containers, tubes or other items used to seal the *Sample*;

b) Have a sealing system that is tamper-proof;

c) Ensure the identity of the *Fencer* is not evident from the equipment itself; and

d) Ensure that all equipment is clean and sealed prior to use by the *Fencer*.

To ensure authenticity of the *Sample*, the DCO and/or Chaperone will require such disrobing as is necessary to confirm the urine is produced by the *Fencer*. No one other than the *Fencer* and the *Person* authorized by these rules 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. 6.2.1).

5.10.1.3 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.

5.10.1.4 When the *Fencer* has provided the required volume of urine (a minimum of 90ml), he or she shall select from a choice of such kits a sealed urine kit, containing two containers for *Samples* A and B. The *Fencer* shall check to be sure the containers are empty and clean.

5.10.1.5 The *Fencer* shall pour approximately two-thirds (60ml) of the urine from the collection vessel into the A bottle and one-third (30ml) into the B bottle, which bottles are then sealed as provided for in the International Standard for Testing and Investigation. 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. 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 is entered on the doping control form.

5.10.1.6 The DCO may be required to collect additional *Samples* if the requirement for Suitable Specific Gravity for

Analysis is not met, or until the DCO determines that there are exceptional circumstances which mean that for logistical reasons it is impossible to continue with the *Sample* Collection Session. Such exceptional circumstances shall be documented accordingly by the DCO.

5.10.1.7 The *Fencer* shall certify, by signing the Doping Control Form, 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 FIE 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).

5.10.1.8 The accumulation of *Samples* may take place over time 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 DCO should detail and document the location where *Samples* are stored and who has custody of the *Samples* and/or is permitted access to the *Samples*. For *In-Competition Testing* the *National Federation* or the organizing committee of the *Competition* may be required to take responsibility for ensuring the secure transport of the containers to the accredited Laboratory as soon as possible after *Doping Control*.

5.10.1.9 The *Competition* organizers will provide identification labels, if required, for customs purposes. The opening of the transport container by customs will not, of itself, invalidate *Doping Control*.

5.10.1.10 The *Competition* organizers 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.

5.10.2 Collection of *Samples Out-Of-Competition*.

5.10.2.1 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 authority. 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 and Investigation.

5.10.2.2 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.

5.10.2.3 Each *Fencer* selected for *Out-of-Competition Testing* shall complete a Doping Control Form similar to the form described in article 5.10.1.1.

5.10.2.4 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.

5.10.2.5 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.

5.11 Retired *Fencers* Returning to *Competition*

5.11.1 A *Fencer* in the FIE *Registered Testing Pool* who has given notice of retirement to the FIE may not resume competing in *International Events* or *National Events* until he/she has given the FIE written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six months before returning to *Competition*, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. *WADA*, in consultation with the FIE and the *Fencer's National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to a *Fencer*. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be *Disqualified*.

5.11.2 If a *Fencer* retires from sport while subject to a period of *Ineligibility*, the *Fencer* shall not resume competing in *International Events* or *National Events* until the *Fencer* has given six months prior written notice (or notice equivalent to the period of *Ineligibility*

remaining as of the date the *Fencer* retired, if that period was longer than six months) to the FIE and to his/her *National Anti-Doping Organization* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.12 Independent Observer Program

The FIE and the organizing committees for *FIE Events*, as well as the *National Federations* and the organizing committees for *National Events*, shall authorize and facilitate the *Independent Observer Program* at such *Events*. The WADA's Independent Observer shall be authorized to be present during the *Sample* Collection Session. In that case the Observer shall not directly observe the passing of a urine *Sample*.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories

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

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

6.2 Purpose of Analysis of Samples

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

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

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

6.3 Research on *Samples*

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

6.4 Standards for *Sample* Analysis and Reporting

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

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

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

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

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

6.5 Further Analysis of *Samples*

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2: (a) by *WADA* at any time; and/or (b) by the FIE at any time before both the A and B *Sample* analytical results (or

A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by the FIE to the *Fencer* as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

ARTICLE 7 RESULTS MANAGEMENT

7.1 Responsibility for Conducting Results Management

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

7.1.2 The FIE shall appoint a Doping Review Panel consisting of a Chair and 2 other members with training and experience in anti-doping. Each panel member shall serve a term of four years. When a potential violation is referred to the Doping Review Panel, the Chair of the Doping Review Panel shall appoint one or more members of the Panel (which may include the Chair) to conduct the review discussed in this Article 7.

