

## ISAF Anti-Doping Code

### Regulation 21

A submission from the Executive Committee

#### Proposal:

## 21. ANTI-DOPING CODE

### INTRODUCTION

#### ***Preface***

At the ISAF ~~Mid-Year Meeting~~ **Annual Conference** held on 25 May 2003 in Oslo, Norway in **November 2008**, the International Sailing Federation (ISAF) accepted the **revised (2009)** World Anti-Doping Code (the "*Code*"). These Anti-Doping Rules are adopted and implemented in conformance with ISAF's responsibilities under the "*Code*", and are in furtherance of ISAF's continuing efforts to eradicate doping in the sport of sailing.

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

#### ***Fundamental Rationale for the "Code" and ISAF's Anti-Doping Rules***

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

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

- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

### **Scope**

These Anti-Doping Rules shall apply to ISAF, each *Member National Authority* (MNA) of ISAF, and each *participant* in the activities of ISAF or any of its MNAs by virtue of the *participant's* membership, accreditation, or participation in ISAF, its MNAs, or their activities or *events*. Any *person* who is not a member of a MNA and who fulfills the requirements to be part of the ISAF *registered testing pool*, must become a member of the *person's* MNA, and must make himself or herself available for *testing*, at least twelve months before participating in *international events* or events of his/her MNA.

It is the responsibility of each MNA to ensure that all national-level *testing* on the MNAs ***athletes*** complies with these Anti-Doping Rules. In some ~~cases~~ ***countries***, the MNA will be conducting the *doping control* described in these Anti-Doping Rules. In other countries, many of the *doping control* responsibilities of the MNA have been delegated or assigned by statute ***or agreement*** to a *National Anti-Doping Organization*. In those countries, references in these Anti-Doping Rules to the MNA shall apply, as applicable, to the MNAs *National Anti-Doping Organization*.

These Anti-Doping Rules shall apply to all *doping controls* over which ISAF and its MNAs have jurisdiction.

*Doping control* is administered in order to uphold the requirement of RRS Fundamental Rule 5.

### **DEFINITIONS**

#### *Adverse analytical finding*

A report from a laboratory or other approved *testing* entity that identifies in a ~~specimen~~ *sample* the presence of a *prohibited substance* or its *metabolites* or *markers* (including elevated quantities of endogenous substances) or evidence of the *use* of a *prohibited method*.

#### *Anti-Doping Organization*

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

#### *Athlete*

~~For purposes of doping control, a~~ **Any person who participates in sport at the *international-level* (as defined by each International Federation), or *the* national level (as defined by each *National Anti-Doping Organization*), and any additional person who participates in sport at a lower level if designated by the person's *National Anti-Doping Organization*. For, including but not limited to those persons in its *Registered Testing Pool*, and any other competitor in sport who is otherwise subject to the jurisdiction of any *signatory* or other sports organization accepting the *Code*. All provisions of the *Code*, including, for example, *testing*, and TUE's must be applied to international and national-level competitors. Some *National Anti-Doping Organizations* may elect to test and apply anti-doping rules to recreational-level or masters competitors who are not current or**

**potential national caliber competitors. National Anti-Doping Organizations are not required, however, to apply all aspects of the Code to such persons. Specific national rules may be established for Doping Control for non-international-level or national-level competitors without being in conflict with the Code. Thus, a country could elect to test recreational-level competitors but not require TUE's or whereabouts information. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not require advance TUE or whereabouts information. For purposes of Regulation 21.2.7 (Administration or Attempted Administration) and for purposes of anti-doping information and education, any person who participates in sport under the authority of any signatory, government, or other sports organization accepting the "Code".**

#### Athlete Support Personnel

Any coach, trainer, manager, agent, team staff, official, medical or ~~para-medical~~ **paramedical** personnel, **parent or any other person** working with or ~~treating~~ **or assisting an athlete** participating in or preparing for sports competition.

#### Attempt

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

#### Atypical Finding

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

#### CAS

**The Court of Arbitration for Sport.**

#### "Code"

The World Anti-Doping Code.

#### Competition

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

#### Consequences of Anti-Doping Rules Violations

An *athlete's* or other *person's* violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the *athlete's* results in a particular *competition* or *event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the *athlete* or other *person* is barred for a specified period of time from participating in any *competition* or other activity or funding as provided in Regulation 21.10.89 (Status During *Ineligibility*); and (c) Provisional Suspension means the *athlete* or other *person* is barred temporarily from participating in any *competition* prior to the final decision at a hearing conducted under Regulation 21.8 ~~through 21.8.6~~ (Right to a Fair Hearing).

#### Disqualification

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

### Doping Control

~~The process including~~ **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, **TUE's,** results management, **and** hearings ~~and appeals.~~

### Event

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

### Event Period.

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

### In-Competition

For purposes of differentiating between *In-Competition* and *Out-of-Competition testing*, *In-Competition* is defined as that period of time between the scheduled time of the warning signal of the first race of the event, up to the closure of protest time following the final race of the event.

### Independent Observer Programme

A team of observers, under the supervision of WADA, who observe **and may provide guidance on** the *doping control* process at certain *events* and report on **their** observations. ~~If WADA is testing *In-Competition* at an event, the observers shall be supervised by an independent organization.~~

### Individual Sport

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

### Ineligibility

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

### International Event

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

### International-Level Athlete

*Athletes* designated by one or more International Federations as being within the *registered testing pool* for an International Federation.

### International Standard

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

### Major Event Organizations

~~This term refers to~~ the continental associations of National Olympic Committees and other international multi-sport organizations that function as the ruling body for any continental, regional or other International *event*.

Marker

A compound, group of compounds or biological parameter(s) that indicates the *use* of a *prohibited substance* or *prohibited method*.

Metabolite

Any substance produced by a biotransformation process.

Minor

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

National Anti-Doping Organization

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

National Event

A sport *event* involving international or national-level *athletes* that is not an *international event*.

Member National Authority (MNA)

A national entity which is a member of or is recognized by ISAF as the entity governing the ISAF's sport in that nation or country. As per ISAF Article 1

National Olympic Committee

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

No Advance Notice

A *doping control* which takes place with no advance warning to the *athlete* and where the *athlete* is continuously chaperoned from the moment of notification through *sample* provision.

No Fault or Negligence

The *athlete's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *used* or been administered the *prohibited substance* or *prohibited method*.

No Significant Fault or Negligence

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

Out-of-Competition

Any *doping control* which is not *In-Competition*. When a *doping control* is conducted on the day of a *competition* in which the affected competitor has competed or is entered or expected to compete, the test shall be considered as *In-Competition*. All other unannounced *doping control* shall be deemed to be *Out-of-Competition* (OOCT). ~~OOCT may be conducted by~~

~~ISAF, by and ISAF authorized organization or authorized sports governing body at any time, including at the time or location of any competition in any Member National Authority country. Preferably it shall be carried out without any advance notice to the competitor or his/her MNA.~~

Participant

Any athlete or athlete support personnel.

Person

A natural person or an organization or other entity.

Possession

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

Prohibited List

The List identifying the prohibited substances and prohibited methods published and from time to time revised by WADA as described in Article 4.1 of the "Code".

The 2008 Prohibited List is available online at:  
[www.wada-ama.org/rtecontent/document/2008\\_List\\_En.pdf](http://www.wada-ama.org/rtecontent/document/2008_List_En.pdf)

Prohibited Method

Any method so described on the Prohibited List.

Prohibited Substance

Any substance so described on the Prohibited List.

Provisional Hearing

For purposes of Article 7.5~~6~~ of the "Code", an expedited abbreviated hearing occurring prior to a hearing under **Regulation** 21.8 through 21.8.6 (Right to a Fair Hearing) that provides the athlete with notice and an opportunity to be heard in either written or oral form.

[Provisional Suspension. See Consequences above.]

Publicly Disclose or Publicly Report

To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with Regulation 21.14 through ~~21.14.3~~ (MNAs Incorporation of ISAF Rules, Reporting and Recognition).

Registered Testing Pool

The pool of top level athletes established separately by each International Federation and

National Anti-Doping Organization who are subject to both In- *competition* and *Out-of-Competition testing* as part of that International Federation's or Organization's test distribution plan. The purpose of the ISAF *Registered Testing Pool* is to identify top-level *international athletes* who ISAF requires to provide whereabouts information to facilitate OOC by ISAF and WADA

### **Retroactive TUE**

**As defined in the *International Standard for Therapeutic Use Exemptions*.**

### **Sample Specimen**

Any biological material collected for the purposes of *doping control*.

### **Signatories**

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

### **Specified Substances**

**As defined in Regulation 21.4.1(b).**

### **Substantial Assistance**

**For purposes of Regulation 21.10.4(c), a person providing substantial assistance must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.**

### **Tampering**

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

### **Target Testing**

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

### **Team Sport**

A sport in which the substitution of players is permitted during a *competition*.

### **Testing**

The parts of the *doping control* process involving test distribution planning, *sample* collection, *sample* handling, and *sample* transport to the laboratory.

### **Trafficking**

~~To sell, give, administer, transport, send, deliver or distribute~~ **Selling, giving, transporting, sending, delivering or distributing** a *prohibited substance* or *prohibited method* to an *athlete* either directly or through one or more third parties, but excluding the sale or distribution (by medical personnel or by persons other than an *athlete's* support personnel) of

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

**TUE**

**As defined in Regulation 21.2.5(a).**

**TUE Panel**

**As defined in Regulation 21.4.3(d).**

**UNESCO Convention.**

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

**Use**

The **utilization**, application, ingestion, injection or consumption by any means whatsoever of any *prohibited substance or prohibited method*.

**WADA**

The World Anti-Doping Agency.

**Definition of Doping**

21.1 Doping is defined as the occurrence of one or more of the anti-doping rule violations as detailed in Regulation 21.2 ~~through Regulation 21.2.7~~ of these Anti-Doping Rules.

