



**WORLD
AQUATICS**

DOPING **CONTROL** **RULES**

In force as from 1 January 2023



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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 for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

Adverse Analytical Finding: A report from a WADA-accredited Laboratory or other WADA-approved Laboratory that, consistent with the International Standard for Laboratories establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method.

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

Aggravating Circumstances: Circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the 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.

AQIU: Aquatics Integrity Unit

Anti-Doping 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 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, 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 Organisation). An Anti-Doping Organisation 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 Organisation 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 Art. 2.1, 2.3 or Art. 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organisation 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 must be applied. For purposes of Art. 2.8 and Art. 2.9 and for purposes of anti-doping information and Education, any Person who participates in sport under the authority of any Signatory, government, or other sports organisation accepting the Code is an Athlete.**

[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 Organisations.]

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

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

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

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

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

CAS: The Court of Arbitration for Sport.

CAS ADD: Court of Arbitration for Sport – Anti-Doping Division

Code: The World Anti-Doping Code.

Competition: A series of individual Events conducted together under one ruling body (e.g. World Aquatics World Championships). Also, the act of participating in an Event.¹

Competition Period: The period commencing at 11:59 p.m. on the day before an Event is scheduled to start through the end of such Event and the Sample collection process related to such Event.

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

Continental Organisation: Organisations formed by World Aquatics Members of the same geographical continent, approved and recognized by World Aquatics.

¹ This definition has been changed from the Code definition in order to be consistent with other FINA World Aquatics Rules. Under FINA World Aquatics Rules, a “Competition” is the same as an “Event” under the Code.

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 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 Art. 10.14 ; 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 Art. 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Art. 14 . Teams in Team Sports may also be subject to Consequences as provided in Art. 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 World Aquatics 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 World Aquatics, or individuals serving as independent contractors who perform Doping Control services for World Aquatics (e.g., non-employee Doping Control officers or chaperones). This definition does not include CAS.

Demand: Any request made in writing in accordance with Article 5.7, 20, 21 or 22 to an Athlete, Athlete Support Personnel or other Person to provide World Aquatics with any information, record, article or thing in their possession or control that World Aquatics reasonably believes may evidence or lead to the discovery of evidence of an anti-doping rule violation or other breach of these Anti-Doping Rules.

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, including but not limited to Testing, investigations, whereabouts, TUEs, Sample collection and handling, Laboratory analysis, Results Management, and investigations or proceedings relating to violations of Art. 10.14 (Status During Ineligibility or Provisional Suspension).

Education: The process of learning to instil 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.²

Failure to Cooperate: Breach of Article 5.7 by an Athlete or other Person, or which otherwise does not amount to any of the anti-doping rule violations defined in Article 2.

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 Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under [Art. 10.6.1](#) or [10.6.2](#).

[Comment: The criteria for assessing an Athlete's degree of Fault are the same under all Articles where Fault is to be considered. However, under [Art. 10.6.2](#), no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]

Financial Consequences: See Consequences of Anti-Doping Rule Violations above.

In-Competition: 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.

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

[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 provide guidance on the Doping Control process 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, World Aquatics, a Major Event Organisation, or another international sport organisation is the ruling body for the Competition or appoints the technical officials for the Competition.

International-Level Athlete: Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations. For the sport of Aquatics, International-Level Athletes are defined as set out in the 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 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 Organisations: The continental associations of National Olympic Committees and other international multi-sport organisations that function as the ruling body for any continental, regional or other International Competition.

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 World Aquatics in a country or a sport country recognized by World Aquatics in accordance with the World Aquatics 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.

National Anti-Doping 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, manage test results, and conduct Results 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 compete in sport at the national level, as defined by each National Anti-Doping Organisation, consistent with the International Standard for Testing and Investigations.

National Olympic Committee: The 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 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 Protected Person or Recreational Athlete, for any violation of Art. 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.**

No Significant Fault or Negligence: The Athlete or other Person's establishing that any 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 Protected Person or Recreational Athlete, for any violation of Art. 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.

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 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 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 Organisation. 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 Organisation 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 anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, World Aquatics must establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. 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 Art. 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Art. 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 Art. 7.4.3, 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 World Aquatics consistent with the International Standard for Testing and Investigations) or 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 has been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation or National Anti-Doping Organisation.

[Comment to Recreational Athlete: The term "open category" is meant to exclude competition that is limited to junior or age group categories.]

Regional Anti-Doping 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 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 Organisations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organisation's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 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 accepting the Code and agreeing to implement with the Code as provided in Article 23 of the Code.

Specified Method: See Art. 4.2.2.

Specified Substance: See Art. 4.2.2.

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

Substance of Abuse: See Art. 4.2.3.

Substantial Assistance: For purposes of Art. 10.7.1, 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 Art. 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 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 or proceeding could have been brought.

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 Art. 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.

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

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 Art. 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 Person or any other Person subject to the authority of an Anti-Doping Organisation to any third party; provided, however, this definition shall not include the actions of “bona fide” medical personnel involving a Prohibited Substance Used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

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.



Without Prejudice Agreement: For purposes of Art. 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.

~~FINA DOPING CONTROL RULES~~

Approved by FINA on 12 December 2022

INTRODUCTION

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DC 24 — FINAL PROVISIONS

APPENDIX 1 – DEFINITIONS APPLICABLE TO DOPING CONTROL RULES



FÉDÉRATION
INTERNATIONALE
DE NATATION

DOPING CONTROL RULES

In force as from 1 January 2023

CHAPTER B – INTRODUCTION

Preface

PREFACE

These Anti-Doping Rules are adopted and implemented in accordance with FINA's World Aquatics' responsibilities under the Code, and in furtherance of FINA's World Aquatics' 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 at enforcing anti-doping rules in a global and harmonized manner, they are distinct in nature from criminal and civil laws. They are not intended to be subject to or limited by any national requirements and legal standards applicable to 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, 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.

The AQIU is an operational unit of FINA World Aquatics that has been established to ~~help FINA to (inter alia) comply~~ ensure World Aquatics' compliance with its obligations as a Signatory to the World Anti-Doping Code, including ~~by exercising the powers~~ exercise of FINA World Aquatics' power under these Anti-Doping Rules. ~~FINA has delegated part of the implementation of these Anti-Doping Rules to the AQIU, including education, prosecution and adjudication of alleged anti-doping rule violations, first instance hearings and appeals.~~ As such, references in these Anti-Doping Rules to FINA World Aquatics will, where applicable, be references to the AQIU acting on behalf of FINA World Aquatics. For the avoidance of doubt, while the AQIU may act on FINA's World Aquatics' behalf, FINA World Aquatics will be considered as the party asserting anti-doping rule violations and for the purposes of any actions taken within the ~~results management~~ Results Management process, as the responding party in the appeals, and as the party in any other matter under these Anti-Doping Rules where that role would appropriately fall to a Signatory under the World Anti-Doping Code.

The AQIU may delegate any aspect of ~~Doping Control or Education~~ World Aquatics' obligations under the Code to a Delegated Third Party, ~~such as the International Testing Agency (ITA)~~. However, the AQIU will require the Delegated Third Party to perform such aspects in compliance with the World Anti-Doping Code, International Standards, and these Anti-Doping Rules, and remains responsible for such compliance. Any relevant reference to FINA World Aquatics in these Anti-Doping Rules ~~encompasses any such Delegated Third Party, where applicable and~~ within the context of ~~the aforementioned~~ delegation includes any such Delegated Third Party.

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

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



FÉDÉRATION
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DOPING CONTROL RULES

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

FUNDAMENTAL RATIONALE FOR THE CODE

AND WORLD AQUATICS' ANTI-DOPING RULES

Anti-doping programs are founded on the intrinsic value of sport. This intrinsic value is often referred to as "the spirit of sport": the ethical pursuit of human excellence through the dedicated perfection of each Athlete's natural talents.

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

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:

- (a) FINA World Aquatics and the AQIU, including ~~its~~ their 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 World Aquatics' Member Federations, Continental Organisations, regional and other sport organisations consisting of 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;

~~(e)~~ the following Athletes, Athlete Support Personnel and other Persons:

- ~~(i)~~ all Athletes and Athlete Support Personnel who are members of or affiliated to FINA World Aquatics, or any Member Federation, or any member or affiliate organisation of any Member Federation (including any clubs, teams, associations, or leagues);
- ~~(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 World Aquatics, or any Member Federation, or by any member or affiliate organisation of any Member Federation (including any clubs, teams, associations, or leagues), wherever held;
- ~~(iii)~~ all 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 authority of FINA World Aquatics, or of any Member Federation, or of any member or affiliate 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 World Aquatics 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 World Aquatics to enforce these Anti-Doping Rules, including any Consequences for the breach thereof, and to the jurisdiction of the hearing panels specified in DC Art. 8 and DC Art. 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 (e.g., Testing, TUEs, whereabouts information, Results Management, and appeals) shall apply to such Athletes:

a) Athletes included in the FINA World Aquatics Registered Testing Pool (RTP) or in the FINA World Aquatics Testing Pool (TP) (if any); ~~or and~~

~~b) Athletes during their participation in the following Competitions; or~~

- ~~— FINA Swimming World Cups~~
- ~~— FINA World Championships~~
- ~~— FINA organized by World Swimming Championships (25m)~~
- ~~— FINA Aquatics, as published on the World Aquatics Competitions calendar on its website (<http://www.fina.org/calendar>), with the exception of 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~~
- ~~— 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~~

~~e) b) U16, U18, U20 and Masters competitions. Such Athletes during their participation in any other shall be considered as International-Level Athletes starting three months prior to the concerned Competition from the FINA Calendar, excluding the Olympic Games, and until the Youth Olympic Games and end of the Competitions from the Non-FINA Calendar. The FINA Calendar is available on the FINA website corresponding calendar year.~~

All Member Federations shall comply with these Anti-Doping Rules. The regulations of Member Federations shall indicate that all FINA World Aquatics 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.

~~DC~~

CHAPTER C – ANTI-DOPING ARTICLES

ART. 1 **DEFINITION OF DOPING**

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in DC Art. 2.1 through DC Art. 2.11 of these Anti-Doping Rules.

~~FINA-DC Rules, valid as of 01.01.2023~~ ~~22~~

DCArt. 2 __ ANTI-DOPING RULE VIOLATIONS

The purpose of DCArt. 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:

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

DCArt. 2.1.1 ____ It is the Athletes' personal duty to ensure that no Prohibited Substance enters 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 or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under DCArt. 2.1.

[Comment to DCArt. 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 DCArt. 10. This principle has consistently been upheld by CAS.]

DCArt. 2.1.2 ____ Sufficient proof of an anti-doping rule violation under DCArt. 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 (2) parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample or the Athlete waives analysis of the confirmation part of the split Sample.

[Comment to DCArt. 2.1.2: The Anti-Doping Organisation with 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.]

DCArt. 2.1.3 ____ Excepting those substances for which a 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.

DCArt. 2.1.4 _As an exception to the general rule of **DCArt. 2.1**, the Prohibited List or International Standards or Technical Documents may establish special criteria for reporting or the evaluation of certain Prohibited Substances.

DCArt. 2.2 **Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method**

*[Comment to **DCArt. 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 **DCArt. 3.2**, unlike the proof required to establish an anti-doping rule violation under **DCArt. 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 **DCArt. 2.1**.*

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

DCArt. 2.2.1 ___It is the Athletes’ personal duty to ensure that no Prohibited Substance enters their bodies and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Athlete’s part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.

DCArt. 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 **DCArt. 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 **DCArt. 2.1** and violations of **DCArt. 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 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 **DCArt. 2.1** regardless of when that Substance might have been administered.]

DCArt. 2.3 **Evading, Refusing or Failing to Submit to Sample Collection by an Athlete**

Evading Sample collection, or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorized Person.

