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FINA DOPING CONTROL RULES

Approved by FINA Congress on ~~19 July 2019~~ 23 November 2020

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INTRODUCTION

Preface

These Anti-Doping Rules are adopted and implemented in accordance with FINA's responsibilities under the *Code*, and in furtherance of FINA's continuing efforts to eradicate doping in the aquatic sports.

These Anti-Doping Rules are sport rules governing the conditions under which sport is played, aimed, ~~Aimed~~ at enforcing anti-doping ~~principles~~ rules in a global and harmonized manner, they are distinct in nature from criminal and civil ~~proceedings, and laws.~~ They are not intended to be subject to or limited by any national requirements and legal standards applicable to ~~such proceedings, criminal or civil proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights.~~ When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules ~~implementing, which implement~~ the *Code*, and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport. ~~For ease of reference, terms that are defined in Appendix 1 of these Anti-Doping Rules are capitalised and italicised in the text.~~

As provided in the *Code*, FINA shall be responsible for conducting all aspects of *Doping Control*. Any aspect of *Doping Control* or anti-doping *Education* may be delegated by FINA to a *Delegated Third Party*, however, FINA shall require the *Delegated Third Party* to perform such aspects in compliance with the *Code*, *International Standards*, and these Anti-Doping Rules. FINA shall always remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*.

Terms used in these Anti-Doping Rules that are defined terms from the *Code* are italicized.

Unless otherwise specified, references to Articles are references to Articles of these Anti-Doping Rules.

Fundamental Rationale for the *Code* and FINA's Anti-Doping Rules

Anti-doping programs ~~seek to preserve what is intrinsically valuable about~~ are founded on the intrinsic value of sport. This intrinsic value is often referred to as "the spirit of sport". ~~It is~~; the essence of sport; the ethical pursuit of human excellence through the dedicated perfection of each ~~person's~~ Athlete's natural talents; ~~it is how we play true.~~

Anti-doping programs seek to protect the health of *Athletes* and to provide the opportunity for *Athletes* to pursue human excellence without the *Use of Prohibited Substances and Methods*.

Anti-doping programs seek to maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field, and the value of clean sport to the world.

The spirit of sport is the celebration of the human spirit, body and mind. It is the essence of *Olympism* and is reflected in the values we find in and through sport, including:

- Health
- Ethics, fair play and honesty
- *Athletes' rights as set forth in the *Code**
- ~~Health~~

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- Excellence in performance
- Character and ~~education~~ Education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity

The spirit of sport is expressed in how we play true.

Doping is fundamentally contrary to the spirit of sport.

Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to ~~and be binding upon~~:

(a) ~~FINA and each FINA Member Federation and, including its board members, directors, officers, specified employees and any Delegated Third Party and their employees, who are involved in any aspect of Doping Control;~~

(b) ~~each of FINA's Member Federations, Continental Body or Organisations, regional organization and other sport organisations, consisting of FINA Member Federations. They shall also apply to the Member Federations including their board members, directors, officers and specified employees, and any Delegated Third Party and their employees, who are involved in any aspect of Doping Control;~~

(c) ~~the following Athletes, Athlete Support Personnel and other Persons, each of whom is deemed, as a condition of his or her membership, accreditation and/or participation in the sport, to have agreed to be bound by these Anti-Doping Rules, and to have submitted to the authority of FINA and its Member Federations to enforce these Anti-Doping Rules and to the jurisdiction of the FINA and Member Federation hearing panels specified in DC 8 and DC 13 to hear and determine cases and appeals brought under these Anti-Doping Rules;~~

(i) ~~all Athletes, and Athlete Support Personnel and other Persons who are members of or affiliated to FINA, or of any Member Federation, or of any member or affiliate organization/organisation of any Member Federation (including any clubs, teams, associations, or leagues);~~

a)(ii) ~~all Athletes and Athlete Support Personnel who participate in such capacity in Events, Competitions and other activities organized, convened, authorized or recognized by FINA, or any Member Federation, or by any member or affiliate organisation of any Member Federation (including any clubs, teams, associations, or leagues);~~, wherever held;

b) ~~all Persons participating in Competitions or other activities of FINA, Member Federations, clubs, teams, associations or leagues, or other members of Member Federations, or the aquatic Competition of Major Event Organisations. "Participation" shall be deemed to include assisting an Athlete in preparation for any of the Competitions described above. "Persons", as used in this rule, shall include, but not limited to, any Athlete, Athlete Support Personnel, coach, trainer, manager, team staff, agent, representative, official, medical or paramedical personnel or parent;~~

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e)(iii) ~~anyall~~ other *Athlete* or *Athlete Support Personnel* or other *Person* who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the ~~jurisdiction authority~~ of FINA, or of any *Member Federation*, or of any member or affiliate ~~organization organisation~~ of any *Member Federation* (including any clubs, teams, associations, or leagues), for purposes of anti-doping; ~~and~~

(iv) *all Athletes* or other *Persons* who are not regular members of FINA or of one of its *Member Federations* but who want to be eligible to compete in an *International Competition* or who are serving a period of *Ineligibility* as a result of an anti-doping rule violation imposed by a *Signatory*.

Each of the abovementioned *Persons* is deemed, as a condition of his or her participation or involvement in the sport, to have agreed to and be bound by these Anti-Doping Rules, and to have submitted to the authority of FINA to enforce these Anti-Doping Rules, including any *Consequences* for the breach thereof, and to the jurisdiction of the hearing panels specified in DC 8 and DC 13 to hear and determine cases and appeals brought under these Anti-Doping Rules.

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

~~a) Athletes included in the FINA Registered Testing Pool:~~

~~a) Athletes who are not included (RTP) or in the FINA Registered Testing Pool (TP) (if any); or~~

b) *Athletes* during their participation in the ~~FINA following Competitions/Events;~~ or

- FINA Swimming World Cups
- FINA World Championships
- FINA World Swimming Championships (25m)
- FINA World Junior Swimming Championships
- FINA Champions Swim Series
- FINA Swimming World Cups
- FINA Diving Grand Prix
- FINA Diving World Series
- FINA Diving World Cups
- FINA World Junior Diving Championships
- FINA High Diving World Cups
- FINA Artistic Swimming World Series
- FINA World Youth Artistic Swimming Championships
- FINA Artistic Swimming Olympic Games Qualification Tournament
- FINA World Junior Artistic Swimming Championships
- FINA Marathon Swim World Series
- FINA UltraMarathon Swim Series
- FINA Olympic Marathon Swim Qualifier

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- FINA World Junior Open Water Swimming Championships
- FINA World Under 16 Water Polo Cups
- FINA Water Polo World Cups
- FINA Water Polo World League
- FINA Water Polo Olympic Games Qualification Tournament
- FINA Water Polo World Youth Championships
- FINA Water Polo Challengers Cups
- FINA Water Polo World Junior Championships
- FINA World Masters Championships

c) Athletes during their participation in any other Competition from the FINA Calendar, excluding the Olympic Games, the Youth Olympic Games and the Competitions from the Non-FINA Calendar. The FINA Calendar is available on the FINA website (<http://www.fina.org/calendar>).

All Member Federations shall comply with these Anti-Doping Rules. The regulations of Member Federations shall indicate that all FINA Rules including these Anti-Doping Rules shall be deemed as incorporated into and shall be directly applicable to and shall be agreed to and followed by Athletes, Athlete Support Personnel, team leaders, and club and Federation representatives under the jurisdiction of the respective Member Federations. ▲

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

~~FINA may delegate some of its obligations and responsibilities pursuant to these Anti-Doping Rules, including the implementation of a part of the Doping Control in relation to its out-of-competition or in-competition testing program, results management process of Adverse Analytical and Atypical Findings from Tests initiated by FINA as well as of other anti-doping rule violations, educational programme, etc., to a designated organization providing recognized professional anti-doping services. The designated organization may in turn sub-delegate the responsibility for implementing all or part of the Doping Control to any Anti-Doping Organization it deems to be appropriate.~~

~~This delegation of obligations or responsibilities pursuant to these Anti-Doping Rules shall continue in effect until revocation or withdrawal of such delegation by FINA at any time and at its own discretion.~~

DC 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in DC 2.1 through DC 2.4011 of these Anti-Doping Rules.

DC 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

DC 2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*.

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

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

DC 2.1.2 Sufficient proof of an anti-doping rule violation under DC 2.1 is established by any 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*; or, where the *Athlete's A or B Sample* is split into two ~~bottles~~ *(2) parts* and the analysis of the ~~second bottle~~ *confirmation part of the split Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first ~~bottle~~ *part of the split Sample or the Athlete waives analysis of the confirmation part of the split Sample*.

[Comment to DC 2.1.2: ~~FINA or its Member Federation~~ The Anti-Doping Organisation with ~~results management~~ Results Management responsibility may, at its discretion, choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]

DC 2.1.3 Excepting those substances for which a ~~quantitative threshold~~ *Decision Limit* is specifically identified in the *Prohibited List* ~~or a Technical Document~~, the presence of ~~any reported~~ quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

DC 2.1.4 As an exception to the general rule of DC 2.1, the *Prohibited List* ~~or International Standards~~ *or Technical Documents* may establish special criteria for ~~reporting or~~ the evaluation of ~~certain Prohibited Substances that can also be produced endogenously~~.

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DC 2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method

[Comment to DC 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to DC 3.2, unlike the proof required to establish an anti-doping rule violation under DC 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under DC 2.1.

For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where ~~FINA or any the~~ Anti-Doping ~~Organization~~ Organisation provides a satisfactory explanation for the lack of confirmation in the other Sample.]

DC 2.2.1 It is ~~each Athlete's~~ the Athletes' personal duty to ensure that no Prohibited Substance enters ~~his or her body~~ their bodies and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, ~~negligence~~ 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.

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

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

An Athlete's "Use" of a Prohibited Substance constitutes an anti-doping rule violation unless such ~~substance~~ Substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of DC 2.1 regardless of when that ~~substance~~ Substance might have been administered.]

DC 2.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete

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

[Comment to DC 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample

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collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]

DC 2.4 Whereabouts Failures by an Athlete

Any combination of three (3) missed tests and/or filing failures, as defined in the *International Standard for Testing and Investigations Results Management*, within a twelve- (12) month period by an Athlete in a Registered Testing Pool.

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DC 2.5 Tampering or Attempted Tampering with any part of Doping Control by an Athlete or Other Person

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

~~[Comment to DC 2.5: For example, this article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering may result in proceedings before the FINA Disciplinary Panel and shall also be addressed in the disciplinary rules of FINA and its Member Federations.]~~

DC 2.6 Possession of a Prohibited Substance or a Prohibited ~~Methods~~ Method by an Athlete or Athlete Support Person

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

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

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

[Comment to DC 2.6.1 and DC 2.6.2: Acceptable justification ~~would~~ may include, for example, (a) an Athlete or a team doctor carrying Prohibited Substances or Prohibited Methods for dealing with acute and emergency situations (e.g., an epinephrine auto-

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injector), or (b) an Athlete Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a TUE.]

DC 2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or Other Person

DC 2.8 Administration or Attempted Administration by an Athlete or Other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition.

DC 2.9 Complicity or Attempted Complicity by an Athlete or Other Person

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or Attempted complicity involving an anti-doping rule violation, Attempted anti-doping rule violation or violation of DC ~~10.42~~14.1 by another Person.

DC 2.10 Prohibited Association by an Athlete or Other Person

DC 2.10.1 Association by an Athlete or other Person subject to the authority of an Anti-Doping ~~Organization~~Organisation in a professional or sport-related capacity with any Athlete Support ~~Personnel~~Person who:

DC 2.10.1—~~if 1~~ If subject to the authority of an Anti-Doping ~~Organization~~Organisation, is serving a period of Ineligibility; or

DC ~~2.10.2~~—~~if 10.1.2~~ If not subject to the authority of an Anti-Doping ~~Organization~~Organisation and where Ineligibility has not been addressed in a ~~results management~~Results Management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

DC 2.10.1.3 ~~is~~is serving as a front or intermediary for an individual described in DC 2.10.1.1 or 2.10.1.2.

In order for this provision to apply, it is necessary (a) that the Athlete or other Person has previously been advised in writing by an Anti-Doping Organization with jurisdiction over the Athlete or other Person, or by WADA, of the Athlete Support Person's disqualifying status and the potential Consequence of prohibited association; and (b) that the Athlete or other Person can reasonably avoid the association. The Anti-Doping Organization shall also use reasonable efforts to advise the Athlete Support Person who is the subject of the notice to the Athlete or other Person that the Athlete Support Person may, within 15 days, come forward to the Anti-Doping Organization to explain that the criteria described in DC 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding DC 17, this rule applies even when the Athlete Support Person's disqualifying conduct occurred prior to the effective date provided in DC 20.6.)

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DC 2.10.2

To establish a violation of DC 2.10, an Anti-Doping Organisation must establish that the Athlete or other Person knew of the Athlete Support Person's disqualifying status.

The burden shall be on the Athlete or other Person to establish that any association with an Athlete Support ~~Personnel~~ Person described in DC 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

Anti-Doping ~~Organizations~~ Organisations that are aware of Athlete Support ~~Personnel~~ Person who meet the criteria described in DC 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to WADA.

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

While DC 2.10 does not require the Anti-Doping Organisation to notify the Athlete or other Person about the Athlete Support Person's disqualifying status, such notice, if provided, would be important evidence to establish that the Athlete or other Person knew about the disqualifying status of the Athlete Support Person.]

DC 2.11 Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities

Where such conduct does not otherwise constitute a violation of DC 2.5:

DC 2.11.1 Any act which threatens or seeks to intimidate another Person with the intent of discouraging the Person from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the Code to WADA, an Anti-Doping Organisation, law enforcement, regulatory or professional disciplinary body, hearing body or Person conducting an investigation for WADA or an Anti-Doping Organisation.

DC 2.11.2 Retaliation against a Person who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the Code to WADA, an Anti-Doping Organisation, law enforcement, regulatory or professional disciplinary body, hearing body or Person conducting an investigation for WADA or an Anti-Doping Organisation.

For purposes of DC 2.11, retaliation, threatening and intimidation include an act taken against such Person either because the act lacks a good faith basis or is a disproportionate response.

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[Comment to DC 2.11.2: This Article is intended to protect Persons who make good faith reports, and does not protect Persons who knowingly make false reports. Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting Persons, their families or associates. Retaliation would not include an Anti-Doping Organisation asserting in good faith an anti-doping rule violation against the reporting Person. For purposes of DC 2.11, a report is not made in good faith where the Person making the report knows the report to be false.]

DC 3 PROOF OF DOPING

DC 3.1 Burdens and Standards of Proof

FINA ~~and its Member Federations~~ shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FINA ~~or the Member Federation~~ has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in DC 3.2.2 and DC 3.2.3, the standard of proof shall be by a balance of probability.

[Comment to DC 3.1: This standard of proof required to be met by ~~the Anti-Doping Organization~~ FINA is comparable to the standard which is applied in most countries to cases involving professional misconduct.]

DC 3.2 Methods of Establishing Facts and Presumptions

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

[Comment to DC 3.2: For example, FINA ~~or the Member Federation~~ may establish an anti-doping rule violation under DC 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to DC 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples such as data from the Athlete Biological Passport.]

DC 3.2.1 Analytical methods or ~~decision limits~~ Decision Limits approved by WADA after consultation within the relevant scientific community ~~and/or~~ which have been the subject of peer review are presumed to be scientifically valid. Any Athlete or other Person seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS on its own initiative may also inform WADA of any such challenge. At Within ten (10) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint

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an appropriate scientific expert to assist the panel in its evaluation of the challenge. ~~Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.~~

~~DC 3.2.2 WADA-accredited laboratories, and other laboratories~~*[Comment to DC 3.2.1: For certain Prohibited Substances, WADA may instruct WADA-accredited Laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the Laboratory's estimated concentration of such Prohibited Substance in a Sample may only be an estimate. In no event shall the possibility that the exact concentration of the Prohibited Substance in the Sample may be below the Minimum Reporting Level constitute a defense to an anti-doping rule violation based on the presence of that Prohibited Substance in the Sample.]*

DC 3.2.2 *WADA-accredited Laboratories, and other Laboratories* approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the *International Standard for Laboratories*. The Athlete or other Person may rebut this presumption by establishing that a departure from the *International Standard for Laboratories* occurred which could reasonably have caused the Adverse Analytical Finding.

If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the *International Standard for Laboratories* occurred which could reasonably have caused the Adverse Analytical Finding, then FINA ~~or the Member Federation~~ shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

[Comment to DC 3.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. Thus, once the Athlete or other Person establishes the departure by a balance of probability, the Athlete or other Person's burden on causation is the somewhat lower standard of proof – "could reasonably have caused." If the Athlete or other Person ~~does~~ satisfies these standards, the burden shifts to FINA ~~or its Member Federation~~ to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

DC 3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules ~~which did not cause an Adverse Analytical Finding shall not invalidate analytical results, or other evidence of an anti-doping rule violation shall not invalidate such evidence or results. If, and shall not constitute a defense to an anti-doping rule violation provided, however, if, the Athlete or other Person establishes that a departure from another one of the specific International Standard or other anti-doping rule or policy which provisions listed below, could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or other anti-doping rule violation whereabouts failure, then FINA or~~

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~~its Member Federation~~ shall have the burden to establish that such departure did not cause the ~~Adverse Analytical Finding~~ or the ~~factual basis for the anti-doping rule violation-whereabouts failure~~;

[Comment to DC 3.2.3: Departures from an International Standard or other rule unrelated to Sample collection or handling, Adverse Passport Finding, or Athlete notification relating to whereabouts failure or B Sample opening – e.g., the International Standard for Education, International Standard for the Protection of Privacy and Personal Information or International Standard for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defense in an anti-doping rule violation proceeding and are not relevant on the issue of whether the Athlete committed an anti-doping rule violation. Similarly, FINA's violation of the Athletes' Anti-Doping Rights Act shall not constitute a defense to an anti-doping rule violation.]

(i) a departure from the International Standard for Testing and Investigations related to Sample collection or Sample handling which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case FINA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;

(ii) a departure from the International Standard for Results Management or International Standard for Testing and Investigations related to an Adverse Passport Finding which could reasonably have caused an anti-doping rule violation, in which case FINA shall have the burden to establish that such departure did not cause the anti-doping rule violation;

(iii) a departure from the International Standard for Results Management related to the requirement to provide notice to the Athlete of the B Sample opening which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case FINA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;

[Comment to DC 3.2.3.3: FINA would meet its burden to establish that such departure did not cause the Adverse Analytical Finding by showing that, for example, the B Sample opening and analysis were observed by an independent witness and no irregularities were observed.]

(iv) a departure from the International Standard for Results Management related to Athlete notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case FINA shall have the burden to establish that such departure did not cause the whereabouts failure.

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

DC 3.2.5 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

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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 hearing panel) and to answer questions from the hearing panel or from FINA ~~or its Member Federation asserting the anti-doping rule violation.~~

DC 4 THE *PROHIBITED LIST*

DC 4.1 Incorporation of the *Prohibited List*

These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the Code. ~~FINA will make the current *Prohibited List* available to each Member Federation, and each Member Federation shall ensure that the current *Prohibited List* is available to its members and constituents.⁴~~

~~Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three (3) months after publication by WADA, without requiring any further action by FINA. All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarize themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.~~

~~FINA shall provide its Member Federations with the most recent version of the *Prohibited List*. Each Member Federation shall in turn ensure that its members, and the constituents of its members, are also provided with the most recent version of the *Prohibited List*.~~

~~[Comment to DC 4.1: The current *Prohibited List* is available on WADA's website at <https://www.wada-ama.org>. The *Prohibited List* will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made.]~~

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

DC 4.2.1 *Prohibited Substances and Prohibited Methods*

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

~~The *Prohibited List* shall identify those *Prohibited Substances and Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by WADA for a particular sport.~~

⁴The most up to date *Prohibited List* is available on WADA's website at www.wada-ama.org.

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Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.

[Comment to DC 4.2.1: Out-of-Competition Use of a Substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the Substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]

DC 4.2.2 Specified Substances or Specified Methods

For purposes of the application of DC 10, all *Prohibited Substances* shall be "*Specified Substances*," except ~~substances in the classes of anabolic agents and hormones and these stimulants and hormone antagonists and modulators~~ seas identified on the *Prohibited List*. ~~The category of Specified Substances shall not include Prohibited Methods~~ No Prohibited Method shall be a Specified Method unless it is specifically identified as a Specified Method on the Prohibited List.

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

DC 4.2.3 New Classes of Prohibited Substances of Abuse

~~In the event WADA expands the Prohibited List by adding a new class~~ For purposes of applying DC 10, Substances in accordance with Article 4.1 of the Code, WADA's Executive Committee Abuse shall determine whether any or all include those Prohibited Substances within the new class of Prohibited which are specifically identified as, Substances shall be considered Specified Substances under DC 4.2.2, of Abuse on the Prohibited List because they are frequently abused in society outside of the context of sport.

DC 4.3 WADA's Determination of the Prohibited List

WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, ~~and~~ the classification of ~~the a~~ substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a Specified Substance, Specified Method or Substance of Abuse is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge, 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.

DC 4.4 Therapeutic Use Exemptions ("TUEs")

DC 4.4.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or a *Prohibited Method* shall not be considered an anti-doping rule violation if it is consistent with the provisions of a *TUE* granted in accordance with the *International Standard for Therapeutic Use Exemptions*.

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DC 4.4.2 ~~An Athlete~~ **TUE Applications**

DC 4.4.2.1 ~~Athletes~~ who ~~is are~~ not ~~an~~ International-Level ~~Athlete~~ **Athletes** should apply to ~~his or her~~ **their** National Anti-Doping Organisation for a TUE. If the National Anti-Doping Organisation denies the application, the Athlete may appeal exclusively to the ~~national-level appeal~~ **appellate** body described in DC 13.2.2 ~~and 13.2.3~~.

DC 4.4.3 ~~An 2.2 Athletes who are~~ International-Level ~~Athlete who wishes to use a Prohibited Substance or a Prohibited Method for therapeutic reasons must~~ **Athletes shall** apply to FINA: ~~—~~

DC 4.4.3 TUE Recognition

DC 4.4.3.1 Where the Athlete already has a TUE granted by his or her National Anti-Doping ~~Organization~~ **Organisation** for the substance or method in question, then that TUE is not automatically valid for international-level Competition. However, the Athlete may apply to FINA to recognize that TUE, in accordance with Article 7 of the ~~International Standard for~~ **Therapeutic Use Exemptions**. ~~If that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then FINA shall recognize it for purposes of international-level Competition as well. If FINA considers that the TUE does not meet those criteria and so refuses to recognize it, FINA shall notify the Athlete and his or her National Anti-Doping Organization~~ **Organisation** or Member Federation as relevant, promptly, with reasons. ~~The Athlete and/or the National Anti-Doping Organization~~ **Organisation** shall have twenty-one (21) days from such notification to refer the matter to WADA for review.