**Anti-Doping Rule Violations**

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

The following constitute anti-doping rule violations:

21.2 The presence of a prohibited substance or its metabolites or markers in an *athlete's* ~~bodily specimen~~ **sample**

- (a) It is each *athlete's* personal duty to ensure that no *prohibited substance* enters his or her body. Athletes are responsible for any *prohibited substance* or its *metabolites* or *markers* found to be present in their ~~bodily specimens~~ **samples**. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the athlete's part be demonstrated in order to establish an anti-doping violation under Regulation 21.2.
- (b) **Sufficient proof of an anti-doping rule violation under Regulation 21.2 is established by either of the following: presence of a prohibited substance or its metabolites or markers in the athlete's A sample where the athlete waives analysis of the B sample and the B sample is not analyzed; or, where the athlete's B sample is analyzed and the analysis of the athlete's B sample confirms the presence of the prohibited substance or its metabolites or markers found in the athlete's A sample.**

- (c) Excepting those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List, the ~~detected~~ presence of any quantity of a *prohibited substance* or its *metabolites* or *markers* in an athlete's sample shall constitute an anti-doping rule violation.
- (d) As an exception to the general rule of Regulation 21.2, the Prohibited List **or International Standards** may establish special criteria for the evaluation of *prohibited substances* that can also be produced endogenously.
- 21.2.1 Use or attempted use **by an athlete** of a prohibited substance or a prohibited method
- (a) **It is each athlete's personal duty to ensure that no prohibited substance enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the athlete's part be demonstrated in order to establish an anti-doping rule violation for use of a prohibited substance or a prohibited method.**
- (b) The success or failure of the 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.
- 21.2.2 Refusing, or failing without compelling justification, to submit to *sample* collection after notification as authorized in these Anti-Doping Rules or otherwise evading *sample* collection.
- 21.2.3 Violation of the **applicable** requirements regarding *athlete* availability for *Out-of-Competition Testing* (OOCT) **set out in the International Standard for Testing**, including failure to ~~provide file~~ required whereabouts information ~~set forth in Regulation 21.5.4 (Athlete whereabouts requirements)~~ and missed tests which are ~~declared based on reasonable rules~~ **in accordance with Article 11.3 of the International Standard for Testing (a 'filing failure') and failure to be available for Testing at the declared whereabouts in accordance with Article 11.4 of the International Standard for Testing (a 'missed test'). Any combination of three missed tests and/or filing failures committed within an eighteen-month period, as declared by ISAF or any other Anti-Doping Organization with jurisdiction over an athlete, shall constitute an anti-doping rule violation.**
- 21.2.4 ~~Tampering, or attempting to tamper,~~ **attempted tampering** with any part of *doping control*.
- 21.2.5 Possession of prohibited substances and methods.
- (a) ~~Possession by an athlete at any time or place of a substance that~~ **In-Competition of any prohibited method or any prohibited substance, or possession by an athlete Out-of-Competition of any prohibited method or any prohibited substance which** is prohibited in OOCT ~~or a prohibited method~~ unless the *athlete* establishes that the *possession* is pursuant to a therapeutic use exemption ('**TUE**') granted in accordance with Regulation 21.4.3 (Therapeutic Use) or other acceptable justification.
- (b) ~~Possession of a prohibited substance that is prohibited in OOCT by athlete~~ **support personnel In-Competition of any or a prohibited method by or any prohibited substance, or possession by athlete support personnel Out-of-Competition of any prohibited method or any prohibited substance which is prohibited Out-of-Competition,** in connection with an *athlete*, ~~event~~ **competition** or training, unless the *athlete support personnel* establishes that

the *possession* is pursuant to a ~~therapeutic use exemption~~ **TUE** granted to an *athlete* in accordance with Regulation 21.4.3 (Therapeutic Use) or other acceptable justification.

- 21.2.6. Trafficking **or attempted trafficking** in any prohibited substance or prohibited method.
- 21.2.7 Administration or attempted administration ~~of a prohibited substance or prohibited method~~ to any athlete, **In-Competition or any prohibited method or prohibited substance, or administration or attempted administration to any athlete Out-of-Competition of any prohibited method or any prohibited substance that is prohibited Out-of-Competition,** or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted **anti-doping rule** violation.

### ***Proof of Doping***

#### 21.3 Burdens and Standards of Proof

ISAF and its MNAs shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether ISAF or its MNA has established an anti-doping rule violation to the comfortable satisfaction of the hearing body **panel** bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Rules place the burden of proof upon the *athlete* or other *person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, **except as provided in Regulation 21.10.3 and 21.10.5, where the athlete must satisfy a higher burden of proof.**

##### 21.3.1 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:

- (a) WADA-accredited laboratories are presumed to have conducted *sample* analysis and custodial procedures in accordance with the International Standard for ~~Laboratory Analysis~~ **Laboratories**. The *athlete* **or other person** may rebut this presumption by establishing that a departure from the *international standard* occurred **which could reasonably have caused the adverse analytical finding.**

If the *athlete* **or other person** rebuts the preceding presumption by showing that a departure from the *international standard* occurred **which could reasonably have caused the adverse analytical finding**, then ISAF or its MNA shall have the burden to establish that such departure did not cause the *adverse analytical finding*.

- (i) Departures from ~~the~~ **any other** International Standard ~~for Testing or~~ **other anti-doping rule or policy** which did not cause an *adverse analytical finding* or other anti-doping rule violation shall not invalidate such results. If the *athlete* **or other person** establishes that ~~departures~~ **a departure** from ~~the~~ **another** *international standard* ~~occurred during testing~~ **or other anti-doping rule or policy which could reasonably have caused the adverse analytical finding or other anti-doping rule violation occurred**, then ISAF or its MNA shall have the burden to

establish that such a departure~~s~~ did not cause the *adverse analytical finding* or the factual basis for the anti-doping rule violation.

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

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

### ***The Prohibited List***

#### 21.4 Incorporation of the Prohibited List

These Anti-Doping Rules incorporate the Prohibited List. ISAF will make the current Prohibited List available to each MNA, and each MNA shall ensure that the current Prohibited List is available to its members and constituents.

#### 21.4.1 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

(a) **Prohibited Substances and Prohibited Methods**

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

(b) **Specified Substances**

**For purposes of the application of Regulation 21.10 (Sanctions on individuals), all prohibited substances shall be 'specified substances' except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the prohibited list. Prohibited methods shall not be specified substances.**

(c) **New Classes of Prohibited Substances**

**In the event WADA expands the prohibited list by adding a new class of prohibited substances in accordance with Article 4.1 of the Code, WADA's Executive Committee shall determine whether any or all prohibited substances within the new class of prohibited substances shall be considered specified substances under Regulation 21.4.1 (b).**

- 21.4.2 Criteria for Including Substances and Methods on the Prohibited List  
As provided in Article 4.43.3 of the "Code", WADA's determination of the *prohibited substances* and *prohibited methods* that will be included on the Prohibited List shall be **and the classification of substances into categories on the Prohibited List is final and shall not be subject to challenge by an athlete or other person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.**
- 21.4.3 Therapeutic Use
- (a) *Athletes* with a documented medical condition requiring the use of a *prohibited substance* or a *prohibited method* must first obtain a ~~Therapeutic Use Exemption ("TUE")~~. **The presence of a Prohibited Substance or its Metabolites or Markers (Regulation 21.2), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Regulation 21.2.1), Possession of Prohibited Substances or Prohibited Methods (Regulation 21.2.5) or administration of a Prohibited Substance or Prohibited Method (Regulation 21.2.7) consistent with the provisions of an applicable TUE issued pursuant to the International Standard for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.**
- (b) **Subject to Regulation 21.4.3(c), Athletes** included by ISAF in its *registered testing pool* and other *athletes* ~~prior to their participation~~ **participating** in any *international event* must obtain a TUE from ISAF (regardless of whether the *athlete* previously has received a TUE at the national level). **The application for a TUE must be made as soon as possible (in the case of an Athlete in the Registered Testing Pool, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 21 days before the Athlete's participation in the Event.** TUEs granted by ISAF shall be reported to the *athlete's* MNA and to WADA. Other *athletes* subject to *testing* **who need to use a Prohibited Substance or a Prohibited Method for therapeutic reasons may must** obtain a TUE from their *National Anti-Doping Organization* or other body designated by their MNA, **as required under the rules of the National Anti-Doping Organization/other body.** MNAs shall promptly report any such TUEs to ISAF and WADA.
- (c) **The only exception to Regulation 21.4.3(b) is that, in accordance with Article 7.13 of the International Standard for Therapeutic Use Exemptions, Athletes not in ISAF's Registered Testing Pool who inhale Glucocorticosteroids and/or formoterol, salbutamol, salmeterol or terbutaline to treat asthma or one of its clinical variants do not need a TUE in advance of participating in an International Event unless so specified by ISAF. Instead, if necessary, any such Athlete may apply for a Retroactive TUE after the Event in accordance with Article 7.13 of the International Standard for Therapeutic Use Exemptions and Regulation 21.7(c) of these Anti-Doping Rules.**
- (d) The ISAF Executive Committee shall appoint a panel of physicians to consider requests for TUEs (the "TUE Panel" - which shall consist of the current members of the ISAF Medical Commission). Upon ISAF's receipt of a TUE request, the Chair of the TUE Panel shall appoint one or more members of the TUE Panel (which may include the Chair) to consider such request. The TUE Panel member(s) so designated shall promptly evaluate such request in accordance with the International Standard for Therapeutic Use Exemptions

and render a decision on such request, which shall be the final decision of ISAF.