As an alternative, the FIE reserves the right to delegate to the FIE Anti-Doping Administrator the task of conducting the reviews discussed in Articles 7.2, 7.3, 7.4, 7.5 and 7.6. The review prescribed in Article 7.7 should be conducted by the Doping Review Panel.

7.2 Review of *Adverse Analytical Findings* From Tests Initiated by the FIE

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

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

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

Investigations or International Standard for Laboratories that caused the *Adverse Analytical Finding*.

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

7.3 Notification After Review Regarding Adverse Analytical Findings

7.3.1 If the review of an *Adverse Analytical Finding* under Article 7.2.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the FIE shall promptly notify the *Fencer*, and simultaneously the *Fencer's National Anti-Doping Organization* and *WADA*, in the manner set out in Article 14.1, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *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 in accordance with 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; (g) the *Fencer's* right to request the hearing or, failing such request within the deadline specified in the notification, that the hearing may be deemed waived; (h) the opportunity for the *Fencer* to provide written explanation about the overall circumstances of the case or to dispute (within a specific deadline indicated in the notification) the FIE's assertion that an anti-doping rule violation has occurred; (i) the opportunity for the *Fencer* to agree with the FIE about the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been agreed with the FIE; (j) the imposition of a mandatory *Provisional Suspension* (in case described in Article 7.9.1); (k) the imposition of the optional *Provisional Suspension* where the FIE's Anti-Doping Administrator or its delegate decides to impose it in accordance with Article 7.9.2; (l) the opportunity to accept voluntarily a *Provisional Suspension* pending the resolution of the matter, in all cases where a *Provisional Suspension* has not been imposed; (m) the *Fencer's* opportunity to promptly admit the anti-

doping rule violation and consequently request the reduction in the period of ineligibility as described in Article 10.6.3; and (n) the *Fencer's* opportunity to cooperate and provide substantial assistance in discovering or establishing Anti-Doping Rule Violations.

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

7.3.2 Where requested by the *Fencer* or the FIE, arrangements shall be made to analyze the B *Sample* in accordance with 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.

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

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

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

7.4 Review of *Atypical Findings*

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

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

7.4.3 If the review of an *Atypical Finding* under Article 7.4.2 reveals an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be

considered negative and the *Fencer*, the *Fencer's National Anti-Doping Organization* and *WADA* shall be so informed.

7.4.4 If that review does not reveal an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the FIE shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.3.1, or else the *Fencer*, the *Fencer's National Anti-Doping Organization* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

7.4.5 The 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:

7.4.5.1 If the FIE determines the *B Sample* should be analyzed prior to the conclusion of its 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 7.3.1(d)-(f).

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

7.5 Review of *Atypical Passport Findings* and *Adverse Passport Findings*

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

7.6 Review of Whereabouts Failures

The FIE shall review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations, in respect of *Fencers*

who file their whereabouts information with the FIE, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as the FIE is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Fencer* (and simultaneously the *Fencer's National Anti-Doping Organization* and *WADA*) notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

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

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

7.8 Identification of Prior Anti-Doping Rule Violations

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

7.9 Provisional Suspensions

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

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

7.9.3 Where a *Provisional Suspension* is imposed pursuant to Article 7.9.1 or Article 7.9.2, the *Fencer* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*, or (b) an

opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Fencer* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 13.2 (save as set out in Article 7.9.3.1).

7.9.3.1 The *Provisional Suspension* may be lifted if the *Fencer* or other *Person* demonstrates to the competent hearing panel that the violation is likely to have involved a *Contaminated Product*. The hearing panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Fencer's* assertion regarding a *Contaminated Product* shall not be appealable. If the *Fencer* or other *Person* requests a *Provisional Hearing*, the competent hearing panel will be either an ad-hoc panel, or the Doping Disciplinary Tribunal appointed by the FIE.

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

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

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

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

7.10 Resolution Without a Hearing

7.10.1 Agreement between parties

At any time during the results management process, the *Fencer* or other *Person* may agree with the FIE on the *Consequences* which are either mandated by the *Code* or which the FIE (or its delegated Anti-Doping Administrator) considers appropriate where flexibility in sanctioning is permitted. The agreement should state the full reasons for any period of *Ineligibility* agreed, including (if applicable) a justification for why the flexibility in sanction was applied.

