

**THE COMPANIES ACT 2006  
COMPANY LIMITED BY GUARANTEE NOT HAVING A SHARE CAPITAL  
ARTICLES OF ASSOCIATION OF WORLD DANCE COUNCIL**

**1. PRELIMINARY**

- 1.1. The Regulations contained in Table C in the Schedule to the Companies (Tables A to F) Regulations 1985 (SI 1985 No.805) as amended by the Companies (Tables A to F) (Amendment) Regulations 1985 (SI 1985 No. 1052) ("Table C") shall not apply to the Council and the Articles hereinafter contained shall be the regulations of the Council to the entire exclusion of Table C.

**2. INTERPRETATION**

- 2.1. In these regulations unless the context otherwise requires:

The Act	Means the Companies Act 2006 including any statutory modification or re-enactment thereof for the time being in force;
Area	Where used in relation to a member shall mean the geographical territory which the Council recognises as being under the jurisdiction of that member. As a principle, the Council shall generally define an Area in terms of that political entity accepted as being a country, save that, where the definition of a country's territory is challenged or altered, the Council shall make its own determination as to what shall constitute the member's geographical territory. For the purpose of these articles the All Ireland Board of Ballroom Dancing shall be the member organisation for both Eire and Northern Ireland and Scotland shall be deemed to be within the Areas of the British Council of Ballroom Dancing and the Scottish Dance Teachers' Alliance jointly;
These articles	Means these articles of association in their present form or as from time to time altered
Clear days	In relation to the period of a notice means that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect;
Committee	Shall mean any Committee appointed in accordance with article 16 and "Committeeman" or "member of the Committee" shall mean a member of a Committee for the time being but shall not include a person co-opted to a Committee; Company Secretary
Company Secretary	Means the secretary of the Council or any other person appointed to perform the duties of the Secretary of the Council, including a joint, Assistant or Deputy Secretary;

Member	Shall mean a Full, Probationary, Introductory, Affiliate, Honorary President, Honorary Vice-President and Honorary Member of the Council from time to time;
Member organisation	Refers to any Member not being an individual;
Office	Means the registered office of the Council;
The seal	Means the common seal of the Council;
Board Of Directors	Denotes the elected officers of The Council; previously referred to as WDC Board of Directors
These Regulations	shall mean the registered Regulations of the Council for the time being and shall include, without differentiation, any and all schedules to these Regulations;
Amendment of Regulations	shall include the making of a new Regulation and the rescission of a Regulation, and „amended“ in relation to the Regulations shall be construed accordingly;
Council	shall mean the World Dance Council whereof these are the registered Regulations;
National Council	shall mean a member organisation which is composed of more than one body, representing the dance industry of that country;
Officer	shall include the President and Vice President of the Council; save that the officers of any committee shall not, unless expressly provided by these Regulations or by the committee's terms of reference; be regarded as officers of the Council
Register of Members	means that a register will be kept with all relative details of the member organisations
Voting in person	shall mean by one nominee only of a member organisation in person
The Word "Grant"	shall mean authorising the relevant body to conduct and to organise championships.
Competitive Dance and Social Dancing	Shall mean all types of dancing undertaken for entertainment, competition or sport.
The United Kingdom	Means Great Britain and Northern Ireland;
Voting in person	Shall mean voting by a Member, or a Delegate of a Member Organisation, in each case present in person at any meetings of the Council.

- 2.2. Unless the context otherwise requires, words or expressions contained in these regulations bear the same meaning as in the Act but excluding any statutory modification thereof not in force when these regulations become binding on the Council.
- 2.3. A special resolution shall be effective for the following purposes under any provisions of these Articles:  
Amendment of the Memorandum or the Articles of Association of the Company
- A two thirds (2/3) majority of members present & voting is required.  
For the avoidance of doubt an abstention is not included in the count of the votes made.
- 2.4. A ordinary resolution shall be effective for the following purposes:  
Any other proposals requiring a vote except as per article 2.3.
- A simple (1/2) majority of members present & voting is required.  
For the avoidance of doubt an abstention is not included in the count of the votes made.
- 2.5. The headings are inserted for convenience only and shall not affect the construction of these Articles.
- 2.6. Words importing the singular shall include the plural and vice versa.
- 2.7. Words importing one gender shall include the other gender.

### 3. POWERS OF THE COUNCIL

Without prejudice to the general powers conferred on the Council by these Regulations, it is hereby expressly declared that the Council may exercise the following powers:

- a. to purchase, sell build upon, lease, mortgage or exchange any property or land, and to enter into any contract and settle the terms thereof;
- b. to compromise, settle, conduct, enforce or resist either in a court of law or by arbitration any suit, debt, liability or claim by or against the Council;
- c. to determine from time to time the terms and conditions upon which the property of the Council is to be let, leased or sold, and to make, revoke, and alter and at all times enforce as it thinks fit such terms and conditions;
- d. to appoint and remove
  - i. all solicitors, accountants, architects, surveyors or any other professional advisor it considers necessary for the proper performance of its powers and functions; and
  - ii. employees of every description, except as otherwise required by these Regulations;
- e. to pay all such expenses, including travelling expenses, as are properly incurred by any organisation or any person (including any nominee or committeeman or person co-opted to a committee or a sub-committee) in the furtherance of the objects of the Council or incidental

thereto or in the execution of any other duty carried out at the express or implied request of the Council or the WDC Board of Directors;

- f. to pay all other expenses costs charges, including all levies as to tax or other legal demands that may be made from time to time incurred in the furtherance of the Council's objects or as the Council may direct; and
- g. to formulate Regulations or exercise any control it may at its absolute discretion consider to be necessary in relation to the operation or resolution of all matters arising out of or appertaining to the commercial sponsorship of international championships and/or social dancing competitions including the competitors thereof.