If the matter is referred to WADA for review, the TUE granted by the National Anti-Doping ~~Organization~~ **Organisation** remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition) pending WADA's decision. ~~If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires. If the matter is not referred to WADA for review within the twenty-one (21) day deadline, the Athlete's National Anti-Doping Organisation must determine whether the original TUE granted by that National Anti-Doping Organisation should nevertheless remain valid for national-level Competition and Out-of-Competition Testing (provided that the Athlete ceases to be an International-Level Athlete and does not participate in international-level Competition). Pending the National Anti-Doping Organisation's decision, the TUE remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition).~~

[Comment to DC 4.4.3-~~4~~: If FINA refuses to recognize a TUE granted by a National Anti-Doping ~~Organization~~ **Organisation** only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. ~~Instead, the file should be completed and re-submitted to FINA.]~~

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[Comment to DC 4.4.3.1: Further to Articles 5.7 and 7.1 of the International Standard for Therapeutic Use Exemptions, FINA must publish and keep updated a notice on its website that sets out clearly (1) which Athletes under its authority are required to apply to it for a TUE, (2) which TUE decisions of other Anti-Doping Organisations it will automatically recognize (if any) in lieu of such application and (3) which TUE decisions of other Anti-Doping Organisations will have to be submitted to it for recognition. If an Athlete's TUE falls into a category of automatically recognized TUEs, then the Athlete does not need to apply to FINA for recognition of that TUE]

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DC 4.4.3.2 If FINA chooses to test an Athlete who is not an International-Level Athlete, FINA must recognize a TUE granted to that Athlete by their National Anti-Doping Organisation unless the Athlete is required to apply for recognition of the TUE pursuant to Articles 5.8 and 7.0 of the International Standard for Therapeutic Use Exemptions.

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DC 4.4.4 TUE Application Process

DC 4.4.4.1 If the Athlete does not already have a TUE granted by his or her their National Anti-Doping ~~Organization~~ Organisation for the substance or method in question, the Athlete must apply directly to FINA ~~for a TUE~~.

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DC 4.4.4.2 An application to FINA for grant or recognition of a TUE must be made as soon as possible, save where Articles 4.1 or 4.3 of the International Standard for Therapeutic Use Exemptions apply. The application shall be made, in accordance with ~~the process set out in Article 6 of the International Standard for Therapeutic Use Exemptions~~, as posted on FINA's website.

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DC 4.4.4.3 FINA shall establish a Therapeutic Use Exemption Committee ("TUEC") to consider applications for the grant or recognition of TUEs in accordance with Article 4.4.4.3(a)-(d) below:

(a) The TUEC shall consist of a minimum of five (5) members with experience in the care and treatment of Athletes and sound knowledge of clinical, sports and exercise medicine, including a Chair. Each appointed member shall serve a term of four (4) years.

(b) Before serving as a member of the TUEC, each member must sign a conflict of interest and confidentiality declaration. The appointed members shall not be employees of FINA.

(c) When an application to FINA for the grant or recognition of a TUE is made, the Chair of the TUEC shall appoint three (3) members (which may include the Chair) to consider the application.

(d) Before considering a TUE application, each member shall disclose to the Chair any circumstances likely to affect their impartiality with respect to the Athlete making the application. If a member appointed by the Chair to consider an application is unwilling or unable to assess the Athlete's TUE application, for any reason, the Chair may appoint a replacement or appoint a new TUEC (e.g., from the pre-established pool of candidates).

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The Chair cannot serve as a member of the TUEC if there are any circumstances which are likely to affect the impartiality of the TUE decision.]

DC 4.4.4.4 The TUEC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to a *Competition*, the TUEC must use its best endeavors to issue its decision before the start of the *Competition*.

DC 4.4.4.5 The TUEC decision shall be the final decision of FINA and may be appealed in accordance with DC 4.4.7. The TUEC decision shall be notified in writing to the *Athlete*, and to *WADA* and other *Anti-Doping Organisations* in accordance with the *International Standard for Therapeutic Use Exemptions*. It shall also promptly be reported into *ADAMS*.

DC 4.4.4.6, If FINA denies the *Athlete's* application, it must notify the *Athlete* promptly, with reasons. ~~If FINA grants the *Athlete's* application, it shall~~ must notify not only the *Athlete* but also ~~his or her *National Anti-Doping Organization* or *Member Federation*, as relevant. If the *their* *National Anti-Doping Organization*~~ *Organisation*. If the *National Anti-Doping Organisation* considers that the *TUE granted by FINA* does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has *twenty-one (21)* days from such notification to refer the matter to *WADA* for review. ~~in accordance with DC 4.4.7.~~

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

DC 4.4.4 Some *Major Event Organisations* may require *Athletes* to apply to them for a *TUE* if they wish to *Use a Prohibited Substance or Prohibited Method* in connection with the *Major Event Organisation's Competition*.

DC 4.4.5 If FINA chooses to test an *Athlete* who is not an *International Level Athlete*, FINA shall recognize a *TUE* granted to that *Athlete* by his or her *National Anti-Doping Organization*. If FINA chooses to test an *Athlete* who is not an *International Level* or a *National Level Athlete*, FINA shall permit that *Athlete* to apply for a retroactive *TUE* for any *Prohibited Substance or Prohibited Method* he or she is using for therapeutic reasons.

DC 4.4.6 An application to FINA for grant or recognition of a *TUE* must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where *Article 4.3* of the *International Standard for Therapeutic Use Exemptions* applies) at least 30 days before the *Athlete's* next *Competition*. FINA shall appoint a

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~~FINA TUE Committee to consider applications for the grant or recognition of TUEs. The FINA TUE Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions, these Anti-Doping Rules and any FINA protocols. Its decision shall be the final decision of FINA, and shall be reported to the Athlete, WADA and other relevant Anti-Doping Organizations, including the Athlete's National Anti-Doping Organization or Athlete's Member Federation as relevant, through ADAMS, in accordance with the International Standard for Therapeutic Use Exemptions.~~

~~[Comment to DC 4.4.6: The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organization for such a TUE) may]~~
~~[Comment to DC 4.4.4: The submission of falsified documents to a TUEC or FINA, offering or accepting a bribe to a Person to perform or fail to perform an act, procuring false testimony from any witness, or committing any other fraudulent act or any other similar intentional interference or Attempted interference with any aspect of the TUE process shall result in a charge of Tampering or Attempted Tampering under DC 2.5.]~~

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

DC 4.4.75 Retroactive TUE Applications

~~If FINA chooses to collect a Sample from an Athlete who is not an International-Level Athlete or a National-Level Athlete, and that Athlete is Using a Prohibited Substance or Prohibited Method for therapeutic reasons, FINA must permit that Athlete to apply for a retroactive TUE.~~

DC 4.4.6 Expiration, Cancellation, Withdrawal or Reversal of a TUE

DC 4.4.76.1 A TUE granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) ~~may will be cancelled withdrawn~~ if the Athlete does not promptly comply with any requirements or conditions imposed ~~in connection with by the TUEC upon grant of the TUE~~; (c) may be withdrawn by ~~FINA or National Anti-Doping Organisation's TUE Committee the TUEC~~ if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.

DC 4.4.76.2 In such event, the Athlete shall not be subject to any Consequences based on his or her Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, ~~cancellation~~, withdrawal or reversal of the TUE. -The review pursuant to ~~DC 7 Article 5.1.2 and DC 7.2.21.1~~, of any ~~subsequent the International Standard for Results Management of an Adverse Analytical Finding reported shortly after the TUE expiry, withdrawal or Atypical Finding reversal~~, shall include consideration of whether such finding is

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consistent with *Use of the Prohibited Substance or Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

DC 4.4.87 Reviews and Appeals of TUE Decisions

DC 4.4.87.1 WADA shall review any decision by FINA not to recognize a TUE granted by the *National Anti-Doping Organization* that is referred to WADA by the Athlete or the Athlete's *National Anti-Doping Organization*. In addition, WADA shall review any decision by FINA to grant a TUE that is referred to WADA by the Athlete's *National Anti-Doping Organization*. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

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DC 4.4.87.2 Any TUE decision by FINA that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or the Athlete's *National Anti-Doping Organization* exclusively to CAS, in accordance with DC 13.

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[Comment to DC 4.4.87.2: In such cases, the decision being appealed is the FINA's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the deadline to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any *event*, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

DC 4.4.87.3 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, the *National Anti-Doping Organization* and/or FINA exclusively to CAS, in accordance with DC 13.

DC 4.4.87.4 A failure to ~~take action~~ *render a decision* within a reasonable time on a properly submitted application for grant/recognition of a TUE or for review of a TUE decision shall be considered a denial of the application *thus triggering the applicable rights of review/appeal*.

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DC 5 TESTING AND INVESTIGATIONS

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DC 5.1 Purpose of Testing and Investigation

DC 5.1.1 Testing and ~~investigation shall only~~ *investigations may* be undertaken for *any* anti-doping ~~purposes~~ *purpose*. They shall be conducted in conformity with the provisions of the *International Standard for Testing and Investigations* and any protocols of FINA supplementing that *International Standard*.

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DC 5.1.42 Testing shall be undertaken to obtain analytical evidence as to *whether* the Athlete's ~~compliance (or non-compliance) with the strict Code prohibition on the presence/Use~~ *Athlete has violated DC 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) or DC 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method)*.

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[Comment to DC 5.1.2 Investigations shall be undertaken:

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~~DC 5.1.2.1 in relation to Atypical Findings and Adverse Passport Findings, in accordance with DC 7.2 and 7.3 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an: Where Testing is conducted for, anti-doping rule violation has occurred under DC 2.1 and/or DC 2.2; and~~

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~~DC 5.1.2.2 in relation to other indications of potential anti-doping rule violations, in accordance with DC 7.4 and 7.5, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of DC 2.2 to 2.10.~~

~~DC 5.1.3 FINA or purposes, the designated organization analytical results and data may obtain, assess and process anti-doping intelligence from all available sources, to inform be used for other legitimate purposes under the development of an effective, intelligent and proportionate test distribution plan, to plan Target Testing, and/or to form Anti-Doping Organisation's rules. See, e.g., Comment to Article 23.2.2 of the basis of an investigation into a possible anti-doping rule violation(s). Code.]~~

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DC 5.2 Authority to ~~conduct Testing Test~~

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

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

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[Comment to DC 5.2.2: FINA may obtain additional authority to conduct Testing by means of bilateral or multilateral agreements with other Signatories. Unless the Athlete has identified a sixty (60-) minute testing window during between the hours of 11:00 p.m. and 6:00 a.m., following described time period, or has otherwise consented to Testing during that period, before Testing FINA will not test an Athlete between the hours of 11:00 p.m. during that period unless it has and 6:00 a.m., FINA should have serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether FINA had sufficient suspicion for Testing during this time period shall not be a defense to an anti-doping rule violation based on such test or Attempted test.]

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~~DC 5.2.3 Every Member Federation shall include in their rules a provision obliging the Member Federation to allow unannounced Doping Control of any Athlete under its jurisdiction. It is the duty of every Member Federation to assist FINA and, if appropriate, other Member Federations in the carrying out of unannounced Testing. Any Member Federation preventing, hindering or otherwise obstructing the carrying out of such Testing shall be liable to sanctions according to Rule C 12.~~

~~DC 5.2.4~~ DC 5.2.3 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.8~~10~~ of the Code.

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DC 5.2.54 If FINA ~~or the designated organization~~ delegates or contracts any part of Testing to a National Anti-Doping ~~Organization (Organisation)~~ directly or through a Member Federation⁷¹, that National Anti-Doping ~~Organization Organisation~~ may collect additional Samples or direct the ~~laboratory Laboratory~~ to perform additional types of analysis at the National Anti-Doping ~~Organization's Organisation's~~ expense.— If additional Samples are collected or additional types of analysis are performed, FINA shall be notified.

DC 5.3. ~~Event/~~ Competition Testing

DC 5.3.1 Except as otherwise provided in ~~Article 5.3 of the Code below~~, only a single ~~organization should be responsible for initiating and directing~~ organisation shall have authority to conduct Testing at Competition Venues during a Competition Period. At International Competitions included on the FINA Calendar, as published on the FINA website, excluding the Non-FINA Calendar, the collection of Samples shall be initiated and directed by ~~the international organization which is the ruling body for the Competition (e.g. FINA for FINA Competitions, International Olympic Committee for the Olympic Games); FINA~~. Any Testing during the FINA Competition Period outside of the Competition Venues shall be coordinated with FINA.

At other Competitions, including National Competitions and Competitions organized by FINA Continental Organisation or a Regional Organisation consisting of Member Federations, the National Anti-Doping Organisation of the country where the Competition is held shall have authority to conduct Testing. Notwithstanding the foregoing, FINA may elect to conduct Testing during these Competitions on Athletes under its Testing authority participating in such Competitions, including at the Competition Venues, with the authorization of the Anti-Doping Organisation having Testing responsibility for the Competition.

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

DC 5.3.3 FINA Competition Testing

DC 5.3.3.1 ~~The actual conduct of Testing at all FINA Competitions shall be the responsibility of a Doping Control Commission of one or more people appointed~~

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by the FINA Bureau or its designee. FINA may designate any party that is deemed suitable by FINA to collect Samples in accordance with these Anti-Doping Rules. Such designee shall be referred to in these Anti-Doping Rules as a Sample Collection Authority.

DC 5.3.3.2 *[Comment to DC 5.3.2: Before giving approval to a National Anti-Doping Organisation to initiate and conduct Testing at an International Competition included on the FINA Calendar, as published on the FINA website, excluding the Non-Fina Calendar, WADA shall consult with the international organisation which is the ruling body for the Competition. Before giving approval to an International Federation to initiate and conduct Testing at a National Competition, WADA shall consult with the National Anti-Doping Organisation of the country where the Competition takes place. The Anti-Doping Organisation "initiating and directing Testing" may, if it chooses, enter into agreements with a Delegated Third Party to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]*

DC 5.3.3 World Records and National Records

DC 5.3.3.1 Any Athlete equaling or breaking a World Record shall submit to Testing following the race in Swimming, as defined in the FINA Swimming Rules, shall be tested immediately after the race, or at the latest, 24 hours after the race. No World Record shall be recognized unless such test returns a Negative Finding based, at a minimum, on the standard In-Competition analytical Testing menu. When a relay team breaks or equals a World Record, only the four Athletes swimming the relay shall who swam this specific race must be tested. If no Testing is conducted at the Competition, the Athletes shall be responsible for making arrangements to submit to Testing no later than 24 hours after the race. No World Record shall be recognised without a negative doping test certificate for all Prohibited Substances or Prohibited Methods identified on the Prohibited List for which an analytical technique is available.

DC 5.3.3.2 Should an Athlete obtain equal or break a national record in a FINA Competition and not otherwise be selected for Testing, and the Rules of the Member Federation of the Athlete are similar to DC 5.3.3.2, the Member Federation may request FINA to conduct Testing on such Athlete upon payment of a fee reasonably determined by FINA.

DC 5.3.4 Major Event Organisations Testing Requirements

DC 5.3.4.1 In the Olympic Games, the IOC FINA shall have In-Competition conduct test distribution planning and Out-of-Competition Testing authority over all Athletes for the period of the Olympic Games and procedures followed shall be as set forth in the then-current anti-doping rules of the IOC. The IOC may delegate its Testing and results management responsibilities to other organisations as stipulated in the respective IOC rules.

DC 5.3.4.2 At every Competition conducted by either a Continental Organisation recognized by FINA or by a regional organization consisting of Member Federations of FINA, the respective Continental Organisation or regional organization shall be responsible for conducting Testing. Sanctions for violations of these Anti-Doping Rules at such Competitions beyond

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~~Disqualifications from the Competitions or the results of the Competition shall be heard by the FINA Doping Panel.~~

DC 5.3.5 Member Federation Testing

~~DC 5.3.5.1 At all other Competitions (except where Testing is carried out under the rules of another sporting body), the Member Federation conducting the Testing or in whose territory a Competition is held shall be responsible for conducting Doping Control. The Member Federation shall apply procedures substantially in accordance with required by the International Standard for Testing and Investigations. The FINA Bureau may impose a sanction to a Member Federation that does not apply procedures in accordance with this Rule.~~

~~DC 5.4 Test Distribution Planning and DC 5.4.2 Where reasonably feasible, Testing shall be coordinated through ADAMS in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.~~

DC 5.5 Athlete Whereabouts Information

~~DC 5.4.1 FINA or the designated organization shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of Athletes, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. FINA or the designated organization will provide WADA upon request with a copy of its current test distribution plan.~~

~~DC 5.4.2 FINA or the designated organization shall establish~~**DC 5.5.1** FINA has established a FINA Registered Testing Pool of those Athletes who are required to comply with the whereabouts requirements of Annex I provide whereabouts information in the manner specified in the International Standard for Testing and Investigations and who shall be subject to the International Standard for Testing and Investigations. FINA or the designated organization should Consequences for DC 2.4 violations as provided in DC 10.3.2. FINA shall coordinate with National Anti-Doping Organisations the identification of to identify such Athletes and the collection of to collect their whereabouts information. FINA or the designated organization shall

DC 5.5.2 FINA shall make available through ADAMS a list which identifies those Athletes included in FINA's Registered Testing Pool by name. FINA shall regularly review and update as necessary its criteria for including Athletes in its Registered Testing Pool and shall revise periodically (but not less than quarterly) review the membership list of Athletes in its Registered Testing Pool from time to time as appropriate in accordance with ensure that each listed Athlete continues to meet the set relevant criteria. All Athletes included or removed from the Registered Testing Pool and the Member Federations to which shall be notified before they belong shall receive written information about the inclusion or exclusion of an Athlete in the FINA are included in the Registered Testing Pool and when they are removed from that pool. The notification shall contain the information set out in the International Standard for Testing and Investigations.

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DC 5.45.3 ~~It shall be the obligation of each~~Where an *Athlete* is included in the *FINA Registered Testing Pool* as well as *FINA's Registered Testing Pool* and in a national *Registered Testing Pool* by their *National Anti-Doping Organisation*, the *National Anti-Doping Organisation* and *FINA* shall agree between themselves which of them shall accept that *Athlete's Member Federation*, to keep *FINA* or the designated organization informed about where the *Athlete's* whereabouts filings; in no case shall an *Athlete* can be ~~not~~required to make whereabouts filings to more than one of them.

DC 5.5.4 In accordance with the *International Standard* for unannounced ~~Testing~~ *Testing* and *Investigations*, it is the responsibility of each *Athlete* in the *FINA Registered Testing Pool* to:

- (a) advise *FINA* ~~or the designated organization~~ of his or her whereabouts on a quarterly basis;
- ~~(b)~~(a) update that information as necessary so that it remains accurate and complete at all times;
- ~~(c)~~(b) make ~~him~~himself or herself available for *Testing* at such whereabouts.

DC 5.45.5 For purposes of DC 2.4, an *Athlete's* failure to comply with the requirements of the *International Standard* for *Testing* and *Investigations* shall be deemed a filing failure or a missed test (as defined in *Annex B* of the *International Standard* for ~~Testing and Investigations~~*Results Management*), where the conditions set forth in ~~the International Standard for Testing and Investigations for declaring a filing failure or missed test~~*Annex B* are met. Furthermore, if the *Athlete* cannot be found for unannounced *Testing* due to incorrect or insufficient information provided to *FINA* ~~or the designated organization~~, the *Member Federation* to which the *Athlete* is affiliated shall be obliged to ~~pay expenses for~~reimburse the costs of the unsuccessful attempt of *Testing* in accordance with ~~DC 12.3 and~~ DC 12.4.

DC 5.4.5 For the purpose of applying DC 2.4, each *Member Federation* shall report to *FINA* or the designated organization each missed test or failure by an *Athlete* to file required whereabouts information within 14 days after the *Member Federation* becomes aware of the missed test or filing failure.

DC 5.5.6 An *Athlete* in *FINA's Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements set in the *International Standard* for *Testing* and *Investigations* unless and until:

- (a) the *Athlete* gives written notice to *FINA* that he or she has retired or
- (b) *FINA* has informed him or her that he or she is no longer designated for inclusion in *FINA's Registered Testing Pool*.

DC 5.45.7 Whereabouts information ~~relating to~~provided by, an *Athlete* shall while in the *Registered Testing Pool* will be shared (preferably accessible through *ADAMS*) with *WADA* and to other *Anti-Doping Organizations* having authority to test that *Athlete*. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for the purposes set out in Article 5.6 of the *Code* of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-

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doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

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DC 5.5.8 In accordance with the International Standard for Testing and Investigations, FINA has established a Testing Pool, which includes Athletes who are subject to less stringent whereabouts requirements than Athletes included in FINA's Registered Testing Pool.

DC 5.5.9 FINA shall notify Athletes before they are included in the Testing Pool and when they are removed. Such notification shall include the whereabouts requirements and the consequences that apply in case of non-compliance, as indicated in DC 5.5.10 and DC 5.5.11.

DC 5.5.10 Athletes included in the Testing Pool shall provide FINA with and update the following whereabouts information for each day so that they may be located and subjected to Testing:

- (a) Their overnight accommodation address;
- (b) Competition schedule;
- (c) Regular training activities;
- (d) A mailing address;
- (e) An email address;

Such whereabouts information shall be filed in ADAMS to enable better Testing coordination with other Anti-Doping Organisations.

DC 5.5.11 An Athlete's failure to provide whereabouts information on or before the date required by FINA or the Athlete's failure to provide accurate whereabouts information or to update it may result in FINA elevating the Athlete to FINA's Registered Testing Pool.

DC 5.5.12 FINA may, in accordance with the International Standard for Testing and Investigations, request whereabouts information from Athletes who are not included within a Registered Testing Pool or Testing Pool. If it chooses to do so, an Athlete's failure to provide the requested whereabouts information on or before the date required by FINA or the Athlete's failure to provide accurate whereabouts information may result in FINA elevating the Athlete to FINA's Registered Testing Pool.