Such agreement shall be considered as a decision for the case which will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.2 and published as provided in Article 14.3.2

7.10.2 Waiver of Hearing

A *Fencer* or other *Person* against whom an anti-doping rule violation is asserted may waive a hearing expressly. Alternatively, if the *Fencer* or other *Person* against whom an anti-doping rule violation is asserted fails to request the hearing and/or to dispute that assertion within the deadline specified in the notice sent by the FIE (or its delegated Anti-Doping Administrator) asserting the violation, then he/she shall be deemed to have waived a hearing, and to have accepted the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by the FIE.

7.10.3 Process where Fencer Waives a Hearing

In cases where Article 7.10.2 applies, a hearing before the FIE Doping Disciplinary Tribunal shall not be required. Therefore the FIE (or its delegated Anti-Doping Administrator) will refer the case to the FIE Doping Disciplinary Tribunal for adjudication, transmitting all the available documents of the case. The FIE Doping Disciplinary Tribunal, which is composed of three members (one Chair and two members) (see Article 8.2), shall promptly (in accordance with Article 8.3) issue a written decision about the commission of the anti-doping rule violation

and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. The FIE shall send copies of that decision to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3, and shall *Publicly Disclose* that decision in accordance with Article 14.3.2.

7.11 Notification of Results Management Decisions

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

7.12 Retirement from Sport

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

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

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1 Hearings Following FIE Result Management

8.1.2 The FIE Executive shall appoint a standing panel consisting of a Chairperson, who shall be a lawyer, and at least five other anti-doping experts with experience in anti-doping ("FIE Anti-Doping Panel"). Prior to their appointment, potential panel members may be vetted by the Legal Commission to ensure they have adequate anti-doping knowledge and experience to handle such matters. Each panel member shall be independent of his/her *National Federation* in so far as he or she cannot be an employee or hold a position of responsibility within a *National Federation*. Each panel member shall serve a term of four years.

8.1.3 Violations of the FIE Anti-Doping Rules will be adjudicated by a “Doping Disciplinary Tribunal” consisting of three members of the FIE Anti-Doping Panel, one of whom shall be appointed to chair the Tribunal.

8.2 Principles for a Fair Hearing

8.2.1 When the FIE sends a notice to a *Fencer* or other *Person* asserting an anti-doping rule violation, and the *Fencer* or other *Person* does not waive a hearing in accordance with Article 7.10.1 or Article 7.10.2, then the Chairperson of the Anti-Doping Panel shall appoint three panel members (which may include the Chairperson) to the Doping Disciplinary Tribunal for hearing and adjudication.

At least one Tribunal member shall be a lawyer. Great care shall be taken when appointing Tribunal members to ensure that they have no conflict of interest. The Tribunal members 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. If there is any doubt, the Legal Commission may be tasked with eliminating conflicts of any sort.

8.2.2 Hearings shall be scheduled and completed within a reasonable time. In case a *Provisional Suspension* has been imposed or otherwise accepted by the *Fencer* or other *Person* the hearing should be expedited. In all cases the hearing should be held within 6 months from the notification described in Articles 7.2 to 7.7. Hearings held in connection with *Events* that are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the Doping Disciplinary Tribunal.

[Comment to Article 8.1.2: For example, a Hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the 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.]

8.2.3 The FIE Doping Disciplinary Tribunal shall determine the procedure to be followed at the hearing.

The hearing process shall respect the following principles:

- a) the right of each party to be represented by counsel (at the party's own expense) or to be accompanied by a person of their choice;
- b) the right to respond to the asserted anti-doping rule violation and resulting *Consequences*;
- c) the right of each party to present evidence, including the right to call and question witnesses;
- d) the *Fencer's* or other *Person's* right to an interpreter at the hearing, with the Doping Disciplinary Tribunal to decide who bears responsibility for the cost of the interpreter.