[Comment to DC Art. 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 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 Art. 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 Results Management, within a twelve (12) month period by an Athlete in a Registered Testing Pool.

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

DC Art. 2.6 ___ Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person

DC Art. 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 (“TUE”) granted in accordance with DC Art. 4.4 or other acceptable justification.

DC Art. 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 Art. 4.4 or other acceptable justification.

[Comment to DC Art. 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 Art. 2.6.1 and DC Art. 2.6.2: Acceptable justification 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-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.]

DCArt. 2.7 __ Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or Other Person

DCArt. 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.

DCArt. 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 DCArt. 10.14.1 by another Person.

DCArt. 2.10 __ Prohibited Association by an Athlete or Other Person

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

DCArt. 2.10.1.1 __ If subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility; or

DCArt. 2.10.1.2 __ If not subject to the authority of an Anti-Doping Organisation and where Ineligibility has not been addressed in a Results Management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

DCArt. 2.10.1.3 __ Is serving as a front or intermediary for an individual described in DCArt. 2.10.1.1 or 2.10.1.2.

DCArt. 2.10.2

To establish a violation of DCArt. 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 Person described in DCArt. 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 Organisations that are aware of Athlete Support Person who meet the criteria described in DCArt. 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to WADA.

[Comment to [DCArt. 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 [DCArt. 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.]

[DCArt. 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 [DCArt. 2.5](#):

[DCArt. 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.

[DCArt. 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 [DCArt. 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.

[Comment to [DCArt. 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 [DCArt. 2.11](#), a report is not made in good faith where the Person making the report knows the report to be false.]

DCART. 3 __ PROOF OF DOPING

DCArt. 3.1 __ Burdens and Standards of Proof

[FINAWorld Aquatics](#) shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether [FINAWorld Aquatics](#) 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 [DCArt. 3.2.2](#) and [DCArt. 3.2.3](#), the standard of proof shall be by a balance of probability.

[Comment to [DCArt. 3.1](#): This standard of proof required to be met by [FINAWorld Aquatics](#) is comparable to the standard which is applied in most countries to cases involving professional misconduct.]

DCArt. 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 [DCArt. 3.2](#): For example, [FINAWorld Aquatics](#) may establish an anti-doping rule violation under [DCArt. 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 [DCArt. 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.]

DCArt. 3.2.1 __ Analytical methods or Decision Limits approved by WADA after consultation within the relevant scientific community 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. 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 [the CAS appeals division](#), at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

[Comment to [DCArt. 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.]

DCArt. 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 World Aquatics](#) shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

[Comment to [DCArt. 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 satisfies these standards, the burden shifts to [FINA World Aquatics](#) to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

DCArt. 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 shall not invalidate analytical results or other evidence of an anti-doping rule violation, 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 one of the specific International Standard provisions listed below could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or whereabouts failure, then [FINA World Aquatics](#) shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the whereabouts failure:

*[Comment to **DCArt. 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 World Aquatics'** violation of the Athletes' Anti-Doping Rights Act shall not constitute a defense to an anti-doping rule violation.]*

~~(i) (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 World Aquatics** shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;

~~(ii) (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 World Aquatics** shall have the burden to establish that such departure did not cause the anti-doping rule violation;

~~(iii) (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 World Aquatics** shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;

*[Comment to **DCArt. 3.2.3.3**: **FINA World Aquatics** 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) (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 World Aquatics** shall have the burden to establish that such departure did not cause the whereabouts failure.

DCArt. 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.

DCArt. 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 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 [FINAWorld Aquatics](#).

DCART. 4 THE PROHIBITED LIST

DCArt. 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.

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-World Aquatics](#). 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.

[FINAWorld Aquatics](#) 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 DCArt. 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.]

DCArt. 4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

DCArt. 4.2.1 Prohibited Substances and Prohibited Methods

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. 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 **DCArt. 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.]*

DCArt. 4.2.2 ___ Specified Substances or Specified Methods

For purposes of the application of **DCArt. 10**, all Prohibited Substances shall be Specified Substances except as identified on the Prohibited List. No Prohibited Method shall be a Specified Method unless it is specifically identified as a Specified Method on the Prohibited List.

*[Comment to **DCArt. 4.2.2**: The Specified Substances and Methods identified in **DCArt. 4.2.2** should not in any way be considered less important or less dangerous than other doping 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.]*

DCArt. 4.2.3 ___ Substances of Abuse

For purposes of applying **DCArt. 10**, Substances of Abuse shall include those Prohibited Substances which are specifically identified as Substances of Abuse on the Prohibited List because they are frequently abused in society outside of the context of sport.

DCArt. 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, the classification of 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.

DCArt. 4.4 ___ Therapeutic Use Exemptions ("TUEs")

DCArt. 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.

DCArt. 4.4.2 ___ TUE Applications

DCArt. 4.4.2.1 _____ Athletes who are not International-Level Athletes should apply to their National Anti-Doping Organisation for a TUE. If the National Anti-Doping Organisation denies the application, the Athlete may appeal exclusively to the appellate body described in **DCArt. 13.2.2**.

DCArt. 4.4.2.2 _____ Athletes who are International-Level Athletes shall apply to **FINA World Aquatics**.

DCArt. 4.4.3 TUE Recognition

DCArt. 4.4.3.1 _____ Where the Athlete already has a TUE granted by ~~his or her~~**their** National Anti-Doping ~~Organisation~~**Organization pursuant to Article 4.4 of the Code** for the substance or method in question, ~~then and provided~~ that **such** TUE ~~is not automatically valid for international-level Competition. However, the Athlete may apply to FINA to recognize that TUE, has been reported~~ in accordance with Article **75.5** 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, World Aquatics will automatically 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 Organisation or Member Federation as without the need to review the relevant, promptly, with reasons. The Athlete and/or the National Anti-Doping 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 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 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: If FINA refuses to recognize a TUE granted by a National Anti-Doping Organisation only because medical records or other clinical 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.]~~

~~[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]~~

~~DC 4.4.3.2 If FINA chooses to test an Athlete who is not an International Level Athlete,~~

~~FINA Art. 4.4.3.2~~ If World Aquatics chooses to test an Athlete who is not an International-Level Athlete, World Aquatics 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.

DC Art. 4.4.4 TUE Application Process

~~DC Art. 4.4.4.1~~ If the Athlete does not already have a TUE granted by their National Anti-Doping Organisation for the substance or method in question, the Athlete must apply directly to [FINA World Aquatics](#).

~~DC Art. 4.4.4.2~~ An application to [FINA World Aquatics](#) 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 Article 6 of the International Standard for Therapeutic Use Exemptions as posted on [FINA's World Aquatics'](#) website.

~~DC Art. 4.4.4.3~~ [FINA World Aquatics](#) 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) (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) (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 World Aquatics](#).
- ~~c) (c)~~ When an application to [FINA World Aquatics](#) 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) (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). 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.

DCArt. 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~~endeavours to issue its decision before the start of the Competition.

DCArt. 4.4.4.5 _ The TUEC decision shall be the final decision of FINAWorld Aquatics and may be appealed in accordance with DCArt. 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.

DCArt. 4.4.4.6 _ If FINAWorld Aquatics denies the Athlete's application, it must notify the Athlete promptly, with reasons. If FINAWorld Aquatics grants the Athlete's application, it must notify not only the Athlete but also their National Anti-Doping Organisation. If the National Anti-Doping Organisation considers that the TUE granted by FINAWorld Aquatics 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 DCArt. 4.4.7.

If the National Anti-Doping Organisation refers the matter to WADA for review, the TUE granted by FINAWorld Aquatics 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 Organisation does not refer the matter to WADA for review, the TUE granted by FINAWorld Aquatics becomes valid for national-level Competition as well when the twenty-one (21) day review deadline expires.

[Comment to DCArt. 4.4.4: The submission of falsified documents to a TUEC or FINAWorld Aquatics, 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 DCArt. 2.5.

An Athlete should not assume that 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.]

DCArt. 4.4.5 __ **Retroactive TUE Applications**

If FINAWorld Aquatics 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, FINAWorld Aquatics must permit that Athlete to apply for a retroactive TUE.

DCArt. 4.4.6 _____ Expiration, Withdrawal or Reversal of a TUE

DCArt. 4.4.6.1 _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) will be withdrawn if the Athlete does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the TUE; (c) may be withdrawn by 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.

DCArt. 4.4.6.2 _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, withdrawal or reversal of the TUE. The review pursuant to Article 5.1.1.1 of the International Standard for Results Management of an Adverse Analytical Finding _reported shortly after the TUE expiry, withdrawal or reversal, shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

DCArt. 4.4.7 _____ Reviews and Appeals of TUE Decisions

DCArt. 4.4.7.1 _WADA shall review any decision by [FINAWorld Aquatics](#) not to recognize a TUE granted by the National Anti-Doping Organisation that is referred to WADA by the Athlete or the Athlete's National Anti-Doping Organisation. In addition, WADA shall review any decision by [FINAWorld Aquatics](#) to grant a TUE that is referred to WADA by the Athlete's National Anti-Doping Organisation. 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. -

DCArt. 4.4.7.2 _Any TUE decision by [FINAWorld Aquatics](#) 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 Organisation exclusively to [the CAS appeals division](#), in accordance with [DCArt. 13](#).

[Comment to [DCArt. 4.4.7.2](#): In such cases, the decision being appealed is the [FINA'sWorld Aquatics](#)' 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.]

DCArt. 4.4.7.3 _A decision by WADA to reverse a TUE decision may be appealed by the Athlete, the National Anti-Doping Organisation and/or [FINAWorld Aquatics](#) exclusively to [the CAS appeals division](#), in accordance with [DCArt. 13](#).

DCArt. 4.4.7.4 ____ A failure to 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.

DCART. 5- TESTING AND INVESTIGATIONS

DCArt. 5.1 Purpose of Testing and Investigation

DCArt. 5.1.1 ____ Testing and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations and any protocols of [FINA World Aquatics](#) supplementing that International Standard.

DCArt. 5.1.2 ____ Testing shall be undertaken to obtain analytical evidence as to whether the Athlete has violated [DCArt. 2.1](#) (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) or [DCArt. 2.2](#) (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method).

[Comment to [DCArt. 5.1](#): Where Testing is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the Anti-Doping Organisation's rules. See, e.g., Comment to Article 23.2.2 of the Code.]

DCArt. 5.2 Authority to Test

DCArt. 5.2.1 ____ Subject to the limitations for Competition Testing set out in Article 5.3 of the Code, [FINA World Aquatics](#) shall have In-Competition and Out-of-Competition Testing authority over all Athletes specified in the Introduction to these Anti-Doping Rules (under the heading "Scope").

DCArt. 5.2.2 [FINA World Aquatics](#) 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.

[Comment to [DCArt. 5.2.2](#): [FINA World Aquatics](#) 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 between the hours of 11:00 p.m. and 6:00 a.m., or has otherwise consented to Testing during that period, [FINA World Aquatics](#) will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether [FINA World Aquatics](#) 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.]

DCArt. 5.2.3 ____ WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.10 of the Code.

DCArt. 5.2.4 If [FINAWorld Aquatics](#) delegates or contracts any part of Testing to a National Anti-Doping Organisation directly or through a Member Federation, that National Anti-Doping Organisation may collect additional Samples or direct the Laboratory to perform additional types of analysis at the National Anti-Doping Organisation's expense. If additional Samples are collected or additional types of analysis are performed, [FINAWorld Aquatics](#) shall be notified.

DCArt. 5.3 Competition Testing

DCArt. 5.3.1 Except as otherwise provided below, only a single organisation shall have authority to conduct Testing at Competition Venues during a Competition Period. At International Competitions ~~included on the FINA Calendar~~ [organized by World Aquatics](#), as published on the [FINAWorld Aquatics](#) website, ~~excluding the Non-Fina Calendar~~, the collection of Samples shall be initiated and directed by [FINAWorld Aquatics](#). Any Testing during the [FINAWorld Aquatics](#) Competition Period outside of the Competition Venues shall be coordinated with [FINAWorld Aquatics](#).