DC 5.6 Retirement and Return to Competition

DC 5.5.6.1 ~~An~~ International-Level Athlete or National-Level Athlete in FINA's Registered Testing Pool shall continue to be subject to these Anti-Doping Rules, including the obligation to be available for unannounced Testing ~~retires, and to provide his or her whereabouts information, unless and then wishes to return to active participation in sport, the Athlete shall not compete in International Competitions or National Competitions until the Athlete gives written notice to FINA that he or she has retired. An Athlete is accountable for any violation of these Anti-Doping Rules occurring prior to FINA's receipt of his made himself, or her notice of retirement.~~

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~~DC 5.5.2~~ An *Athlete* who has given notice of retirement to FINA may not resume competing unless he or she notifies FINA in writing at least herself available for *Testing*, by giving six (6) months before he or she expects to return to *Competition* and is available for *Testing* at any time during the period before actual return to *Competition*. An *Athlete* seeking reinstatement is subject to these Anti-Doping Rules in prior written notice to FINA and their entirety from the date reinstatement is requested, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. *National Anti-Doping Organisation*.

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WADA, in consultation with FINA and the *Athlete's Member Federation as well as Athlete's National Anti-Doping Organisation*, may grant an exemption to the six- (6) month written notice rule where the strict application of that rule would be manifestly unfair to the *Athlete*. This decision may be appealed under DC 13.

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Any competitive results obtained in violation of this ~~DC 5.5.2~~ shall be *Disqualified* Article 5.6.1 shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Competition* or a *National Competition*.

~~DC 5.5.3~~ If an *Athlete* or other *Person* retires while a results management process is underway, the *Anti-Doping Organization* conducting the results management process retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, the *Anti-Doping Organization* which would have had results management authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, has authority to conduct results management in respect of that anti-doping rule violation.

[Comment to DC 5.5.3: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]

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~~DC 5.5.4~~ **DC 5.6.2** If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* shall not resume competing in *International* must notify the *Anti-Doping Organisation* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active *Competition* in sport, the *Athlete* shall not compete in *International Competitions* or *National Competitions* until the *Athlete* has given made himself or herself available for *Testing* by giving six (6) months prior written notice (or notice equivalent to the period of *Ineligibility*, remaining as of the date the *Athlete* retired, if that period was longer than six months) to FINA, his or her *Member Federation* as well as *National Anti-Doping Organization*, of his or her intent to resume competing and has made himself or herself available for *Testing* for that notice period, including complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations (6) months) to FINA and to their *National Anti-Doping Organisation*.

DC 5.7 Independent Observer Program

FINA and the organizing committees for FINA's Competitions, as well as the Member Federations and the organizing committees for National Competitions, shall authorize and facilitate the Independent Observer Program at such Competitions.

DC 6 ANALYSIS OF SAMPLES

Samples shall be analysed in accordance with the following principles:

DC 6.1 Use of Accredited ~~and~~ Approved Laboratories and Other Laboratories

DC 6.1.1 For purposes of directly establishing an Adverse Analytical Finding under DC 2.1, Samples shall be analysed only in ~~laboratories-WADA-accredited~~ Laboratories or Laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved ~~laboratory~~ Laboratory used for the Sample analysis shall be determined exclusively by FINA ~~or the designated organization for Testing~~ conducted by FINA ~~and~~.

DC 6.1.2 As provided in DC 3.2, facts related to anti-doping rule violations may be ~~established by the Member Federation~~ any reliable means. This would include, ~~for Testing~~ example, reliable Laboratory or other forensic testing ~~conducted by the Member Federation~~ outside of WADA-accredited or approved Laboratories.

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

DC 6.2 Purpose of Analysis of Samples and Data

~~DC 6.2.1~~ Samples and related analytical data or Doping Control information shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the Code; or to assist FINA in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. ~~Samples may be collected and stored for future analysis.~~

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

~~DC 6.2.2~~ FINA, the designated organization and its Member Federations shall ask laboratories to analyse Samples in conformity with Article 6.4 of the Code and Article 4.7 of the International Standard for Testing and Investigations.

DC 6.3 Research on Samples and Data

~~No~~ Samples, related analytical data and Doping Control information may be used for anti-doping research purposes, although no Sample may be used for research without the Athlete's written consent. Samples and related analytical data or Doping Control information used for research purposes ~~other than DC 6.2 shall have any means of identification removed~~ first be processed in such that they cannot be a manner as to prevent Samples and related analytical data or Doping Control information being traced back to a particular

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Athlete. Any research involving Samples and related analytical data or Doping Control information shall adhere to the principles set out in Article 19 of the Code.

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[Comment to DC 6.3: As is the case in most medical or scientific contexts, use of Samples and related information for quality assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. Samples and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular Athlete, having due regard to the principles set out in Article 19 of the Code, as well as the requirements of the International Standard for Laboratories and International Standard for the Protection of Privacy and Personal Information.]

DC 6.4 Standards for Sample Analysis and Reporting

In accordance with Article 6.4 of the Code, Laboratories shall analyze Samples and report results in conformity with the International Standard for Laboratories. To ensure effective Testing, the Technical Document referenced at Article 5.4.1 of the Code will establish risk assessment-based Sample analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyze Samples in conformity with those menus, except as follows:

DC 6.4 and Article 4.1 FINA, the designated organization or its Member Federation may request that laboratories analyze its Samples using more extensive menus than those described in the Technical Document.

DC 6.4.2 FINA, the designated organization or its Member Federation may request that laboratories analyze its Samples using less extensive menus than those described in the Technical Document only if it has satisfied WADA that, because of the particular circumstances of its sport, as set out in its Test Distribution Plan, less extensive analysis would be appropriate.

DC 6.4.3 As provided in the 7 of the International Standard for Testing and Investigations.

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

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

DC 6.5 Further Analysis of Samples Sample Prior to or During Results Management

Any Sample may There shall be subject no limitation on the authority of a Laboratory to further conduct repeat or additional analysis by the Anti-Doping Organisation responsible for results management at any time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by the Anti-Doping Organisation on a Sample prior to the time FINA

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~~notifies an Athlete as that the asserted Sample is the basis for a DC 2.1 anti-doping rule violation— charge. If after such notification FINA wishes to conduct additional analysis on that Sample, it may do so with the consent of the Athlete or approval from a hearing body.~~

~~Samples~~**DC 6.6 Further Analysis of a Sample After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge**

~~After a Laboratory has reported a Sample as negative, or the Sample has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of DC 6.2 at any time exclusively at the discretion—direction of either the Anti-Doping Organisation that initiated and directed Sample collection or WADA. Any other Anti-Doping Organisation with authority to test the Athlete that wishes to conduct further analysis on a stored Sample may do so with the permission of the Anti-Doping Organisation that initiated and directed Sample collection or WADA—(, and shall be responsible for any follow-up Results Management. Any Sample storage or further analysis initiated by WADA or another Anti-Doping Organisation shall be at WADA's, or that organisation's expense—). Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.~~

DC 7 RESULTS MANAGEMENT

DC 7.1 Review of Adverse Analytical Findings from Tests initiated by FINA or the designated organization

~~**DC 7.1.1** The results from all analyses must be sent to FINA or the designated organization in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be arranged in such a way that the results of the analyses are confidential.~~

~~**DC 7.1.2** Upon receipt of an Adverse Analytical Finding, FINA or the designated organization shall conduct a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) based on the documentation submitted to FINA there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.~~

~~**DC 7.1.3** If the review of an Adverse Analytical Finding under DC 7.1.2 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, FINA or the designated organization shall promptly notify the Athlete, Athlete's Member Federation, Athlete's National Anti-Doping Organisation and WADA, in the manner set out in DC 14.1, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; (c) the Athlete's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or FINA chooses to request an analysis of the B Sample; (e) the right of the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories if such analysis is~~

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requested; and (f) the *Athlete's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories. If FINA or the designated organization decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify FINA Executive, the *Athlete*, *Athlete's Member Federation*, the *Athlete's National Anti-Doping Organization* and WADA.

~~DC 7.1.4 Where requested by the *Athlete*, FINA or the designated organization, arrangements should be made to analyse the B *Sample*. An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. FINA or the designated organization may nonetheless elect to proceed with the B *Sample* analysis.~~

~~DC 7.1.5 The *Athlete* and/or his representative shall be allowed to be present at the analysis of the B *Sample*. If the *Athlete* cannot be present for the B *Sample* analysis at the scheduled date and time, a surrogate representative may be appointed to be present. Also a representative of the *Athlete's Member Federation* as well as a representative of FINA or the designated organization shall be allowed to be present.~~

~~DC 7.1.6 If the B *Sample* analysis does not confirm the A *Sample* analysis, then (and unless FINA or the designated organization takes the case forward as an anti doping rule violation under DC 2.2) the entire test shall be considered negative and the FINA Executive, *Athlete*, the *Athlete's Member Federation*, the *Athlete's National Anti-Doping Organisation* and WADA shall be so informed.~~

~~DC 7.1.7 If the B *Sample* analysis confirms the A *Sample* analysis the findings shall be reported to FINA or the designated organization, the *Athlete*, the *Athlete's Member Federation*, the *Athlete's National Anti-Doping Organisation* and WADA.~~

~~DC 7.2 Review of *Atypical Findings* from Tests initiated by FINA or the designated organization~~

~~DC 7.2.1 As provided in the International Standard for Laboratories, in some circumstances laboratories are directed to report the presence of *Prohibited Substances*, which may also be produced endogenously as *Atypical Findings*, i.e. as findings that are subject to further investigation.~~

~~DC 7.2.2 Upon receipt of an *Atypical Finding*, FINA or the designated organization shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions; or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Atypical Finding*.~~

~~DC 7.2.3 If the review of an *Atypical Finding* under DC 7.2.2 does not reveal an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, FINA or the designated organization shall conduct the required investigation. After the investigation is completed, the FINA Executive, the *Athlete*, the *Athlete's Member Federation*, the *Athlete's National Anti-Doping Organisation* and WADA shall~~

be notified whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The *Athlete* shall be notified as provided in DC 7.1.3.

DC 7.2.4 FINA or the designated organization will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

(a) If FINA or the designated organization determines the *B Sample* should be analyzed prior to the conclusion of its investigation, FINA or the designated organization may conduct the *B Sample* analysis after notifying the FINA Executive, the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in DC 7.1.3 (b)-(f).

(b) If FINA or the designated organization receives a request, either from a *Major Event Organization* shortly before one of its *International Competitions* or a request from a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Competition*, to disclose whether any *Athlete* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, FINA or the designated organization shall so advise the *Major Event Organisation* or sports organisation after first providing notice of the *Atypical Finding* to the FINA Executive and the *Athlete*.

[Comment to DC 7.2.4(b): Under the circumstance described in DC 7.2.4(b), the option to take action would be left to the *Major Event Organization* or sport organization consistent with its rules.]

DC 7.3 Review of *Atypical Passport Findings* and *Adverse Passport Findings* from Tests initiated by FINA or the designated organization

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

DC 7.4 Review of Whereabouts Failures

FINA or the designated organization shall review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations, in respect of *Athletes* who file their whereabouts information with FINA, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as FINA or the designated organization is satisfied that a DC 2.4 anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the FINA Executive, the *Athlete's Member Federation*, the *Athlete's National Anti-Doping Organization* and WADA) notice that it is asserting a violation of DC 2.4 and the basis of that assertion.

DC 7.5 Review of Other Anti-Doping Rule Violations Not Covered by DC 7.1–7.4

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~~FINA or the designated organization shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by DC 7.1-7.4. At such time as FINA or the designated organization is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete or other Person (and simultaneously the FINA Executive, the Athlete's or other Person's Member Federation, the Athlete's or other Person's National Anti-Doping Organization and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.~~

~~DC 7.6 Identification of Prior Anti-Doping Rule Violations~~

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

~~DC 7.7 Results Management by Member Federations~~

~~**DC 7.7.1** Results management conducted by Member Federations shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in DC 7.1—7.6.~~

~~**DC 7.7.2** Results of Doping Controls shall be reported to FINA and WADA as provided in DC 14.1.3 and DC 14.1.4.~~

~~DC 7.7.3 In-DC 6.7 Split of A or B Sample~~

~~Where WADA, an Anti-Doping Organisation with Results Management authority, and/or a WADA-accredited Laboratory (with approval from WADA or the Anti-Doping Organisation with Results Management authority) wishes to split an A or B Sample for the purpose of using the first part of the split Sample for an A Sample analysis and the second part of the split Sample for confirmation, then the procedures set forth in the International Standard for Laboratories shall be followed.~~

DC 6.8 WADA's Right to Take Possession of Samples and Data

WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any Sample and related analytical data or information in the possession of a Laboratory or Anti-Doping Organisation. Upon request by WADA, the Laboratory or Anti-Doping Organisation in possession of the Sample or data shall immediately grant access to and enable WADA to take physical possession of the Sample or data. If WADA has not provided prior notice to the Laboratory or Anti-Doping Organisation before taking possession of a Sample or data, it shall provide such notice to the Laboratory and each Anti-Doping Organisation whose Samples or data have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized Sample or data, WADA may direct another Anti-Doping Organisation with authority to test the Athlete to assume Results Management responsibility for the Sample or data if a potential anti-doping rule violation is discovered.

[Comment to DC 6.8: Resistance or refusal to WADA taking physical possession of Samples or data could constitute Tampering, Complicity or an act of non-compliance as provided in the International Standard for Code Compliance by Signatories, and could also constitute a violation of the International Standard for Laboratories. Where necessary, the

Laboratory and/or the Anti-Doping Organisation shall assist WADA in ensuring that the seized Sample and related data are not delayed in exiting the applicable country.

WADA would not, of course, unilaterally take possession of Samples or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defense against an anti-doping rule violation or its Consequences.]

DC 7 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS

Results Management under these Anti-Doping Rules establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

DC 7.1 Responsibility for Conducting Results Management

DC 7.1.1 Except as otherwise provided in DC 6.6, 6.8 and Article 7.1 of the Code, Results Management shall be the responsibility of, and shall be governed by, the rules of the Anti-Doping Organisation that initiated and directed Sample collection (or, if no Sample collection is involved, the Anti-Doping Organisation which first provides notice to an Athlete or other Person of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation). Results Management for Adverse Passport Findings or Atypical Passport Findings and related review shall be conducted by FINA if the Athlete's Biological Passport is under FINA's custody.

DC 7.1.2 In circumstances where the rules of a ~~Member Federation National Anti-Doping Organisation~~ do not give the ~~Member Federation National Anti-Doping Organisation~~ authority over an Athlete or other Person who is not a national, resident, license holder, or member of a sport ~~organization~~ ~~organisation~~ of that country, or the ~~Member Federation National Anti-Doping Organisation~~ declines to exercise such authority, such ~~Member Federation Results Management~~ shall, as soon as possible, report the results of such test or other anti-doping rule violation to be conducted by FINA and to the ~~Member Federation~~ which normally exercises jurisdiction over such or by another Anti-Doping Organisation who has authority ~~Athlete~~. That ~~Member Federation~~ will then conduct the appropriate results management and hearing procedures and impose the appropriate sanctions on the ~~Athlete~~ or other Person, as directed by FINA.

DC 7.7.4 Any apparent anti-doping rule violation by an Athlete who is a member of that ~~Member Federation~~ shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the ~~Member Federation~~ or national law.

DC 7.7.5 If the FINA Executive determines a ~~Member Federation~~ with results management responsibility is not carrying out its results management responsibilities with respect to an apparent anti-doping rule violation in a sufficiently expeditious manner, the FINA Executive may, after conferring with and providing a warning to the ~~Member Federation~~, transfer results management responsibilities for the apparent anti-doping rule violation to FINA or the designated organization. In any case where the FINA Executive transfers such results management responsibilities to FINA or the

~~designated organization, the Member Federation shall cooperate fully and shall reimburse FINA or the designated organization for its costs in carrying out results management responsibilities. In any such case where FINA or the designated organization has conducted results management, any resulting hearing shall take place before the FINA Doping Panel.~~

~~DC 7.7.6 In any case where WADA appeals directly to CAS under DC 13.3 based upon a Member Federation's failure to render a decision within a reasonable deadline set by WADA, FINA or the designated organization shall have the right to join in that appeal.~~

~~DC 7.7.7 Where a Member Federation has results management responsibility for an Atypical Finding, the FINA Executive may demand that the investigation described under DC 7.2 and DC 7.3 be completed prior to a FINA International Competition. If the Member Federation does not comply with such demand, the FINA Executive may declare the Athlete Ineligible for the International Competition as a result of the pending Atypical Finding and/or may transfer results management responsibilities to FINA or the designated organization. In any such case where FINA or the designated organization has conducted results management, any resulting hearing shall take place before the FINA Doping Panel.~~

~~DC 7.8 FINA reserves the right to exercise jurisdiction over results management~~
DC 7.1.3 In the event the Major Event Organisation assumes only limited Results Management responsibility relating to a Sample initiated and taken during a Competition conducted by a Major Event Organisation, or an anti-doping rule violation occurring during such Competition, the case shall be referred by the Major Event Organisation to FINA for completion of Results Management.

DC 7.1.4 Results Management in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by FINA or the National Anti-Doping Organisation with whom the Athlete in question files whereabouts information, as provided in the International Standard for Results Management. If FINA determines a filing failure or a missed test, it shall submit that information to WADA through ADAMS, where it will be made available to other relevant Anti-Doping Organisations.

DC 7.1.5 Other circumstances in which FINA shall take responsibility for conducting Results Management in respect of anti-doping rule violations involving Athletes and other Persons under its authority shall be determined by reference to and in accordance with Article 7 of the Code.

DC 7.1.6 WADA may direct FINA to conduct Results Management in particular circumstances. If FINA refuses to conduct Results Management within a reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another Anti-Doping Organisation with authority over the Athlete or other Person, that is willing to do so, to take Results Management responsibility in place of FINA or, if there is no such Anti-Doping Organisation, any other Anti-Doping Organisation that is willing to do so. In such case, FINA shall reimburse the costs and attorney's fees of conducting Results Management to the other Anti-Doping Organisation designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

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DC 7.1.7 FINA reserves the right to exercise jurisdiction over *Results Management*, hearings and sanctioning with respect to any apparent anti-doping rule violation by any member of a *Member Federation* unless the *Code* specifically gives such jurisdiction to another *Signatory*.

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DC 7.92 Review and Notification Regarding Potential Anti-Doping Rule Violations

FINA shall carry out the review and notification with respect to any potential anti-doping rule violation in accordance with the *International Standard for Results Management*. FINA may conduct the Initial Review in coordination with the FINA Doping Control Review Board.

DC 7.3 Identification of Prior Anti-Doping Rule Violations

Before giving an *Athlete* or other *Person* notice of a potential anti-doping rule violation as provided above, FINA shall refer to *ADAMS* and contact *WADA* and other relevant *Anti-Doping Organisations* to determine whether any prior anti-doping rule violation exists.

DC 7.4 Provisional Suspensions

DC 7.4.1 Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding

~~The~~ If FINA Executive, the designated organization receives an *Adverse Analytical Finding* or *Member Federation* with results management responsibility asserts an anti-doping rule violation based on an *Adverse Passport Finding* or *Atypical Passport Finding* for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, FINA shall impose a *Provisional Suspension* on the *Athlete* promptly upon or after the review and notification to the *Athlete*.

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In all such cases, the *Athlete* shall be given an opportunity for a *Provisional Hearing* in front of the FINA Doping Panel as per DC 7.4.3 either (at the election of FINA) before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*.

DC 7.4.2 Optional Provisional Suspension based on an Adverse Analytical Finding for Specified Substances, Specified Methods, Contaminated Products, or Other Anti-Doping Rule Violations

FINA may impose a *Provisional Suspension* for anti-doping rule violations not covered by DC 7.4.1 prior to the analysis of the *Athlete's B Sample* or final hearing as described in DC 7.1 and 7.3 have been completed for an *Adverse Analytical Finding* involving a *Prohibited Method* or a *Prohibited Substance*. 8. Provided, however, that such *Provisional Suspension* may not be imposed unless the *Athlete* or other than a *Specified Substance* *Person* is given an opportunity for a *Provisional Hearing* in front of the FINA Doping Panel as per DC 7.4.3 either (at the election of FINA) before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*.

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An optional *Provisional Suspension* may be lifted at the discretion of FINA at any time prior to FINA's Doping Panel's decision under DC 8, unless provided otherwise in the *International Standard for Results Management*.

DC 7.4.3 Provisional Hearing or Appeal

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A mandatory *Provisional Suspension* imposed under DC 7.4.1 may be eliminated if the *Athlete* demonstrates to ~~the hearing panel~~ FINA's Doping Panel that:

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- (i) ~~the violation is likely to have involved a Contaminated Product; or~~
- (ii) ~~the violation involves a Substance of Abuse and the Athlete establishes entitlement to a reduced period of Ineligibility under DC 10.2.4.1;~~

A *Provisional Suspension* imposed under DC 7.4.2 may be eliminated if the *Athlete* demonstrates to FINA's Doping Panel that

- (i) ~~the violation is likely to have involved a Contaminated Product. A hearing body's; or~~
- (ii) ~~the violation involves a Substance of Abuse and the Athlete establishes entitlement to a reduced period of Ineligibility under DC 10.2.4.1; or~~
- (iii) ~~the anti-doping rule violation has no reasonable prospect of being upheld, e.g., due to a serious flaw in the case such as FINA has no jurisdiction over the Athlete or other Person; or~~
- (iv) ~~there is a strong arguable case that the circumstances are such that no period of Ineligibility is likely to be imposed; or~~
- (v) ~~other facts exist that make it clearly unfair, in all the circumstances of the case, to impose a Provisional Suspension prior to determination of the anti-doping rule violation(s). This ground is to be construed narrowly and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Athlete or other Person competing or participating in a particular Competition shall not qualify as exceptional circumstances for these purposes.~~

The *Athlete's* request for lifting of his or her *Provisional Suspension* shall be made in writing and shall be brought to the FINA Doping Panel. For the sake of clarity, such process shall be considered a *Provisional Hearing*.

The request shall be examined and the decision taken by one or more members of the FINA Doping Panel.

Unless the FINA Doping Panel orders otherwise, the decision shall be based on written submissions only. No oral hearing shall be organized but such process.

If the *Athlete's* request for lifting the *Provisional Suspension* is denied and not appealed under Article 13.2, or if the denial is confirmed on appeal, a new request for lifting the *Provisional Suspension* may only be presented based on new facts or circumstances that were not known and could not reasonably have been known to the *Athlete* or other *Person* at the time of the first request.