- (i) ~~International level athletes who are included in the ISAF's registered testing pool, should apply to ISAF for the TUE at the same time the athlete first provides whereabouts information to ISAF and, except in emergency situations, no later than 21 days before the athlete's participation at an international event.~~
  - (ii) ~~Athletes participating in international events who are not included in the ISAF registered testing pool must, except in emergency situations, request a TUE from ISAF no later than 21 days before the athlete's participation at an international event.~~
  - (iii) In offshore races of more than 50 nautical miles, the use of any ~~banned~~ **prohibited** substance or ~~banned procedure~~ **prohibited methods** for emergency medical treatment shall be recorded. The ISAF Medical Commission may retroactively approve such use and possession of such medications as might be reasonably required if the acute situation or exceptional circumstances are confirmed to the satisfaction of the Medical Commission.
  - (iv) If any prohibited substances carried on board are used, an explanation will need to be provided and the process for retroactive TUE will take place.
  - (v) With the approval of the ISAF or a Member National Authority or National Olympic Committee (NOC), a Team Doctor or a Doctor who is responsible for sailing competitors, officials and others in the care of that Doctor, may carry and employ such medications as the circumstances may require and as might be properly used in the undertaking of the Hippocratic oath. The ISAF Medical Commission may retroactively approve such use.
- (e) WADA, at the request of an *athlete* or on its own initiation, may review the granting or denial of any TUE ~~to an international level athlete or a national level athlete that is included in a registered testing pool~~ **by ISAF**. If WADA determines that the granting or denial of a TUE did not comply with the International Standard for Therapeutic Use Exemptions in force at the time then WADA may reverse that decision. Decisions on TUEs are subject to further appeal as provided in Regulation 21.13 ~~through Regulation 21.13~~. (Appeals).

## **Testing**

### 21.5 Authority to Test

All ~~athletes affiliated with~~ **under the jurisdiction of** a MNA shall be subject to *In-Competition testing* (ICT) by ISAF, the *athlete's* MNA, and any other *anti-doping organization* responsible for *testing* at a *competition* or *event* in which they participate. All ~~athletes affiliated with~~ **under the jurisdiction of** a MNA **including athletes serving a period of ineligibility or a provisional suspension**, shall also be subject to OOCT at any time or place, with or without advance notice, by ISAF, WADA, the *athlete's* MNA, the *National Anti-Doping Organization* of any country where the *athlete* is present, the IOC during the Olympic Games, and the IPC during Paralympic Games. ***Target Testing will be made a priority.***

- 21.5.1 Responsibility for ISAF Testing  
 ISAF shall be responsible for ~~overseeing all testing conducted by~~ **drawing up a test distribution plan for the sport of sailing in accordance with Article 4 of the International Standard for Testing, and for the implementation of that plan, including overseeing all Testing conducted by or on behalf of** ISAF. Testing may be conducted by members of ISAF or by other qualified *persons* so authorized by ISAF.
- 21.5.2 Testing Standards  
 Testing conducted by ISAF and its MNAs shall be in substantial conformity with the International Standard for Testing in force at the time of *testing*.
- (a) Blood (or other non-urine) *samples* may be used ~~either~~ to detect *prohibited substances* or *prohibited methods* ~~or~~ for screening procedure purposes ~~only~~ **or for longitudinal hematological profiling (“the passport”)**. If the ~~blood~~ **sample** is collected for screening only, it will have no ~~other~~ consequences for the *athlete* other than to identify him/her for a urine test under these anti-doping rules. In these circumstances, ISAF may decide at its own discretion which blood parameters are to be measured in the screening *sample* and what levels of those parameters will be used to indicate that an *athlete* should be selected for a urine test. **If however, the Sample is collected for longitudinal hematological profiling (“the passport”), it may be used for anti-doping purposes in accordance with Article 2.2 of the Code.**
- 21.5.3 Co-ordination of Testing  
 ISAF and MNAs shall promptly report completed tests through the WADA clearinghouse to avoid unnecessary duplication in *testing*.
- 21.5.4 Athlete Whereabouts Requirements
- (a) ISAF has identified a *registered testing pool* of those *athletes* who are required to ~~provide up to date whereabouts information to ISAF.~~ **comply with the whereabouts requirements of the International Standard for Testing, ISAF may and shall publish the criteria for Athletes to be included in this Registered Testing Pool as well as a list of the Athletes meeting those criteria for the period in question. ISAF shall review and update as necessary its criteria for including Athletes in its Registered Testing Pool, and shall revise the membership of** its *registered testing pool* from time to time as appropriate **in accordance with the set criteria.**
- Each athlete in the *registered testing pool* (a) shall ~~file semi-annual reports with ISAF on forms provided by ISAF ADAMS, (WADA’s Anti-Doping Administration and Management System) which must specify on a daily basis the locations and times where the athlete will be residing, training and competing.~~ **advise ISAF of his/her whereabouts on a semi-annual basis in the manner set out in Article 11.3 of the International Standard for Testing;** (b) ~~A minimum block of 2 hours whereabouts information is required daily. Athletes shall update this information as necessary so that it is current at all times,~~ **in accordance with Article 11.4.2 of the International Standard for Testing, so that it remains accurate and complete at all times; and (c) shall make him/herself available for Testing at such whereabouts, in accordance with Article 11.4 of the International Standard for Testing.**  
~~The ultimate responsibility for providing whereabouts information rests with each athlete, however, it shall be the responsibility of each MNA to use its best efforts to assist ISAF in obtaining whereabouts information as requested by ISAF.~~

- (b) ~~Any athlete's failure to advise ISAF of his/her whereabouts shall be deemed a filing failure for purposes of Regulation 21.2.3 where the conditions of Article 11.3.5 of the *International Standard for Testing* are met in the ISAF registered testing pool who is unavailable for testing on three attempts during any period of 18 consecutive months shall be considered to have committed an anti-doping rule violation pursuant to Regulation 21.2.3. For each attempt, the Doping Control Officer shall visit all locations during the times specified by the athlete for that date and shall stay two hours at each location. Notification shall be sent to the athlete between each attempt which is to be counted as an unavailable test.~~
- (c) ~~Any athlete's failure to be available for testing at his/her declared whereabouts shall be deemed a missed test for purposes of Regulation 21.2.3 where the conditions of Article 11.4.3 of the *International Standard for Testing* are met.~~ in the ISAF registered testing pool who fails to timely submit a required semi-annual whereabouts report after receipt of two formal written warnings from ISAF or a MNA to do so in the preceding 18 months shall be considered to have committed an anti-doping rule violation pursuant to Regulation 21.2.3.
- (d) Each MNA shall also assist ~~their~~ **its** National Anti-Doping Organization in establishing a national level registered testing pool of top level national athletes who are not already included in ISAF's registered testing pool. The MNA/National Anti-Doping Organization may establish its own whereabouts reporting requirements and criteria for Regulation 22.2.3 violations applicable to those athletes to whom the whereabouts requirements of the ***International Standard for Testing*** shall also apply. Where those Athletes are also in ISAF's Registered Testing Pool, ISAF and the National Anti-Doping Organization will agree (with the assistance of WADA if required) on which of them will take responsibility for receiving whereabouts filings from the athlete and sharing it with the other (and with other Anti-Doping Organizations) in accordance with Regulation 21.5.4(e).
- (e) Whereabouts information provided pursuant to Regulation 21.5.4(a) and ~~(d)~~ **(e)** shall be shared with WADA and other anti-doping organizations having jurisdiction to test an athlete ~~on the~~ **in accordance with Articles 11.7.1(d) and 11.7.3(d) of the *International Standard for Testing*, including the** strict condition that it be used only for doping control purposes.

~~Note: It is the responsibility of each MNA to ensure that all national level testing on the MNA's athletes complies with these Anti-Doping Rules. In some cases, the MNA itself will be conducting the doping control described in these Anti-Doping Rules. In other countries, many of the doping control responsibilities of the MNA have been delegated or assigned by statute to a National Anti-Doping Organization. In those countries, references in these Anti-Doping Rules to the MNA shall apply, as applicable, to the MNA's National Anti-Doping Organization.~~

#### 21.5.5 Retirement and Return to Competition

- (a) An athlete who has been identified by ISAF for inclusion in ISAF's registered testing pool shall continue to be subject to these Anti-Doping Rules, including the obligation to ~~be available for No Advance Notice OOC~~, **comply with the whereabouts requirements of the *International Standard for Testing*** unless and until the athlete gives written notice to ISAF that he or she has retired or until he or she no longer satisfies the criteria for inclusion in the ISAF's registered testing pool and has been so informed by ISAF.
- (b) An athlete who has given notice of retirement to ISAF may not resume competing unless he or she notifies ISAF at least six months before he or she

expects to return to *competition* and ~~is available for unannounced OCT,~~ **makes him/herself available for unannounced Out-of-Competition Testing, including (if requested) complying with the whereabouts requirements of the International Standard for Testing,** at any time during the period before actual return to *competition*.

- (c) MNAs/*National Anti-Doping Organizations* may establish similar requirements for retirement and returning to *competition* for *athletes* in the national registered testing pool.

#### 21.5.6 Selection of Athletes to be Tested

- (a) At *international events*, ISAF shall determine the number of finishing placement tests, random tests and target tests to be performed.

The following *athletes* shall be tested for each *competition* at an *international event*.

- (i) For events competed with single handed boats: Each *athlete* finishing in one of the top three placements in the *competition*, plus one other *athlete* in the *competition* selected at random.
- (ii) For all other events: One *athlete* selected at random from each of the top three finishing teams, plus one *athlete* selected at random from any of the other teams in the *competition*.
- (b) **At National Events, each MNA shall determine the number of athletes selected for testing in each competition and the procedures for selecting the athletes for testing.**
- (c) **In addition to the selection procedures set forth in Regulation 21.5.6(a) and 21.5.76(b) above, ISAF at International events, and the MNA at National events, may also select athletes or teams for target testing so long as such target testing is not used for any purpose other than legitimate doping control purposes.**
- (d) **Athletes shall be selected for Out-of-Competition testing by ISAF and by MNAs through a process that substantially complies with the International Standard for Testing in force at the time of selection.**

21.5.7 MNAs and the organizing committees for MNA *events* shall provide access to *independent observers* at *events* as directed by ISAF.

#### **Analysis of Samples**

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

#### 21.6 Use of Approved Laboratories

ISAF shall send *doping control samples* for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other **laboratory or** method approved by WADA) used for the *sample* analysis shall be determined exclusively by ISAF.