At other Competitions, including National Competitions and Competitions organized by [FINAWorld Aquatics](#) 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 and be responsible to conduct Testing. Notwithstanding the foregoing, [FINAWorld Aquatics](#) 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.

DCArt. 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 [FINAWorld Aquatics](#) (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 [FINAWorld Aquatics](#) (or any other ruling body of the Competition) the Anti-Doping Organisation may, in accordance with procedures 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 [FINAWorld Aquatics](#) (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 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.

[Comment to DC Art. 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 World Aquatics Calendar, as published on the FINA World Aquatics website, excluding the Non-FINA World Aquatics 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 Art. 5.3.3 World Records and National Records

DC Art. 5.3.3.1 Any Athlete equaling or breaking a World Record or World Junior Record in Swimming, as defined in the FINA World Aquatics Swimming Rules, shall be tested immediately after the race, or at the latest, within 24 hours after of the ~~the~~ conclusion of the Event. No World Record / World Junior 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 / World Junior Record, only the four Athletes who swam this specific race must be tested.

DC Art. 5.3.3.2 Should an Athlete equal or break a national record or continental record in a FINA World Aquatics Competition and not otherwise be selected for Testing, and the Rules of the Member Federation or Continental Organization of the Athlete are similar to DC Art. 5.3.3.2~~1~~, the Member Federation may request FINA World Aquatics to conduct Testing on such Athlete upon payment of a fee reasonably determined by FINA World Aquatics to cover the costs of the test.

DC Art. 5.4 Testing Requirements

DC Art. 5.4.1 FINA World Aquatics shall conduct test distribution planning and Testing as required by the International Standard for Testing and Investigations.

DC Art. 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 Art. 5.5 Athlete Whereabouts Information

DC Art. 5.5.1 FINA World Aquatics has established a FINA World Aquatics Registered Testing Pool of those Athletes who are required to provide whereabouts information in the manner specified in the International Standard for Testing and Investigations and who shall be subject to Consequences for DC Art. 2.4 violations as provided in DC Art. 10.3.2. FINA World Aquatics shall coordinate with National Anti-Doping Organisations to identify such Athletes and to collect their whereabouts information.

DCArt. 5.5.2 FINA World Aquatics shall make available through ADAMS a list which identifies those Athletes included in FINA's World Aquatics' Registered Testing Pool by name. FINA World Aquatics shall regularly review and update as necessary its criteria for including Athletes in its Registered Testing Pool and shall periodically (but not less than quarterly) review the list of Athletes in its Registered Testing Pool to ensure that each listed Athlete continues to meet the relevant criteria. Athletes shall be notified before they 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.

DCArt. 5.5.3 ___ Where an Athlete is included in FINA's World Aquatics' Registered Testing Pool and in a national Registered Testing Pool by their National Anti-Doping Organisation, the National Anti-Doping Organisation and FINA World Aquatics shall agree between themselves which of them shall accept that Athlete's whereabouts filings; in no case shall an Athlete be required to make whereabouts filings to more than one of them.

DCArt. 5.5.4 ___ In accordance with the International Standard for Testing and Investigations, it is the responsibility of each Athlete in the FINA World Aquatics Registered Testing Pool to:

~~(a)~~ **a)** ___ advise FINA World Aquatics of his or her whereabouts on a quarterly basis; update that information as necessary so that it remains accurate and complete at all times;

~~(b)~~ **b)** ___ make himself or herself available for Testing at such whereabouts.

DCArt. 5.5.5 ___ For purposes of DCArt. 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 Results Management, where the conditions set forth in Annex B are met. Furthermore, if the Athlete cannot be found for unannounced Testing due to incorrect or insufficient information provided to FINA World Aquatics, the Member Federation to which the Athlete is affiliated shall be obliged to reimburse the costs of the unsuccessful attempt of Testing in accordance with DCArt. 12.4.

DCArt. 5.5.6 ___ An Athlete in FINA's World Aquatics' 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)~~ **a)** ___ the Athlete gives written notice to FINA World Aquatics that he or she has retired or

~~(b)~~ **b)** ___ FINA World Aquatics has informed him or her that he or she is no longer designated for inclusion in FINA's World Aquatics' Registered Testing Pool.

DCArt. 5.5.7 Whereabouts information provided by an Athlete while in the Registered Testing Pool will be accessible through ADAMS to WADA and to other Anti-Doping Organisations having authority to test that Athlete. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes 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-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.

DCArt. 5.5.8 In accordance with the International Standard for Testing and Investigations, [FINA World Aquatics](#) has established a Testing Pool, which includes Athletes who are subject to less stringent whereabouts requirements than Athletes included in [FINA's World Aquatics'](#) Registered Testing Pool.

DCArt. 5.5.9 [FINA World Aquatics](#) 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 [DCArt. 5.5.10](#) and [DCArt. 5.5.11](#).

DCArt. 5.5.10 Athletes included in the Testing Pool shall provide [FINA World Aquatics](#) 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.

DCArt. 5.5.11 An Athlete's failure to provide whereabouts information on or before the date required by [FINA World Aquatics](#) or the Athlete's failure to provide accurate whereabouts information or to update it may result in [FINA World Aquatics](#) elevating the Athlete to [FINA's World Aquatics'](#) Registered Testing Pool.

DCArt. 5.5.12 FINA World Aquatics 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 World Aquatics or the Athlete's failure to provide accurate whereabouts information may result in FINA World Aquatics elevating the Athlete to FINA's World Aquatics' Registered Testing Pool.

DCArt. 5.6 Retirement and Return to Competition

DCArt. 5.6.1 ___If an International-Level Athlete or National-Level Athlete in FINA's World Aquatics' Registered Testing Pool retires and then wishes to return to active participation in sport, the Athlete shall not compete in International Competitions or National Competitions until the Athlete has made himself or herself available for Testing, by giving six (6) months prior written notice to FINA World Aquatics and their National Anti-Doping Organisation.

WADA, in consultation with FINA World Aquatics and the 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 unfair to the Athlete. This decision may be appealed under DCArt. 13.

Any competitive results obtained in violation of this 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.

DCArt. 5.6.2 ___If an Athlete retires from sport while subject to a period of Ineligibility, the Athlete 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 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 (6) months) to FINA World Aquatics and to their National Anti-Doping Organisation.

DCArt. 5.7 Investigation and Intelligence Gathering

Art. 5.7.1 World Aquatics shall ensure that it has the capability to conduct investigations and gather intelligence as required by the International Standard for Testing and Investigations and any protocols of World Aquatics supplementing that International Standard.

Art. 5.7.2 In addition to conducting Testing in accordance with Article 5 above, World Aquatics, AQIU and its Delegated Third Parties shall have the power to gather intelligence and conduct investigations in accordance with the requirements of the Code and the International Standard for Testing and Investigations into matters that may evidence or lead to the discovery of evidence of an anti-doping rule violation or other breach of these Anti-Doping Rules. Such investigations may be conducted in conjunction with, and/or information obtained in such investigations may be shared with, other Signatories and/or relevant authorities. World Aquatics shall have discretion, where it deems it appropriate, to stay its own investigation pending the outcome of investigations being conducted by other Signatories and/or other relevant authorities.

Art. 5.7.3 Where an Athlete or other Person knows or suspects that any other Athlete or other Person has committed an anti-doping rule violation or other breach of these Anti-Doping Rules, it shall be the obligation of the Athlete or other Person to report such knowledge or suspicion to World Aquatics as soon as possible. The Athlete or other Person shall have a continuing obligation to report any new knowledge or suspicion regarding any anti-doping rule violation or other breach of these Anti-Doping Rules to World Aquatics even if their prior knowledge or suspicion has already been reported.

Art. 5.7.4 World Aquatics may at any stage (including after an anti-doping rule violation charge) make a Demand to an Athlete or other Person to provide World Aquatics with any information, record, article or thing in their possession or control that World Aquatics reasonably believes may evidence or lead to the discovery of evidence of an anti-doping rule violation or other breach of these Anti-Doping Rules.

Art. 5.7.5 Without limiting the foregoing, pursuant to Article 5.7.4, World Aquatics may require an Athlete or other Person to:

- a) attend before World Aquatics for an interview, or to answer any question, or to provide a written statement setting out their knowledge of any relevant facts and circumstances;
- b) provide (or procure to the best of their ability the provision by any third party) for inspection, copying and/or downloading any records or file in hardcopy or electronic format, that World Aquatics reasonably believes may contain relevant information (such as itemized telephone bills, bank statements, ledgers, notes, files, correspondence, emails, messages, servers);
- c) provide (or procure to the best of their ability the provision by any third party) for inspection, copying and/or downloading any electronic storage device in which World Aquatics reasonably believes relevant information may be stored (such as cloud-based servers, computers, hard drives, tapes, disks, mobile telephones, laptop computers, tablets and other mobile storage devices);

d) provide full and unlimited access to their premises for the purpose of securing information, records, articles or things the subject of a Demand;

e) provide passwords, login credentials and other identifying information required to access electronically stored records that are the subject of a Demand.

Art. 5.7.6 Subject to Article 5.7.7, an Athlete or other Person must comply with a Demand in such reasonable period of time as determined by World Aquatics and set out in the Demand. Each Athlete or other Person waives and forfeits any rights, defenses and privileges provided by any law in any jurisdiction to withhold any information, record, article or thing requested in a Demand.

Art. 5.7.7 If an Athlete or other Person refuses without compelling justification to comply with the Demand such conduct shall be considered as a Failure to Cooperate.

Art. 5.7.8 Where a Demand relates to any information, record, or thing that World Aquatics reasonably believes is capable of being damaged, altered, destroyed or hidden (any electronic storage device or electronically stored information shall be deemed to meet this criterion), then for the purposes of preserving the evidence, World Aquatics may require an Athlete or other Person to comply immediately with the Demand. In such a case:

a) the Athlete or other Person must immediately comply with the Demand and permit World Aquatics to take immediate possession of, copy and/or download the information, record, article or thing;

b) in case of a refusal or failure by an Athlete or other Person to comply immediately with the Demand, without compelling justification, shall be considered as a Failure to Cooperate. Any attempted or actual damage, alteration, destruction or hiding of such information, record, article or thing upon receipt of or after the Demand shall be considered as an anti-doping rule violation under Article 2.5 (Tampering or Attempted Tampering).

Art. 5.7.9 Any information, record, article or thing provided to World Aquatics under this Article will be kept confidential except when it becomes necessary to disclose such information, record, article or thing to further the investigation of and/or to bring, or as part of, proceedings relating to an anti-doping rule violation or other breach of these Anti-Doping Rules, or when such information, record, article or thing is reported to administrative, professional or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations, or is otherwise required by law.

Art. 5.7.10 If an Athlete or other Person obstructs or delays an investigation (e.g., by providing false, misleading or incomplete information or documentation and/or by tampering or destroying any documentation or other information that may be relevant to the investigation), such conduct shall be considered as an anti-doping rule violation under Article 2.5 (Tampering or Attempted Tampering).

Art 5.7.11 The range of consequences for a Failure to Cooperate are the following: provisional suspension, imposition of a period of ineligibility up to six years to participate in the sport of Aquatics within the meaning of Article 10.14 and/or disqualification of results, including forfeiture of titles, awards, medals, points and prize money.

Art. 5.7.12 The hearing procedure set forth in Article 8 shall apply to Failure to Cooperate. The CAS ADD shall impose the consequences as it sees fit considering the circumstances of the case. The burdens and standards of proof provided for in Article 3 apply to the proceedings for Failure to Cooperate.

Art. 5.7.13 Where during the course of an investigation, World Aquatics identifies any additional Athlete or Person whom it considers should be investigated for a potential anti-doping rule violation or other breach of these Anti-Doping Rules, the investigation may be expanded to deal with their respective involvement.