The Doping Panel's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

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DC 7.9.2 ~~Optional~~ 4.4 Voluntary Acceptance of *Provisional Suspension*

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The FINA Executive, the designated organization or *Member Federation* with results management responsibility may also impose a *Provisional Suspension* on the *Athlete* or other *Person* against whom the anti-doping rule violation is asserted in case of any

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~~other anti-doping rule violations not covered by DC 7.9.1 (including in case of an Adverse Analytical Finding for a Specified Substance) and at any time after the review and notification described in DC 7.1—7.6 and prior to the final hearing as described in DC 8.~~

~~DC 7.9.3 A Athletes on their own initiative may voluntarily accept a Provisional Suspension if done so prior to the later of: (i) the expiration of ten (10) days from the report of the B Sample (or waiver of the B Sample) or ten (10) days from the notice of any other asserted anti-doping rule violation, or (ii) the date on which the Athlete first competes after such report or notice.~~

~~Other Persons on their own initiative may voluntarily accept a Provisional Suspension may not be imposed unless the Athlete or other Person is given either: (a) an opportunity for a Provisional Hearing, either before imposition of if done so within ten (10) days from the notice of the asserted anti-doping rule violation.~~

~~Upon such voluntary acceptance, the Provisional Suspension or on a timely basis after imposition of shall have the full effect and be treated in the same manner as if the Provisional Suspension; or (b) an opportunity for an expedited hearing in accordance with had been imposed under DC 8 on a timely basis after imposition of 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a Provisional Suspension, the Athlete or other Person may withdraw such acceptance, in which event the Athlete or other Person shall not receive any credit for time previously served during the Provisional Suspension.~~

~~DC 7.9.4 The FINA Executive or the designated organization may also provisionally suspend an Athlete in connection with a FINA International Competition where the circumstances satisfy the requirements herein but the Member Federation with results management responsibility has not imposed a Provisional Suspension. If a Provisional Suspension is imposed, 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, or an opportunity for an expedited hearing in accordance with DC 8 on a timely basis after imposition of the Provisional Suspension.~~

~~DC 7.9DC 7.4.5 If a Provisional Suspension is imposed based on an A Sample, Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Athlete or Anti-Doping Organization FINA) 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 DC 2.1. In circumstances where the Athlete (or the Athlete's team) has been removed from a Competition based on a violation of DC 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, then, if it is still possible for the Athlete or team to be reinserted, without otherwise affecting the Competition, the Athlete or team may continue to take part in the Competition.~~

DC 7.9.6 In 5 Results Management Decisions

~~Results Management decisions or adjudications by FINA must not purport to be limited to a particular geographic area or the FINA's sports and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation was committed or a Provisional Suspension should be imposed, the factual basis for such determination, and the specific Articles that have been violated, and (ii) all cases where Consequences flowing~~

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from the anti-doping rule violation(s), including applicable *Disqualifications* under DC 9 and DC 10.10, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.

[Comment to DC 7.5: *Results Management* decisions include *Provisional Suspensions*.

Each decision by FINA should address whether an anti-doping rule violation was committed and all *Consequences* flowing from the violation, including any *Disqualifications* other than *Disqualification* under Article 10.1 (which is left to the ruling body for a *Competition*). Pursuant to DC 15, such decision and its imposition of *Consequences* shall have automatic effect in every sport in every country. For example, for a determination that an Athlete committed an anti-doping rule violation based on an *Adverse Analytical Finding* for a Sample taken In-Competition, the Athlete's results obtained in the Event would be *Disqualified* under Article 9 and all other competitive results obtained by the Athlete from the date the Sample was collected through the duration of the period of *Ineligibility* are also *Disqualified* under Article 10.10; if the *Adverse Analytical Finding* resulted from *Testing at a Competition*, it would be the Major Event Organization's responsibility to decide whether the Athlete's other individual results in the Event prior to Sample collection are also *Disqualified* under Article 10.1.]

DC 7.6 Notification of Results Management Decisions

FINA shall notify Athletes, other Persons, Signatories and WADA of *Results Management* decisions as provided in Article 14.2 and in the *International Standard for Results Management*.

DC 7.7 Retirement from sport

If an Athlete or other Person retires while the FINA's *Results Management* process is underway, FINA retains authority to complete its *Results Management* process. If an Athlete or other Person retires before any *Results Management* process has been notified of begun, and FINA would have had *Results Management* authority over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping rule violation, FINA has authority to conduct *Results Management*.

[Comment to DC 7.7: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the authority of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a *Provisional Suspension* has not been imposed on him or her; legitimate basis for denying the Athlete or other Person shall be offered the opportunity to accept membership in a *Provisional Suspension* voluntarily pending the resolution of the matter; sports organization.]

DC 7.10 Resolution Without a Hearing

DC 7.10.1 An Athlete or other Person against whom an anti-doping rule violation is asserted may admit that violation at any time, and/or waive a hearing and/or file a written defence instead. The right to a hearing may be waived either expressly or by the Athlete's or other Person's failure to challenge an Anti-Doping Organisation's assertion that an anti-doping rule violation has occurred within the specific time period provided in the Anti-Doping Organisation's rules. An Athlete or other Person desiring to challenge the anti-doping rule violation must request a hearing before the FINA

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Doping Panel in writing within 14 days of notice alleging an anti-doping violation from the FINA Doping Panel Chairman.

DC 7.10.2 In cases under DC 7.10.1 where a hearing has been waived or not timely requested, FINA, the designated organization or the *Member Federation* shall promptly issue a written decision setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. FINA, the designated organization or the *Member Federation* shall send copies of that decision to other *Anti-Doping Organizations* with a right to appeal under DC 13.2.3, and shall *Publicly Disclose* that decision in accordance with DC 14.3.2.

DC 8 RIGHT TO A FAIR HEARING

DC 8.1 When FINA or the designated organization has results management in a given matter in accordance with these Anti-Doping Rules and the *Code*, and FINA or the designated organization When FINA sends a notice to an *Athlete* or other *Person* asserting annotifying them of a potential anti-doping rule violation, if and the *Athlete* or other *Person* does not waive a hearing in accordance with DC 7.10.1.1 or, DC 7.8.1.2, or DC 10.28, then the case shall be referred to the FINA Doping Panel for hearing and adjudication.

This hearing, which shall respect the following principles:

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

Hearings held in connection with *Competitions* may be conducted by an expedited process.

WADA and the *Member Federation* of the *Athlete* or other *Person* may attend the hearing as observers.

The decision of the FINA Doping Panel shall be provided to the *Athlete* or other *Person* and all other parties with a right to appeal under DC 13.2.3.

DC 8.2 Hearings arising out of *Member Federation* results management process.

DC 8.2.1 When it appears, following a *Member Federation's* results management process described in DC 7, that an anti-doping rule violation has occurred, the *Member*

~~Federation with results management authority shall provide the Athlete or other Person the opportunity for a fair hearing in a timely manner by a fair and impartial hearing panel. Hearings conducted by Member Federations shall respect in accordance with the principles described in DC Articles 8-4 above.~~

~~DC 8.2.2 Hearings held in connection with Competitions may be conducted by an expedited process. FINA may request a Member Federation with results management responsibility to expedite a hearing in order to allow a final decision before the commencement of an International Competition.~~

~~DC 8.2.3 FINA shall have the right to attend hearings conducted by a Member Federation as an observer. Member Federations shall keep FINA fully apprised as to the status of pending cases and 9 of the results of all hearings.~~

~~DC 8.2.4 Member Federations shall provide a written decision, either by the Member Federation's hearing body, or by the Member Federation itself where a hearing has been waived, which sets out the full reasons for any period of Ineligibility imposed, including (if applicable) a justification International Standard for why the maximum potential period of Ineligibility was not imposed. The decision shall be submitted to all parties with a right to appeal described in DC 13.~~

~~DC 8.2.5 Hearing decisions by the Member Federation shall not be subject to further administrative review at the national level except as provided in DC 13 or required by applicable national law.~~

~~DC 8.2.6 If the completion of the hearing is delayed beyond three (3) months as of the completion of the results management process described in DC 7 or if a Member Federation refuses a hearing to an Athlete or other Person, FINA may elect to bring the case directly before the FINA Doping Panel. Where FINA or the designated organization assumes responsibility for results management under DC 7.7.5 Results Management and 7.7.7 or the hearing under DC 8.2.2, the Member Federation shall provide all requested documentation and shall be responsible for FINA's or the designated organization's costs relating to the results management process or hearing. If the documentation exists in any language other than English or French, the Member Federation shall have such documentation translated to English as per Appendix 2 - FINA Doping Panel Procedural Rules.~~

DC 8.1 Waiver of Hearing

~~DC 8.1.1 An Athlete or other Person against whom an anti-doping violation is asserted may waive a hearing expressly and agree with the Consequences proposed by FINA.~~

~~DC 8.1.2 If the Athlete or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within twenty (20) days or the deadline otherwise specified in the notice sent by FINA asserting the violation, then they shall be deemed to have waived a hearing, to have admitted the violation, and to have accepted the proposed Consequences.~~

~~DC 8.1.3 In cases where DC 8.1.1 or DC 8.1.2 applies, a hearing before FINA Doping Panel shall not be required. Instead, the document stating out the accepted Consequences shall be considered a decision by FINA, which, with a summary of the reasons for the Consequences, will be communicated to the Anti-Doping Organisations~~

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having a right to appeal under DC 13.2.3 and which may be appealed to CAS. The Athlete or other Person that is the subject of the accepted Consequences and FINA shall have no right to appeal.

FINA may reopen the case if new facts, or facts that were not known to FINA at the time of the agreement, are subsequently brought to its knowledge, the nature of which would have led FINA not to conclude the agreement or to conclude the agreement with different terms. If an appeal is pending before CAS at this point, FINA shall be entitled to raise these new facts or circumstances in the CAS proceedings.

DC 8.1.4 FINA shall notify the document stating out the accepted Consequences to the Athlete or other Person and to other Anti-Doping Organisations with a right to appeal under DC 13.2.3, and shall promptly report it into ADAMS. FINA shall Publicly Disclose that document in accordance with DC 14.3.2.

8.32 Single Hearing Before CAS

~~Cases asserting anti-doping rule violations asserted against International- or Level Athletes, National-Level Athletes may be heard directly at CAS, with no requirement for a prior hearing or other Persons may, with the consent of the Athlete, FINA or the designated organization, WADA, and any other Anti-Doping Organization that would have had a right to appeal a first instance hearing decision to CAS.~~

~~[Comment to DC 8.3: Where all of the parties identified in this rule are satisfied that their interests will be adequately protected or other Person, FINA (where it has Results Management responsibility in accordance with DC 7) and WADA, be heard in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organization that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.] directly at CAS.~~

DC 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

~~[Comment to DC 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the Team will be as provided in DC 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall also be as provided in DC 11.]~~

DC 10 SANCTIONS ON INDIVIDUALS

DC 10.1 Disqualification of Results in the Competition during which an Anti-Doping Rule Violation Occurs

DC 10.1.1 An anti-doping rule violation occurring during or in connection with a Competition may, upon the decision of the ruling body of the Competition, lead to Disqualification of all of the Athlete's individual results obtained in that Competition with all Consequences, including forfeiture of all medals, points and prizes, except as provided in DC 10.1.4.2.

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Factors to be included in considering whether to *Disqualify* other results in a *Competition* might include, for example, the ~~severity~~seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Events*.

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

DC 10.1.12 If the *Athlete* establishes that he or she bears *No Fault* or *Negligence* for the violation, the *Athlete's* individual results in the other *Events* shall not be *Disqualified* unless the *Athlete's* results in *Events* other than the *Event* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

DC 10.2 *Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method*

The period of *Ineligibility* imposed for a ~~first~~ violation of DC 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension of sanction pursuant to DC 10.45, 10.56 or 10.67:

DC 10.2.1 The period of *Ineligibility*, subject to DC 10.2.4, shall be four (4) years where:

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

[Comment to DC 10.2.1.1: While it is theoretically possible for an Athlete or other Person to establish that the anti-doping rule violation was not intentional without showing how the Prohibited Substance entered one's system, it is highly unlikely that in a doping case under DC 2.1 an Athlete will be successful in proving that the Athlete acted unintentionally without establishing the source of the Prohibited Substance.]

DC 10.2.1.2 The anti-doping rule violation involves a *Specified Substance* Specified Substance or a Specified Method and FINA, ~~the designated organization or the Member Federation~~ can establish that the anti-doping rule violation was intentional.

DC 10.2.2 If DC 10.2.1 does not apply, subject to DC 10.2.4.1, the period of *Ineligibility* shall be two (2) years.

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

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anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered "intentional" if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

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[Comment to DC 10.2.3: DC 10.2.3 provides a special definition of "intentional" which is to be applied solely for purposes of DC 10.2.]

DC 10.2.4 Notwithstanding any other provision in DC 10.2, where the anti-doping rule violation involves a *Substance of Abuse*:

DC 10.2.4.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three (3) months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under DC 10.2.4.1 may be reduced to one (1) month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by FINA. The period of *Ineligibility* established in this DC 10.2.4.1 is not subject to any reduction based on any provision in DC 10.6.

[Comment to DC 10.2.4.1: The determinations as to whether the treatment program is approved and whether the Athlete or other Person has satisfactorily completed the program shall be made in the sole discretion of FINA. This rule is intended to give FINA the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs.]

DC10.2.4.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of DC 10.2.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under DC 10.4.

DC 10.3 *Ineligibility* for other Anti-Doping Rule Violations

The period of *Ineligibility* for anti-doping rule violations other than as provided in DC 10.2 shall be as follows, unless DC 10.56 or DC 10.67 are applicable:

DC 10.3.1 For violations of DC 2.3 or DC 2.5, the *Ineligibility* period shall be four (4) years ~~unless, except (i)~~ in the case of failing to submit to *Sample* collection, ~~if~~ the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional ~~(as defined in DC 10.2.3), in which case,~~ the period of *Ineligibility* shall be two (2) years; ~~(ii) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from two (2) years to four (4) years depending on the Athlete or other Person's degree of Fault; or (iii) in a case involving a Protected Person~~

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or Recreational Athlete, the period of Ineligibility shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault.

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DC 10.3.2 For violations of DC 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete's* degree of *Fault*. The flexibility between two (2) years and one (1) year of *Ineligibility* in this rule is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

DC 10.3.3 For violations of DC 2.7 or DC 2.8, the period of *Ineligibility* ~~imposed~~ shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. A DC 2.7 or DC 2.8 violation involving a ~~Minor~~ *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for the *Athlete Support Personnel*. In addition, significant violations of DC 2.7 or 2.8 which ~~may also~~ ~~may~~ violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

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

DC 10.3.4 For violations of DC 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to ~~four years~~ *lifetime Ineligibility*, depending on the seriousness of the violation.

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DC 10.3.5 For violations of DC 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.

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

~~DC 10.4~~ **DC 10.3.6** For violations of DC 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.

[Comment to DC 10.3.6: Conduct that is found to violate both DC 2.5 (Tampering) and DC 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) shall be sanctioned based on the violation that carries the more severe sanction.]

DC 10.4 Aggravating Circumstances which may Increase the Period of Ineligibility

If FINA establishes in an individual case involving an anti-doping rule violation other than violations under DC 2.7 (Trafficking or Attempted Trafficking), DC 2.8 (Administration or Attempted Administration), DC 2.9 (Complicity or Attempted Complicity) or DC 2.11 (Acts

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by an Athlete or Other Person to Discourage or Retaliate Against Reporting) 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 by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that he or she did not knowingly commit the anti-doping rule violation.

[Comment to DC 10.4: Violations under DC 2.7 (Trafficking or Attempted Trafficking), DC 2.8 (Administration or Attempted Administration), DC 2.9 (Complicity or Attempted Complicity) and DC 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) are not included in the application of DC 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any Aggravating Circumstance.]

DC 10.5 Elimination of the Period of Ineligibility where there is No Fault or Negligence

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

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[Comment to DC 10.45: DC 10.45 and DC 10.56.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (DC 2.1-4) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under DC 10.56 based on No Significant Fault or Negligence.]

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DC 10.56 Reduction of the Period of Ineligibility based on No Significant Fault or Negligence

DC 10.56.1 Reduction of Sanctions ~~for Specified Substances or Contaminated Products~~ in Particular Circumstances for Violations of DC 2.1, 2.2 or 2.6.

All reductions under DC 10.56.1 are mutually exclusive and not cumulative.

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DC 10.6.1-1 Specified Substances or Specified Substances Methods

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Where the anti-doping rule violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a

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maximum, two (2) years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

DC 10.5.1.2 Contaminated Products

In cases where the *Athlete* or other *Person* can establish *both* *No Significant Fault* or *Negligence* and that the detected *Prohibited Substance* (*other than a Substance of Abuse*) came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

[Comment to DC 10.5.1.2: In assessing that Athlete's degree of Fault order to receive the benefit of this rule, the Athlete or other Person must establish not only that the detected Prohibited Substance came from a Contaminated Product, but must also separately establish No Significant Fault or Negligence. It should be further noted that Athletes are on notice that they take nutritional supplements at their own risk. The sanction reduction based on No Significant Fault or Negligence has rarely been applied in Contaminated Product cases unless the Athlete has exercised a high level of caution before taking the Contaminated Product. In assessing whether the Athlete can establish the source of the Prohibited Substance, it would, for example, be favorable significant for the Athlete if purposes of establishing whether the Athlete actually Used the Contaminated Product, whether the Athlete had declared the product which was subsequently determined to be Contaminated contaminated on his or her the Doping Control form-].

DC 10.5.2

This rule should not be extended beyond products that have gone through some process of manufacturing. Where an Adverse Analytical Finding results from environment contamination of a "non-product" such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be No Fault or Negligence under DC 10.5.]

DC 10.6.1.3 Protected Persons or Recreational Athletes

Where the anti-doping rule violation not involving a Substance of Abuse is committed by a Protected Person or Recreational Athlete, and the Protected Person or Recreational Athlete can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault.

DC 10.6.2 Application of No Significant Fault or Negligence beyond the Application of DC 10.5.1

If an *Athlete* or other *Person* establishes in an individual case where DC 10.5.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in DC 10.6.7, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period

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of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this rule may be no less than eight (8) years.

[Comment to DC 10.56.2: DC 10.56.2 may be applied to any anti-doping rule violation except those rules where intent is an element of the anti-doping rule violation (e.g., DC 2.5, 2.7, 2.8, 2.9 or 2.911) or an element of a particular sanction (e.g., DC 10.2.1) or a range of *Ineligibility* is already provided in a rule based on the Athlete or other Person's degree of Fault.]

DC 10.67 Elimination, Reduction, or Suspension of Period of *Ineligibility* or other Consequences for Reasons Other than Fault

DC 10.67.1 Substantial Assistance in Discovering or Establishing **Anti-Doping Rule Code** Violations

[Comment to DC 10.67.1.1: The FINA Doping Panel or cooperation of Athletes, Athlete Support Personnel and other Anti-Doping Organisation with results management responsibility Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.]

DC 10.7.1.1 FINA may, prior to a ~~final~~ appellate decision under DC 13 or the expiration of the time to appeal, suspend a part of the ~~period of Ineligibility Consequences (other than Disqualification and mandatory Public Disclosure)~~ imposed in an individual case in which it has results management authority where the Athlete or other Person has provided Substantial Assistance to FINA, the designated organization an Anti-Doping Organisation, a criminal authority or professional disciplinary body which results in: (i) ~~FINA's or the designated organization's~~

- (a) the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person, or (ii)
- (b) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to FINA or the designated organization, other Anti-Doping Organisation with Results Management responsibility; or
- (c) which results in WADA initiating a proceeding against a Signatory, WADA-accredited Laboratory, or Athlete passport management unit (as defined in the International Standard for Laboratories) for non-compliance with the Code, International Standard or Technical Document; or
- (d) with the approval by WADA, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

After a ~~final~~ appellate decision under DC 13 or the expiration of time to appeal, FINA may only suspend a part of the otherwise applicable ~~period of Ineligibility Consequences~~ with the approval of WADA.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation

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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, non-compliance with the Code and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this section must be no less than eight ~~years~~ (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under DC 10.9.3.2 of these Anti-Doping Rules.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, FINA shall allow the *Athlete* or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*.

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the ~~period of *Ineligibility*~~ *Consequences* was based, FINA shall reinstate the original ~~period of *Ineligibility*~~ *Consequences*. If FINA decides to reinstate a ~~suspended period of *Ineligibility*~~ *Consequences* or decides not to reinstate a ~~suspended period of *Ineligibility*~~ *Consequences*, that decision may be appealed by any *Person* entitled to appeal under DC 13.

DC 10.6.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to Anti-Doping ~~Organizations~~ *Organisations*, at the request of FINA, ~~the designated organization~~ or at the request of the *Athlete* or other *Person* who has ~~(_) or has been asserted to have~~, committed an anti-doping rule violation, or other violation of the Code, WADA may agree at any stage of the ~~results management~~ *Results Management* process, including after a final appellate decision under DC 13, to what it considers to be an appropriate suspension of the otherwise ~~applicable period of *Ineligibility*~~ and other *Consequences*.— In exceptional circumstances, WADA may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this rule, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of ~~sanction~~ *Consequences*, as otherwise provided in this rule. Notwithstanding DC 13, WADA's decisions in the context of this ~~Article~~ *rule DC 10.7.1.2* may not be appealed ~~by any other Anti-Doping Organization~~.

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

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~~[Comment to DC 10.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code and DC Rules where the suspension of an otherwise applicable period of Ineligibility is authorized.]~~

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DC 10.6.2 Admission of an Anti-Doping Rule Violation in the ~~absence~~Absence of ~~other evidence~~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 DC 2.1, before receiving first notice of the admitted violation pursuant to DC 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

~~[Comment to DC 10.6.2: This rule is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping ~~Organization~~Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he or she not come forward voluntarily.]~~

DC 10.6.3 Prompt admission of an anti-doping rule violation after being confronted with a violation sanctionable under DC 10.2.1 or 10.3.1

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~~An Athlete or other Person potentially subject to a four-year sanction under DC 10.2.1 or 10.3.1 (for evading or refusing Sample collection or tampering with Sample collection), by promptly admitting the asserted anti-doping rule violation after being confronted by FINA or Member Federation, and also upon the approval and at the discretion of both WADA and FINA, may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the severity of the violation and the Athlete or other Person's degree of Fault.~~

DC 10.6.4 Application of ~~multiple grounds~~Multiple Grounds for ~~reduction~~Reduction of a ~~sanction~~Sanction

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of DC 10.45, 10.56 or 10.67, before applying any reduction or suspension under DC 10.67, the otherwise applicable period of *Ineligibility* shall be determined in accordance with DC 10.2, 10.3, 10.45 and 10.56. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under DC 10.67, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

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DC 10.8 Results Management Agreements

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~~[Comment to DC 10.6.4: The appropriate sanction is determined8: Any mitigating or aggravating factors set forth in a sequence of four steps. First, this DC 10 shall be considered in arriving at the hearing panel determines which of Consequences set forth in the basic sanctions (DC 10.2, DC 10.3, case resolution agreement, and shall not be applicable beyond the terms of that agreement.]~~

~~DC 10.4 or DC 10.5) applies to the particular8.1~~ One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

~~Where an Athlete or other Person, after being notified by FINA of a potential anti-doping rule violation. Second that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under DC 10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the Athlete or other Person may receive a one (1) year reduction in the period of Ineligibility asserted by FINA. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this DC 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.~~

~~[Comment to DC 10.8.1: For example, if the basic sanction provides for a range of sanction, the hearing panel must determine the applicable sanctionFINA alleges that an Athlete has violated DC 2.1 for Use of an anabolic steroid and asserts the applicable period of Ineligibility is four (4) years, then the Athlete may unilaterally reduce the period of Ineligibility to three (3) years by admitting the violation and accepting the three (3) year period of Ineligibility, within that range according to the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]~~

~~DC 10.8.2 Case Resolution Agreement~~

~~Where the Athlete or other Person admits an anti-doping rule violation after being confronted with the anti-doping rule violation by FINA and agrees to Consequences acceptable to FINA and WADA, at their sole discretion, then: (a) the Athlete or other Person may receive a reduction in the period of Ineligibility based on an assessment by FINA and WADA of the application of rules DC 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the Athlete or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (DC 10.6). Finally, the hearing panel decides on the commencement of the period of Ineligibility under DC 10.11. Several examples of how DC 10 is to be applied are found in Appendix 2-] and how promptly the Athlete or other Person admitted the violation; and (b) 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 rule is applied, the Athlete or other Person shall serve at least one-half of the agreed-upon period of Ineligibility going forward from the earlier of the date the Athlete or other Person accepted the imposition of a sanction or a Provisional Suspension which was subsequently respected by the Athlete or other Person. The decision by WADA and FINA to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of, the period of Ineligibility are not matters for determination or review by a hearing body and are not subject to appeal under DC 13.,~~

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If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this rule, FINA shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.