21.6.1 ~~Substances Subject to Detection~~ **Purpose of Collection and Analysis of Samples**  
~~Doping control~~ **Samples** shall be analyzed to detect *prohibited substances* and *prohibited methods* identified on the Prohibited List and other substances as may be directed by WADA pursuant to the Monitoring Programme described in Article 4.5 of the "Code" **or to assist ISAF in profiling relevant parameters in an Athlete's**

**urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.**

- 21.6.2 Research on Samples  
No *sample* may be used for any purpose other than ~~the detection of substances (or classes of substances) or methods on the Prohibited List, or as otherwise identified by WADA pursuant to its Monitoring Programme,~~ **as described in Regulation 21.6.1** without the *athlete's* written consent. **Samples used (with the athlete's consent) for purposes other than Regulation 21.6.1 shall have any means of identification removed such that they cannot be traced back to a particular Athlete.**
- 21.6.3 Standards for Sample Analysis and Reporting  
Laboratories shall analyze *doping control samples* and report results in conformity with the International Standard for ~~Laboratory Analysis~~ **Laboratories.**

**21.6.5 Retesting Samples**

**A sample may be reanalyzed for the purposes described in Regulation 21.6.1 at any time exclusively at the direction of ISAF or WADA. The circumstances and conditions for retesting Samples shall conform with the requirements of the International Standard for Laboratories.**

***Results Management***

- 21.7 Results Management for Tests Initiated by ISAF  
Results management for tests initiated by ISAF (including tests performed by WADA pursuant to agreement with ISAF) shall proceed as set forth below:
- (a) The results from all analyses must be sent to ISAF in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted in **confidentiality and in conformity with ADAMS, a database management tool developed by WADA** ~~such a way that the results of the analyses are confidential.~~ **ADAMS is consistent with data privacy statutes and norms applicable to WADA and other organizations using it.**
  - (b) Upon receipt of an *A sample adverse analytical finding*, the ISAF Anti-Doping Administrator shall conduct a review to determine whether: (a) ~~an applicable TUE has been granted,~~ **the Adverse Analytical Finding is consistent with an applicable TUE** or (b) there is any apparent departure from the International Standards for Testing or ~~Laboratory Analysis that undermines the validity of~~ **International Standard for Laboratories that caused** the *adverse analytical finding*.
- (c) In the following circumstances:**
- (i) **The Adverse Analytical Finding is for a Glucocorticosteroid, formoterol, salbutamol, salmeterol or terbutaline; and**
  - (ii) **The Sample in question was provided by an Athlete who is not in ISAF's Registered Testing Pool, during his/her participation in an International Standard for Therapeutic Use Exemptions and Regulation 21.4.3(c) of these Anti-Doping Rules ISAF does not require a TUE for asthma medication in advance;**

**then, before the matter is referred to ISAF under Regulation 21.7, the Athlete shall be given an opportunity to apply to the TUE Committee for a Retroactive TUE in accordance with Article 7.13 of the International Standard for Therapeutic Use Exemptions. The result of that application shall be forwarded to ISAF for consideration in its review of the Adverse Analytical Finding under Regulation 21.7(b).**

- ~~(d)~~ **e)** If the initial review **of an Adverse Analytical Finding** under Regulation 21.7(b) does not reveal an applicable TUE or departure from the International Standard for Testing or the International Standard for ~~Laboratory Analysis~~ **Laboratories** ~~in force at the time of testing or analysis that undermines the validity of the~~ **that caused the** *adverse analytical finding*, ISAF shall promptly notify the *athlete* of: (a) the *adverse analytical finding*; (b) the anti-doping rule violated, ~~or, in a case under Regulations 21.7(h) or (i), a description of the additional investigation that will be conducted as to whether there is an anti-doping rule violation~~; (c) the *athlete's* right to promptly request the analysis of the B *sample* or, failing such request, that the B *sample* analysis may be deemed waived; **(d) the scheduled date, time and place for the B Sample analysis (which shall be within the time period specified in the International Standard for Laboratories) if the Athlete or ISAF chooses to request an analysis of the B Sample;** ~~(de) the right of opportunity for the athlete and/or the athlete's representative to attend the B sample opening and analysis~~ **at the scheduled date, time and place** if such analysis is requested; and ~~(ef) the athlete's right to request copies of the A and B sample laboratory documentation package which includes information as required by the International Standard for Laboratory Analysis Laboratories. ISAF shall also notify the Athlete's National Anti-Doping Organization and WADA. If ISAF decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete, the Athlete's National Anti-Doping Organization and WADA.~~
- ~~(de)~~ **Where requested by the Athlete or ISAF, A** ~~arrangements shall be made for testing the B sample within three weeks of the notification described in Regulation 21.7(c)~~ **the time period specified in the International Standard for Testing.** An *athlete* may accept the A *sample* analytical results by waiving the requirement for B *sample* analysis. ISAF may nonetheless elect to proceed with the B *sample* analysis.
- ~~(ef)~~ The *athlete* and/or his representative shall be allowed to be present at the analysis of the B *sample* **within the time period specified in the International Standard for Laboratories.** Also a representative of the *athlete's* MNA as well as a representative of ISAF shall be allowed to be present.
- ~~(fg)~~ If the B *sample* proves negative, **then (unless ISAF takes the case forward as an anti-doping rule violation under Regulation 21.2.1)** the entire test shall be considered negative and the *athlete*, his MNA, and ISAF shall be so informed.
- ~~(gh)~~ If a *prohibited substance* or the *use of a prohibited method* is identified, the findings shall be reported to the *athlete*, his MNA, ISAF, and to WADA.
- ~~(h)~~ ~~The ISAF Anti-Doping Administrator shall conduct any follow-up investigation as may be required by the Prohibited List. Upon completion of such follow-up investigation, ISAF shall promptly notify the athlete regarding the results of the follow-up investigation and whether or not ISAF asserts that an anti-doping rule was violated.~~

- (i) For apparent anti-doping rule violations that do not involve *adverse analytical findings*, ISAF shall conduct any necessary follow-up investigation and, **at such time as it is satisfied that an anti-doping rule violation has occurred, it** shall then promptly notify the *athlete* of the anti-doping rule which appears to have been violated, and the basis of the violation.

#### **21.7.1 Results Management for Atypical Findings**

- (a) **As provided in the International Standards, in certain circumstances laboratories are directed to report the presence of Prohibited Substances that may also be produced endogenously as atypical findings that should be investigated further.**
- (b) **If a laboratory reports an atypical finding in respect of a Sample collected from an athlete by or on behalf of ISAF, the ISAF Anti-Doping Administrator shall conduct a review to determine whether: (a) the Atypical Finding is consistent with an applicable TUE that has been granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the atypical analytical finding.**
- (c) **If the initial review of an atypical finding under Regulation 21.7.1(b) reveals an applicable TUE or departure from the International Standard for Testing or the International Standard for Laboratories that caused the atypical finding, the entire test shall be considered negative [and the athlete, his MNA, and ISAF shall be so informed].**
- (d) **If the initial review of an atypical finding under Regulation 21.7.1(b) does not reveal an applicable TUE or departure from the International Standard for Testing or the International Standard for Laboratories that caused the atypical finding, ISAF shall conduct the follow-up investigation required by the International Standards. If, once that investigation is completed, it is concluded that the atypical finding should be considered an Adverse Analytical Finding, ISAF shall pursue the matter in accordance with Regulation 21.7(c).**
- (e) **ISAF 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:**
- (f) **If ISAF determines the B sample should be analyzed prior to the conclusion of its follow-up investigation, it may conduct the B Sample analysis after notifying the athlete, with such notice to include a description of the atypical finding and the information described in Regulation 21.7(d), (c) to (f).**
- (g) **If ISAF receives a request, either from a Major Event Organization shortly before one of its International Events or from a sports organization responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any athlete identified on a list provided but the Major Event Organization or sports organization has a pending atypical finding, ISAF shall so identify any such athlete after first providing notice of the atypical finding to the Athlete.**

21.7.4~~2~~ **Results Management for Tests Initiated During Other International Events**  
Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or a *major event organization*, shall be managed, as far as sanctions beyond *disqualification* from the *event* or the results of the *event*, by ISAF.

21.7.4~~3~~ **Results Management for Tests initiated by MNAs**

- (a) Results management conducted by MNAs shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in Regulation 21.7. Results of all doping controls shall be reported to ISAF **and to WADA** within 14 days of the conclusion of the MNAs results management process. Any apparent anti-doping rule violation by an athlete who is a member of that MNA shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the MNA or national law. Apparent anti-doping rule violations by athletes who are members of another MNA shall be referred to the athlete's MNA for hearing.
- ~~(b) Unless for reason of unavoidable and necessary delay, communicated to and agreed with ISAF, there shall be a maximum time limit of three months from the notification of the positive B test to the confirmation of the penalty to be imposed by the MNA. The ISAF Executive Committee will have the right to impose direct sanctions. The penalty shall start from the date of the suspension. The suspension shall start with immediate effect from the notification of the positive B test.~~

21.7.4 **Results Management for Whereabouts Violations**

- (a) **Results management in respect of an apparent *filing failure* by an Athlete in ISAF's Registered Testing Pool shall be conducted by ISAF in accordance with Article 11.6.2 of the *International Standard for Testing* (unless it has been agreed in accordance with Regulation 21.5.4(d) that the MNA or National Anti-Doping Organization shall take such responsibility).**
- (b) **Results management in respect of an apparent missed test by an athlete in ISAF's Registered Testing Pool as a result of an attempt to test the athlete by or on behalf of ISAF shall be conducted by ISAF in accordance with Article 11.6.3 of the *International Standard for Testing*. Results management in respect of an apparent missed test by such athlete as a result of an attempt to test the athlete by or on behalf of another Anti-Doping Organization shall be conducted by that other Anti-Doping Organization in accordance with Article 11.7.6(c) of the *International Standard for Testing***
- (c) **Where, in any eighteen-month period, an athlete in ISAF's Registered Testing Pool is declared to have three filing failures, or three missed tests, or any combination of filing failures or missed tests adding up to three in total, whether under these Anti-Doping Rules or under the rules of any other Anti-Doping Organization, ISAF shall bring them forward as an apparent anti-doping rule violation.**

21.7.4~~5~~ **Provisional Suspensions**

- (a) **If analysis of an A Sample has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, and a review in accordance with Regulation 21.7(b) does not reveal an applicable TUE or departure from the *International Standard for Testing***