Art. 5.8 Independent Observer Program

FINAWorld Aquatics and the organizing committees for FINA'sWorld Aquatics' 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.

DCART. 6 ANALYSIS OF SAMPLES

Samples shall be analysed in accordance with the following principles:

DCArt. 6.1 Use of Accredited, Approved Laboratories and Other Laboratories

DCArt. 6.1.1 For purposes of directly establishing an Adverse Analytical Finding under DCArt. 2.1, Samples shall be analysed only in WADA-accredited Laboratories or Laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved Laboratory used for the Sample analysis shall be determined exclusively by FINAWorld Aquatics for Testing conducted by FINAWorld Aquatics.

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

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

[DCArt. 6.2](#) Purpose of Analysis of Samples and Data

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 World Aquatics](#) 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.

[Comment to [DCArt. 6.2](#): For example, relevant Doping Control-related information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under [DCArt. 2.2](#) or both.]

[DCArt. 6.3](#) Research on Samples and Data

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 shall first be processed in such a manner as to prevent Samples and related analytical data or Doping Control information being traced back to a particular 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.

[Comment to [DCArt. 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.]

[DCArt. 6.4](#) Standards for Sample Analysis and Reporting

In accordance with Article 6.4 of the Code, Laboratories shall analyze Samples in conformity with the International Standard for Laboratories and Article 4.7 of the International Standard for Testing and Investigations.

Laboratories at their own initiative and expense may analyze Samples for Prohibited Substances or Prohibited Methods not included on the standard Sample analysis menu, or as requested by [FINA-World Aquatics](#). Results from any such analysis shall be reported to [FINA-World Aquatics](#) and have the same validity and Consequences as any other analytical result.

[Comment to [DCArt. 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.]

[DCArt. 6.5](#) Further Analysis of Sample Prior to or During Results Management

There shall be no limitation on the authority of a Laboratory to conduct repeat or additional analysis on a Sample prior to the time [FINA-World Aquatics](#) notifies an Athlete that the Sample is the basis for a [DCArt. 2.1](#) anti-doping rule violation charge. If after such notification [FINA-World Aquatics](#) wishes to conduct additional analysis on that Sample, it may do so with the consent of the Athlete or approval from a hearing body.

[DCArt. 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 [DCArt. 6.2](#) at any time exclusively at the 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.

[DCArt. 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.

[DCArt. 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 **DCArt. 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.]

DCART. 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.

DCArt. 7.1-___ Responsibility for Conducting Results Management

DCArt. 7.1.1 _ Except as otherwise provided in **DCArt.** 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 **FINAWorld Aquatics** if the Athlete's Biological Passport is under **FINA'sWorld Aquatics'** custody.

DCArt. 7.1.2 ___ In circumstances where the rules of a National Anti-Doping Organisation do not give the National Anti-Doping Organisation authority over an Athlete or other Person who is not a national, resident, license holder, or member of a sport organisation of that country, or the National Anti-Doping Organisation declines to exercise such authority, Results Management shall be conducted by **FINAWorld Aquatics** or by another Anti-Doping Organisation who has authority Athlete or other Person, as directed by **FINAWorld Aquatics**.

DCArt. 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 **FINAWorld Aquatics** for completion of Results Management.

DCArt. 7.1.4 ___ Results Management in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by **FINAWorld Aquatics** 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 **FINAWorld Aquatics** 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.

DCArt. 7.1.5 ___ Other circumstances in which **FINAWorld Aquatics** 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.

DCArt. 7.1.6 WADA may direct [FINAWorld Aquatics](#) to conduct Results Management in particular circumstances. If [FINAWorld Aquatics](#) 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 [FINAWorld Aquatics](#) or, if there is no such Anti-Doping Organisation, any other Anti-Doping Organisation that is willing to do so. In such case, [FINAWorld Aquatics](#) 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.

DCArt. 7.1.7 [FINA](#) [World Aquatics](#) 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.

DCArt. 7.2 **Review and Notification Regarding Potential Anti-Doping Rule Violations**

[FINAWorld Aquatics](#) 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.~~

DCArt. 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, [FINAWorld Aquatics](#) shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organisations to determine whether any prior anti-doping rule violation exists.

DCArt. 7.4 **Provisional Suspensions**

DCArt. 7.4.1 **Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding**

If [FINAWorld Aquatics](#) receives an Adverse Analytical Finding or 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, [FINAWorld Aquatics](#) shall impose a Provisional Suspension on the Athlete promptly upon or after notification to the Athlete.

In all such cases, the Athlete shall be given an opportunity for a Provisional Hearing in front of the ~~FINA Doping Panel~~CAS ADD as per [DCArt. 7.4.3](#) either (at the election of [FINAWorld Aquatics](#)) before imposition of the Provisional Suspension or on a timely basis after imposition of the Provisional Suspension.

DCArt. 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

FINAWorld Aquatics may impose a Provisional Suspension for anti-doping rule violations not covered by DCArt. 7.4.1 prior to the analysis of the Athlete's B Sample or final hearing as described in DCArt. 8. Provided, however, that such Provisional Suspension may not be imposed unless the Athlete or other Person is given an opportunity for a Provisional Hearing in front of the FINA Doping Panel/CAS ADD as per DCArt. 7.4.3 either (at the election of FINAWorld Aquatics) before imposition of the Provisional Suspension or on a timely basis after imposition of the Provisional Suspension.

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

DCArt. 7.4.3 Provisional Hearing or Appeal

A mandatory Provisional Suspension imposed under DCArt. 7.4.1 may be eliminated if the Athlete demonstrates to FINA's Doping Panel the CAS ADD that:

- ~~(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; or
- (ii) the violation involves a Substance of Abuse and the Athlete establishes entitlement to a reduced period of Ineligibility under DCArt. 10.2.4.1; ~~or~~

A Provisional Suspension imposed under Art. 7.4.2 may be eliminated if the Athlete demonstrates to the CAS ADD that:

- ~~(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 Art. 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 FINAWorld Aquatics 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~~CAS ADD. 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~~the CAS ADD.

Unless the ~~FINA Doping Panel~~CAS ADD 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~~CAS ADD's decision not to eliminate a mandatory Provisional Suspension on account of the Athlete's assertion regarding a Contaminated Product shall not be appealable.

~~DC~~Art. 7.4.4 ___ Voluntary Acceptance of Provisional Suspension

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 if done so within ten (10) days from the notice of the asserted anti-doping rule violation.

Upon such voluntary acceptance, the Provisional Suspension shall have the full effect and be treated in the same manner as if the Provisional Suspension had been imposed under ~~DC~~Art. 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.

DCArt. 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 [FINAWorld Aquatics](#)) 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 [DCArt. 2.1](#). In circumstances where the Athlete has been removed from a Competition based on a violation of [DCArt. 2.1](#) and the subsequent B Sample analysis does not confirm the A Sample finding, then, if it is still possible for the Athlete to be reinserted, without otherwise affecting the Competition, the Athlete may continue to take part in the Competition.

DCArt. 7.5 Results Management Decisions

Results Management decisions or adjudications by [FINAWorld Aquatics](#) must not purport to be limited to a particular geographic area or ~~the FINA's World Aquatics'~~ 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 Consequences flowing from the anti-doping rule violation(s), including applicable Disqualifications under [DCArt. 9](#) and [DCArt. 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 [DCArt. 7.5](#): Results Management decisions include Provisional Suspensions.

Each decision by [FINAWorld Aquatics](#) 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 [DCArt. 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.]

DCArt. 7.6 Notification of Results Management Decisions

[FINAWorld Aquatics](#) 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.

DCArt. 7.7. Retirement from sport

If an Athlete or other Person retires while ~~the FINA's World Aquatics'~~ Results Management process is underway, FINA World Aquatics retains authority to complete its Results Management process. If an Athlete or other Person retires before any Results Management process has begun, and FINA World Aquatics 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 World Aquatics has authority to conduct Results Management.

[Comment to DCArt. 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 legitimate basis for denying the Athlete or other Person membership in a sports organization.]

DCART. 8 HEARING

When FINA World Aquatics sends a notice to an Athlete or other Person notifying them of a potential anti-doping rule violation, or other breach of the Anti-Doping Rules, and the Athlete or other Person does not waive a hearing in accordance with DCArt. 8.1.1, DCArt. 8.1.2, or DCArt. 10.8, then the case shall be referred to the FINA Doping Panel CAS ADD for hearing and adjudication, which shall be conducted in accordance with the principles described in Articles 8 and 9 of the International Standard for Results Management and as per Appendix 2 – FINA Doping Panel Procedural Rules ~~the Arbitration Rules of the CAS ADD~~.

DC World Aquatics has delegated its Article 8 responsibilities (first instance hearings and decisions) to the CAS ADD as an appropriate independent arbitration forum. The procedural rules of the arbitration shall be governed by the rules of the CAS ADD. CAS ADD will always ensure that the Athlete or other Person is provided with a fair hearing within a reasonable time by a fair, impartial and Operationally Independent hearing panel in compliance with the Code and the International Standard for Results Management.

[Comment to Art. 8: Nothing precludes the Athlete or other Person and World Aquatics from agreeing to a single-instance procedure before the CAS ADD in accordance with the Arbitration Rules of the CAS ADD, subject to any right of appeal therefrom by WADA or any other entity with a right of appeal.]

Art. 8.1 Waiver of Hearing

DCArt. 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 World Aquatics.

DCArt. 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 World Aquatics](#) 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.

DCArt. 8.1.3 In cases where [DCArt. 8.1.1](#) or [DCArt. 8.1.2](#) applies, a hearing before ~~FINA Doping Panel~~ [the CAS ADD](#) shall not be required. Instead, the document stating out the accepted Consequences shall be considered a decision by [FINA World Aquatics](#), which, with a summary of the reasons for the Consequences, will be communicated to the Anti-Doping Organisations having a right to appeal under [DCArt. 13.2.3](#) and which may be appealed to [the CAS appeals division](#). The Athlete or other Person that is the subject of the accepted Consequences and [FINA World Aquatics](#) shall have no right to appeal.

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

DCArt. 8.1.4 [FINA World Aquatics](#) 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 [DCArt. 13.2.3](#), and shall promptly report it into ADAMS. [FINA World Aquatics](#) shall Publicly Disclose that document in accordance with [DCArt. 14.3.2](#).

Art. 8.2. Single Hearing Before CAS

Anti-doping rule violations asserted against International-Level Athletes, National-Level Athletes or other Persons may, with the consent of the Athlete or other Person, [FINA World Aquatics](#) (where it has Results Management responsibility in accordance with [DCArt. 7](#)) and WADA, be heard in a single hearing directly [at\(i.e., without any appeal from the resulting decision\) by the CAS](#).

DCART. 9. AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

[Comment to [DCArt. 9](#): For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the Team will be as provided in [DCArt. 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 [DCArt. 11](#).]

DCART. 10_ SANCTIONS ON INDIVIDUALS

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

DCArt. 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 **DCArt. 10.1.2**.

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

*[Comment to **DCArt. 10.1**: Whereas **DCArt. 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 Aquatics World Championships**).]*

DCArt. 10.1.2 ___ 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.

DCArt. 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 violation of **DCArt. 2.1, 2.2** or **2.6** shall be as follows, subject to potential elimination, reduction or suspension of sanction pursuant to **DCArt. 10.5, 10.6** or **10.7**:

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

DCArt. 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 **DCArt. 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 **DCArt. 2.1** an Athlete will be successful in proving that the Athlete acted unintentionally without establishing the source of the Prohibited Substance.]*

DCArt. 10.2.1.2 ___ The anti-doping rule violation involves a Specified Substance Specified Substance or a Specified Method and **FINA World Aquatics** can establish that the anti-doping rule violation was intentional.