8.2.4 WADA and the *National Federation of the Fencer* or other *Person* may attend the hearing as observers. In any event, the FIE shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

8.2.5 The FIE Doping Disciplinary Tribunal shall act in a fair and impartial manner towards all parties at all times.

8.3 Decisions

8.3.1 The FIE Doping Disciplinary Tribunal shall issue a written decision within 30 days from the completion of the hearing (or from the date the case was referred to the Tribunal after the hearing was waived by the *Fencer* or other *Person* in accordance with Article 7.10.2). The decision must include the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed. The decision should be written in English.

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

8.3.3 If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Article 14.3.2; but (b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Fencer* or other *Person* who is the subject of the decision. The FIE (or its delegated Anti-Doping Administrator) 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.

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

8.4 Single Hearing Before CAS

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

[Comment to Article 8.4: Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organization that wishes to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

[Comment to Article 9: 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.]

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 the Event during which an Anti-Doping Rule Violation Occurs

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *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.

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

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

10.1.1 If the *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 a Prohibited Substance or Prohibited Method

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

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

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

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

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

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

10.3 *Ineligibility* for Other Anti-Doping Rule Violations

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

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

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year,

depending on the *Fencer's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Fencers* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Fencer* was trying to avoid being available for *Testing*.

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

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

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

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

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

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

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

[Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where a Fencer could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence

would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (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 under Article 10.5 based on *No Significant Fault or Negligence*.]

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

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

10.5.1.1 *Specified Substances*

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

10.5.1.2 *Contaminated Products*

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

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

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

If a *Fencer* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as

provided in Article 10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Fencer* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight years.

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

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

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

10.6.1.1 The FIE may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it has results management authority where the *Fencer* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the FIE. After a final appellate decision under Article 13 or the expiration of time to appeal, the FIE may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *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 years. If the *Fencer* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the FIE shall reinstate the original period of *Ineligibility*. If the FIE decides to reinstate a suspended period

of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

10.6.1.2 To further encourage *Fencers* and other *Persons* to provide *Substantial Assistance to Anti-Doping Organizations*, at the request of the FIE or at the request of the *Fencer* or other *Person* who has (or has been asserted to have) committed an anti-doping rule violation, *WADA* may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. *WADA's* approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, *WADA's* decisions in the context of this Article may not be appealed by any other *Anti-Doping Organization*.

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

[Comment to Article 10.6.1: The cooperation of 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. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorized.]

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

Where a *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 10.6.2: 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. The amount by which Ineligibility is reduced should be based on the likelihood that the Fencer or other Person would have been caught had he/she not come forward voluntarily.]

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

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

10.6.4 Application of Multiple Grounds for Reduction of a Sanction

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

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

10.7 Multiple Violations

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

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

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

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

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

10.7.4 Additional Rules for Certain Potential Multiple Violations

10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the FIE 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, or after the FIE made reasonable efforts to give notice of the first anti-doping rule violation. If the FIE cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, the FIE 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 shall impose an additional sanction based on the sanction that could have been imposed if the two violations had

been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

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

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

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

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

[Comment to Article 10.8: Nothing in these Anti-Doping Rules precludes clean 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 Allocation of CAS Cost Awards and Forfeited Prize Money

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; and second, reimbursement of the expenses of the FIE.

10.10 Financial Consequences

Where a *Fencer* or other *Person* commits an anti-doping rule violation, the FIE may, in its discretion and subject to the principle of proportionality, elect to a) recover from the *Fencer* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed and/or b) fine the *Fencer* or other *Person* in an amount up to \$1000.00 U.S. Dollars only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

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

10.11 Commencement of *Ineligibility* Period

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

10.11.1 Delays Not Attributable to the *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 may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

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

10.11.2 Timely Admission

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

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

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

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

[Comment to Article 10.11.3.2: A 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.]

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

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

[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the 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 final hearing decision.]

10.12 Status During *Ineligibility*

10.12.1 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 a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in *Competitions* authorized or organized by any professional league or any international or national level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.

A *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 as a *Fencer* in local sport events not sanctioned or otherwise under the jurisdiction of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Fencer* or other *Person* working in any capacity with *Minors*.

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

[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible 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 or which is funded by a governmental agency. 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 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Mutual Recognition).]

10.12.2 Return to Training

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

[Comment to Article 10.12.2: During the training period described in this Article, an Ineligible Fencer may not compete or engage in any activity described in Article 10.12.1 other than training.]