~~**or the International Standard for Laboratories that caused the Adverse Analytical Finding, ISAF shall Provisionally Suspend the Athlete pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation. The ISAF Executive Committee, after consultation with the ISAF Anti-Doping Administrator, may provisionally suspend an athlete prior to the opportunity for a full hearing based on an adverse analytical finding from the athlete's A sample or A and B samples and the review described in Regulation 21.7. If a provisional suspension is imposed, either the hearing in accordance with Regulation 21.8 through 21.8.6 (Right to a Fair Hearing) shall be advanced to a date which avoids substantial prejudice to the athlete, or the athlete shall be given an opportunity for a provisional hearing before imposition of the provisional suspension or on a timely basis after imposition of the provisional suspension. MNAs may impose provisional suspensions in accordance with the principles as detailed in this Regulation 21.7.2.**~~

- (b) In any case not covered by Regulation 21.7.4(a) where ISAF decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Regulation 21.7, the ISAF Executive, after consultation with the ISAF Anti-Doping Administrator, may provisionally suspend the athlete pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.**
- (c) Where a provisional suspension is imposed, whether pursuant to Regulation 21.7.4(a) or Regulation 21.7.4(b), the athlete shall be given either (a) an opportunity for a provisional hearing before imposition of the provisional suspension or on a timely basis after imposition of the provisional suspension; or (b) an opportunity for an expedited hearing in accordance with Regulation 21.8 (Right to a Fair Hearing) on a timely basis after imposition of a provisional suspension. MNAs shall impose provisional suspensions in accordance with the principles set forth in this Regulation 21.7.4.**
- (d) If a provisional suspension is imposed based on an Adverse Analytical Finding in respect of an A sample, and any subsequent analysis of the B sample analysis does not confirm the A sample analysis, then the athlete shall not be subject to any further provisional suspension on account of a violation of Article 2.1 of the Code (Presence of a Prohibited Substance or its Metabolites or Markers). In circumstances where the athlete (or the athlete's team as provided in the rules of ISAF) has been removed from a competition based on a violation of Regulation 21.2 and the subsequent B sample analysis does not confirm the A sample finding, if, without otherwise affecting the competition, it is still possible for the athlete or team to be reinserted, the athlete or team may continue to take part in the competition.**

#### **21.7.6 Retirement from Sport**

**If an athlete or other person retires while a results management process is underway, ISAF retains jurisdiction to complete its results management process. If an athlete or other person retires before any results management process has begun and ISAF would have had results management jurisdiction over the athlete or other person at the time the athlete or other person committed an anti-doping rule violation, ISAF has jurisdiction to conduct results management.**

#### **Right to a Fair Hearing**

- 21.8 When it appears, following the results management process described in Regulation 21.7 ~~through 21.7.4~~ (Results Management), that these Anti-Doping Rules have been violated, the *athlete* or other *person* involved shall be brought before a disciplinary panel of the *athlete* or other *person's* MNA for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what *consequences* should be imposed. ~~Such~~ **The** hearing process shall respect the following principles:
- (a) a timely hearing;
  - (b) fair and impartial hearing ~~body panel~~ **panel**;
  - (c) the right to be represented by counsel at the *person's* own expense;
  - (d) the right to be ~~fairly~~ **informed in a fair** and timely ~~informed~~ **manner** of the asserted anti-doping rule violation;
  - (e) the right to respond to the asserted anti-doping rule violation and resulting *consequences*;
  - (f) the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing ~~body panel~~'s discretion to accept testimony by telephone or written submission);
  - (g) the *person's* right to an interpreter at the hearing, with the ~~Doping Panel~~ **hearing panel** to determine the identity, and responsibility for the cost of the interpreter; and
  - (h) a timely, written, reasoned decision, **specifically including an explanation of the reason(s) for any period of Ineligibility.**
- 21.8.1 Hearings pursuant to this Regulation shall be completed expeditiously and in all cases within three months of the completion of the Results Management process described in Regulation 21.7 ~~through 21.7.3~~ (Results Management). Hearings held in connection with *events* may be conducted by an expedited process. If the completion of the hearing is delayed beyond three months, ISAF may elect, if the *athlete* is an *international-level athlete*, to bring the case directly to a single arbitrator from the Court of Arbitration for Sport. The case before the Court of Arbitration for Sport shall be handled in accordance with the Court of Arbitration for Sport appeal procedure without reference to any time limit for appeal. If the completion of the hearing is delayed beyond three months, and the *athlete* is not an *international-level athlete*, ISAF may elect to bring the case directly to the national level appellate body referenced in Regulation 21.13.1(b). In either case, the hearing shall proceed at the responsibility of and the expense of the MNA. In either case the appeal from such decision shall be to the Court of Arbitration for Sport.
- 21.8.2 MNAs shall keep ISAF fully informed as to the status of pending cases and the results of all hearings.
- 21.8.3 ISAF shall have the right to attend hearings as an observer.
- 21.8.4 The *athlete* or other *person* may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting *consequences* consistent with Regulations 21.9 - (Automatic Disqualification of Individual Results), and 21.10 ~~through 21.10.9~~ (Sanctions on Individuals) as proposed by the MNA. **The right to a hearing may be waived either expressly or by the *athlete's* or other *person's* failure to challenge the MNA's assertion that an anti-doping rule violation has occurred within 30 days. Where no hearing occurs, the MNA shall submit to the persons described in Regulation 21.13.1(c) a reasoned decision explaining the action taken.**

- 21.8.5 Decisions by MNAs, whether as the result of a hearing or the *athlete* or other *person's* acceptance of *consequences*, may be appealed as provided in Regulation 21.13 through ~~21.13.4~~ (Appeals).
- 21.8.6 Hearing decisions by the MNA shall not be subject to further administrative review at the national level except as provided in Regulations 21.13 through ~~21.13.4~~ (Appeals) or as required by applicable national law.

### **Automatic Disqualification of Individual Results**

- 21.9 A violation of these Anti-Doping Rules **in individual sports** in connection with an ICT automatically leads to disqualification of the ~~individual~~ result obtained in that competition with all resulting consequences, including forfeiture of any medals, points and prizes.

### **Sanctions on Individuals**

- 21.10 Disqualification of Results in Event During which an Anti-Doping Rule Violation Occurs  
An Anti-Doping Rule violation occurring during or in connection with an *event* may lead to *disqualification* of all of the *athlete's* individual results obtained in that *event* with all consequences, including forfeiture of all medals, points and prizes, except as provided in Regulation 21.10(a).
- (a) If the *athlete* establishes that he or she bears *no fault or negligence* for the violation, the *athlete's* individual results in the other *competition* shall not be *disqualified* unless the *athlete's* results in a *competition* other than the *competition* in which the anti-doping rule violation occurred were likely to have been affected by the *athlete's* anti-doping rule violation.

21.10.1 ~~Imposition of Ineligibility for Prohibited Substances and Prohibited Methods for~~  
**Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods**

~~Except for the specified substances identified in Regulation 21.10.2, the period of ineligibility imposed for a violation of Regulation 21.2 (presence of *prohibited substance* or its *metabolites* or *markers*), Regulation 21.2.1 (*use* or *attempted use* of *prohibited substance* or *prohibited method*) and or Regulation 21.2.5 (*Possession of prohibited substances* and methods) shall be **as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Regulation 21.10.3 and 21.10.4, or the conditions for increasing the period of ineligibility, as provided in Regulation 21.10.5, are met:**~~

~~First violation: Two (2) years' ineligibility.~~

~~Second violation: Lifetime ineligibility.~~

~~However, the *athlete* or other *person* shall have the opportunity in each case, before a period of *ineligibility* is imposed, to establish the basis for eliminating or reducing this sanction as provided in Regulation 21.10.4(a) – (c)~~

~~21.10.2 Specified Substances~~

~~The Prohibited List may identify specified substances which are particularly susceptible to unintentional anti-doping rules violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents. Where an *athlete* can establish that the use of such a specified substance was not intended to enhance sport performance, the period of *ineligibility* found in Regulation 21.10.1 shall be replaced with the following:~~

~~First violation: At a minimum, a warning and reprimand and no period of ineligibility from future events, and at a maximum, one (1) year's ineligibility.~~

~~Second violation: Two (2) years' ineligibility.~~

~~Third violation: Lifetime ineligibility.~~

~~However, the athlete or other person shall have the opportunity in each case, before a period of ineligibility is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) this sanction as provided in Regulation 21.10.4(a) (e).~~

### 21.10.3~~2~~ Ineligibility for Other Anti-Doping Rule Violations

The period of *ineligibility* for ~~other~~ violations of these Anti-Doping Rules **other than as provided in Regulation 21.10.1** shall be **as follows**:

- (a) For violations of Regulation 21.2.2 (refusing or failing to submit to *sample* collection) or Regulation 21.2.4 (Tampering with *doping control*), the ~~ineligibility periods set forth in Regulation 21.10.1 shall apply~~ **period shall be two (2) years unless the conditions provided in Regulation 21.10.4, or the conditions provided in Regulation 21.10.5, are met.**
- (b) For violations of Regulation 21.2.6 (Trafficking) or Regulation 21.2.7 (administration of *prohibited substance* or *prohibited method*), the period of *ineligibility* imposed shall be a minimum of four (4) years up to lifetime *ineligibility* **unless the conditions provided in Regulation 21.10.4 are met.** An anti-doping rule violation involving a *minor* shall be considered a particularly serious violation, and, if committed by *athlete support personnel* for violations other than specified substances ~~referenced in Regulation 21.10.2~~, shall result in lifetime *ineligibility* for such *athlete support personnel*. In addition, **significant** violations of such Regulations which also violate non-sporting laws and regulations, ~~may~~ **shall** be reported to the competent administrative, professional or judicial authorities.
- (c) For violations of Regulation 21.2.3 (**filing failures and/ Whereabouts Violations** or missed tests), the period of *ineligibility* shall be **at a minimum one (1) year and at a maximum two (2) years based on the Athlete's degree of fault:**

~~First violation: Three (3) months to one (1) year ineligibility.~~

~~Second and subsequent violations: Two (2) years' ineligibility.~~

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

**Where an athlete or other person can establish how a specified substance entered his or her body or came into his or her possession and that such specified substance was not intended to enhance the athlete's sport performance or mask the use of a performance-enhancing substance, the period of ineligibility found in Regulation 21.10.1 shall be replaced with the following:**