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

DCArt. 10.2.3 __ As used in **DCArt.** 10.2-, the term “intentional” is meant to identify those Athletes –or other Persons who engage in conduct which– 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 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.

*[Comment to **DCArt.** 10.2.3: **DCArt.** 10.2.3 provides a special definition of “intentional” which is to be applied solely for purposes of **DCArt.** 10.2.]*

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

DCArt. 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 **DCArt.** 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-World Aquatics**. The period of Ineligibility established in this **DCArt.** 10.2.4.1 is not subject to any reduction based on any provision in **DCArt.** 10.6.

*[Comment to **DCArt.** 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-World Aquatics**. This rule is intended to give **FINA-World Aquatics** 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.]*

DCArt. 10.2.4.2 ____ 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 **DCArt.** 10.2.1 and shall not provide a basis for a finding of Aggravating Circumstances under **DCArt.** 10.4.

DCArt. 10.3_ Ineligibility for other Anti-Doping Rule Violations

The period of Ineligibility for anti-doping rule violations other than as provided in DCArt. 10.2 shall be as follows, unless DCArt. 10.6 or DCArt. 10.7 are applicable:

DCArt. 10.3.1 __For violations of DCArt. 2.3 or DCArt. 2.5, the Ineligibility period shall be four (4) years 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, 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 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.

DCArt. 10.3.2 __For violations of DCArt. 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.

DCArt. 10.3.3 __For violations of DCArt. 2.7 or DCArt. 2.8, the period of Ineligibility shall be a minimum of four (4) years up to lifetime Ineligibility, depending on the seriousness of the violation. A DCArt. 2.7 or DCArt. 2.8 violation involving a 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 DCArt. 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

[Comment to DCArt. 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 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.]

DCArt. 10.3.4 __For violations of DCArt. 2.9, the period of Ineligibility imposed shall be a minimum of two (2) years, up to lifetime Ineligibility, depending on the seriousness of the violation.

DCArt. 10.3.5 __For violations of DCArt. 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 [DCArt](#) 10.3.5: Where the “other Person” referenced in [DCArt](#) 2.10 is an entity and not an individual, that entity may be disciplined as provided in [DCArt](#) 12.]

DCArt. 10.3.6 For violations of [DCArt](#) 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 [DCArt](#) 10.3.6: Conduct that is found to violate both [DCArt](#) 2.5 (Tampering) and [DCArt](#) 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.]

DCArt. 10.4. ___ Aggravating Circumstances which may Increase the Period of Ineligibility

If [FINA World Aquatics](#) establishes in an individual case involving an anti-doping rule violation other than violations under [DCArt](#) 2.7 (Trafficking or Attempted Trafficking), [DCArt](#) 2.8 (Administration or Attempted Administration), [DCArt](#) 2.9 (Complicity or Attempted Complicity) or [DCArt](#) 2.11 (Acts 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 [DCArt](#) 10.4: Violations under [DCArt](#) 2.7 (Trafficking or Attempted Trafficking), [DCArt](#) 2.8 (Administration or Attempted Administration), [DCArt](#) 2.9 (Complicity or Attempted Complicity) and [DCArt](#) 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) are not included in the application of [DCArt](#) 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.]

DCArt. 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.

[Comment to [DCArt. 10.5](#): [DCArt. 10.5](#) and [DCArt. 10.6.2](#) 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 ([DCArt. 2.1](#)) 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 [DCArt. 10.6](#) based on No Significant Fault or Negligence.]

[DCArt. 10.6](#) Reduction of the Period of Ineligibility based on No Significant Fault or Negligence

[DCArt. 10.6.1](#) Reduction of Sanctions in Particular Circumstances for Violations of [DCArt. 2.1](#), [2.2](#) or [2.6](#).

All reductions under [DCArt. 10.6.1](#) are mutually exclusive and not cumulative.

[DCArt. 10.6.1.1](#) Specified Substances or Specified Methods

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

[DCArt. 10.6.1.2](#) 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 [DCArt](#) 10.6.1.2: In 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 significant for 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 on the Doping Control form.

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 [DCArt](#) 10.5.]

[DCArt](#) 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.

[DCArt](#) 10.6.2 Application of No Significant Fault or Negligence beyond the Application of [DCArt](#) 10.6.1

If an Athlete or other Person establishes in an individual case where [DCArt](#) 10.6.1 is not applicable that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in [DCArt](#) 10.7, 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 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 [DCArt. 10.6.2](#): [DCArt. 10.6.2](#) 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., [DCArt. 2.5](#), [2.7](#), [2.8](#), [-2.9](#) or [2.11](#)) or an element of a particular sanction (e.g., [DCArt. 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.]

[DCArt. 10.7](#) - Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault

[DCArt. 10.7.1](#) Substantial Assistance in Discovering or Establishing Code Violations

[Comment to [DCArt. 10.7.1](#): 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.]

[DCArt. 10.7.1.1](#) FINA-World Aquatics may, prior to an appellate decision under [DCArt. 13](#) or the expiration of the time to appeal, suspend a part of the Consequences (other than Disqualification and mandatory Public Disclosure) imposed in an individual case- where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organisation, a criminal authority or professional disciplinary body which results in:

- ~~(a)~~ **(a)** the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person, or
- ~~(b)~~ **(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 [FINAWorld Aquatics](#) or other Anti-Doping Organisation with Results Management responsibility; or
- ~~(c)~~ **(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)~~ **(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 an appellate decision under [DCArt. 13](#) or the expiration of time to appeal, [FINAWorld Aquatics](#) may only suspend a part of the otherwise applicable 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 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 (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 [DCArt. 10.9.3.2](#) of these Anti-Doping Rules.

If so requested by an Athlete or other Person who seeks to provide Substantial Assistance, [FINAWorld Aquatics](#) 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 Consequences was based, [FINAWorld Aquatics](#) shall reinstate the original Consequences. If [FINAWorld Aquatics](#) decides to reinstate suspended Consequences or decides not to reinstate suspended Consequences, that decision may be appealed by any Person entitled to appeal under [DCArt. 13](#).

DCArt. 10.7.1.2 To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of [FINAWorld Aquatics](#) 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 process, including after a final appellate decision under [DCArt. 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 Consequences, as otherwise provided in this rule. Notwithstanding [DCArt. 13](#), WADA's decisions in the context of this rule [DCArt. 10.7.1.2](#) may not be appealed.

DCArt. 10.7.1.3 If [FINAWorld Aquatics](#) 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 Organisations with a right to appeal under [DCArt. 13.2.3](#) as provided in [DCArt. 14.2](#). In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize [FINAWorld Aquatics](#) to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.

DCArt. 10.7.2 _____ Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence.

Where an Athlete or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than **DCArt. 2.1**, before receiving first notice of the admitted violation pursuant to **DCArt. 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 DCArt. 10.7.2: 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 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.]

DCArt. 10.7.3 __ Application of Multiple Grounds for Reduction of a Sanction

Where an Athlete or other Person establishes entitlement to reduction in sanction under more than one provision of **DCArt. 10.5**, **10.6** or **10.7**, before applying any reduction or suspension under **DCArt. 10.7**, the otherwise applicable period of Ineligibility shall be determined in accordance with **DCArt. 10.2**, **10.3**, **10.5** and **10.6**. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under **DCArt. 10.7**, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

DCArt. 10.8 _____ Results Management Agreements

[Comment to DCArt. 10.8: Any mitigating or aggravating factors set forth in this DCArt. 10 shall be considered in arriving at the Consequences set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.]

DCArt. 10.8.1 __ 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 World Aquatics](#) of a potential anti-doping rule violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under [DCArt. 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 World Aquatics](#). Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this [DCArt. 10.8.1](#), no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.

[Comment to [DCArt. 10.8.1](#): For example, if [FINA World Aquatics](#) alleges that an Athlete has violated [DCArt. 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 the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]

[DCArt. 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 World Aquatics](#) and agrees to Consequences acceptable to [FINA World Aquatics](#) 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 World Aquatics](#) and WADA of the application of rules [DCArt. 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 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 World Aquatics](#) 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 [DCArt. 13](#).

If so requested by an Athlete or other Person who seeks to enter into a case resolution agreement under this rule, [FINA World Aquatics](#) 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.

[DCArt. 10.9](#) Multiple Violations

[DCArt. 10.9.1](#) Second or Third Anti-Doping Rule Violation

[DCArt. 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)~~ **[a](#)** a six (6) month period of Ineligibility; or

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

- (i) the sum of the period of Ineligibility imposed for the first anti-doping rule violation plus the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, 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 within this range shall be determined based on the entirety of the circumstances and the Athlete or other Person's degree of Fault with respect to the second violation.

[DCArt. 10.9.1.2](#) 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 [DCArt. 10.5](#) or [DCArt. 10.6](#) or involves a violation of [DCArt. 2.4](#). In these particular cases, the period of Ineligibility shall be from eight (8) years to lifetime Ineligibility.

[DCArt. 10.9.1.3](#) The period of Ineligibility established in [DCArt. 10.9.1.1](#) and [10.9.1.2](#) may then be further reduced by the application of [DCArt. 10.7](#).

[DCArt. 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 [DCArt. 10.9](#). In addition, an anti-doping rule violation sanctioned under [DCArt. 10.2.4.1](#) shall not be considered a violation for purposes of [DCArt. 10.9](#).

[DCArt. 10.9.3](#) Additional Rules for Certain Potential Multiple Violations.

DCArt. 10.9.3.1 - ____ For purposes of imposing sanctions under **DCArt. 10.9**, except as provided in **DCArt. 10.9.3.2** and **DCArt. 10.9.3.3**, an anti-doping rule violation will only be considered a second violation if **FINAWorld Aquatics** can establish that the Athlete or other Person committed the additional anti-doping rule violation after the Athlete or other Person received notice pursuant to **DCArt. 7**, or after **FINAWorld Aquatics** made reasonable efforts to give notice of the first anti-doping rule violation. If **FINAWorld Aquatics** 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, 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 **DCArt. 10.10**.

[Comment to DCArt. 10.9.3.1: The same rule applies where, after the imposition of a sanction, FINAWorld Aquatics discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., FINAWorld Aquatics 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.]

DCArt. 10.9.3.2 - ____ If **FINAWorld Aquatics** 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 **DCArt. 10.9.3.2** applies, the violations taken together shall constitute a single violation for purposes of **DCArt. 10.9.1**.

DCArt. 10.9.3.3 ____ If **FINAWorld Aquatics** establishes that an Athlete or other Person committed a violation of **DCArt. 2.5** in connection with the Doping Control process for an underlying asserted anti-doping rule violation, the violation of **DCArt. 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 **DCArt. 10.9.3.3** is applied, the violations taken together shall constitute a single violation for purposes of **DCArt. 10.9.1**.

DCArt. 10.9.3.4 ____ If **FINAWorld Aquatics** 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.

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

For purposes of **DCArt. 10.9**, each anti-doping rule violation must take place within the same ten (10) year period in order to be considered multiple violations.

DCArt. 10.10-_____ Disqualification of Results in Competitions

Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation

In addition to the automatic Disqualification of the results in the Event which produced the positive Sample under DCArt. 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 DCArt. 10.10: 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.]

DCArt. 10.11-___ Forfeited Prize Money

If FINA World Aquatics 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 DCArt. 10.11: This rule is not intended to impose an affirmative duty on FINA World Aquatics to take any action to collect forfeited prize money. If FINA World Aquatics 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 World Aquatics and its Athletes.]

DCArt. 10.12 __ Financial Consequences

DCArt. 10.12.1__ Where an Athlete or other Person commits an anti-doping rule violation, FINA World Aquatics 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 DCArt. 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 AmericanUS dollars (USD 10,000), only in cases where the maximum period of Ineligibility otherwise applicable has already been imposed.

For determination of the Finefine, 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;
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~~ cooperation during the proceedings and/or Substantial Assistance as per DCArt. 10.6.1.