10.12.3 Violation of the Prohibition of Participation During *Ineligibility*

Where a *Fencer* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Fencer* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether a *Fencer* or other *Person* has violated the prohibition against participation, and whether an adjustment

is appropriate, shall be made by the *Anti-Doping Organization* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

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

10.12.4 Withholding of Financial Support during *Ineligibility*

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

10.13 Automatic Publication of Sanction

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

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 Testing of Teams

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

11.2 Consequences for Teams

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

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

11.2.3 Where a *Fencer* who is a member of a team committed an anti-doping rule violation during or in connection with one *Competition*

in an *Event*, if the other member(s) of the team establish(es) that he/she/they bear(s) *No Fault or Negligence* for that violation, the results of the team in any other *Competition(s)* in that *Event* shall not be *Disqualified* unless the results of the team in the *Competition(s)* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Fencer's* anti-doping rule violation.

ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST SPORTING BODIES

12.1 The FIE 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 some or all 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 Article 2.4) 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* from 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) 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 \$ 1000 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 13.7 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organization's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

13.1.1 Scope of Review Not Limited

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

13.1.2 CAS Shall Not Defer to the Findings Being Appealed

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

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

13.1.3 WADA Not Required to Exhaust Internal Remedies

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

[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of the FIE's process (for example, a first hearing) and no party elects to

appeal that decision to the next level of the FIE's process (e.g., the Executive Committee), then WADA may bypass the remaining steps in the FIE's internal process and appeal directly to CAS.]

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six month notice requirement for a retired *Fencer* to return to *Competition* under Article 5.11; a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by the FIE not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; the FIE's failure to comply with Article 7.9; a decision that the FIE lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1; a decision under Article 10.12.3; and a decision by the FIE not to recognize another *Anti-Doping Organization's* decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

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

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

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

13.2.2 Appeals Involving Other *Fencers* or Other *Persons*

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

Organization has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such 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 appeal body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties: (a) the *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; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the FIE shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

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

13.2.4 Cross Appeals and other Subsequent Appeals Allowed

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

[Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping

Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]

13.3 Failure to Render a Timely Decision

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

[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 to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the FIE and give the FIE an opportunity to explain why it has not yet rendered a decision.]

13.4 Appeals Relating to TUEs

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

13.5 Notification of Appeal Decisions

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

13.6 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*.

13.7 Time for Filing Appeals

13.7.1 Appeals to CAS

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

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

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

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

13.7.2 Appeals Under Article 13.2.2

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

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

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

ARTICLE 14 CONFIDENTIALITY AND REPORTING

14.1 Information Concerning *Adverse Analytical Findings, Atypical Findings*, and Other Asserted Anti-Doping Rule Violations

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

Notice to *Fencers* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules. Notice to 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 of Anti-Doping Rule Violations to *National Anti-Doping Organizations* and *WADA*

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

14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation under Article 2.1 shall include: the *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, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

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

14.1.4 Status Reports

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

14.1.5 Confidentiality

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

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

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

14.2.1 Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.3, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, the FIE shall provide a short English or French summary of the decision and the supporting reasons.

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

14.3 Public Disclosure

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

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

14.3.3 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 *Publicly Disclosed* only with the consent of the *Fencer* or other *Person* who is the subject of the decision. the FIE shall use reasonable efforts to obtain such consent. If consent is obtained, the FIE shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Fencer* or other *Person* may approve.

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

14.3.5 Neither the FIE, nor its *National Federations*, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Fencer* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.

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

14.4 Statistical Reporting

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

14.5 Doping Control Information Clearinghouse

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

14.6 Data Privacy

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

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

Information and otherwise as required to implement these Anti-Doping Rules.

ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS

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

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

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

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

15.3 Subject to the right to appeal provided in Article 13, any decision of the 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 AND OBLIGATIONS OF NATIONAL FEDERATIONS

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

itself directly against *Fencers* under its anti-doping jurisdiction (including *National-Level Fencers*).

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

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

16.4 All *National Federations* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Fencers* under the jurisdiction of the FIE or the *National Federation*.