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

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

21.10.4 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances

(a) **No Fault or Negligence**

If ~~the~~ **an** *athlete* establishes in an individual case involving an anti-doping rule violation under Regulation 21.2(a) ~~(c) (Presence of *prohibited substance* or its *metabolites* or *markers*) or use of a *prohibited substance* or *prohibited method* under Regulation 21.2.1(a)~~ that he or she bears *no fault or negligence* for the violation, the otherwise applicable period of *ineligibility* shall be eliminated. When a *prohibited substance* or its *markers* or *metabolites* is detected in an *athlete's specimen* **sample** in violation of Regulation 21.2 (Presence of *prohibited substance*), the *athlete* must also establish how the *prohibited substance* entered his or her system in order to have the period of *ineligibility* eliminated. In the event this Regulation is applied and the period of *ineligibility* otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of *ineligibility* for multiple violations under Regulation ~~21.10.1, 21.10.2 and 21.10.5(a) (c).~~ **21.10.6.**

(b) **No Significant Fault or Negligence**

This Regulation 21.10.4(b) applies only to anti-doping rule violations involving Regulation 21.2(a) ~~(c) (Presence of *prohibited substance* or its *metabolites* or *markers*), use of a *prohibited substance* or *prohibited method* under Regulation 21.2.1(a), failing to submit to sample collection under Regulation 21.2.2, or administration of a *prohibited substance* or *prohibited method* under Regulation 21.2.7.~~ If an *athlete* **or other person** establishes in an individual case involving such violations that he or she bears *no significant fault or negligence*, then the period of *ineligibility* may be reduced, but the reduced period of *ineligibility* may not be less than one-half of the ~~minimum~~ period of *ineligibility* otherwise applicable. If the otherwise applicable period of *ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years. When a *prohibited substance* or its *markers* or *metabolites* is detected in an *athlete's specimen* **sample** in violation of Regulation 21.2 (Presence of *prohibited substance* **or its metabolites or markers**), the *athlete* must also establish how the *prohibited substance* entered his or her system in order to have the period of *ineligibility* reduced.

(c) **Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations**

The ISAF Executive Committee may ~~also reduce~~ **prior to a final appellate decision under Regulation 21.13 or the expiration of the time to appeal, suspend a part of the period of *ineligibility* imposed** in an individual case where the *athlete* **or other person** has provided substantial assistance to ~~ISAF~~ **an Anti-Doping Organization, criminal authority or professional disciplinary body** which results in ~~ISAF~~ **the Anti-Doping Organization** discovering or establishing an anti-doping rule violation by another *person*

~~involving possession under Regulation 21.2.5(b) (Possession by athlete support personnel), Regulation 21.2.6 (Trafficking), or Regulation 21.2.7 (administration to an athlete).~~ **The reduced or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another person. After a final appellate decision under Regulation 21.13 or the expiration of time to appeal, ISAF may only suspend a part of the applicable period of ineligibility may not, however, be less than one-half of the minimum with the approval of WADA. The extent to which the otherwise applicable period of ineligibility otherwise applicable may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the athlete or other person and the significance of the substantial assistance provided by the athlete or other person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of ineligibility may be suspended.** If the otherwise applicable period of *ineligibility* is a lifetime, the ~~reduced~~ **non-suspended** period under this Regulation ~~may~~ **must** be no less than 8 years. **If ISAF suspends any part of the period of Ineligibility under this Regulation, it shall promptly provide a written justification for its decision to each Anti-Doping Organization having a right to appeal the decision. If ISAF subsequently reinstates any part of the suspended period of ineligibility because the athlete or other person has failed to provide the substantial assistance which was anticipated, the athlete or other person may appeal the reinstatement pursuant to Regulation 21.13.1.**

**(d) Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence**

**Where an athlete or other person voluntarily admits the commission of an anti-doping rule violation before having received notice of a sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Regulation 21.2, before receiving first notice of the admitted violation pursuant to Regulation 21.7) 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.**

**(e) Where an Athlete or Other Person Establishes Entitlement to Reduction in Sanction under More than One Provision of this Article**

**Before applying any reductions under Regulation 21.10.4(b), 21.10.4(c) or 21.10.4(d), the otherwise applicable period of ineligibility shall be determined in accordance with Regulation 21.10.1, 21.10.2, 21.10.3 and 21.10.5. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under two or more of Regulation 21.10.4(b), 21.10.4(c) or 21.10.4(d), then the period of ineligibility may be reduced or suspended, but not below one-quarter of the otherwise applicable period of ineligibility.**

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

**If ISAF establishes in an individual case involving an anti-doping rule violation other than violations under Regulation 21.2.6 (Trafficking) and 21.2.7 (Administration) that aggravating circumstances are present which justify the imposition of a period of ineligibility greater than the standard sanction, then the period of ineligibility otherwise applicable shall be increased up to a maximum of four years unless the athlete or**

other person can prove to the comfortable satisfaction of the hearing panel that he did not knowingly violate the anti-doping rule.

An athlete or other person can avoid the application of this Regulation by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by ISAF.

### 21.10.6 Multiple Violations

(a) Second Anti-Doping Rule Violation

For an athlete's or other person's first anti-doping rule violation, the period of ineligibility is set forth in Regulation 21.10.1 and 21.10.2 (subject to elimination, reduction or suspension under Regulation 21.10.3 or 21.10.4, or to an increase under Regulation 21.10.5). For a second anti-doping rule violation the period of Ineligibility shall be within the range set forth in the table below.

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

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

RS (reduced sanction for specified substance under Regulation 21.10.3): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Regulation 21.10.3 because it involved a specified substance and the other conditions under Regulation 21.10.3 were met.

FFMT (filing failures and/or missed tests): The anti-doping rule violation was or should be sanctioned under Regulation 21.10.2(c)(filing failures and/or missed tests).

NSF (reduced sanction for *no significant fault or negligence*): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Regulation 21.10.4(b) because *no significant fault or negligence* under Regulation 21.10.4(b) was proved by the Athlete.

St (standard sanction under Regulation 21.10.1 or 21.10.2(a)): The anti-doping rule violation was or should be sanctioned by the standard sanction of two years under Regulation 21.10.1 or 21.10.2(a).

AS (aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Regulation 21.10.5 because the *Anti-Doping Organization* established the conditions set forth under Regulation 21.10.5.

TRA (*trafficking or attempted trafficking and administration or attempted administration*): The anti-doping rule violation was or should be sanctioned by a sanction under Regulation 21.10.2(b).

**(b) Application of Regulation 21.10.4(c) and 21.10.4(d) to second Anti-Doping Rule Violation**

Where an *athlete* or other *person* who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of *ineligibility* under Regulation 21.10.4(c) or Regulation 21.10.4(d), the hearing panel shall first determine the otherwise applicable period of *Ineligibility* within the range established in the table in Regulation 21.10.6(a), and then apply the appropriate suspension or reduction of the period of *Ineligibility*. The remaining period of *ineligibility*, after applying any suspension or reduction under Regulation 21.10.4(c) and 21.10.4(d), must be at least one-fourth of the otherwise applicable period of *ineligibility*.

**(c) Third Anti-Doping Rule Violation**

A third anti-doping rule violation will always result in a lifetime period of *ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *ineligibility* under Regulation 21.10.3 or involves a violation of Regulation 21.2.3 (filing failures and/or and missed tests). In these particular cases, the period of *ineligibility* shall be from eight (8) years to life ban.

**(d) Rules for Certain Potential Multiple Violations ~~Additional Rules for Certain Potential Multiple Violations~~**

~~21.10.5~~

**(i)** For purposes of imposing sanctions under Regulation ~~21.10.4~~ **21.10.6**, ~~21.10.2~~, a second **an** anti-doping rule violation ~~may~~ **will only** be considered for purposes of imposing sanctions ~~only~~ **a second violation** if ISAF (or its MNA) can establish that the *athlete* or other *person* committed the second anti-doping rule violation after the *athlete* or other *person* received notice **pursuant to Regulation 21.7 (Results Management)**, or after ISAF (or its MNA) made ~~a reasonable attempt~~ **efforts** to give notice, of the first anti-doping rule violation; if ISAF (or its MNA) cannot establish this, the violations shall be considered **together** as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction **however, the occurrence of multiple violations may be considered as a factor indetermining aggravating circumstances (Regulation 21.10.5).**

**(b)** ~~Where an *athlete*, based on the same *doping control*, is found to have committed an anti-doping rule violation involving both a specified substance under Regulation 21.10.2 (Specified substances) and another *prohibited substance or prohibited method*, the *athlete* shall be considered to have~~

~~committed a single anti-doping rule violation, but the sanction imposed shall be based on the prohibited substance or prohibited method that carries the most severe sanction.~~

**(ii) If, after the resolution of a first anti-doping rule violation, ISAF discovers facts involving an anti-doping rule violation by the athlete or other person which occurred prior to notification regarding the first violation, then ISAF shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all competitions dating back to the earlier anti-doping rule violation will be disqualified as provided in Regulation 21.10.7. To avoid the possibility of a finding of aggravating circumstances (Regulation 21.10.5) on account of the earlier-in-time but later-discovered violation, the athlete or other person must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when ISAF discovers facts involving another prior violation after the resolution of a second anti-doping rule violation**

~~(c) Where an athlete is found to have committed two separate anti-doping rule violations, one involving a specified substance governed by the sanctions set forth in Regulation 21.10.2 (Specified substances) and the other involving a prohibited substance or prohibited method governed by the sanctions set forth in Regulation 21.10.1 or a violation governed by the sanctions in Regulation 21.10.3(a), the period of ineligibility imposed for the second offense shall be at a minimum two years' ineligibility and at a maximum three years' ineligibility. Any athlete found to have committed a third anti-doping rule violation involving any combination of specified substances under Regulation 21.10.2 (Specified substances) and any other anti-doping rule violation under Regulation 21.10.1 or 21.10.3(a) shall receive a sanction of lifetime ineligibility.~~

**(e) Multiple Anti-Doping Rule Violations during an Eight-Year Period**

**For purposes of Regulation 21.10.6, each anti-doping rule violation must take place within the same eight (8) year period in order to be considered multiple violations.**

## **21.10.67 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 Regulation 21.9 - (Automatic Disqualification of Individual Results), all other competitive results obtained from the date a positive *sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other **anti-doping rule** violation occurred, through the commencement of any *provisional suspension* or *ineligibility* period, shall, unless fairness requires otherwise, be *disqualified* with all of the resulting consequences including forfeiture of any medals, points and prizes.