DCArt. 10.12.2 _The imposition of a financial sanction or ~~the FINA's World Aquatics'~~ 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.

DCArt. 10.13 - **Commencement of Ineligibility Period**

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.

DCArt. 10.13.1 _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 DCArt. 10.13.1: In cases of anti-doping rule violations other than under DCArt. 2.1, the time required for an Anti-Doping 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.]

DCArt. 10.13.2 _Credit for Provisional Suspension or Period of Ineligibility Served

DCArt. 10.13.2.1 _____ If a Provisional Suspension is respected by the Athlete or the other Person, then the Athlete or other Person shall receive 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.

DCArt. 10.13.2.2 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from [FINAWorld Aquatics](#) and thereafter respects the Provisional Suspension, the Athlete or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Athlete or other Person's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under [DCArt. 14.1](#).

[Comment to [DCArt. 10.13.2.2](#): 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.]

DCArt. 10.13.2.3 _____ 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.

DCArt. 10.13.2.4 _____ In Team Sports, where a period of Ineligibility is imposed upon a team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.

DCArt. 10.14 _____ **Status during Ineligibility or Provisional Suspension**

DCArt. 10.14.1 _____ Prohibition Against Participation During Ineligibility or Provisional Suspension

No Athlete or other Person 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 or rehabilitation programs) authorized or organized by [FINAWorld Aquatics](#), any [FINAWorld Aquatics](#) Member Federation, or a club or other member organisation of a [FINAWorld Aquatics](#) 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 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 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 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 World Aquatics](#) to provide whereabouts information.

[Comment to [DCArt](#) 10.14.1: For example, subject to [DCArt](#) 10.14.2 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 organisation or a non-Signatory national-level competition organisation without triggering the Consequences set forth in [DCArt](#) 10.14.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this rule. Ineligibility imposed in one sport shall also be recognized by other sports (see [DCArt](#) 15.1, 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 [DCArt](#) 2.10 by another Athlete. Any performance standard accomplished during a period of Ineligibility shall not be recognized by [FINA World Aquatics](#) or its Member Federations for any purpose.]

[DCArt](#) 10.14.2 _Return for Training

As an exception to [DCArt](#) 10.14.1-, an Athlete may return to train with a team or to use the facilities of a club or other member organisation of [FINA's World Aquatics'](#) Member Federation or other Signatory's member organisation 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.

[Comment to [DCArt](#) 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 [DCArt](#) 10.14.1 other than training.]

[DCArt](#) 10.14.3 _Violation of the Prohibition of Participation 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 [DCArt. 10.14.1](#), the results of such participation shall be Disqualified and a new period of Ineligibility equal in length -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 the Anti-Doping Organisation whose Results Management led to the imposition of the initial period of Ineligibility. If this determination must be made by [FINA World Aquatics](#), the decision shall be rendered by the [FINA Doping Panel, CAS ADD](#). This decision may be appealed under [DCArt. 13](#).

An Athlete or other Person who violates the prohibition against participation during a Provisional Suspension described in [DCArt. 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 or Provisional Suspension, it shall constitute a violation of [DCArt. 2.9](#) and [FINA World Aquatics](#) shall impose the necessary sanction.

[DCArt. 10.14.4](#) [_Withholding of Financial Support during Ineligibility.](#)

In addition, for any anti-doping rule violation not involving a reduced sanction as described in [DCArt. 10.5](#) or [DCArt. 10.6](#), [FINA World Aquatics](#) and its Member Federations shall withhold all sport-related financial support or other sport-related benefits received by such Person during Ineligibility.

[DCArt. 10.15](#) Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in [DCArt. 14.3](#).

[DCART. 11-___](#) CONSEQUENCES TO TEAMS

[DCArt. 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 [DCArt. 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.

DCArt. 11.2 ~~Where any anti-doping rule violation has been committed in relation to an Event by result of~~ a member of a relay in swimming, or team in open water swimming, or a duet or team in artistic swimming or a synchro pair in diving is disqualified in relation to an anti-doping rule violation, the result of the whole relay, duet or team in that Event shall be Disqualified ~~from the Event in connection with the anti-doping rule violation~~, with all resulting Consequences including forfeiture of any medals, points and prizes.

DCArt. 11.3 ~~A water polo team, in which _____ Where more than one player has committed from the same team have their result from a water polo match disqualified in relation to an anti-doping rule violation in connection with a Competition, the result of the whole team shall be Disqualified for the match(es) in the Competition in which these players took part, disqualified from that match, with all resulting Consequences including forfeiture of any medals, points and the other prizes. The opposing team(s) shall be declared winner(s) with the a score 5-0 unless of 5 - 0. Notwithstanding the above, if the final goal difference was greater than five in favor of the opposing team, 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 shall stand.~~

DCART. 12- SANCTIONS AGAINST MEMBER FEDERATIONS AND OTHER ORGANISATIONS

DCArt. 12.1 _____ When FINA World Aquatics becomes aware that a Member Federation, Continental Organisation, regional or any other sporting organisation consisting of FINA's World Aquatics' Member Federations over which FINA World Aquatics 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 World Aquatics 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.

DCArt. 12.2. _____ If that organisation or body has failed to make diligent efforts to keep FINA World Aquatics informed about an Athlete's whereabouts after receiving a request for that information from FINA World Aquatics, it may be fined by the FINA World Aquatics Bureau in an amount up to one-thousand American dollars (USD 1,000) per Athlete, in addition to reimbursement of all of the FINA World Aquatics costs incurred in Testing that Member Federation's Athlete.

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

DCArt. 12.4 _____ Member Federations shall be obliged to reimburse FINA World Aquatics 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.

DCArt. 13-__ APPEALS

[Comment to DCArt. 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 DCArt. 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 DCArt. 13 does not include Athletes, or their federations, who might benefit from having another competitor Disqualified.]

DCArt. 13.1-__ Decisions Subject to Appeal

Decisions made under the Code or these Anti-Doping Rules may be appealed as set forth below in DCArt. 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.

DCArt. 13.1.1 __ Scope of Review Not Limited

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

DCArt. 13.1.2 __ CAS Shall Not Defer to the Finding Being Appealed

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

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

DCArt. 13.1.3 __ WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under DCArt. 13 and no other party has appealed a final decision within FINA's World Aquatics' process, WADA may appeal such decision directly to the CAS appeals division without having to exhaust other remedies in FINA's World Aquatics' process, if any.

DCArt. 13.1.4 FINA World Aquatics not required to exhaust internal remedies

Where [FINAWorld Aquatics](#) has a right to appeal under [DCArt. 13](#) and no other party has appealed a final decision within the Anti-Doping Organisation's process, [FINAWorld Aquatics](#) may appeal such decision directly to [the CAS appeals division](#) without having to exhaust other remedies in the Anti-Doping Organisation's process.

DCArt. 13.2- Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Implementation of Decisions and Authority

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 under [DCArt. 5.6.1](#) ; a decision by WADA assigning Results Management under Article 7.1 of the Code; a decision by [FINAWorld Aquatics](#) 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 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; [FINA'sWorld Aquatics'](#) failure to comply with [DCArt. 7.4](#) ; a decision that [FINAWorld Aquatics](#) lacks authority to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, Consequences or to reinstate or not reinstate, Consequences under [DC10.7.1](#); failure to comply with Articles 7.1.4 and 7.1.5 of the Code; failure to comply with [DCArt. 10.8.1](#); a decision under [DCArt. 10.14.3](#) ; and a decision by [FINAWorld Aquatics](#) not to implement another Anti-Doping Organisation's decision under [DCArt. 15](#); and a decision under Article 27.3 of the Code may be appealed exclusively as provided in this [DCArt. 13.2](#) .

DCArt. 13.2.1 Appeals 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 [the CAS appeals division](#).

[Comment to [DCArt. 13.2.1](#): [The CAS appeals division](#) decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]

DCArt. 13.2.2 Appeals Involving Other Athletes or Other Persons

In cases where [DCArt. 13.2.1](#) is not applicable but the decision was rendered by the [FINA Doping Panel or the FINA Bureau or the FINA Executive, CAS ADD \(single-member panel\)](#), the decision may be appealed exclusively to [the CAS appeals division](#).

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 shall respect the following principles: a timely hearing; a fair, impartial, Operationally Independent and Institutionally Independent hearing panel; the right to be represented by counsel at the Person's own expense; and a timely, written, reasoned decision.

If no such body as described above is in place and available at the time of the appeal, the decision may be appealed to [the CAS appeals division](#) in accordance with the applicable procedural rules.

DCArt. 13.2.3 Persons Entitled to Appeal

DCArt. 13.2.3.1 Appeals Involving International-Level Athletes or International Competitions

In cases under [DCArt. 13.2.1](#), the following parties shall have the right to appeal to [the CAS appeals division](#): (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 World Aquatics](#); (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.

DCArt. 13.2.3.2 Appeals Involving Other Athletes or Other Persons

In cases under [DCArt. 13.2.2](#), and without prejudice to WADA's and [FINA's World Aquatics'](#) right to appeal directly to the CAS [appeals division](#) in accordance with [DCArt. 13.1.3](#) and [DCArt. 13.1.4](#), the parties having the right to appeal to the national-level appeal body shall be as provided in the 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 World Aquatics](#); (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 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 [DCArt. 13.2.2](#), WADA, the International Olympic Committee, the International Paralympic Committee, and [FINA World Aquatics](#) shall also have the right to appeal to [the CAS appeals division](#) with respect to the decision of the [national-level](#) 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.

DCArt. 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.

DCArt. 13.2.3.4 Appeal from Imposition of Provisional Suspension

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

DCArt. 13.2.3.5 Appeal from Decisions under [DCArt. 12](#)

Decisions by [FINA World Aquatics](#) pursuant to [DCArt. 12](#) may be appealed exclusively to [the CAS appeals division](#) by the concerned Member Federation, Continental Organisation, or other sporting organisation consisting of [FINA's World Aquatics'](#) Member Federations.

DCArt. 13.2.4 ~~___~~ Cross Appeals and other Subsequent Appeals Allowed

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

[Comment to [DCArt. 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 Organisation appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]

DCArt. 13.3 ~~___~~ **Failure to Render a Timely Decision**

Where, in a particular case, [FINA World Aquatics](#) 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 [the CAS appeals division](#) as if [FINA World Aquatics](#) 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 [the CAS appeals division](#), then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by [FINA World Aquatics](#).

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

[DCArt. 13.4](#) Appeals Relating to TUEs

TUE decisions may be appealed exclusively as provided in [DCArt. 4.4](#) above.

[DCArt. 13.5](#) Notification of 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 [DCArt. 13.2.3](#) as provided under [DCArt. 14.2](#).

[DCArt. 13.6](#) Time for Filing Appeals

[Comment to [DCArt. 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.]

[DCArt. 13.6.1](#) Appeals to [the CAS appeals division](#)

The deadline to file an appeal to [the CAS appeals division](#) 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 Anti-Doping Organization that had Results Management authority, including the reasons for the decision and, if the proceedings took place in another language, a translation in one of [FINA's World Aquatics'](#) 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 [the CAS appeals division](#).

The above notwithstanding, the filing deadline for an appeal by [FINA World Aquatics](#) shall be the later of:

- a) ~~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 [the CAS appeals division](#); or

~~b) b)~~ Twenty-one (21) days after ~~FINA's~~ World Aquatics' 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) a)~~ Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or

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

DC

Art. 13.6.2 Appeals Under ~~DC~~Art. 13.2.2

The time to file an appeal to an independent and impartial body 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~~World Aquatics shall be the later of:

~~a) 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) b)~~ Twenty-one (21) days after ~~FINA's~~ World Aquatics' 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) a)~~ Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or

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

~~DC~~Art. 13.7 Intervention by third Parties entitled to appeal in case of a three-member Panel of the CAS ADD

~~Art. 13.7.1~~ When the Parties agree to have a three-member Panel instead of a Sole Arbitrator with the CAS ADD, they also agree to designate such three-member Panel as a sole instance and to forgo their right of appeal before the CAS Appeals Division. For the avoidance of doubt, nothing in this article shall affect any party's right of appeal as otherwise provided in Article 13.