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

ARTICLE 17 STATUTE OF LIMITATIONS

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

ARTICLE 18 FIE COMPLIANCE REPORTS TO WADA

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

ARTICLE 19 EDUCATION

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

ARTICLE 20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

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

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

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

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

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

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

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

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

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

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

20.7.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *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 case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

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

ARTICLE 21 INTERPRETATION OF THE *CODE*

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

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

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

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

21.5 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as

"first violations" or "second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

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

ARTICLE 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF *FENCERS* AND OTHER *PERSONS*

22.1 Roles and Responsibilities of *Fencers*

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

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

[Comment to Article 22.1.2: With due regard to a Fencer's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning.]

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

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

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

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

22.1.7 Failure by any *Fencer* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under the FIE's disciplinary rules.

22.2 Roles and Responsibilities of *Athlete Support Personnel*

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

22.2.2 To cooperate with the *Athlete Testing* program.

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

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

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

22.2.6 Failure by any *Athlete Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under the FIE's disciplinary rules.

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

22.2.8 *Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Personnel* without valid justification may result in a charge of misconduct under the FIE's disciplinary rules.

APPENDIX 1 DEFINITIONS

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

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

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

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

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

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

purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

[* Note: for the purpose of these Rules, a *Fencer* is an *Athlete*]

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

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

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

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

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

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

Competition: A *Fencing Competition* consists of a series of bouts between Individual *Fencers* (or of matches in *Team Competitions*) required to determine the winner of that *Competition*. *Competitions* are distinguished by (a) type of weapon, (b) a competitor's sex, (c) age group, and (d) whether Individual or Team. Thus each World Cup or Grand Prix is a single *Competition*, whereas World Championships or Zonal Championships include a number of Individual and Team *Competitions*.

Consequences of Anti-Doping Rule Violations ("Consequences"): An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) Ineligibility means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.12.1; (c) Provisional Suspension means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure or Public Reporting means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11 of the *Code*.

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

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

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

Event: A series of *Competitions* conducted together under one ruling body (e.g. the Olympic Games, FIE Senior and Junior World Championships, or World Combat Games).

Event Venues: Those venues so designated by the ruling body for the *Event*.

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

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.5.1 or 10.5.2.

[Comment: The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.5.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]

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

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

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

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

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

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

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

International-Level Fencer: For purposes of these Anti-Doping Rules, the term *International-Level Fencer* refers to:

- a. a *Fencer* who is in the *FIE Registered Testing Pool*; and

- b. a *Fencer* who is ranked in the top 32 in each of the 6 weapon categories at the start of each season.

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

Metabolite: Any substance produced by a biotransformation process.

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

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

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

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

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

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

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

the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

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

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

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

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

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

Possession: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

[*Comment: Under this definition, steroids found in 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. The act of purchasing a Prohibited Substance alone constitutes*

Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]

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

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

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

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

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

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

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

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

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

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

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

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

Specified Substance: See Article 4.2.2.

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

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

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

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

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

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

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

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

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

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

WADA: The World Anti-Doping Agency.

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

APPENDIX 2 EXAMPLES OF THE APPLICATION OF ARTICLE 10

EXAMPLE 1.

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

Application of Consequences:

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

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

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

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

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

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

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

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

EXAMPLE 2.

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

Application of Consequences:

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

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

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

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

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

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

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

EXAMPLE 3.

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

Application of Consequences:

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

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

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

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

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

EXAMPLE 4.

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

Application of Consequences:

1. Since the violation was intentional, Article 10.2.1 would be applicable and the basic period of *Ineligibility* imposed would be four years.

2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Articles 10.4 and 10.5).

3. Based on the *Athlete's* spontaneous admission (Article 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the *Athlete's Substantial Assistance* (Article 10.6.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.* Under Article 10.6.4, in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.

4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Article 10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Article 10.11.2 would not be permitted. The provision seeks to prevent an *Athlete* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Article 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the *Athlete's* last *Use* of the anabolic steroid.

5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.

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

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

EXAMPLE 5.

Facts:

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

Application of Consequences:

1. According to Article 10.3.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)

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

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

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

EXAMPLE 6.

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

Application of Consequences:

1. Article 10.7 is applicable to the second anti-doping rule violation because Article 10.7.4.1 and Article 10.7.5 apply.
2. Under Article 10.7.1, the period of *Ineligibility* would be the greater of:
 - (a) six months;
 - (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6 (in this example, that would equal one-half of 14 months, which is seven months); or
 - (c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6 (in this example, that would equal two times 16 months, which is 32 months).

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

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

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

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

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

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

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

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