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

**Forfeited prize money shall be allocated first to reimburse the collection expenses incurred by the Anti-Doping Organization in order to perform the necessary steps to collect the prize money back, then to reimburse**

**the expenses incurred by the Anti-Doping Organization in order to conduct results management in the case, with the balance, if any, allocated in accordance with ISAF's specific rules.**

21.10.78 Commencement of Ineligibility Period

~~The~~ **Except as provided below, the** period of *ineligibility* shall start on the date of the hearing decision providing for *ineligibility* or, if the hearing is waived, on the date *ineligibility* is accepted or otherwise imposed. ~~Any period of provisional suspension (whether imposed or voluntarily accepted) shall be credited against the total period of ineligibility to be served. Where required by fairness, such as~~

(a) **Delays Not Attributable to the Athlete or other Person**

**Where there have been substantial** delays in the hearing process or other aspects of doping control not attributable to the athlete **or other person**, ISAF or the Anti-Doping Organization imposing the sanction may start the period of ineligibility at an earlier date commencing as early as the date of sample collection **or the date on which another anti-doping rule violation last occurred.**

(b) **Timely Admission**

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

(c) **If a provisional suspension is imposed and respected by the athlete, then the athlete shall receive a credit for such period of provisional suspension against any period of ineligibility which may ultimately be imposed.**

(d) **If an athlete voluntarily accepts a provisional suspension in writing from ISAF and thereafter refrains from competing, the athlete shall receive a credit for such period of voluntary provisional suspension against any period of ineligibility which may ultimately be imposed. A copy of the athlete's voluntary acceptance of a provisional suspension shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Regulation 21.14.**

(e) **No credit against a period of ineligibility shall be given for any time period before the effective date of the provisional suspension or voluntary provisional suspension regardless of whether the athlete elected not to compete or was suspended by his or her team.**

21.10.89 Status During Ineligibility

(a) **Prohibition against Participation during Ineligibility**

No ***athlete or other person*** who has been declared *ineligible* may, during the period of *ineligibility*, participate in any capacity in an *event* or activity (other than authorized anti-doping education or rehabilitation programmes) authorized or organized by ISAF or any MNA. ~~In addition, for any anti-doping rule violation not involving specified substances described in Regulation 21.10.2 (Specified substances), some or all sport-related financial support or other sport-related benefits received by such person will be withheld by ISAF and its MNAs~~ **or a club or other member organization of ISAF or any MNA, or in competitions authorized or organized by any professional league or any international or national level Event organization.** An ***athlete or other person*** subject to a period of *ineligibility* longer than four years may, after completing four years of the period of *ineligibility*, participate in local sport events in a sport other than sports subject to the jurisdictions of ISAF and its MNAs, but only so long as the local sport event is not at a level that could otherwise qualify such *person* directly or indirectly to compete in (or accumulate points toward) a national championship or *international event*.

**An athlete or other person subject to a period of ineligibility shall remain subject to testing.**

**(b) Violation of the Prohibition of Participation during Ineligibility**

**Where an athlete or other person who has been declared ineligible violates the prohibition against participation during ineligibility described in Regulation 21.10.9(a), the results of such participation shall be disqualified and the period of ineligibility which was originally imposed shall start over again as of the date of the violation. The new period of ineligibility may be reduced under Regulation 21.10.4(b) if the athlete or other person establishes he or she bears no significant fault or negligence for violating the prohibition against participation. The determination of whether an athlete or other person has violated the prohibition against participation, and whether a reduction under Regulation 21.10.4(b) is appropriate, shall be made by ISAF.**

**(c) Withholding of Financial Support during Ineligibility**

**In addition, for any anti-doping rule violation not involving a reduced sanction for specified substances as described in Regulation 21.10.3, some or all sport-related financial support or other sport-related benefits received by such person will be withheld by ISAF and its MNAs.**

**21.10.910 Reinstatement Testing**

As a condition to regaining eligibility at the end of a specified period of *ineligibility*, an *athlete* must, during any period of *provisional suspension* or *ineligibility*, make him or herself available for OCCT by ISAF, the applicable MNA, and any other *Anti-Doping Organization* having *testing* jurisdiction, and must ~~provide current and accurate whereabouts information as provided in Regulation 21.5.4(a) - (e)~~ **comply with the whereabouts requirements of Article 11 of the International Standard for Testing.** If an *athlete* subject to a period of *ineligibility* retires from sport and is removed from OCCT pools and later seeks reinstatement, the *athlete* shall not be eligible for reinstatement until the *athlete* has notified ISAF and the applicable MNA and has been subject to OCCT for a period of time equal to the longer of **(a)** the period set forth in Regulation 21.5.5(a) - (c) ~~or the~~ **and (b)** period of *ineligibility* remaining as of the date the *athlete* had retired. During such remaining period of *ineligibility*, a minimum of 2 tests must be conducted on the *athlete* with at least three months between each test. The MNA shall be responsible for conducting the

necessary tests, but tests by any *Anti-Doping Organization* may be used to satisfy the requirement. The results of such tests shall be reported to ISAF. In addition, immediately prior to the end of the ~~suspension~~ period **of ineligibility**, an *athlete* must undergo *testing* by ISAF for the *prohibited substances* and methods ~~for that~~ **are prohibited in** OOC. Once the period of an *athlete's suspension* **ineligibility** has expired, and the *athlete* has fulfilled the conditions of reinstatement, then the *athlete* will become automatically re-eligible and no application by the *athlete* or by the *athlete's* MNA will then be necessary.

### **Consequences to Teams**

21.11 If a crewmember of a boat is found to have committed a violation of these Anti-Doping Rules during an *event*, the boat shall be disqualified from the whole *event*.

In Team Racing, if a crewmember is found to have committed a violation of these Anti-Doping Rules during an *event*, the whole team will be disqualified from the whole *event*.

~~For events with boats with more than 5 persons on board, the boat will be disqualified for that relevant race and the person disqualified for the whole event.~~  
**For boats with more than 3 crewmembers on board, where one or more member of the crew has been notified of a possible Anti-Doping Rule violation under Regulation 21.7 (Results Management) in connection with an event, the anti-doping authority responsible for testing for the event shall conduct appropriate target testing of the crew of that boat during the event period. If more than two crewmembers of a boat are found to have committed an Anti-Doping Rule violation during an event period, the Protest Committee or Jury of the event shall impose an appropriate sanction on the boat (eg loss of points, disqualification from a competition or event, or other sanction) in addition to any consequences imposed upon the individual athlete(s) committing the Anti-Doping Rule violation.**

### **Sanctions and Costs Assessed Against Member National Authorities**

21.12 The ISAF Executive Committee has the authority to withhold some or all funding or other non financial support to MNAs that are not in compliance with these Anti-Doping Rules.

### **Appeals**

21.13 Decisions Subject to Appeal  
Decisions made under these Anti-Doping Rules may be appealed as ~~detailed~~ **set forth** below in Regulation 21.13.1 through 21.13.3 **or as otherwise provided in these Anti-Doping Rules**. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorized in ~~Regulation 21.8.6~~ **these rules** must be exhausted **(except as provided in Regulation 21.13(a))**.

#### **(a) WADA Not Required to Exhaust Internal Remedies**

**Where WADA has a right to appeal under Regulation 21.13 and no other party has appealed a final decision within the ISAF or its MNA's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the ISAF or its MNA's process.**

21.13.1 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions

A decision that an anti-doping rule violation was committed, a decision imposing *consequences* for an anti-doping rule violation, **or** a decision that no anti-doping rule violation was committed; **a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Regulation 21.10.9(b) (prohibition of participation during ineligibility);** a decision that ISAF or its MNA lacks jurisdiction to rule on an alleged anti-doping rule violation or its *consequences*; **a decision by any MNA not to bring forward an Adverse Analytical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Regulation 21.7.3;** and a decision to impose a *provisional suspension* as a result of a *provisional hearing* or otherwise in violation of Regulation 21.7.3 may be appealed exclusively as provided in this Regulation 21.13.1. Notwithstanding any other provision herein, the only *person* that may appeal from a *provisional suspension* is the *athlete* or other *person* upon whom the *provisional suspension* is imposed.

(a) **Appeals Involving International-Level Athletes**

In cases arising from *competition* in an *international event* or in cases involving *international-level athletes*, the decision may be appealed exclusively to the ~~Court of Arbitration for Sport ("CAS")~~ in accordance with the provisions applicable before such court.

(b) **Appeals Involving National-Level Athletes**

**In cases involving athletes who do not have a right to appeal under Regulation 21.13.1(a), each MNA shall have in place an appeal procedure that respects the following principles: a timely hearing, a fair and impartial hearing panel; the right to be represented by a counsel at the person's expense; and a timely, written, reasoned decision. ISAF's rights of appeal with respect to these cases are set forth in Regulation 21.13.1(c) below.**

(c) **Persons Entitled to Appeal**

In cases under Regulation 21.13.1(a), the following parties shall have the right to appeal to CAS: (a) the *athlete* or other *person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) ISAF and any other *Anti-Doping Organization* under whose rules a sanction could have been imposed; (d) 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 (e) WADA. In cases under Regulation 21.13.1(b), the parties having the right to appeal to the national-level reviewing body shall be as provided in the MNAs rules but, at a minimum, shall include **the following parties**: (a) the *athlete* or other *person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) ISAF; and (d) WADA. For cases under Regulation 21.13.1(b), WADA and ISAF shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body.