~~ART. 14~~ CONFIDENTIALITY AND REPORTING

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

~~DC~~Art. 14.1.1 Notice of 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 [DCArt. 7](#) and [DCArt. 14](#). [FINA's World Aquatics'](#) 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 World Aquatics](#) 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).

[DCArt. 14.1.2](#) __ Notice of Anti-Doping Rule Violations to National Anti-Doping Organisations, [FINA World Aquatics](#) 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 [DCArt. 7](#) and [DCArt. 14](#), simultaneously with the notice to the Athlete or other Person.

If at any point during Results Management up until the anti-doping rule violation charge, [FINA World Aquatics](#) 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 [DCArt. 13.2.3](#).

[DCArt. 14.1.3](#) __ Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation by the Anti-Doping Organisation with the 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, and other information as required by the International Standard for Results Management.

Notification of anti-doping rule violations other than under [DCArt. 2.1](#) shall also include the rule violated and the basis of the asserted violation.

[DCArt. 14.1.4](#) __ Status Reports

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 World Aquatics](#), the Athlete's or other Person's National Anti-Doping Organization and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

[DCArt. 14.1.5](#) __ Confidentiality

The recipient organizations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee and Member Federation) until [FINAWorld Aquatics](#) has made Public Disclosure as permitted by Article 14.3.

DCArt. 14.1.6 __Protection of Confidential Information by an Employee or Agent of [FINAWorld Aquatics](#) or a Member Federation

[FINAWorld Aquatics](#) 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 [DCArt. 14.3](#). [FINAWorld Aquatics](#) 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.

DCArt. 14.2 __ **Notice of Anti-Doping Rule Violation Decisions or violations of Ineligibility or Provisional Suspension Decisions and Request for Files**

DCArt. 14.2.1 __Anti-doping rule violation decisions or decisions related to violations of Ineligibility or Provisional Suspension rendered pursuant to [DCArt. 7.6](#), [DCArt. 8.1](#), [DCArt. 10.5](#), [DCArt. 10.6](#), [DCArt. 10.7](#), [DCArt. 10.14.3](#) –or [DCArt. 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, [FINAWorld Aquatics](#) shall provide a short English or French summary of the decision and the supporting reasons.

DCArt. 14.2.2 An Anti-Doping Organisation having a right to appeal a decision received pursuant to [DCArt. 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.

DCArt. 14.3 __ **Public Disclosure**

DCArt. 14.3.1 __ After notice has been provided to the Athlete or other Person in accordance with the International Standard for Results Management, and to the applicable Anti-Doping Organisations in accordance with [DCArt. 14.1.2](#), the identity of any Athlete or other Person who is notified of a potential anti-doping rule violation, the Prohibited Substance or Prohibited Method and the nature of the violation involved, and whether the Athlete or other Person is subject to a Provisional Suspension may be Publicly Disclosed by ~~FINA~~ [FINAWorld Aquatics](#). [World Aquatics](#) may also comment publicly on the matter at this stage.

DCArt. 14.3.2 _____ No later than twenty (20) days after it has been determined in an appellate decision under **DCArt.** 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with **DCArt.** 8 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 **DCArt.** 10.8, or a new period of Ineligibility, or reprimand, has been imposed under **DCArt.** 10.14.3, **FINAWorld Aquatics** must Publicly 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. **FINAWorld Aquatics** must also Publicly Disclose within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above.

[Comment to DCArt. 14.3.2: Where Public Disclosure as required by DCArt. 14.3.2 would result in a breach of other applicable laws, FINA'sWorld Aquatics' 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.]

DCArt. 14.3.3 ____ After an anti-doping rule violation has been determined to have been committed in an appellate decision under **DCArt.** 13.2.1 or **DCArt.** 13.2.2 or such appeal has been waived, or in a hearing in accordance with **DCArt.** 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 **DCArt.** 10.8, **FINAWorld Aquatics** may make public such determination or decision and may comment publicly on the matter.

DCArt. 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. 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. **FINAWorld Aquatics** shall use reasonable efforts to obtain such consent, and if consent is obtained, **FINAWorld Aquatics** shall Publicly Disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.

DCArt. 14.3.5 ____ Publication shall be accomplished at a minimum by placing the required information on **FINA'sWorld Aquatics'** website and leaving the information up for the longer of one (1) month or the duration of any period of Ineligibility.

DCArt. 14.3.6 ____ Except as provided in **DCArt.** 14.3.1 and **DCArt.** 14.3.3, no Anti-Doping Organisation, Member Federation, or WADA-accredited Laboratory, or any official of 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 or other Person -or their entourage or other representatives.

DCArt. 14.3.7 _____ The mandatory Public Disclosure required in **DCArt. 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 Disclosure in a case involving a Minor, Protected Person or Recreational Athlete shall be proportionate to the facts and circumstances of the case.

DCArt. 14.4 _____ **Statistical reporting**

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

DCArt. 14.5 _____ **Doping Control Information 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, **FINAWorld Aquatics** shall report to WADA through ADAMS Doping Control-related information, including, in particular:

- a) ~~(a)~~ _____ Athlete Biological Passport data for International-Level Athletes and National-Level Athletes,
- b) ~~(b)~~ _____ Whereabouts information for Athletes including those in Registered Testing Pools,
- c) ~~(c)~~ _____ TUE decisions, and
- ~~(d)~~ _____ Results Management decisions,
- d) _____ as required under the applicable International Standard(s).

DCArt. 14.5.1 _____ To facilitate coordinated test distribution planning, avoid unnecessary duplication in Testing by various Anti-Doping Organisations, and to ensure that Athlete Biological Passport profiles are updated, **FINAWorld Aquatics** shall report all In-Competition and Out-of-Competition tests to WADA by entering the Doping Control forms into ADAMS in accordance with the requirements and timelines contained in the International Standard for Testing and Investigations.

DCArt. 14.5.2 _____ To facilitate WADA's oversight and appeal rights for TUEs, **FINAWorld Aquatics** shall report all TUE applications, decisions and supporting documentation using ADAMS in accordance with the requirements and timelines contained in the International Standard for Therapeutic Use Exemptions.

DCArt. 14.5.3 _____ To facilitate WADA's oversight and appeal rights for Results Management, [FINAWorld Aquatics](#) 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.

DCArt. 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.

DCArt. 14.6 _____ **Data Privacy**

DCArt. 14.6.1 ~~FINA~~ _____ [World Aquatics](#) 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 under the Code, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information), these Anti-Doping Rules and in compliance with applicable law.

DCArt. 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.

DCArt. 14.6.3 _____ Without limiting the foregoing, [FINAWorld Aquatics](#) shall:

- ~~(a)~~ **(a)** _____ Only process personal information in accordance with a valid legal ground;
- ~~(b)~~ **(b)** _____ Notify any Participant or Person subject to these Anti-Doping Rules, in a manner and form that complies with applicable laws and the International Standard for the Protection of Privacy and Personal Information, that their personal information may be processed by [FINAWorld Aquatics](#) and other Persons for the purpose of the implementation of these Anti-Doping Rules;
- ~~(c)~~ **(c)** _____ Ensure that any third-party agents (including any Delegated Third Party) with whom [FINAWorld Aquatics](#) 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.

DCArt. 15-__ IMPLEMENTATION OF DECISIONS

DCArt. 15.1-__ Automatic Binding Effect of Decisions by Signatory Anti-Doping Organisations

DCArt. 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 World Aquatics](#) and its Member Federations, as well as every Signatory in every sport with the effects described below:

DCArt. 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 [DCArt. 7.4.3](#)) automatically prohibits the Athlete or other Person from participation (as described in [DCArt. 10.14.1](#)) in all sports within the authority of any Signatory during the Provisional Suspension.

DCArt. 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 [DCArt. 10.14.1](#)) in all sports within the authority of any Signatory for the period of Ineligibility.

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

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

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

Art.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 **FINAWorld Aquatics** and its Member Federations without any further action required, on the earlier of the date **FINAWorld Aquatics** receives actual notice of the decision or the date the decision is placed into ADAMS.

Art.15.1.4 Notwithstanding any provision in **DCArt. 15.1.1**, however, a decision of an anti-doping rule violation by a Major Event Organisation made in an expedited process during a Competition shall not be binding on **FINAWorld Aquatics** 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 **DCArt. 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.]*

Art.15.2 Implementation of Other Decisions by Anti-Doping Organisations

[FINAWorld Aquatics](#) and its Member Federations may decide to implement other anti-doping decisions rendered by Anti-Doping Organisations not described in [DCArt. 15.1.1](#) above, such as a Provisional Suspension prior to a Provisional Hearing or acceptance by the Athlete or other Person.

[Comment to [DCArt. 15.1](#) and [15.2](#): Anti-Doping Organisation decisions under [DCArt. 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 [DCArt. 15.2](#) is subject to each Signatory's discretion. A Signatory's implementation of a decision under [DCArt. 15.1](#) or [DCArt. 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 [DCArt. 4.4](#) and the International Standard for Therapeutic Use Exemptions.]

[Art. 15.3](#) 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 [FINAWorld Aquatics](#) and its Member Federations, if [FINAWorld Aquatics](#) finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the Code.

[Comment to [DCArt. 15.3](#): 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, 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 the Athlete's body but the period of Ineligibility applied is shorter than the period provided for in the Code, then [FINA World Aquatics](#) and all other Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organisation should conduct a hearing consistent with [DCArt. 8](#) to determine whether the longer period of Ineligibility provided in the Code should be imposed. [FINA World Aquatics](#) or other Signatory's implementation of a decision, or their decision not to implement a decision under [DCArt. 15.3](#), is appealable under [DCArt. 13](#).]

[DCART. 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 [DCArt. 7](#), or notification has been reasonably attempted within ten years from the date the violation is asserted to have occurred.

[DCART. 17](#) ___ EDUCATION

[DC17Art.17.1](#) [FINA World Aquatics](#) 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.

[DCArt. 17.2](#) ___ Mandatory Anti-Doping Education Course

All Athletes participating in the [FINA World Aquatics](#) World Championships or the [FINA World Aquatics](#) 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 World Aquatics](#) 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 World Aquatics](#) GMS platform.

Any Athlete who has not met this requirement shall be automatically ineligible to compete in the [FINA World Aquatics](#) World Championships and the [FINA World Aquatics](#) 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 [FINAWorld Aquatics](#) World Championships and [FINAWorld Aquatics](#) World Swimming Championships (25m). Notwithstanding this, [FINAWorld Aquatics](#) may at its sole discretion, require certain Athletes to complete the course again. [FINAWorld Aquatics](#) may also require completion of this course for other [FINAWorld Aquatics](#) 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/>.~~

~~[Comment to Art. 17.2: As an alternative to the eLearning Anti-Doping Education course ADEL for International-Level athletes, the Athletes can instead complete the eLearning any course developed and approved by their respective National Anti-Doping Organization. The certificate of completion of such course must be uploaded on the [FINAWorld Aquatics](#) GMS platform prior to participation instead of the certification of completion of the ADEL for International-Level athletes course.]~~

DCART. 18 ADDITIONAL ROLES AND RESPONSIBILITIES OF MEMBER FEDERATIONS AND CONTINENTAL ORGANISATIONS

DCArt. 18.1 All Member Federations, [Continental Organisations](#) and their members shall comply with the Code, International Standards, and these Anti-Doping Rules. ~~All Member Federations and other members~~ They shall include in their policies, rules and programs the provisions necessary to ensure that [FINAWorld Aquatics](#) 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”).