DC 10.79 Multiple Violations

~~DC 10.7~~ DC 10.9.1 Second or Third Anti-Doping Rule Violation

DC 10.9.1.1 For an *Athlete* or other *Person*'s second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

~~(a) six months;~~

~~(a) one-half a six (6) month period of *Ineligibility*; or~~

~~(b) A period of *Ineligibility* in the range between:~~

~~(b) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under DC 10.6;~~

~~(e)(i) two times plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under DC 10.6 and~~

~~(ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.~~

The period of *Ineligibility* may then within this range shall be further reduced by the application of DC 10.6 determined based on the entirety of the circumstances and the *Athlete* or other *Person*'s degree of *Fault* with respect to the second violation.

DC 10.79.1.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under DC 10.45 or DC 10.56 or involves a violation of DC 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

DC 10.9.1.3 The period of *Ineligibility* established in DC 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of DC 10.7.3

DC 10.9.2 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault or Negligence* shall not be considered a violation for purposes of this Rule:

~~DC 10.7~~ DC 10.9. In addition, an anti-doping rule violation sanctioned under DC 10.2.4.1 shall not be considered a violation for purposes of DC 10.9.

DC 10.9.3 Additional Rules for Certain Potential Multiple Violations.

DC 10.7.49.3.1 For purposes of imposing sanctions under DC 10.7.9, except as provided in DC 10.9.3.2 and DC 10.9.3.3, an anti-doping rule violation will only be considered a second violation if FINA, the designated organization or a

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~~Member Federation~~ can establish that the *Athlete* or other *Person* committed the ~~second~~additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to DC 7, or after FINA, ~~the designated organization or a Member Federation~~ made reasonable efforts to give notice of the first anti-doping rule violation; ~~if, If FINA, the designated organization or a Member Federation~~ cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

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DC 10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, FINA, ~~the designated organization or a Member Federation~~ discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then FINA, ~~the designated organization or a Member Federation~~ shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time, including the application of Aggravating Circumstances. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in DC 10.8.10.

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[Comment to DC 10.7.5.3.1: The same rule applies where, after the imposition of a sanction, FINA discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., FINA shall impose a sanction based on the sanction that could have been imposed if the two (2) violations had been adjudicated at the same time, including the application of Aggravating Circumstances.]

DC 10.9.3.2 If FINA establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this DC 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of DC 10.9.1.

DC 10.9.3.3 If FINA establishes that an *Athlete* or other *Person* committed a violation of DC 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of DC 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this DC 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of DC 10.9.1.

DC 10.9.3.4 If FINA establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

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DC 10.9.4 Multiple Anti-Doping Rule Violations During Ten- (10) Year Period.

For purposes of DC 10.79, each anti-doping rule violation must take place within the same ten- (10) year period in order to be considered multiple violations.

DC 10.810 *Disqualification of Results in ~~Events—subsequent~~Competitions Subsequent* to Sample Collection or Commission of an Anti-Doping Rule Violation

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

[Comment to DC 10.810: Nothing in these Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

DC 10.9 ~~Allocation of CAS Cost Awards and 11~~ Forfeited Prize Money

~~The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Athletes; and third, reimbursement of the expenses of FINA, the designated organization or the Anti-Doping Organisation that conducted results management in the case.~~

~~DC 10.~~If FINA recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.

[Comment to DC 10.11: This rule is not intended to impose an affirmative duty on FINA to take any action to collect forfeited prize money. If FINA elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the Athlete(s) who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by FINA and its Athletes.]

DC 10.12 *Financial Consequences*

DC 10.12.1 Where an *Athlete* or other *Person* commits an anti-doping rule violation, FINA may, in its discretion and subject to the principle of proportionality, elect to (a) impose upon the *Athlete* or other *Person* recovery costs associated with the anti-doping rule violation and which have not been recovered from the Athlete's Member Federation as per DC 12.4, regardless of the period of *Ineligibility* imposed and/or (b) fine the *Athlete* or other *Person* in an amount up to ten thousand American dollars (USD ~~40'000~~10,000), only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

For determination of the Fine, the following shall be taken into account:

1. The seriousness of the offence;
2. Nature of anti-doping rule violation and circumstances giving rise to it;

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3. Timing of the commission of the anti-doping rule violation;
4. The Athlete or other Person's financial situation;
5. The Athlete or other Person's Cooperation during the proceedings and/or Substantial Assistance as per DC 10.6.1.

DC 10.12.2 The imposition of a financial sanction or the FINA's recovery of costs shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under these Anti-Doping Rules or the *Code*.

DC 10.413 Commencement of *Ineligibility* Period

~~Except~~Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, ~~except~~ as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

DC 10.413.1 Delays not attributable to the *Athlete* or other *Person*.

Where there have been substantial delays in the hearing process or other aspects of *Doping Control*, and the Athlete or other Person can establish that such delays are not attributable to the *Athlete* or other *Person*, the body 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. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

[Comment to DC 10.413.1: In cases of anti-doping rule violations other than under DC 2.1, the time required for an Anti-Doping ~~Organization~~ *Organisation* to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the *Athlete* or other *Person* has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this rule to start the sanction at an earlier date should not be used.]

DC 10.413.2 ~~Timely Admission.~~

~~Where the Athlete or other Person promptly (which, in all events, means Credit for an Athlete before the Athlete competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by FINA, the designated organization or a Member Federation, the period Provisional Suspension or 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 rule 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 date the sanction is otherwise imposed. This rule shall not apply where the period of Ineligibility has already been reduced under DC 10.6.3. Served~~

DC 10.413.2.1 If a *Provisional Suspension* is ~~imposed and~~ respected by the *Athlete* or the other *Person*, then the *Athlete* or ~~the~~ other *Person* shall receive

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a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the Athlete or other Person does not respect a *Provisional Suspension*, then the Athlete or other Person shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

DC 10.41-413.2.2 If an Athlete or ~~the~~ other Person voluntarily accepts a *Provisional Suspension* in writing from FINA, ~~the designated organization or a Member Federation~~ and thereafter ~~refrains from competing~~ respects the *Provisional Suspension*, the Athlete or ~~the~~ other Person shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the Athlete or ~~the~~ other Person's voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under DC 14.1.

[Comment to DC 10.41-413.2.2: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]

DC 10.41-513.2.3 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the Athlete elected not to compete or was suspended by his or her team.

DC 10.41-613.2.4 In *Team Sports*, where a period of *Ineligibility* is imposed upon a ~~Team~~ team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of ~~Team~~ team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

[Comment to DC 10.11: DC 10.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]

DC 10.12 Status during *Ineligibility*

DC 10.14 Status during *Ineligibility* or *Provisional Suspension*

DC 10.14.1 Prohibition ~~against participation during~~ Against Participation During *Ineligibility* or *Provisional Suspension*

No Athlete or other Person ~~(including Athlete Support Personnel)~~ who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during the period of *Ineligibility* or *Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping ~~education~~ Education or rehabilitation programs) authorized

or organized by FINA, any FINA Member Federation, or a club or other member ~~organization~~organisation of a FINA Member Federation, ~~or any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization~~ or in Competitions authorized or organized by any professional league or any international or national-level Competition ~~organization~~organisation or any elite or national-level sporting activity funded by a governmental agency.

An Athlete or other Person subject to a period of Ineligibility longer than four (4) years may, after completing four (4) years of the period of Ineligibility, participate as an Athlete in local sport Competitions not sanctioned or otherwise under the ~~jurisdiction~~authority of a Code Signatory or member of a Code Signatory, but only so long as the local sport Competition is not at a level that could otherwise qualify such Athlete or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Competition, and does not involve the Athlete or other Person working in any capacity with ~~Minors~~ Protected Persons.

An Athlete or other Person subject to a period of Ineligibility shall remain subject to ~~these anti-doping rules, and in particular to Testing and any requirement by FINA to provide whereabouts information.~~

[Comment to DC 10.4214.1: For example, subject to DC 10.4214.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her Member Federation or a club which is a member of that Member Federation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league, Competitions organized by a non-Signatory International Competition ~~organization~~organisation or a non-Signatory national-level competition ~~organization~~organisation without triggering the Consequences set forth in DC 10.4214.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the ~~organization~~organisation described in this rule. Ineligibility imposed in one sport shall also be recognized by other sports (see DC 15.1, ~~Mutual Recognition~~.) Automatic Binding Effect of Decisions). An Athlete or other Person serving a period of Ineligibility is prohibited from coaching or serving as an Athlete Support Person in any other capacity at any time during the period of Ineligibility, and doing so could also result in a violation of DC 2.10 by another Athlete. Any performance standard accomplished during a period of Ineligibility shall not be recognized by FINA or its Member Federations for any purpose.]

DC 10.4214.2 Return for Training

As an exception to DC 10.4214.1, an Athlete may return to train with a team or to use the facilities of a club or other member ~~organization~~organisation of FINA's Member Federation ~~or other Signatory's member organisation~~ during the shorter of: ~~(4a)~~ the last two months of the Athlete's period of Ineligibility, or ~~(2b)~~ the last one-quarter of the period of Ineligibility imposed.

~~[Comment to DC 10.12.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an Athlete cannot effectively train on his or her own so as to be ready to compete at the end of the Athlete's period of Ineligibility. [Comment to DC~~

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10.14.2: During the training period described in this rule, an Ineligible Athlete may not compete or engage in any activity described in rule DC 10.4214.1 other than training.]

DC 10.4214.3 Violation of the ~~prohibition~~Prohibition of participation duringParticipation During Ineligibility- or Provisional Suspension

Where an Athlete or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in DC 10.4214.1, the results of such participation shall be Disqualified and a new period of Ineligibility equal in length ~~up~~ to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility, including a reprimand and no period of Ineligibility, may be adjusted based on the Athlete or other Person's degree of Fault and other circumstances of the case. The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by ~~FINA, the designated organization or the Member Federation~~the Anti-Doping Organisation whose results managementResults Management led to the imposition of the initial period of Ineligibility. If this determination must be made by FINA, the decision shall be rendered by the FINA Doping Panel. This decision may be appealed under DC 13.

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An Athlete or other Person who violates the prohibition against participation during a Provisional Suspension described in DC 10.14.1 shall receive no credit for any period of Provisional Suspension served and the results of such participation shall be Disqualified.

Where an Athlete Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, ~~the FINA Doping Panel or Provisional Suspension, it~~ shall impose sanctions for constitute a violation of DC 2.9 ~~for such assistance and FINA shall impose the necessary sanction.~~

DC 10.4214.4 Withholding of Financial Support during Ineligibility.

In addition, for any anti-doping rule violation not involving a reduced sanction as described in DC 10.45 or DC 10.5, ~~the~~6, FINA-Executive and its Member Federations shall withhold all sport-related financial support or other sport-related benefits received by such Person during Ineligibility.

DC 10.4315 Automatic Publication of Sanction

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

~~[Comment to DC 10: Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should~~

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~~receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]~~

DC 11 CONSEQUENCES TO TEAMS

DC 11.1 Where more than one (1) member of a team in a *Team Sport* has been notified of an anti-doping rule violation under DC 7 in connection with a *Competition*, the ruling body for the *Competition* shall conduct appropriate *Target Testing* of the team during the *Competition Period*, with the costs for such *Target Testing* to be paid by the team's *Member Federation*.

DC 11.2 Where any ~~Anti-Doping Rule~~ anti-doping rule violation has been ~~violated~~ committed in relation to an Event by a member of a relay in swimming, or team in open water swimming, or a duet or team in artistic swimming or diving, the relay, duet or team shall be *Disqualified* from the ~~Competition~~ Event in connection with the anti-doping rule violation, with all resulting *Consequences* including forfeiture of any medals, points and prizes.

DC 11.3 A water polo team, in which more than one player has committed ~~a-an anti-doping rule violation of these rules~~ in connection with ~~an Event (other than a violation involving a Specified Substance under DC 10.5.1.1 or Contaminated Products under DC 10.5.1.2); a Competition~~, shall be *Disqualified* for the match(es) in the *Competition* in which those players took part, and the other team(s) shall be declared winner(s) with the score 5 - 0 unless the actual goal score was greater. Further sanction in regard to the team may be decided by FINA or the ruling body of the *Competition* in question.

DC 12 SANCTIONS ~~AND COSTS ASSESSED AGAINST~~ MEMBER FEDERATIONS AND OTHER PERSONS ~~ORGANISATIONS~~

DC 12.1 ~~If four or more violations of these Anti-Doping Rules (other than violations involving DC 2.4 or, where DC 10.4 or DC 10.5.1.1 are applicable) are committed in the same discipline by Athletes affiliated to the same Member Federation within a 12-month period, then FINA: (a) may suspend the Member Federation in that discipline for a period of up to 2 years; and/or (b) may fine that Member Federation in an amount up to one hundred thousand American dollars (USD 100'000). A doping offence being under the jurisdiction of and reported to FINA by a Member Federation or its National Anti-Doping Organisation shall not be included under this rule. For the purposes of this rule, any fine paid pursuant to DC 12.2 shall be credited against any fine imposed pursuant to DC 12.1.~~

DC 12.2 ~~If more than one Athlete or other Person from a Member Federation commits an Anti-Doping Rule violation meeting the criteria set forth in DC 12.1 during an International Competitions, FINA may fine that Member Federation in an amount up to one hundred thousand American dollars (USD 100'000).~~

DC 12.3 ~~Member Federations shall be obliged to reimburse FINA or the designated organization for all costs (including but not limited to laboratory fees, interpretation and hearing expenses and travel) related to an anti-doping rule violation committed by a Person affiliated with~~ DC 12.1 When FINA becomes aware that a Member Federation, Continental Organisation, regional or any other sporting organisation consisting of FINA's Member

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Federations over which FINA has authority has failed to comply with, implement, uphold, and enforce these Anti-Doping Rules within that organisation's or body's area of competence, the FINA Bureau has the authority and may exclude all, or some group of, members of that organisation or body from specified future Competitions or all Competitions conducted within a specified period of time.

DC 12.2. If that Member Federation.

DC 12.4 Member Federations that have organisation or body has failed to make diligent efforts to keep FINA or the designated organization informed about Athletes' an Athlete's whereabouts after receiving a request for that information from FINA or the designated organization, it may be fined by the FINA Bureau in an amount up to one-thousand American dollars (USD 4'0001,000) per Athlete, in addition to reimbursement of all of the FINA or the designated organization costs incurred in Testing that Member Federation's Athlete.

DC 12.5 Except for costs and attorneys fees which may be awarded by CAS, FINA and its representatives shall not be liable to an Athlete or Member Federation for any cost, damage or other loss resulting from actions taken by FINA or the designated organization under these Anti-Doping Rules.

DC 12.6-DC 12.3 The FINA Executive shall withhold some or all funding or other non-financial support to a Member Federation upon a determination from the FINA Bureau that the Member Federation is not substantially in compliance with these Anti-Doping Rules.

DC 12.7 The FINA Executive may fine in an amount up to twenty-five thousand American dollars (USD 25'000) or otherwise sanction a Member Federation which fails to substantially comply with the reporting requirements of DC 14.

DC 12.4 Member Federations shall be obliged to reimburse FINA for all costs (including but not limited to Laboratory fees, interpretation and hearing expenses and travel) related to an anti-doping rule violation, Missed Test or Filing Failure committed by an Athlete or a Person affiliated with that Member Federation.

DC 13 APPEALS

[Comment to DC 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organisations are made transparent in the Code Article 14 and DC 14. Specified Persons and organisations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organisations with a right to appeal under DC 13 does not include Athletes, or their federations, who might benefit from having another competitor Disqualified.]

DC 13.1 Decisions ~~subject~~Subject to appealAppeal

Decisions made under the Code or these Anti-Doping Rules may be appealed as set forth below in DC 13.2 through 13.7 or as otherwise provided in these Anti-Doping Rules, the Code or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. ~~Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organization's rules must be exhausted,~~

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~~provided that such review respects the principles set forth in DC 13.2.2 below (except as provided in DC 13.1.3 and DC 13.1.4).~~

DC 13.1.1 Scope of ~~review not limited~~ Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

[Comment to DC 13.1.1: The revised language is not intended to make a substantive change to the 2015 Code, but rather for clarification. For example, where an Athlete was charged in the first instance hearing only with Tampering but the same conduct could also constitute Complicity, an appealing party could pursue both Tampering and Complicity charges against the Athlete in the appeal.]

DC 13.1.2 CAS ~~shall not defer~~ Shall Not Defer to the ~~finding being appealed~~ Finding Being Appealed

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

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

DC 13.1.3 WADA ~~not required~~ Not Required to ~~exhaust internal remedies~~ Exhaust Internal Remedies

Where WADA has a right to appeal under DC 13 and no other party has appealed a final decision within FINA's ~~or its Member Federation's~~ process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in FINA's ~~or its Member Federation's~~ process, if any.

[Comment to DC 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, after a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]

DC 13.1.4 FINA not required to exhaust internal remedies

Where FINA has a right to appeal under DC 13 and no other party has appealed a final decision within the ~~Member Federation's~~ Anti-Doping Organisation's process, FINA may appeal such decision directly to CAS without having to exhaust other remedies in the ~~Member Federation's~~ Anti-Doping Organisation's process.

DC 13.2 Appeals from ~~decisions regarding~~ Decisions Regarding Anti-Doping Rule ~~violations~~ Violations, ~~Consequences~~, ~~Provisional~~ Suspensions, ~~recognition~~ Implementation of ~~decisions~~ Decisions and ~~jurisdiction~~ Authority

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A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six (6) months' notice requirement for a retired *Athlete* to return to ~~Competition~~*competition* under DC 5.5-26.1; a decision by WADA assigning ~~results management~~*Results Management* under Article 7.1 of the Code; a decision by FINA ~~or the designated organization or any Member Federation~~ not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation ~~under DC 7.5~~*in accordance with the International Standard for Results Management*; a decision to impose, ~~or lift,~~ a *Provisional Suspension* as a result of a *Provisional Hearing* ~~or for FINA or the designated organization or a Member Federation's;~~ *FINA's* failure to comply with DC 7.94; a decision that FINA ~~or the designated organization or a Member Federation lack jurisdiction~~*lacks authority* to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, ~~a period of Ineligibility~~*Consequences* or to reinstate, or not reinstate, ~~a suspended period of Ineligibility~~*under DC Consequences* under DC 10.7.1; failure to comply with Articles 7.1.4 and 7.1.5 of the Code; failure to comply with DC 10.68.1; a decision under DC 10.4214.3; and a decision by FINA ~~or the designated organization or Member Federation~~ not to ~~recognize~~*implement* another *Anti-Doping Organization's Organisation's* decision under DC 15; ~~and a decision under Article 27.3 of the Code~~ may be appealed exclusively as provided in this DC 13.2 – 13.7.

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DC 13.2.1 Appeals ~~involving~~*Involving* *International-Level Athletes* or *International Competitions*

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

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

DC 13.2.2 Appeals ~~involving other~~*Involving Other* *Athletes* or ~~other~~*Other* *Persons*

In cases where DC 13.2.1 is not applicable, ~~each Member Federation shall have in place, but the decision was rendered by the FINA Doping Panel or the FINA Bureau or the FINA Executive, the decision may be appealed exclusively to CAS.~~

~~In all other cases, the decision may be appealed to an appellate body, in accordance with rules adopted by the National Anti-Doping Organization having authority over the Athlete or other Person.~~

~~The rules for such appeal procedure that respects~~*shall respect* the following principles: a timely hearing; a fair ~~and,~~ impartial, *Operationally Independent and Institutionally Independent* hearing ~~body~~*panel*; the right to be represented by a counsel at the *Person's Person's* own expense; and a timely, written, reasoned decision. ~~FINA's or the designated organization's rights to~~

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If no such body as described above is in place and available at the time of the appeal from hearing decisions by Member Federations are set forth in DC 13.2.3 and DC 13.7 below, the decision may be appealed to CAS in accordance with the applicable procedural rules.

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DC 13.2.3 Persons ~~entitled~~Entitled to ~~appeal~~Appeal

DC 13.2.3.1 Appeals Involving International-Level Athletes or International Competitions

In cases under DC 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FINA ~~or the designated organization~~; (d) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) *WADA*.

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DC 13.2.3.2 Appeals Involving Other Athletes or Other Persons

In cases under DC 13.2.2, and without prejudice to *WADA's* and *FINA's* right to appeal directly to the CAS in accordance with DC 13.1.3 and DC 13.1.4, the parties having the right to appeal to the national-level appeal body shall be as provided in the ~~Member Federation's~~*National Anti-Doping Organisation's* or other national 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) FINA ~~or the designated organization~~; (d) the *National Anti-Doping Organization**Organisation* of the *Person's* country of residence or countries where the Person is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) *WADA*.

For cases under ~~Article~~DC 13.2.2, *WADA*, the International Olympic Committee, the International Paralympic Committee, and FINA ~~or the designated organization~~ shall also have the right to appeal to CAS with respect to the decision of the ~~national-level appeal~~*appellate* body.

Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organisation* whose decision is being appealed and the information shall be provided if CAS so directs.

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DC 13.2.3.3 Duty to Notify

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

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DC 13.2.3.4 Appeal from Imposition of Provisional Suspension

Notwithstanding any other provision herein, the only *Person* ~~that~~^{who} may appeal from the imposition of a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

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DC 13.2.3.5 Appeal from Decisions under DC 12

Decisions by FINA pursuant to DC 12 may be appealed exclusively to CAS by the concerned Member Federation, Continental Organisation, or other sporting organisation consisting of FINA's Member Federations.

DC 13.2.4 Cross Appeals and other Subsequent Appeals Allowed

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

[Comment to DC 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping ~~Organization~~Organisation appeals a decision after the Athlete's time for appeal has expired.- This provision permits a full hearing for all parties.]

DC 13.3 Failure to ~~render~~Render a ~~timely decision~~Timely Decision

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

[Comment to DC 13.3: Given the different circumstances of each anti-doping rule violation investigation and ~~results management~~Results Management process, it is not feasible to establish a fixed time period for an Anti-Doping ~~Organization~~Organisation to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping ~~Organization~~Organisation and give the Anti-Doping ~~Organization~~Organisation an opportunity to explain why it has not yet rendered a decision.]

DC 13.4 Appeals ~~relating~~Relating to TUEs

TUE decisions may be appealed exclusively as provided in DC 4.4 above.

DC 13.5 Notification of ~~appeal decisions~~Appeal Decisions

Any *Anti-Doping Organisation* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organisations* that would have been entitled to appeal under DC 13.2.3 as provided under DC 14.2.

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DC 13.6 ~~Appeal from decisions pursuant to~~ Time for Filing Appeals

[Comment to DC 13.6: Whether governed by CAS rules or these Anti-Doping Rules, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]

~~Decisions by FINA or the designated organization pursuant to DC 12 may be appealed exclusively to CAS by the concerned Member Federation.~~

DC 13.7 Time for Filing Appeals

DC 13.7.1 Appeals to CAS

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

- a) Within a deadline of fifteen (15) days from receipt of the decision, the party/ies entitled to appeal can request a copy of the complete case file from the ~~body~~ *Anti-Doping Organization* that ~~issued the decision~~ *had Results Management authority*, including the ~~motivation of reasons for~~ the decision and, if the proceedings took place in another language, a translation in one of FINA's official languages (English or French) of the decision and of the motivation, as well as of any document which is necessary to understand the content of the decision.
- b) If such a request is made within the fifteen-~~(15)~~ day period, then the party making such request shall have twenty-one (21) days from the receipt of the full file, including translations, to file an appeal to CAS.

~~The above notwithstanding, the filing deadline for an appeal by FINA shall be the later of:~~

- ~~a) Twenty-one (21) days after the last day on which any other party having a right to appeal (except WADA) could have appealed before CAS; or~~
- ~~b) Twenty-one (21) days after FINA's receipt of the complete file relating to the decision.~~

The above notwithstanding, the filing deadline for an appeal 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~~ *having a right to appeal* could have appealed, or
- b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

~~Similarly, the filing deadline for an appeal by FINA shall be in any event the later of:~~

- ~~a) Twenty-one (21) days after the last day on which any other party (except WADA) could have appealed before CAS; or~~

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~~b) Twenty-one (21) days from the day of receipt of the complete file relating to the decision.~~

DC 13.2 Appeals Under DC 13.2.2

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

~~The above notwithstanding, the filing deadline for an appeal by FINA shall be the later of:~~

- ~~a) Twenty-one (21) days after the last day on which any other party having a right to appeal (except WADA) could have appealed before a national reviewing body; or~~
- ~~b) Twenty-one (21) days after FINA's receipt of the complete file relating to the decision.~~

The above notwithstanding, the filing deadline for an appeal 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 having a right to appeal~~ could have appealed, or
- b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

~~Similarly, the filing deadline for an appeal by FINA shall be in any event the later of:~~

- ~~a) Twenty-one (21) days after the last day on which any other party (except WADA) could have appealed before a national reviewing body; or~~
- ~~b) Twenty-one (21) days from the day of receipt of the complete file relating to the decision.~~

DC 14 CONFIDENTIALITY AND REPORTING

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

DC 14.1.1 Notice of ~~anti-doping rule violations~~ Anti-Doping Rule Violations to *Athletes* and other *Persons*

Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under DC 7 and DC 14. FINA's notice to an *Athlete* or other *Person* who is a member of a *Member Federation* may be accomplished by delivery of the notice to the *Member Federation*.

~~If at any point during Results Management up until the anti-doping rule violation charge, FINA decides not to move forward with a matter, it must notify the Athlete or other Person, (provided that the Athlete or other Person had been already informed of the ongoing Results Management).~~

DC 14.1.2 Notice of ~~anti-doping rule violations~~ Anti-Doping Rule Violations to *National Anti-Doping Organisations*, FINA and WADA

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~~The Anti-Doping Organisation with results management responsibility shall also notify the Athlete's National Anti-Doping Organisations, FINA and WADA Notice of the assertion of an anti-doping rule violation to the Athlete's or other Person's National Anti-Doping Organisation and WADA shall occur as provided under DC 7 and DC 14, simultaneously with the notice to the Athlete or other Person.~~

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~~If at any point during Results Management up until the anti-doping rule violation charge, FINA decides not to move forward with a matter, it must give notice (with reasons) to the Anti-Doping Organisations with a right of appeal under DC 13.2.3.~~

DC 14.1.3 Content of an ~~anti-doping rule violation notice~~Anti-Doping Rule Violation Notice

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~~When a Member Federation has received an Adverse Analytical Finding on one Notification of its Athletes, it shall report an anti-doping rule violation by the following information to FINA and WADA within fourteen (14) days of Anti-Doping Organisation with the process described in DC 7.1 (Article 7.2 of the Code); Results Management responsibility shall include: the Athlete's or other Person's name, country, sport and discipline within the sport, the Athlete's competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory Laboratory, and other information as required by the International Standard for Testing and Investigations. With respect to Atypical Findings, a Member Federation shall report the same information to FINA and WADA within fourteen (14) days after completion of its investigation as provided in DC 7.2 (Article 7.4 of the Code) (except as otherwise provided in DC 7.2.4(b) or Article 7.4.1(b) of the Code), including whether the Atypical Finding will be brought forward as an Adverse Analytical Finding. When a Member Federation has determined an apparent anti-doping rule violation Results Management.~~

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~~Notification of anti-doping rule violations other than under DC 2.1, it shall report the following information to FINA and WADA within fourteen (14) days of the notification to the Athlete or other Person: the Athlete's or other Person's name, country, sport and discipline within the sport, the Athlete's competitive level, shall also include the rule violated and the basis of the asserted violation.~~

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DC 14.1.4 Status ~~reports~~Reports

~~The Member Federation shall also Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Article 14.1.1, FINA, the Athlete's or other Person's National Anti-Doping Organization and WADA shall be regularly update FINA and WADA updated on the status and findings of any review or proceedings conducted pursuant to DC Article 7, DC 8 or DC 13-13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.~~

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DC 14.1.5 Confidentiality

~~The recipient organisations (be it FINA or the designated organization, WADA, Member Federation or National Anti-Doping Organisation) organizations shall~~

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not disclose this information beyond those Persons ~~within their organisations~~ with a need to know ~~until (which would include the appropriate results management authority personnel at the applicable National Olympic Committee and Member Federation)~~ until FINA has made Public Disclosure ~~or has failed to make Public Disclosure as required in permitted by Article 14.3.~~

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DC 14.3 below 1.6 Protection of Confidential Information by an Employee or Agent of FINA or a Member Federation

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FINA and its Member Federations shall ensure that information concerning Adverse Analytical Findings, Atypical Findings, and other asserted anti-doping rule violations remains confidential until such information is Publicly Disclosed in accordance with DC 14.3. FINA and its Member Federations shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and any Delegated Third Party are subject to fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

DC 14.2 Notice of Anti-Doping Rule Violation Decisions or violations of Ineligibility or Provisional Suspension Decisions and Request for Files

DC 14.2.1 Anti-doping rule violation decisions or decisions related to violations of Ineligibility or Provisional Suspension rendered pursuant to DC 7.6, ~~DC 8, 10.4, 1, DC 10.5, DC 10.6, DC 10.6.7, DC 10.4.2.1.3~~ or DC 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, FINA ~~or its Member Federation (or National Anti-Doping Organisation, as applicable)~~ shall provide a short English or French summary of the decision and the supporting reasons. ~~Decisions shall be reported to the Athlete or other Person and their Member Federations or National Anti-Doping Organisations, FINA and WADA within 20 days of the date the decision is rendered.~~

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DC 14.2.2 An Anti-Doping ~~Organization~~ Organisation having a right to appeal a decision received pursuant to DC 14.2.1 or Article 14.2.1 of the Code may, within fifteen (15) days of receipt, request a copy of the complete case file pertaining to the decision.

DC 14.3 Public Disclosure

DC 14.3.1 ~~Except in response to public comments attributed~~ After notice has been provided to the Athlete, or other Person or their representatives in accordance with the International Standard for Results Management, and to the applicable Anti-Doping Organisations in accordance with DC 14.1.2, the identity of any Athlete or other Person who is alleged to have violated anti-doping rules, shall not be publicly disclosed by FINA or the designated organization until the imposition notified of a Provisional Suspension or it has been determined in a hearing in accordance with DC 8 that an potential anti-doping rule violation has occurred, or such hearing has been waived, or, the assertion of an anti-doping rule Prohibited Substance or Prohibited Method and the nature of the violation has not been timely challenged. ~~Public Reporting where a Member Federation has results management authority shall be governed by Article 14.3 of the Code involved, and whether the Athlete or other Person is subject to a~~

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Provisional Suspension may be Publicly Disclosed by FINA. FINA may also comment publicly on the matter at this stage.

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DC 14.3.2 No later than twenty (20) days after it has been determined in an appellate decision under DC 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with DC 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, FINA or the Member Federation responsible for results management matter has been resolved under DC 10.8, or a new period of Ineligibility, or reprimand, has been imposed under DC 10.14.3, FINA must Publicly Report/Disclose the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. The same Member Federation/FINA must also Publicly Report/Disclose within twenty (20) days the results of final appeal/appellate decisions concerning anti-doping rule violations, including the information described above.

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DC 14.3.3 *[Comment to DC 14.3.2: Where Public Disclosure as required by DC 14.3.2 would result in a breach of other applicable laws, FINA's failure to make the Public Disclosure will not result in a determination of non-compliance with Code as set forth in Article 4.1 of the International Standard for the Protection of Privacy and Personal Information.]*

DC 14.3.3 After an anti-doping rule violation has been determined to have been committed in an appellate decision under DC 13.2.1 or DC 13.2.2 or such appeal has been waived, or in a hearing in accordance with DC 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under DC 10.8, FINA may make public such determination or decision and may comment publicly on the matter.

DC 14.3.4 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 fact that the decision has been appealed may be Publicly Disclosed only. However, the decision itself and the underlying facts may not be Publicly Disclosed except with the consent of the Athlete or other Person who is the subject of the decision. FINA or the Member Federation with results management responsibility FINA shall use reasonable efforts to obtain such consent. If, and if consent is obtained, FINA or the Member Federation shall Publicly Disclose the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

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DC 14.3.45 Publication shall be accomplished at a minimum by placing the required information on FINA or Member Federation's/FINA's website or publishing it through other means and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

DC 14.3.5 Neither FINA, nor the designated organization nor its6 Except as provided in DC 14.3.1 and DC 14.3.3, no Anti-Doping Organisation, Member Federations, nor Federation, or WADA-accredited Laboratory, or, any official of either any such body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed

to, ~~or based on information provided by,~~ the *Athlete* other *Person* ~~against whom an anti-doping violation is asserted, or, or their entourage or other,~~ representatives.

DC 14.3.67 The mandatory *Public Reporting Disclosure* required in DC 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor, Protected Person or Recreational Athlete*. Any optional *Public Reporting Disclosure* in a case involving a *Minor, Protected Person or Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

DC 14.4 Statistical reporting

DC 14.4.1 ~~Member Federations~~ FINA shall ~~report, at least annually all results, publish~~ publicly a general statistical report of its *Doping Controls* ~~within their jurisdiction~~ *Control activities*, with a copy provided to FINA, ~~sorted by WADA~~. FINA may also publish reports showing the name of each *Athlete* and identifying each date on which the *Athlete* was tested, and the entity conducting the test, and whether the test was *In- or Out-of-Competition*, date of each *Testing*.

DC 14.5 *Doping Control* Information ~~Clearinghouse~~ Database and Monitoring of Compliance

To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* information among *Anti-Doping Organisations*, FINA shall report to WADA through ADAMS *Doping Control*-related information, including, in particular:

- (a) *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,
- (b) Whereabouts information for *Athletes* including those in *Registered Testing Pools*,
- (c) *TUE* decisions, and
- (d) *Results Management* decisions,

as required under the applicable *International Standard(s)*.

DC 14.5.1 To facilitate coordinated ~~Test Distribution Planning and to test distribution planning~~, avoid unnecessary duplication in *Testing* by ~~the various Anti-Doping Organisations~~, FINA ~~or the designated organization may~~ and to ensure that *Athlete Biological Passport* profiles are updated, FINA shall report all *In-Competition* and *Out-of-Competition* tests ~~on Athletes Tested by FINA to WADA by entering the Doping Control forms into ADAMS in accordance with the requirements and timelines contained in the WADA clearinghouse, International Standard for Testing and Investigations.~~

DC 14.5.2 To facilitate WADA's oversight and appeal rights for *TUEs*, FINA shall report all *TUE* applications, decisions and supporting documentation using ADAMS, ~~as soon as possible after such tests have been conducted. This information in accordance with the requirements and timelines contained in the International Standard for Therapeutic Use Exemptions.~~

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DC 14.5.3 To facilitate WADA's oversight and appeal rights for *Results Management*, FINA shall report the following information into ADAMS in accordance with the requirements and timelines outlined in the *International Standard for Results Management*: (a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*; (b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*; (c) whereabouts failures; and (d) any decision imposing, lifting or reinstating a *Provisional Suspension*.

DC 14.5.4 The information described in this Article, will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organisation*, and any other *Anti-Doping Organisations* with Testing authority over the *Athlete*.

DC 14.6 Data Privacy

DC 14.6.1 FINA ~~or the designated organization or its Member Federations and any Delegated Third Party~~ may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their ~~anti-doping activities~~ *Anti-Doping Activities* under the *Code*, the *International Standards* (including specifically the *International Standard for the Protection of Privacy and Personal Information*) ~~and~~, these Anti-Doping Rules and in compliance with applicable law.

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

DC 15 APPLICATION AND RECOGNITION OF DECISIONS

~~DC 15.1 Subject to 14.6.3 Without limiting the right to appeal provided in DC 13, the Testing, hearing results or other final adjudications of any Signatory to the Code which are consistent foregoing, FINA shall:~~

- (a) Only process personal information in accordance with the Code a valid legal ground;
- (b) Notify any Participant or Person subject to these Anti-Doping Rules, in a manner, and are within inform that Signatory's authority shall be complies with applicable worldwide laws, and shall be recognised the International Standard for the Protection of Privacy, and respected Personal Information, that their personal information may be processed by FINA, and other Persons for the purpose of the designated organization implementation of these Anti-Doping Rules;
- (c) Ensure that any third-party agents (including any Delegated Third Party) with whom FINA shares the personal information of any Participant or Person is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

DC 15 IMPLEMENTATION OF DECISIONS

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DC 15.1 Automatic Binding Effect of Decisions by Signatory Anti-Doping Organisations

DC 15.1.1 A decision of an anti-doping rule violation made by a Signatory Anti-Doping Organisation, an appellate body (Article 13.2.2 of the Code) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon FINA and its Member Federations, as well as every Signatory in every sport with the effects described below;

[Comment to DC 15.1:

DC 15.1.1.1 A decision by any of the above-described bodies imposing a Provisional Suspension (after a Provisional Hearing has occurred or the Athlete or other Person has either accepted the Provisional Suspension or has waived the right to a Provisional Hearing, expedited hearing or expedited appeal offered in accordance with DC 7.4.3) automatically prohibits the Athlete or other Person from participation (as described in DC 10.14.1) in all sports within the authority of any Signatory during the Provisional Suspension.

DC 15.1.1.2 A decision by any of the above-described bodies imposing a period of Ineligibility (after a hearing has occurred or been waived) automatically prohibits the Athlete or other Person from participation (as described in DC 10.14.1) in all sports within the authority of any Signatory for the period of Ineligibility.

DC 15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all Signatories.

DC 15.1.1.4 A decision by any of the above-described bodies to Disqualify results under DC 10.10 for a specified period automatically Disqualifies all results obtained within the authority of any Signatory during the specified period.

15.1.2 FINA and its Member Federations shall recognize and implement a decision and its effects as required by DC 15.1.1, without any further action required, on the earlier of the date FINA receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.3 A decision by an Anti-Doping Organisation, a national appellate body or CAS to suspend, or lift, Consequences shall be binding upon FINA and its Member Federations without any further action required, on the earlier of the date FINA receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.4 Notwithstanding any provision in DC 15.1.1, however, a decision of an anti-doping rule violation by a Major Event Organisation made in an

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expedited process during a Competition shall not be binding on FINA or its Member Federations unless the rules of the Major Event Organisation provide the Athlete or other Person with an opportunity to an appeal under non-expedited procedures.

[Comment to DC 15.1.4: By way of example, where the rules of the Major Event Organisation give the Athlete or other Person the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the Major Event Organisation is binding on other Signatories regardless of whether the Athlete or other Person chooses the expedited appeal option.]

15.2 Implementation of Other Decisions by Anti-Doping Organisations

FINA and its Member Federations may decide to implement other anti-doping decisions rendered by Anti-Doping Organisations not described in DC 15.1.1 above, such as a Provisional Suspension prior to a Provisional Hearing or acceptance by the Athlete or other Person.

[Comment to DC 15.1 and 15.2: Anti-Doping Organisation decisions under DC 15.1 are implemented automatically by other Signatories without the requirement of any decision or further action on the Signatories' part. For example, when a National Anti-Doping Organisation decides to Provisionally Suspend an Athlete, that decision is given automatic effect at the International Federation level. To be clear, the "decision" is the one made by the National Anti-Doping Organisation, there is not a separate decision to be made by the International Federation. Thus, any claim by the Athlete that the Provisional Suspension was improperly imposed can only be asserted against the National Anti-Doping Organisation. Implementation of Anti-Doping Organisations' decisions under DC 15.2 is subject to each Signatory's discretion. A Signatory's implementation of a decision under DC 15.1 or DC 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of TUE decisions of other Anti-Doping Organisations shall be determined by DC 4.4 and the International Standard for Therapeutic Use Exemptions.]

DC

15.23 Implementation of Decisions by Body that is not a Signatory

An anti-doping decision by a body that is not a Signatory to the Code shall be implemented by FINA, the designated organization and its Member Federations shall recognize measures taken by other bodies which have not accepted, if FINA finds that the Code if decision purports to be within the authority of that body and the anti-doping rules of these bodies that body are otherwise consistent with the Code.

[Comment to DC 15.23: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, FINA, the designated organization and its Member Federations shall Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code, a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her the Athlete's body but the period of Ineligibility applied is shorter than the period provided for in these Anti-Doping Rules the Code, then FINA shall and all other Signatories should recognize the finding of an anti-doping rule violation and

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may the Athlete's National Anti-Doping Organisation should conduct a hearing consistent with DC 8 to determine whether the longer period of Ineligibility provided in these Anti-Doping Rules should be imposed the Code should be imposed. FINA or other Signatory's implementation of a decision, or their decision not to implement a decision under DC 15.3, is appealable under DC 13.

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~~DC 15.3 Subject to the right to appeal provided in DC 13, any decision of FINA or the designated organization regarding a violation of these Anti-Doping Rules shall be recognized by all Member Federations, which shall take all necessary action to render such decision effective.~~

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~~DC 16 INCORPORATION OF FINA ANTI-DOPING RULES AND OBLIGATIONS OF MEMBER FEDERATIONS~~

~~DC 16.1 All Member Federations and their members shall comply with these Anti-Doping Rules. The regulations of Member Federations shall indicate that all FINA Rules including these Anti-Doping Rules shall be deemed as incorporated into and shall be directly applicable to and shall be agreed to and followed by all of the Athletes, Athlete Support Personnel and other Persons described in the "Scope" provision of these Anti-Doping Rules.~~

~~DC 16.2 All Member Federations shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules including in particular the determination of the Person/s or body in charge of the application of the rules.~~

~~DC 16.3 All Member Federations shall report any information suggesting or relating to an anti-doping rule violation to FINA and to their National Anti-Doping Organisations, and shall cooperate with investigations conducted by any Anti-Doping Organisation with authority to conduct the investigation.~~

~~DC 16.4 All Member Federations shall have disciplinary rules in place to prohibit Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes under the jurisdiction of FINA or the Member Federation.~~

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

~~DC 16.6 As used in this Article, the term Member Federation shall only mean the member organisations of FINA and shall not include their National Anti-Doping Organisations or Regional Anti-Doping Organisations.~~

~~DC 17~~ DC 16 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced under these Anti-Doping Rules against an Athlete or other Person, unless he or she has been notified of the anti-doping rule violation as provided in DC 7, or notification has been reasonably attempted within ten years from the date the violation is asserted to have occurred.

~~DC 18~~ DC 17 EDUCATION

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DC17.1 ~~FINA COMPLIANCE REPORTS TO WADA~~ shall plan, implement, evaluate and promote *Education* in line with the requirements of Article 18.2 of the *Code* and the *International Standard for Education*.

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DC 17.2 Mandatory Anti-Doping Education Course

All *Athletes* participating in the *FINA World Championships* or the ~~designated organization will~~ *FINA World Swimming Championships (25m)* must, prior to participation, have successfully completed the eLearning Anti-Doping *Education* course *ADEL* for International-Level athletes and uploaded their certificate of completion on the *FINA GMS* platform.

The certificate of completion is obtained after achieving a final score of at least 80% at the final exam at the end of the course.

Each *Athlete* is personally responsible for complying with this obligation but may be assisted by their *Member Federation* in order to upload the certificate of completion on the *FINA GMS* platform.

Any *Athlete* who has not met this requirement shall be ineligible to compete in the *FINA World Championships* and the *FINA World Swimming Championships (25m)*, until successful completion of the course and its registration.

For the sake of clarity, *Athletes* only need to successfully complete the course once. They do not need to complete the course again before every *FINA World Championships* and *FINA World Swimming Championships (25m)*. Notwithstanding this, *FINA* may at its sole discretion, require certain *Athletes* to complete the course again. *FINA* may also require completion of this course for other *FINA Competitions* at its sole discretion.