21.13.2 **Failure to Render a Timely Decision by ISAF and its MNA's**

**Where, in a particular case, ISAF or its MNA's fail to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if ISAF or its MNA had rendered a decision finding no anti-doping rule**

**violation. If the CAS panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorneys fees in prosecuting the appeal shall be reimbursed to WADA by ISAF or its MNA's.**

**21.13.3** Appeals from Decisions Granting or Denying a Therapeutic Use Exemption  
Decisions by WADA reversing the grant or denial of a TUE exemption may be appealed exclusively to CAS by the *athlete*, ISAF, or *National Anti-Doping Organization* or other body designated by a MNA which granted or denied the exemption. Decisions to deny ~~therapeutic use exemptions~~ **TUE's**, and which are not reversed by WADA, may be appealed by *international-level athletes* to CAS and by other *athletes* to the national level reviewing body described in Regulation 21.13.1(b). If the national level reviewing body reverses the decision to deny a ~~therapeutic use exemption~~ **TUE**, that decision may be appealed to CAS by WADA.

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

**21.13.34** Appeal from Decisions Pursuant to Regulation 21.12 (Sanctions and Cost assessed against MNAs)  
Decisions by ISAF pursuant to Regulation 21.12 may be appealed exclusively to CAS by the MNA.

**21.13.46** Time for Filing Appeals  
The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party.

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

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

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

### ***Member National Authorities Incorporation of ISAF Rules, Reporting and Recognition***

**21.14** Incorporation of ISAF Anti-Doping Rules  
All MNAs shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each MNAs Rules. All MNAs shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules. Each MNA shall obtain the written acknowledgement and agreement, in the form attached as Appendix 1, of all *athletes* subject to *doping control* and *athlete support personnel* for such *athletes*. Notwithstanding whether or not the required form has been signed, the Rules of each MNA shall specifically provide that all *athletes*, *athlete support personnel* and other *persons* under the jurisdiction of the MNA shall be bound by these Anti-Doping Rules.

#### **21.14.2 Statistical Reporting**

**(a) ISAF shall publish annually a general statistical report of its Doping Control activities during the calendar year with a copy provided to WADA.**

21.14.1 Doping Control Information ~~Clearing House~~ **Clearinghouse**

When an MNA has received an *adverse analytical finding* on one of its *athletes* it shall report the following information to ISAF and WADA within fourteen (14) days of the process described in Regulation 21.7(b) **and 21.7(c)**: the *athlete's* name, country, sport and discipline within the sport, whether the test was *In-Competition* or *Out-of-Competition*, the date of *sample* collection and the analytical result reported by the laboratory. The MNA shall also regularly update ISAF and WADA on the status and findings of any review or proceedings conducted pursuant to in Regulation 21.7 (Results Management), Regulation 21.8 (Right to a Fair Hearing) or Regulation 21.13 (Appeals), and comparable information shall be provided to ISAF and WADA within 14 days of the notification described in Regulation 21.7(i), with respect to other violations of these Anti-Doping Rules. In any case in which the period of *ineligibility* is eliminated under Regulation 21.10.4(a) (*No Fault or Negligence*) or reduced under Regulation 21.10.4(b) (*No Significant Fault or Negligence*), ISAF and WADA shall be provided with a written reasoned decision explaining the basis for the elimination or reduction. Neither ISAF nor WADA shall disclose this information beyond those *persons* within their organizations with a need to know until the MNA has made public disclosure or has failed to make public disclosure as required in Regulation 21.14.2 below.

21.14.2 Public Disclosure

- (a)** Neither ISAF nor its MNA shall publicly identify *athletes* whose *samples* have resulted in *adverse analytical findings*, or who were alleged to have violated other Regulations of these Anti-Doping Rules until it has been determined in a hearing in accordance with Regulation 21.8 (Right to a Fair Hearing) that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged or the *athlete* has been *provisionally suspended*. Once a violation of these Anti-Doping Rules has been established, it shall be publicly reported within 20 days. **ISAF or its MNA's must also report within 20 days appeal decisions on an anti-doping rule violation. ISAF or its MNA's shall also, within the time period for publication, send all hearing and appeal decisions to WADA.**
- (b)** **In any case where it is determined, after a hearing or appeal, that the athlete or other person did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the athlete or other person who is the subject of the decision. ISAF or its MNA shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the athlete or other person may approve.**
- (c)** **Neither ISAF nor its MNA's or WADA accredited laboratory, or official of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the athlete, other person or their representatives.**

21.14.3 Recognition of Decisions by ISAF and MNAs

Any decision of ISAF or a MNA regarding a violation of these Anti-Doping Rules shall be recognized by all MNAs, which shall take all necessary action to render such results effective.

### ***Recognition of Decisions by Other Organizations***

21.15 Subject to the right to appeal provided in Regulation 21.13 (Appeals), the testing, TUEs and hearing results or other final adjudications of any signatory to the "Code" which are consistent with the "Code" and are within the signatory's authority, shall be recognized and respected by ISAF and its MNAs. ISAF and its MNAs may recognize the same actions of other bodies which have not accepted the "Code" if the rules of those bodies are otherwise consistent with the "Code".

### ***Statute of Limitations***

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

### **ISAF Compliance Reports to WADA**

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

### ***Amendment and Interpretation of Anti-Doping Rules***

21.17~~8~~ These Anti-Doping Rules may be amended from time to time by the ISAF Executive Committee.

21.17~~8~~.1 Except as provided in Regulation 21.17.4, these Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

21.17~~8~~.2 The headings used for the various Parts and Regulations 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.

21.17~~8~~.3 The INTRODUCTION and the DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.

21.17~~8~~.4 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 comments annotating various provisions of the "Code" may, where applicable, assist in the understanding and interpretation of these Anti-Doping Rules.

21.17~~8~~.5 Notice to an *athlete* or other *person* who is a member of a MNA may be accomplished by delivery of the notice to the MNA.

21.17~~8~~.6 These Anti-Doping Rules shall **come into full force and effect on 1 January 2009 (the "effective date")**. **They shall** not apply retrospectively to matters pending before the ~~date these Anti-Doping Rules came into effect~~ **effective date; provided, however that:**

- (a) Any case pending prior to the effective date, or brought after the effective date based on an anti-doping rule violation that occurred prior to the effective date, shall be governed by the predecessor to these anti-doping rules in force at the time of the anti-doping rule violation, subject to any application of the principle of lex mitior by the hearing panel determining the case.**

- (b) Any Regulation 21.2.3 whereabouts violation (whether a filing failure or a missed test) declared by ISAF under rules in force prior to the effective date that has not expired prior to the effective date and that would qualify as a whereabouts violation under Article 11 of the *International Standard for Testing* shall be carried forward and may be relied upon, prior to expiry, as one of the three filing failures and/or missed tests giving rise to an anti-doping rule violation under Regulation 21.11 of these Anti-Doping Rules.
- (i) a filing failure that is carried forward in this manner may only be combined with (post-effective date) filing failures;
- (ii) a missed test that is carried forward in this manner may only be combined with (post-effective date) missed tests; and
- (iii) a filing failure or missed test declared by any Anti-Doping Organization other than ISAF and a MNA prior to the effective date may not be combined with any filing failure or missed test declared under these Anti-Doping Rules.
- (c) Where a period of *ineligibility* imposed by ISAF under rules in force prior to the effective date has not yet expired as of the effective date, the person who is *ineligible* may apply to ISAF for a reduction in the period of *ineligibility* in light of the amendments made to the *Code* as from the effective date. To be valid, such application must be made before the period of *ineligibility* has expired.
- (d) Subject always to Regulation 21.10.6(e), anti-doping rule violations committed under rules in force prior to the effective date shall be taken into account as prior offences for purposes of determining sanctions under Regulation 21.10.6. Where such pre-effective date anti-doping rule violation involved a substance that would be treated as a *specified substance* under these Anti-Doping Rules, for which a period of *ineligibility* of less than two years was imposed, such violation shall be considered a *reduced sanction* violation for purposes of Regulation 21.10.6(a).

- **APPENDIX 1 - Acknowledgment and Agreement**

I, as a member of [National Club] affiliated to [MNA] and/or a participant in a [MNA or ISAF] authorized or recognized event, hereby acknowledge and agree as follows:

1. I have received and had an opportunity to review the International Sailing Federation Anti-Doping Rules.
2. I consent and agree to comply with and be bound by all of the provisions of the International Sailing Federation Anti-Doping Rules, including but not limited to, all amendments to the Anti-Doping Rules and all *international standards* incorporated in the Anti-Doping Rules.
3. I acknowledge and agree that MNAs and the International Sailing Federation have jurisdiction to impose sanctions as provided in the International Sailing Federation Anti-Doping Rules.
4. I also acknowledge and agree that any dispute arising out of a decision made pursuant to the International Sailing Federation Anti-Doping Rules, after exhaustion of the process expressly provided for in the International Sailing Federation Anti-Doping Rules, may be appealed exclusively as provided in Regulation 21.13 through ~~21.13.4~~ (Appeals) of the International Sailing Federation Anti-Doping Rules to an appellate body for final and binding arbitration, which in the case of *international-level athletes* is the Court of Arbitration for Sport.
5. I acknowledge and agree that the decisions of the arbitral appellate body referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.
6. I have read and understand this Acknowledgement and Agreement.

\_\_\_\_\_  
Date

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

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

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

**Note:** *The World Anti-Doping Code Prohibited List of Substances and Methods is normally updated every year. The 2008 Prohibited List is available online at:*

*[www.wada-ama.org/rtecontent/document/2008\\_List\\_En.pdf](http://www.wada-ama.org/rtecontent/document/2008_List_En.pdf)*

*Please always check the ISAF website - [www.sailing.org/medical](http://www.sailing.org/medical) - in case there have been any emergency changes and to ensure you have the most recent information. This information is also available on the WADA website - [www.wada-ama.org](http://www.wada-ama.org)*

*Current Position:*

The current Regulation 21 reflects the WADA Code adopted in 2003.

*Reason:*

The WADA Code has been revised and will enter into effect on 1 January 2009. All changes are mandatory and should be incorporated into every International Federation's regulations in order to ensure compliance with the Code. The amendments to Regulation 21 have been authorised as Code Compliant by WADA.