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

DCArt. 18.3 By adopting these Anti-Doping Rules, and incorporating them into their governing documents and rules of sport, Member Federations ~~and All Member Federations and Continental Organisations~~ shall cooperate with and support [FINAWorld Aquatics](#) 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.

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

DCArt. 18.5 All Member Federations and Continental Organisations shall establish rules requiring all Athletes preparing for or participating in a Competition or activity authorized or organized by ~~a Member Federation~~ them or one of ~~its~~ their 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.

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

DCArt. 18.7 All Member Federations and Continental Organisations 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~~ World Aquatics or their authority.

DCArt. 18.8 Member Federations and Continental Organisations shall a) actively monitor all Athlete Support Personnel who fall under either of Articles 2.10.1.1, 2.10.1.2 or 2.10.1.3, within their jurisdiction; b) advise its affiliated Athletes and World Aquatics of the identity of all such Athlete Support Personnel that they are or become aware of; and c) ultimately, ensure that none of their affiliated Athletes associate with Athlete Support Personnel in violation of Article 2.10. In the event of such prohibited association, they shall immediately notify World Aquatics and the relevant National Anti-Doping Organization.

Art. 18.9 All Member Federations shall conduct anti-doping Education in coordination with their National Anti-Doping Organisations.

DCART. 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF FINA WORLD AQUATICS AND WAIVER OF LIABILITY

DCArt. 19.1 In addition to the roles and responsibilities described in Article 20.3 of the Code for International Federations, FINA World Aquatics shall report to WADA on FINA's World Aquatics' compliance with the Code and the International Standards in accordance with Article 24.1.2 of the Code.

DCArt. 19.2 Subject to applicable law, and in accordance with Article 20.3.4 of the Code, all FINA World Aquatics and AQIU board members, directors, officers, employees and appointed Delegated Third Parties who are involved in any aspect of Doping Control, must sign a form provided by FINA World Aquatics, agreeing to be bound by these Anti-Doping Rules as Persons in conformity with the Code for direct and intentional misconduct.

DCArt. 19.3 Subject to applicable law, and in accordance with Article 20.3.5 of the Code, any [FINAWorld Aquatics](#) employee who is involved in Doping Control (other than authorized anti-doping Education or rehabilitation programs) must sign a statement provided by [FINAWorld Aquatics](#) 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.

DCArt. 19.4 Except for costs and attorney fees which may be awarded by CAS, [FINAWorld Aquatics](#) 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 [FINAWorld Aquatics](#) or its Delegated Third Party under these Anti-Doping Rules.

DCART. 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES

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

DCArt. 20.2 To be available for Sample collection at all times.

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

DCArt. 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.

DCArt. 20.5 To disclose to their National Anti-Doping Organisation and to [FINAWorld Aquatics](#) any decision by a non-Signatory finding that the Athlete committed an anti-doping rule violation within the previous ten (10) years.

DCArt. 20.6 To cooperate with Anti-Doping Organisations investigating anti-doping rule violations. Failure by any Athlete to cooperate in full with [FINAWorld Aquatics](#) 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 a charge of Failure to Cooperate being initiated against such Athlete before the [FINA Disciplinary Panel/CAS ADD](#).

DCArt. 20.7 To disclose the identity of their Athlete Support Personnel upon request by [FINAWorld Aquatics](#) or a Member Federation, or any other Anti-Doping Organisation with authority over the Athlete.

DCArt. 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 World Aquatics' Integrity Code of Conduct](#).

DCART. 21 ROLES AND RESPONSIBILITIES OF ATHLETE SUPPORT PERSONNEL

DCArt. 21.2-1 To be knowledgeable of and comply with these Anti-Doping Rules.

DCArt. 21.2 To cooperate with the Athlete Testing program.

DCArt. 21.2-3 _____ To use their influence on Athlete values and behavior to foster anti-doping attitudes.

DCArt. 21.2-4 _____ To disclose to their National Anti-Doping Organisation and to [FINAWorld Aquatics](#) any decision by a non-Signatory finding that they committed an anti-doping rule violation within the previous ten (10) years.

DCArt. 21.2-5 _____ To cooperate with Anti-Doping Organisations investigating anti-doping rule violations. Failure by any Athlete Support Personnel to cooperate in full with [FINAWorld Aquatics](#), 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 a charge of Failure to Cooperate against such Athlete Support Personnel~~ before the [FINA Disciplinary Panel-CAS ADD](#).

DCArt. 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'sWorld Aquatics' Integrity Code of Conduct](#).

DCArt. 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'sWorld Aquatics' Integrity Code of Conduct](#).

DCART. 22 __ ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING RULES

DCArt. 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 [FINAWorld Aquatics](#) 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.

DCArt. 22.2 _____ To disclose to [FINAWorld Aquatics](#) 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.

DCArt. 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 shall~~ result in a charge of ~~misconduct under FINA's Code of Conduct~~ [Failure to Cooperate being initiated against such Other Person before the CAS ADD](#).

DCArt. 22.4 _____ Not to Use or Possess any Prohibited Substance or Prohibited Method without valid justification.

DCArt. 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'sWorld Aquatics' Integrity Code of Conduct](#).

DCART. 23 INTERPRETATION OF THE CODE

DCArt. 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.

DCArt. 23.2 ___ The comments annotating various provisions of the Code shall be used to interpret the Code.

DCArt. 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.

DCArt. 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.

DCArt. 23.5 ___ Where the term “days” is used in the Code or an International Standard, it shall mean calendar days unless otherwise specified.

DCArt. 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.

DCArt. 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.

DCART. 24 FINAL PROVISIONS

DCArt. 24.1 ___ Where the term “days” is used in these Anti-Doping Rules, it shall mean calendar days unless otherwise specified.

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

DCArt. 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.

DCArt. 24.4 ___ The Code and the International Standards shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.

DCArt. 24.5 ___ 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.

DCArt. 24.6 _The comments annotating various provisions of the Code and these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.

DCArt. 24.7 ___These Anti-Doping Rules have come into full force and effect on 1 January 4, 2024~~2023~~ (the “Effective Date”). They repeal previous versions of World Aquatics' (FINA) Doping Control Rules. They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

DCArt. 24.7.1 ___Anti-doping rule violations taking place prior to the Effective Date count as “first violations” or “second violations” for purposes of determining sanctions under DCArt. 10 for violations taking place after the Effective Date.

DCArt. 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, 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 DCArt. 10.9.4 and the statute of limitations set forth in DCArt. 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 DCArt. 16 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date).

DCArt. 24.7.3 _Any DCArt. 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the International Standard for 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 Results Management-, but it shall be deemed to have expired twelve (12) months after it occurred.

DCArt. 24.7.4 _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 World Aquatics 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.~~CAS ADD~~. Such application must be made before the period of Ineligibility has expired. The decision rendered by FINA World Aquatics may be appealed pursuant to DCArt. 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.

DCArt. 24.7.5 - ____ For purposes of assessing the period of Ineligibility for a second violation under **DCArt. 10.9.1**, 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.

[Comment to DCArt. 24.7.5: Other than the situation described in DCArt. 24.7.5, where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date and the period of Ineligibility imposed has been completely served, these Anti-Doping Rules may not be used to re-characterize the prior violation.]

DCArt. 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 **FINAWorld Aquatics** 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 **FINAWorld Aquatics**, the **FINA Doping Panel/CAS ADD** shall render the decision.

APPENDIX 1 DEFINITIONS APPLICABLE TO DOPING CONTROL

RULES

~~[Comment to Definitions: Defined terms Art. 24.7.7 The CAS ADD shall include their plural] have jurisdiction over any case where the alleged anti-doping rule violation occurred after 31 December 2022 or where the parties agree for the matter to be submitted to the CAS ADD. For cases where the alleged anti-doping rule violation occurred prior to 1 January 2023 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 for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.~~

~~**Adverse Analytical Finding:** A report from a WADA-accredited Laboratory or other WADA approved Laboratory that, consistent with the International Standard for Laboratories establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method.~~

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

~~**Aggravating Circumstances:** Circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the 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 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 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, 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 Organisation). An Anti-Doping Organisation 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 Organisation 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 DC 2.1, 2.3 or DC 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organisation 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 must be applied. For purposes of DC 2.8 and DC 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 organisation accepting the Code is an Athlete.**~~

~~*{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 Organisations.}*~~

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

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

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

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

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

~~**CAS:** The Court of Arbitration for Sport.~~

~~**Code:** The parties do not agree with submitting the case to the CAS ADD, the World Anti-Doping Code.~~

~~**Competition:** A series of individual Events Aquatics (FINA) Doping Panel shall retain jurisdiction and the procedure shall be conducted together under one ruling body (e.g. FINA World Championships). Also, the act of participating in an Event.³~~

~~**Competition Period:** The period commencing at 11:59 p.m. on the day before a Competition is scheduled to start through the end of such Competition and the Sample collection process related to such Competition.~~

~~**Competition Venues / Event 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 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 10.14; 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 financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) **Public Disclosure** means the dissemination or distribution of information to 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.~~

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

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

~~**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 the World Aquatics (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, including but not limited to Testing, investigations, whereabouts, TUEs, Sample collection and handling, Laboratory analysis, Results Management, and investigations or proceedings relating to violations of DC 10.14 (Status During Ineligibility or Provisional Suspension).~~

~~**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.⁴~~

⁴ This definition has been changed from the Code definition in order to be consistent with other FINA World Aquatics Rules. Under FINA World Aquatics Rules, an "Event" is the same as a "Competition" under the Code.

~~**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 Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under DC 10.6.1 or 10.6.2.~~

~~*[Comment: The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under DC 10.6.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]*~~

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

~~**In Competition:** 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 provide guidance on the Doping Control process 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 Organisation, or another international sport organisation is the ruling body for the Competition or appoints the technical officials for the Competition.~~

~~**International Level Athlete:** Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations. For the sport of Aquatics, International Level Athletes are defined as set out in the 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 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 Organisations:** The continental associations of National Olympic Committees and other international multi-sport organisations that function as the ruling body for any continental, regional or other International Competition.~~

~~**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 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.~~

~~**National Anti-Doping 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, manage test results, and conduct Results 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 compete in sport at the national level, as defined by each National Anti-Doping Organisation, consistent with the International Standard for Testing and Investigations.~~

~~**National Olympic Committee:** The 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 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 Protected Person or Recreational Athlete,** for any violation of DC 2.1, the Athlete must also establish how the Prohibited Substance entered 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 Protected Person or Recreational Athlete,** for any violation of DC 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.~~

~~**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 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 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 Organisation. 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 Organisation 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, FINA must establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. 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 7.4.3, 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 DC 7.4.3, 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 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 has been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation or National Anti-Doping Organisation.~~

~~*[Comment to Recreational Athlete: The term "open category" is meant to exclude competition that is limited to junior or age group categories.]*~~

~~**Regional Anti-Doping 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 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 Organisations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organisation's Test Distribution Plan and therefore are required to provide whereabouts information as provided in Article 5.5 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.~~

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

~~**Substance of Abuse:** See DC 4.2.3.~~

~~**Substantial Assistance:** For purposes of DC 10.7.1, 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 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:** 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.~~

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

~~**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 Person or any other Person subject to the authority of an Anti-Doping Organisation to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a Prohibited Substance Used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.~~

~~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.~~

~~**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

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 or, has violated their period of *Ineligibility* 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 on requests for reduction of period of *Ineligibility* 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.

e) “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.

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.~~

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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. 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 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.~~

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~~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.~~

~~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 of the case, including the nationality and availability of the members. Such assignment shall ensure a timely, fair and impartial hearing.–

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 person, 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.~~

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~~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;-~~

~~e) 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* 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*.~~

~~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.~~

~~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 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~~

~~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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~~For the World Aquatics Bureau:~~

~~The President _____ The Executive Director~~

~~Husain Al Musallam _____ Brent J. Nowicki~~