[Comment to DC 17.2: The eLearning Anti-Doping Education course ADEL for International-Level athletes can be completed on the following website: <https://adel.wada-ama.org/>.

As an alternative to the eLearning Anti-Doping Education course ADEL for International-Level athletes, the Athletes can instead complete the eLearning course developed and approved by their respective National Anti-Doping Organization. The certificate of completion of such course must be uploaded on the FINA GMS platform prior to participation instead of the certification of completion of the ADEL for International-Level athletes course.]

DC 18 ADDITIONAL ROLES AND RESPONSIBILITIES OF MEMBER FEDERATIONS

DC 18.1 All *Member Federations* and their members shall comply with the *Code*, *International Standards*, and these Anti-Doping Rules. All *Member Federations* and other members shall include in their policies, rules and programs the provisions necessary to ensure that *FINA* may enforce these Anti-Doping Rules (including carrying out *Testing*) directly in respect of *Athletes* (including *National-Level Athletes*) and other *Persons* under their anti-doping authority as specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

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DC 18.2 Each Member Federation shall incorporate these Anti-Doping Rules either directly or by reference into its governing documents, constitution and/or rules as part of the rules of sport that bind their members so that the Member Federation may enforce them itself directly in respect of Athletes (including National-Level Athletes) and other Persons under its anti-doping authority.

DC 18.3 By adopting these Anti-Doping Rules, and incorporating them into their governing documents and rules of sport, Member Federations shall cooperate with and support FINA in that function. They shall also recognize, abide by and implement the decisions made pursuant to these Anti-Doping Rules, including the decisions imposing sanctions on Persons under their authority.

DC 18.4 All Member Federations shall take appropriate action to enforce compliance with the Code, International Standards, and these Anti-Doping Rules.

DC 18.5 All Member Federations shall establish rules requiring all Athletes preparing for or participating in a Competition or activity authorized or organized by a Member Federation or one of its member organisations, and all Athlete Support Personnel associated with such Athletes, to agree to be bound by these Anti-Doping Rules and to submit to the Results Management authority of Anti-Doping Organisations in conformity with the Code as a condition of such participation.

DC 18.6 All Member Federations shall report any information suggesting or relating to an anti-doping rule violation to FINA and to their National Anti-Doping Organisations and shall cooperate with investigations conducted by any Anti-Doping Organisation with authority to conduct the investigation.

DC 18.7 All Member Federations shall have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes under the authority of FINA or the Member Federation.

DC 18.8 All Member Federations shall conduct anti-doping Education in coordination with their National Anti-Doping Organisations.

DC 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF FINA AND WAIVER OF LIABILITY

DC 19.1 In addition to the roles and responsibilities described in Article 20.3 of the Code for International Federations, FINA shall report to WADA on FINA's compliance with the Code and the International Standards in accordance with Article 23.524.1,2 of the Code.

DC 19 EDUCATION

FINA or the designated organization should plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Article 18.2 of the Code, and should support active participation by Athletes and Athlete Support Personnel in such programs.

DC 20-DC 19.2 Subject to applicable law, and in accordance with Article 20.3.4 of the Code, all FINA board members, directors, officers, employees and appointed Delegated Third Parties who are involved in any aspect of Doping Control, must sign a form provided

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by FINA, agreeing to be bound by these Anti-Doping Rules as *Persons* in conformity with the *Code* for direct and intentional misconduct.

DC 19.3 Subject to applicable law, and in accordance with Article 20.3.5 of the *Code*, any FINA employee who is involved in *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) must sign a statement provided by FINA confirming that they are not *Provisionally Suspended* or serving a period of *Ineligibility* and have not been directly or intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to them.

DC 19.4 Except for costs and attorney fees which may be awarded by CAS, FINA and its representatives shall not be liable to an *Athlete* or *Member Federation* for any cost, damage or other loss resulting from actions taken by FINA or its *Delegated Third Party* under these Anti-Doping Rules.

DC 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES

DC 20.1 To be knowledgeable of and comply with these Anti-Doping Rules.

DC 20.2 To be available for *Sample* collection at all times.

DC 20.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.

DC 20.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* or *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.

DC 20.5 To disclose to their *National Anti-Doping Organisation* and to FINA any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.

DC 20.6 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations. Failure by any *Athlete* to cooperate in full with FINA or other *Anti-Doping Organisations* investigating anti-doping rule violations shall be a violation of FINA's *Code of Conduct* and may result in proceedings before the FINA Disciplinary Panel.

DC 20.7 To disclose the identity of their *Athlete Support Personnel* upon request by FINA or a *Member Federation*, or any other *Anti-Doping Organisation* with authority over the *Athlete*.

DC 20.8 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under FINA's *Code of Conduct*.

DC 21 ROLES AND RESPONSIBILITIES OF ATHLETE SUPPORT PERSONNEL

DC 21.2 To be knowledgeable of and comply with these Anti-Doping Rules.

DC 21.2 To cooperate with the *Athlete Testing* program.

DC 21.2 To use their influence on *Athlete* values and behavior to foster anti-doping attitudes.

DC 21.2 To disclose to their *National Anti-Doping Organisation* and to FINA any decision by a non-Signatory finding that they committed an anti-doping rule violation within the previous ten (10) years.

DC 21.2 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations. Failure by any *Athlete Support Personnel* to cooperate in full with FINA, its *Delegated Third Party*, *Member Federation* or other *Anti-Doping Organisation* investigating anti-doping rule violations shall be a violation of FINA's *Code of Conduct* and may result in proceedings before the FINA Disciplinary Panel.

DC 21.6 *Athlete Support Personnel* shall not *Use or Possess any Prohibited Substance or Prohibited Method* without valid justification. Any such *Use or Possession* may result in a charge of misconduct under FINA's *Code of Conduct*.

DC 21.7 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by *Athlete Support Personnel*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under FINA's *Code of Conduct*.

DC 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING RULES

DC 22.1 To be knowledgeable of and comply with these Anti-Doping Rules. In particular, subject to applicable law and as a condition of their appointment and/or employment all FINA board members, directors, officers, employees and appointed *Delegated Third Parties* who are involved in any aspect of *Doping Control* agree to be bound by these Anti-Doping Rules as *Persons* in conformity with the *Code* for direct and intentional misconduct.

DC 22.2 To disclose to FINA and their *National Anti-Doping Organisation* any decision by a non-Signatory finding that they committed an anti-doping rule violation within the previous ten (10) years.

DC 22.3 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations. Failure by any other *Person* subject to these Anti-Doping Rules to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may result in a charge of misconduct under FINA's *Code of Conduct*.

DC 22.4 Not to *Use or Possess any Prohibited Substance or Prohibited Method* without valid justification.

DC 22.5 Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a *Person*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under FINA's *Code of Conduct*.

DC 23 INTERPRETATION OF ANTI-DOPING RULES THE CODE

DC 20.1 Except as provided in DC 20.4, these Anti-Doping Rules **DC 23.1** The official text of the *Code* shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

DC 23.2 The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.

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DC 23.3 The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.

DC 23.4 The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.

DC 23.5 Where the term "days" is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.

DC 23.6 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

DC 23.7 The Purpose, Scope and Organisation of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions, shall be considered integral parts of the *Code*.

DC 24 FINAL PROVISIONS

DC 24.1 Where the term "days" is used in these Anti-Doping Rules, it shall mean calendar days unless otherwise specified.

DC 24.2 These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

DC 24.3 The headings used for the various parts and articles of these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.

DC 20.324.4 The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.

DC 20.424.5 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and the International Standards. These Anti-Doping Rules shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the International Standards. The Introduction, Appendix 1 and Appendix 2 shall be considered an integral part of these Anti-Doping Rules.

DC 20.524.6 The comments annotating various provisions of the *Code* and these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.

DC 20.624.7 These Anti-Doping Rules have come into full force and effect on January 1, 20152021 (the "Effective Date"). They repeal previous versions of FINA Doping Control Rules. They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

DC 20.624.7.1 Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under DC 10 for violations taking place after the Effective Date.

DC 20.6.2 The retrospective period in which prior violations can be considered for purposes of multiple violations under DC 10.7.5 and the statute of limitations set forth

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~~in DC 17 are procedural rules and should be applied retroactively; provided, however, that DC 17 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any~~**DC 24.7.2** Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, ~~the case~~ shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of "*lex mitior*" appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under DC 10.9.4 and the statute of limitations set forth in DC 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that DC 16 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date).

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DC 20.624.7.3 Any DC 2.4 whereabouts failure (whether a ~~Filing Failure~~*filing failure* or a ~~Missed Test~~*missed test*, as those terms are defined in the *International Standard for Testing and Investigations Results Management*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Testing and Investigation Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred.

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DC 20.624.7.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to FINA ~~or the Member Federation which had results management responsibility for the anti-doping rule violation~~ to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. The decision in this case must be rendered by the FINA Doping Panel. Such application must be made before the period of *Ineligibility* has expired. The decision rendered by FINA ~~or the Member Federation~~ may be appealed pursuant to DC 13. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

DC 20.624.7.5 For purposes of assessing the period of *Ineligibility* for a second violation under DC 10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

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[Comment to DC 21] ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

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DC 21.1 Roles and Responsibilities of Athletes

DC 21.1.1 ~~To be knowledgeable of and comply with these Anti-Doping Rules.~~

DC 21.1.2 ~~To be available for Sample collection at all times.~~

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~~DC 21.1.3 To take responsibility, 24.7.5: Other than the situation described in the context of anti-doping, for what they ingest and Use.~~

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~~DC 21.1.4 To inform medical personnel of their obligation not to Use Prohibited Substances or Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.~~

~~DC 21.1.5 To disclose to their National Anti-Doping Organization and to FINA any DC 24.7.5, where a final decision by a non-Signatory finding that the Athlete committed an anti-doping rule violation within has been rendered prior to the Effective Date and the previous ten years.~~

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~~DC 21.1.6 To cooperate with Anti-Doping Organizations investigating anti-doping rule violations. Failure by any Athlete to cooperate in full with FINA, the designated organization, Member Federation or other Anti-Doping Organisation investigating anti-doping rule violations shall be a period of Ineligibility imposed has been completely served, these Anti-Doping Rules may not be used to re-characterize the prior violation of FINA's disciplinary rules and may result in proceedings before the FINA Disciplinary Panel.]~~

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DC 21.2 Roles and Responsibilities of Athlete Support Personnel

~~DC 21.2.1 To be knowledgeable of and comply with these Anti-Doping Rules.~~

~~DC 21.2.2 To cooperate with the Athlete Testing program.~~

~~DC 21.2.3 To use their influence on Athlete values and behavior to foster anti-doping attitudes.~~

~~DC 21.2.4 To disclose to his or her National Anti-Doping Organization and to FINA any decision by a non-Signatory finding that he or she committed an anti-doping rule violation within the previous ten years.~~

~~DC 21.2.5 To cooperate with Anti-Doping Organizations investigating anti-doping rule violations. Failure by any Athlete Support Personnel to cooperate in full with FINA, the designated organization, Member Federation or other Anti-Doping Organisation investigating anti-doping rule violations shall be a violation of FINA's disciplinary rules and may result in proceedings before the FINA Disciplinary Panel.~~

DC 24.7.6 Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to FINA or other *Anti-Doping Organisation* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*. For requests made to FINA, the FINA Doping Panel shall render the decision.

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APPENDIX 1

DEFINITIONS APPLICABLE TO DOPING CONTROL RULES

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

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

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

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

Adverse Passport Finding: A report ~~resulting from the process set forth~~ identified as an Adverse Passport Finding as described in the applicable ~~Technical Document~~ International Standards.

Aggravating Circumstances: Circumstances involving, or ~~Guideline~~ actions by, an Athlete or other Person which ~~concludes that~~ may justify the imposition of a period of Ineligibility greater than the ~~analytical results reviewed~~ standard sanction. Such circumstances and actions shall include, but are inconsistent with a normal physiological condition or known pathology and ~~compatible with~~ not limited to: the Use of Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.

Anti-Doping Organization: ~~A~~ Activities: Anti-doping Education and information, test distribution planning, maintenance of a Registered Testing Pool, managing Athlete Biological Passports, conducting Testing, organizing analysis of Samples, gathering of intelligence and conduct of investigations, processing of TUE applications, Results Management, monitoring and enforcing compliance with any Consequences imposed, and all other activities related to

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anti-doping to be carried out by or on behalf of an Anti-Doping Organisation, as set out in the Code and/or the International Standards.

Anti-Doping Organisation: WADA or a Signatory to the Code 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 Organisations* that conduct *Testing* at their *Events/Competitions*, WADA, International Federations, and *National Anti-Doping Organisations*.

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

~~[Comment: This definition makes it clear that all]~~[Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International- or National-Level Athletes but over whom the International Federation or National Anti-Doping Organisation has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organisation has, or has chosen to, exercise authority. All International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national -level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]Organisations.]

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

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

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

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

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping *Code*.

Competition: A series of individual *Events* conducted together under one ruling body (e.g. FINA World Championships). Also, the act of participating in an *Event*.²

Competition Period: ~~The time between period commencing at 11:59 p.m. on the beginning of the opening ceremonies and the end of the closing ceremonies for day before a Competition.~~

~~is scheduled to start through the end of such Competition Venue and the Sample collection process related to such Competition.~~

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

Consequences of Anti-Doping Rules Violations (“Consequences”): An *Athlete’s* or other *Person’s* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete’s* results in a particular *Competition* or *Event* are invalidated, with all resulting ~~consequences~~ *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of anti-doping rule violation for a specified period of time from participating in any *Event*, *Competition* or other activity or funding as provided in DC 10.42.414; and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Event*, *Competition* or activity prior to the final decision at a hearing conducted under DC 8; (d) *Financial Consequences* means a ~~CAS cost award or a~~ financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure or Reporting* means the ~~disclosure~~ *dissemination or distribution* of information

² This definition has been changed from the *Code* definition in order to be consistent with other FINA Rules. Under FINA Rules, a “Competition” is the same as an “Event” under the *Code*.

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~~related to anti-doping rule violations as provided~~ the general public or Persons beyond those Persons entitled to earlier notification in accordance with DC 14. Teams in Team Sports may also be subject to Consequences as provided in DC 11.

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

Decision Limit: The value of the result for a threshold substance in a *Sample*, above which an *Adverse Analytical Finding* shall be reported, as defined in the *International Standard for Laboratories*.

Delegated Third Party: Any Person to which FINA delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organisations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Educational* programs for FINA, or individuals serving as independent contractors who perform *Doping Control* services for FINA (e.g., non-employee *Doping Control* officers or chaperones). This definition does not include *CAS*.

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

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between ~~such as provision of, including but not limited to~~ *Testing*, investigations, whereabouts information, *TUEs*, *Sample* collection and handling, ~~laboratory~~ *Laboratory* analysis, ~~therapeutic use exemptions, results management, and hearings~~ *Results Management*, and investigations or proceedings relating to violations of DC 10.14 (*Status During Ineligibility or Provisional Suspension*).

DCRB: ~~Doping Control Review Board.~~

Education: The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

Event: A single race, match, game or singular sport contest.³

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a ~~Minor~~ *Protected Person*, special considerations such as ~~disability~~ *impairment*, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. -In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under ~~Article~~ *DC 10.56.1 or 10.56.2.*

³ This definition has been changed from the *Code* definition in order to be consistent with other FINA Rules. Under FINA Rules, an "Event" is the same as a "Competition" under the *Code*.

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[Comment: The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. –However, under DC 10.56.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]

In-Competition: ~~For purposes of differentiating between In-Competition and Out-of-Competition Testing, an In-Competition test is a test where an Athlete is selected for Testing in connection with a specific Competition, which shall start with the beginning of opening ceremonies and conclude with the end of the closing ceremonies. Where an Athlete is not competing in the context of a Competition, In-Competition means the period commencing twelve hours~~
Financial Consequences: See *Consequences of Anti-Doping Rule Violations* above.

In-Competition: The period commencing at 11:59 p.m. on the day before an Event in which the Athlete is scheduled to participate through the end of such Event and the Sample collection process related to such Event.

[Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Events during a Competition and assists in preventing any potential performance enhancement benefits from Substances prohibited Out-of-Competition being carried over to the In-Competition Period.]

Independent Observer Program: A team of observers and/or auditors, under the supervision of WADA, who observe and may provide guidance on the Doping Control process at prior to or during certain competitions and report on their observations as part of WADA's compliance monitoring program.

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

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

Institutional Independence: Hearing panels on appeal shall be fully independent institutionally from the Anti-Doping Organisation responsible for Results Management. They must therefore not in any way be administered by, connected or subject to the Anti-Doping Organisation responsible for Results Management.

International Competition: A Competition where the International Olympic Committee, the International Paralympic Committee, FINA, a Major Event Organization, or another international sport organization is the ruling body for the Competition or appoints the technical officials for the Competition.

International-Level Athlete: ~~An Athlete included~~ Athletes who compete in sport at the FINA Registered International level, as defined by each International Federation, consistent with the International Standard for Testing Pool or an Athlete who is not included and Investigations. For the sport of Aquatics, International-Level Athletes are defined as set out in the FINA Registered Testing Pool during his or her participation in a FINA Competition/ Event Scope section of the Introduction to these Anti-Doping Rules

International Standard: A standard adopted by WADA in support of the Code. Compliance with an International Standard (as opposed to another alternative standard, practice or

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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*.

Laboratory (ies): (A) WADA-accredited *Laboratory(-ies)* applying Test Methods and processes to provide evidentiary data for the detection and/or identification of *Prohibited Substances* or *Prohibited Methods* on the *Prohibited List* and, if applicable, quantification of a Threshold Substance in Samples of urine and other biological matrices in the context of *Doping Control* activities.

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

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

Member Federation: Means the national federations affiliated to FINA in a country or a sport country recognized by FINA in accordance with ~~C-7, C-8 and C-9. In countries where all of some anti-doping responsibilities have been delegated or assigned to a National Anti-Doping Organisation or Regional Anti-Doping Organisation, references in these Anti-Doping Rules to the Member Federation shall apply, as applicable, to the Member Federation's National Anti-Doping Organisation or Regional Anti-Doping Organisation~~the FINA Constitution.

Metabolite: Any substance produced by a biotransformation process.

Minimum Reporting Level: The estimated concentration of a *Prohibited Substance* or its *Metabolite(s)* or *Marker(s)* in a *Sample* below which WADA-accredited *Laboratories* should not report that *Sample* as an *Adverse Analytical Finding*.

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

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National Anti-Doping ~~Organization~~Organisation: 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~~manage test results, and ~~the conduct of~~hearingsResults Management at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

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

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

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National Olympic Committee: The ~~organization~~organisation 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.

Negative Finding: A test result from a *Laboratory* which, in accordance with the effective *International Standard for Laboratories* and/or relevant *Technical Document(s)* and/or

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Technical Letter(s), concludes that no Prohibited Substance(s) or its Metabolite(s) or Marker(s) or evidence of the Use of a Prohibited Method(s), included in the requested Analytical Testing menu, were found in a Sample based on the applied Initial Testing Procedure(s) or Confirmation Procedure(s)

No Fault or Negligence: The Athlete or other Person's establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor Protected Person or Recreational Athlete, for any violation of DC 2.1, the Athlete must also establish how the Prohibited Substance entered his or her the Athlete's system.

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

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

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

Participant: Any Athlete or Athlete Support Personnel.

Operational Independence: This means that (1) board members, staff members, commission members, consultants and officials of the Anti-Doping Organisation with responsibility for Results Management or its affiliates (e.g., Member Federation or confederation), as well as any Person involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that Anti-Doping Organisation with responsibility for Results Management and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the Anti-Doping Organisation or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

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

Participant: Any Athlete or Athlete Support Person.

Person: A natural Person or an organization/organisation or other entity.

Possession: The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance/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

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notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have Possession and has renounced Possession by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes Possession by the *Person* who makes the purchase.

[Comment to Possession: Under this definition, anabolic steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]

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

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

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

Protected Person: An Athlete or other natural Person who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any Registered Testing Pool and has never competed in any International Competition in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.

[Comment to Protected Person: The Code treats Protected Persons differently than other Athletes or Persons in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an Athlete or other Person may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the Code. This would include, for example, a Paralympic Athlete with a documented lack of legal capacity due to an intellectual impairment. The term "open category" is meant to exclude competition that is limited to junior or age group categories.]

Provisional Hearing: For purposes of DC 7.94.3, an expedited abbreviated hearing occurring prior to a hearing under DC 8 that provides the Athlete with notice and an opportunity to be heard in either written or oral form.

[Comment to Provisional Hearing: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article DC 7.94.3, is a full hearing on the merits conducted on an expedited time schedule.]

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

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

Recreational Athlete: A natural Person who is so defined by the relevant National Anti-Doping Organisation; provided, however, the term shall not include any Person who, within the five (5) years prior to committing any anti-doping rule violation, has been an International-Level Athlete (as defined by FINA consistent with the International Standard for Testing and Investigations), or **Publicly Report:** To disseminate National-Level Athlete (as defined by each National Anti-Doping Organisation consistent with the International Standard for Testing and Investigations), has represented any country in an International Competition in an open category, or distribute has been included within any Registered Testing Pool or other whereabouts information to the general public or persons beyond those persons entitled pool maintained by any International Federation or National Anti-Doping Organisation.

[Comment to earlier notification in accordance with DC 14: **Recreational Athlete:** The term "open category" is meant to exclude competition that is limited to junior or age group categories.]

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

Registered Testing Pool: The pool of highest-priority Athletes established separately at the international level by International Federations and at the national level by National Anti-Doping Organizations/Organisations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organization's/Organisation's Test Distribution Plan and therefore are required to provide whereabouts information as provided in Article 5.6.5 of the Code and the International Standard for Testing and Investigations.

Results Management: The process encompassing the timeframe between notification as per Article 5 of the International Standard for Results Management, or in certain cases (e.g., Atypical Finding, Athlete Biological Passport, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

Results Management Authority: The Anti-Doping Organisation responsible for conducting Results Management in a given case.

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

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

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

Specified Method: See DC 4.2.2.

Specified Substance: See DC 4.2.2.

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

Substance of Abuse: See DC 4.2.3.

Substantial Assistance: For purposes of DC 10.6.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in DC 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an Anti-Doping ~~Organization~~ *Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding 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.~~

Tampering: Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organisation* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organisation* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

[Comment to Tampering: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct which occurs during the Results Management process. See DC 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organisations.]

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

Team Sport: A sport in which the substitution of Athletes is permitted during an Event.

Technical Document: A document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

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Testing: The parts of the *Doping Control* process involving Test Distribution Planning, Sample collection, Sample handling, and Sample transport to the ~~laboratory~~*Laboratory*.

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Testing Pool: The tier below the *Registered Testing Pool* which includes *Athletes* from whom some whereabouts information is required in order to locate and Test the *Athlete Out-of-Competition*.

Therapeutic Use Exemption (TUE): A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to Use a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in DC 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

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

TUE: *Therapeutic Use Exemption*, as described in DC 4.4.

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

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

WADA: The World Anti-Doping Agency.

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Without Prejudice Agreement: For purposes of DC 10.7.1.1 and 10.8.2, a written agreement between an *Anti-Doping Organisation* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organisation* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organisation* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organisation* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organisation* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organisation*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

APPENDIX 2 — FINA DOPING PANEL PROCEDURAL RULES

EXAMPLES OF THE APPLICATION OF DC 10

EXAMPLE 1

Facts: An Adverse Analytical Finding results from the presence of an anabolic steroid in an In-Competition test (DC 2.1); the Athlete promptly admits the

TITLE I – INTRODUCTORY PROVISIONS

Preamble

FINA established the FINA Doping Panel which has jurisdiction to hear and determine whether an Athlete or other Person, subject to these Anti-Doping Rules, has committed an anti-doping rule violation; the Athlete establishes No Significant Fault or Negligence; and the Athlete provides Substantial Assistance.

Application of Consequences:

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

2. In a second step, the panel would analyze whether the Fault related reductions (DC 10.4 and, to impose relevant Consequences. The FINA Doping Panel also has jurisdiction to render decisions on request for lifting of Provisional Suspensions as per DC 7.4 and 10.5) apply. Based on No Significant Fault or Negligence (DC 10.5.2) since the anabolic steroid is not a Specified Substance, the applicable range on requests for reduction of sanctions would be reduced to a range of two years to one year (minimum one-half of the two-year sanction). The panel would then determine the applicable period of Ineligibility within this range based on the Athlete's degree of Fault. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of Ineligibility of 16 months.) pursuant to DC 24.7.4 and 24.7.6.

Article 1 Definitions

1. For the purposes of these Rules:

- a) "DC Rules": The FINA Doping Control Rules.
- b) "Defendant": Any Athlete or Person as specified by the Introduction and Scope of the DC Rules, against whom an anti-doping rule violation has been asserted.
- c) "Decision": Final decision rendered by the Doping Panel.
- d) "Parties": FINA on one side and the Defendant on the other side.
- e) "Rules": The Doping Panel Procedural Rules.

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f) "Doping Panel": The Anti-Doping Panel established in accordance with DC 8.1 and the FINA Constitution.

2. Terms referring to natural persons are applicable to both genders.

3. Terms not defined under these Rules shall be given the meaning provided by the DC Rules.

Article 2 Jurisdiction of the Doping Panel

1. The FINA Doping Panel shall have jurisdiction over all matters in which:

- a) An anti-doping rule violation is asserted by FINA based on a *Results Management* or investigation process under DC 7; or
- b) An anti-doping rule violation is asserted by another *Anti-Doping Organisation* under its rules, but all parties (in particular the *Anti-Doping Organisation* and the *Athlete* or other *Person* concerned) agree to submit the matter to the Doping Panel, with the agreement of FINA; or
- c) FINA decides to assert an anti-doping rule violation against an *Athlete* or other *Person* subject to these Anti-Doping Rules, based on a failure by another organisation to initiate or diligently pursue a hearing process or where FINA otherwise finds it appropriate for a fair hearing process to be granted; or
- d) FINA asserts that an *Athlete* or other *Person* has violated their period of *Ineligibility*; or
- e) An *Athlete* requests a *Provisional Hearing* in order to have their *Provisional Suspension* lifted; or
- f) An *Athlete* or other *Person* requests a reduction of period of *Ineligibility* pursuant to DC 24.7.4 and 24.7.6.

2. Any objection to the jurisdiction of the Doping Panel shall be brought to the Doping Panel's attention within 7 days upon notification of the initiation of the proceedings. If no objection is filed within this time limit, the Parties are deemed to have accepted the Doping Panel's jurisdiction.

3. The Doping Panel shall rule on its own jurisdiction in its Decision.

TITLE II – ORGANISATION OF THE DOPING PANEL

Article 4 Composition of the Doping Panel

1. As per C22, the Doping Panel shall consist of an independent Chair and five (5) other independent members. No two members of the Doping Panel shall be from the same country or sport country. Members of the Doping Panel shall serve for a period of four (4) years, or until their successors are appointed.

2. Each member shall be appointed as described in C22. Each member is appointed for a period of four (4) years.

Article 5 Independence and impartiality

1. The Doping Panel shall conduct the hearing and decision-making process without interference from FINA or any third party. The Doping Panel shall be *Operationally Independent*.

Article 6 Contact Details of the Doping Panel

1. The contact details of the Doping Panel can be found on the FINA website.

2. All notifications and communications from the Doping Panel shall be sent to the email address indicated by the Parties.

Article 7 Confidentiality

1. The Doping Panel shall ensure that any information disclosed to it in connection with the proceedings and not otherwise in the public domain shall be kept confidential and shall be used only in connection with the disciplinary proceedings at hand.

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

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

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

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

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

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

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EXAMPLE 2

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

~~Application of Consequences:~~

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

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

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

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

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

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

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

EXAMPLE 3

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

~~Application of Consequences:~~

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

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

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

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

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

EXAMPLE 4

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

Application of Consequences:

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

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

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

4. ~~The period of Ineligibility, in principle, starts on the day of the final hearing decision (DC 10.11). If the spontaneous admission is factored into the reduction of the period of Ineligibility, an early start of the period of Ineligibility under DC 10.11.2 would not be permitted. The provision seeks to prevent an Athlete from benefitting twice from the same set of~~

circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, DC 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the *Athlete's* last use of the anabolic steroid.

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

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

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

EXAMPLE 5

Facts:

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

Application of Consequences:

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

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

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

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

EXAMPLE 6

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

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~~Assistance. If this were a first violation, the panel would sanction the Athlete with a period of Ineligibility of 16 months and suspend six months for Substantial Assistance.~~

Application of Consequences:

1. ~~DC 10.7 is applicable to the second anti-doping rule violation because DC 10.7.4.1 and DC 10.7.5 apply.~~

2. ~~Under DC 10.7.1, the period of Ineligibility would be the greater of:~~

~~(a) six months;~~

~~(b) one half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under DC 10.6 (in this example, that would equal one half of 14 months, which is seven months); or~~

~~(c) two times the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under DC 10.6 (in this example, that would equal two times 16 months, which is 32 months).~~

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

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

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

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

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

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

*Likewise, all Parties as well as witnesses, experts, interpreters or any other individual involved in proceedings shall keep confidential any information disclosed in connection with the proceedings.

3. Para. 2 above does not restrict FINA's right to make public announcements regarding the existence and status of any pending matter.

Article 8 Language of the proceedings

1. The language used in the proceedings shall be one of the two official languages of FINA, i.e. English and French.

2. Upon the approval of WADA in exceptional receipt of a petition, the Doping Panel will determine the language of the proceedings. Thereafter, the proceedings are conducted exclusively in the language determined by the Doping Panel, i.e. the Language of the proceedings.

3. Any document in a language other than the Language of the proceedings shall be accompanied by a translation in the Language of the proceedings. The Doping Panel may request a certified translation of any document to be provided.

4. Any and all costs related to the translation of a document shall be borne by the Party that submitted the document in question.

5. The Doping Panel may accept or disregard any document not provided in the Language of the proceedings.

Article 9 Time limits

1. The Doping Panel fixes the time limits, unless otherwise provided under these Rules.

2. Time limits fixed under these Rules are deemed to be met if the communications by the Parties are sent by email before midnight (time of the location from which such communication has been sent) on the last day on which the relevant time limit expires.

3. If the last day of the time limit is an official holiday or a non-business day in the country where the party sending the communication is domiciled, then the time limit shall expire on the next business day.

4. Notice shall be deemed to have occurred when sent by email to the addressee. The burden of proof that the addressee was, without his fault, not in a position to have knowledge of such notice shall be on the addressee.

5. Notice to the Defendant may be accomplished by delivery of the notice to the email address of the Defendant's *Member Federation*.

6. Upon application on justified grounds, the Doping Panel may extend the time limits, provided that the request is made before the expiry of the original time limit fixed by the Doping Panel or by these Rules.

TITLE III – RIGHTS AND OBLIGATIONS OF THE PARTIES

Article 10 Procedural Rights of the Parties

1. The Doping Panel shall conduct the proceeding in a way which ensures due process, in particular with respect to the Parties' right to be heard.

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2. Any procedural objection shall be raised without delay or shall be deemed to be waived.

Article 11 Representation and assistance

1. The Parties may be represented or assisted by the representative(s) of their choice at their own cost and expense.

2. The names, postal and email addresses, and telephone numbers of the *Person(s)* representing or assisting the Parties shall be communicated to the Doping Panel.

3. The Doping Panel may request the production of a power of attorney.

Article 12 Cooperation by the Parties

1. The Parties shall cooperate in good faith throughout the proceedings. In particular, they shall comply with requests for information from the Doping Panel.

2. The Doping Panel is entitled to draw adverse inferences in case of unjustified refusal to cooperate, in particular in case of non-attendance to the hearing as well as refusal to produce documents or to provide evidence.

TITLE IV – CONDUCT OF PROCEEDINGS

Article 13 Initiation of proceedings

1. Proceedings are initiated by the FINA through the filing of a written petition to the Doping Panel.

2. The petition shall be in one of the two official FINA languages and contain the following:

a) Name and address of the Defendant;

b) A summary of FINA's position;

c) All documentation on which FINA intends to rely, including witness statements and/or expert reports if applicable; and

d) The relief, including sanctions and *Consequences*, sought by the FINA.

3. In the situations provided at Article 2.1 (e) and 2.1 (f) of these Rules, FINA shall not be obliged to file a petition and can simply forward the Defendant's request to the Doping Panel.

Article 14 Assignment of cases

1. Upon receipt of the written petition by the FINA, the Chair of the Doping Panel shall assign the case to a member appointed from amongst the members of the Doping Panel to adjudicate the case. If the Chair deems it necessary in view of the circumstances of the case, it can assign the case to three members of the Doping Panel.

2. When assigning the case, the Chair of the Doping Panel shall take into account all the circumstances, ~~the maximum suspension~~ of the case, including the nationality and availability of the members. Such assignment shall ensure a timely, fair and impartial hearing.

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3. Should the Chair of the Doping Panel be in a conflict of interest, the assignment of the case must be made by the most senior Doping Panel member with no conflict of interest.

4. Once the case has been referred to the Doping Panel, the proceedings are conducted by the member(s) who has/have been assigned the case. The appointed member(s) shall be referred to as the Judge(s).

5. The Defendant shall be informed of the opening of the proceedings and shall be provided with the petition from FINA, including all documentation submitted by FINA.

Article 15 Impartiality and Challenge

1. A member of the Doping Panel shall not be appointed to adjudicate a case if circumstances exist that give rise to justifiable doubts as to his aptitude to ensure a timely, fair and impartial hearing. In particular, no member of the Doping Panel shall be appointed to hear a specific case when he or she is a citizen of the country of the Defendant. The Chair of the Doping Panel may also determine situations in which a member should not be appointed due to other potential conflicts.

2. The Judge shall immediately disclose any circumstance which may affect his aptitude to ensure a timely, fair and impartial hearing. Upon appointment by the Chair of the Doping Panel, the Judge must sign a declaration that there are no facts or circumstances known to him or her which might call into question his/her impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

3. Any challenge of the Judge shall be sent to the Doping Panel within 7 days after the ground for challenge has become known or should reasonably have become known to the challenging party. Any such challenge shall indicate the grounds of the challenge and include all relevant facts and supporting evidence.

4. Any application to challenge the Judge shall be decided by the other members of the Doping Panel, after the challenged Judge has been invited to submit written comments. A majority of members of the Doping Panel is required to reject a challenge. The decision on the challenge is final and is not subject to any appeal.

Article 16 Answer (Statement of defence)

1. The Judge shall set a time limit of at least 15 days for the Defendant to submit an answer containing:

- a) a statement of defence;
- b) any exhibits or specification of other evidence upon which the Defendant intends to rely, including witness statements and/or expert reports;
- c) the relief or remedy sought by the Defendant.

2. If the Defendant fails to submit its answer within the set deadline, the Judge may nevertheless proceed with the case and render a Decision.

3. In the situations provided at Article 2.1 (e) and 2.1 (f) of these Rules, the Doping Panel may forego this step and rule on the Defendant's initial request.

Article 17 Further submissions and additional evidence

1. Unless otherwise agreed by the parties or ordered by the Judge, FINA and the Defendant shall not be authorised to supplement or amend their submissions, nor to produce new exhibits or further evidence after the submission of the petition and the answer, respectively.

2. The Judge may at any time order one or both Parties to supplement their submission on a specific issue or to produce additional documents or witness statements.

Article 18 Common provisions applicable to all written submissions

1. Written submissions shall be filed in electronic form by email with the Doping Panel.

2. The Parties should set out the facts on which they rely as comprehensively as possible. Each factual allegation should be numbered and refer to the relevant evidence (exhibit, witness statement, expert report).

3. Legal arguments should be developed in a substantiated way.

4. Written submissions shall be accompanied by all relevant evidence, including witness statements and expert reports.

5. Written submissions must be signed by the concerned Party or its representative(s), if any.

Article 19 Evidence

1. Burdens and standards of proof are as set out under the DC Rules.

2. Facts shall be established by any reliable means in accordance with these Anti-Doping Rules.

3. Documents do not need to be produced in originals, unless the Judge orders otherwise.

4. If a Party intends to rely on witness and/or expert evidence, it shall provide a witness statement and/or an expert report together with its written submission.

5. At any time before the proceedings are concluded, the Judge may:

a. request any party to produce evidence;

b. take, or request any party to use its best efforts to take, any step that he/she considers appropriate to obtain evidence from any *Person* or organisation.

6. Production of documents can be ordered by the Judge either on his/her own initiative or upon a request by a party, provided that such party:

a. provides (i) a description of each requested document sufficient to identify it; or (ii) a description in sufficient detail (including subject matter) of a narrow and specific requested category of documents that are reasonably believed to exist;

b. shows that (i) it is not in a position to obtain the document(s) on its own; and (ii) the document(s) are in the possession, custody or control of another party;

c. shows that the document(s) requested are relevant to the case and material to its outcome.

7. The Judge shall at his/her discretion determine the admissibility, relevance, materiality and weight of the evidence offered.

Article 20 Expert Reports

1. The Judge may order that an expert report on which a Party intends to rely be produced.
2. It is the responsibility of the Parties to ensure the appearance at the hearing of the experts requested by them and to pay all costs and expenses associated with their appearance.
3. The Judge may, after consulting with the parties, appoint an expert of their choice, if he/she deems it appropriate. Once the expert has produced his report, the Judge may order that he/she be examined at the hearing.

Article 21 Witnesses

It is the responsibility of the Parties to ensure the appearance at the hearing of the witnesses requested by them and to pay all costs and expenses associated with their appearance.

Article 22 Hearing

1. The Judge may, on his/her own initiative or at the request of one of the Parties, summon the parties to attend a hearing.
2. The dates times, and venue (if any) of the hearing shall be fixed by the Judge, who shall give appropriate advance notice to the parties, the *National Anti-Doping Organisation* of the Defendant and to WADA.
3. Unless otherwise decided by the Judge, hearings take place via videoconference.
4. If the hearing is held in persona, the Judges shall decide the place of the hearing after consultation with the Parties.
5. Hearings shall be held in camera i.e. may be attended only by the Parties, as well as their representative(s). WADA and the *National Anti-Doping Organisation* of the Defendant can attend as an observer and shall not be allowed to make any submission unless the parties and the Judges agree otherwise. However, the Defendant has the right to request that the hearing be held in public. FINA may also request a public hearing provided that the Defendant has provided his/her written consent to the same. However, the request may be denied by the Judge in the interest of morals, public order, national security, where the interests of *Minors* or the protection of the private life of the parties so require, where publicity would prejudice the interests of justice or where the proceedings are exclusively related to questions of law.
6. Hearing shall be held in the language of the proceedings.
7. Each Party may be assisted by an independent interpreter at its own cost. The identity of interpreters shall be disclosed to the Judge at least 5 days prior to the date of the hearing together with a statement of the interpreter's independence.
8. It is the responsibility of the Parties to ensure the appearance at the hearing of the interpreters for the witnesses and experts requested by them and to pay all costs and expenses associated with their appearance.
9. The Judge is responsible for the proper conduct of the hearing and shall issue procedural directives before the hearing and/or hold a preparatory telephone conference with the parties.

10. As a general rule, FINA shall be heard first, followed by the Defendant.

11. The Judge will hear the witnesses and experts specified in the parties' written submissions.

12. The Judge may limit or disallow the appearance of any witness or expert, or any part of their testimony, on the ground of irrelevance.

13. Before hearing any witness, expert or interpreter, the Judge shall invite such *Person* to tell the absolute and whole truth.

14. Irrespective of whether the hearing is held in persona or via video-conference, experts and witnesses may also be heard via telephone or video-conference, as deemed appropriate by the Judge.

15. The Judge may put questions at any time to any *Person* appearing at the hearing.

16. The oral submissions made by the Parties shall be as succinct as possible within the limits of what is required for the adequate presentation of the Parties' contentions. Accordingly, they shall not go over the whole ground covered by the written submissions, or merely repeat the facts and arguments these contain.

17. The Judge may at any time prior to or during the hearing indicate any points or issues which he would like the Parties to specifically address or on which he considers that there has been sufficient argument.

18. After the Judge has given the Defendant a final opportunity to speak, the Judge shall declare the hearing closed.

19. Once the hearing is closed, the parties shall not be authorised to produce further evidence or written pleadings, unless ordered otherwise by the Judge.

20. If a Party, a witness, an expert or an interpreter fails to appear at the hearing, the Judge may nevertheless proceed with the hearing and render his/her Decision.

21. The hearing may be reopened on the Judge's initiative at any time before the Decision is rendered.

Article 23 Scope of review

1. The Doping Panel shall have full power to review the facts and the law.

Article 24 Expedited procedure

1. Upon a reasoned request of a Party, the Doping Panel may decide to proceed in an expedited manner if the circumstances so require. In such case, the Judge shall issue appropriate directives accordingly.

TITLE V – THE DECISION

Article 25 Applicable rules

1. In rendering his/her Decision, the Judge shall apply the DC Rules, the *International Standards* as well as the FINA Constitution, the FINA Rules and, subsidiarily, Swiss law.

Article 26 Sanctions and consequences

1. The Judge shall determine the type and extent of the sanction(s) and Consequences to be imposed according to the circumstances of the case, in accordance with the DC Rules.

2. The Judge is not bound by the Parties' prayers for relief.

Article 27 Form and content of the Decision

1. At the end of the hearing, or promptly thereafter, the FINA Doping Panel shall issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes:

a) the date and place of the Decision;

b) the name of the Judge(s) who decided the case;

c) the name of the Parties;

d) a summary of the relevant facts;

e) an account of the procedure followed;

f) the decision on jurisdiction;

g) the provisions or a reference to the provisions on which the Decision is based;

h) the reasons of the Decision, including the anti-doping rule committed and the applicable Consequences;

i) the operative part of the Decision;

j) the decision, if any, in regard to costs;

k) a notice indicating the possibility to file an appeal in CAS and the relevant time limit;

l) if a period of Ineligibility ~~for~~ is imposed on the Defendant, a notice that he/she remains subject to Testing during the period of Ineligibility;

m) if a period of Ineligibility is imposed on the Defendant, a notice reminding the Defendant of his/her status during Ineligibility, including the Consequences of a violation of the prohibition of participation during Ineligibility, pursuant to DC 10.14. The Athlete or other Person should also be made aware that they may still provide Substantial Assistance ~~may be greater than three-quarters, and reporting.~~

3. The Decision shall be signed by the Judge(s).

4. The Judge may decide to communicate the operative part of the Decision prior to the delivery of the full Decision including the reasons.

5. Only the notification by email of the full Decision is relevant for the purposes of calculating the time limit to appeal in CAS.

Article 28 Costs of proceedings

1. The Judge shall determine in its Decision the costs of the proceedings.

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2. As a matter of principle the Decision is rendered without costs.

3. Notwithstanding the above, the Judge may order the Defendant to pay a contribution toward the costs of the Doping Panel.

4. The Judge may also order the unsuccessful Party to pay a contribution toward the prevailing Party's costs and expenses incurred in connection with the proceedings and, in particular, the costs of witnesses and experts. If the prevailing Party was represented by a legal representative the contribution shall also cover legal costs.

Article 29 Notification and publication ~~may be delayed.~~ of the Decision

1. The Decision shall be notified by email to the parties and to any other *Anti-Doping Organisation* with a right to appeal and will be published by FINA on its website and reported on ADAMS.

2. On its own initiative or upon receipt of a reasoned request from the Defendant within 7 days after notification of the Decision, FINA may decide to redact specific parts of the Decision before its publication.

3. If the Decision rules that no anti-doping violation was committed and no appeal has been brought against such Decision, the Decision will only be published with the consent of the Defendant.

Article 30 Enforceability

1. Decisions are enforceable as soon as the operative part is communicated to the parties by email.

2. Decisions are subject to appeals lodged with the Court of Arbitration for Sport, in accordance with DC 13.

Article 31 Correction

1. Within 7 days from the notification of the Decision, a party, with notice to the Doping Panel, may request the Doping Panel to rectify any error in computation, any clerical or typographical error, or any error or omission of a similar nature contained in a Decision.

2. The Doping Panel will give the other Party an opportunity to comment on the request for correction.

3. The Doping Panel may make such a correction also on its own initiative.

TITLE VI – FINAL PROVISIONS

Article 32 Unforeseen procedural matters

1. Any procedural matter that is not addressed under these Rules, the DC Rules, or the FINA Rules shall be decided by the Doping Panel in such manner as it considers appropriate.

Article 33 Authoritative text

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FÉDÉRATION
INTERNATIONALE
DE NATATION

1. In the event of a discrepancy between the English and French versions of these Procedural Rules, the English version prevails.

Article 34 Liability

1. Neither the members of the Doping Panel, the Doping Panel nor the FINA shall be liable for any action or omission in connection with proceedings conducted under these Rules, unless the actions or omissions are proven to constitute intentional wrongdoings or gross negligence.

Article 35 Entry into force

1. These Procedural Rules come into force on 1 January 2021 and apply to all procedures initiated by the Doping Panel on or after such date.

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