#### 4. MEMBERSHIP AND CLASSES OF MEMBERSHIP

4.1. The Members of the Council shall be the unincorporated bodies, bodies corporate or other representatives of an Area, corporate body or unincorporated body whose name or names shall be entered in the Register of Members of the Council. (See 2.1. Member)

4.2. Adherence to the Articles, Rules and Regulations of the Council

- a.) All member organisations, whether full, probationary introductory and affiliated, are deemed to agree to be bound by the Council's constitution, as set out in the Articles and Memorandum of Association, the Competition Rules and these Regulations or any amendments thereof at any time in force and the decisions of the Council taken in accordance with the provisions thereof whether the same shall have been communicated to them or not.
- b.) Each and every member organisation, by the action of being a member organisation, shall undertake to adopt and have incorporated into their own constitution and rules with immediate effect such Council Rules and such Council Regulations and such Council codes of conduct that the Council shall require to be so adopted and incorporated in general meeting from time to time ("mandatory rules") with a view to fostering the Council's objects in regard to the formulation of rules governing ballroom dancing, dance sport and social dancing, together with the adoption of an appropriate disciplinary code, which mandatory rules the Council may from time to time amend.

4.3. Introductory Membership

- a. The Council may, at its absolute discretion, elect as introductory members any group of organisations for a period not exceeding three years, nor less than one year, ("introductory period") and may at any time during the introductory period by notice in writing terminate such introductory membership forthwith.
- b. Applications for this category are accepted from all groups in a country that present themselves for membership of the Council for an Introductory Membership period of three years.
- c. During this period, the groups in that country are encouraged, by the Council, to form National Council along democratic lines.
- d. 2 People may be admitted to the Council Meetings as observers only, and shall not have any rights to vote or voice any opinion, or participate in debate, unless invited to do so by the President of the Council.

- e. The said applicant shall be subject to all forms of requirement as laid down in clause 3.4. of these articles.

#### 4.4. Probationary Membership

- a. Subject to clause 4.5 the Council may, at its absolute discretion, elect as probationary members any organisation for a period not exceeding three years and may at any time during that three years by notice in writing terminate such probationary membership forthwith and on termination such probationary member organisation shall cease to be entitled to representation on the Council or to take part in the work or objects of the Council. At the end of the three year period the Council, at its absolute discretion may
  - i. Continue the probationary period, which shall not be less than one year from the date on which the Probationary Member was elected as a Probationary Member, or for such further period as the Council at its absolute discretion may decide; or
  - ii. admit the probationary member organisation to full membership; or
  - iii. refuse to extend the probationary period or admit the probationary member to full membership in which event the probationary member shall cease to be a member of the Council.
- b. Nothing herein contained shall fetter the discretion of the Council to extend the probationary period of membership for as long as it deems appropriate or to terminate it at any time before the member organisation is admitted to full membership.
- c. Such a probationary period shall also apply to any member organisation which is expelled and requested re-admission or whose membership is to be reduced by the provisions of the Articles of Association.
- d. Probationary membership entitles the probationary member organisation to representation by up to two delegates on the Council but not to vote on any issue.

#### 4.5 Full Membership

The Council may, at its absolute discretion, elect as Full Members any national organisation that has fulfilled the following criteria:

- a. Application for membership has been received by the Company Secretary on or before the 10<sup>th</sup> March of each calendar year accompanied by an advance payment of the difference between the applicant's probationary and full membership subscriptions.
- b. Two copies of the organisations Constitution and/or Bye-Laws, such Constitution, Bye Laws and/or Rules as shall be acceptable to the Council.
- c. A list of all regulations relating to the registration of competitors and competitions in respect of all events held or organised by the applicant, including all changes and or amendments to such regulations relating to International Registrations.
- d. A copy of all rules and regulations relating to competitions held or organised by the applicant, together with all subsequent changes of any Rules or Regulations relating to such competitions.

- e. A list of member organisations registered with the applicant with names, addresses, telephone, fax, e-mail and other relevant details, annually at the beginning of the financial year when due subscriptions are required to be paid.
- f. A list of the current names, addresses, telephone, fax, e-mail and other relevant details relating to all the Member's Executive Committee/Board.
- g. Proof of length of time the applicant has been a Council and proof of length of time existing as a Dance Teacher organisation.
- h. Code of Ethics
  - i. Name and description of the Member or Applicant.
  - ii. Status of relationship with Amateurs.
  - iii. National status of other Professional organisations existing in that country.
  - iv. Description of the relationship with the National Government, if any.
  - v. Relationship to National IOC member, if any.
  - vi. All Members shall provide a complete list of the total number of qualified Professional Dance Teachers, Coaches/Trainers, Adjudicators and Professional Dancers in the country of the applicant and who have been certified as such by the organisations who are members' of the current member or member's Council.
  - vii. Approximate number of Amateur competitors in the country of the applicant.
  - viii. Total number of Dance Schools, in that country, that are affiliated to the Member or Member's Council.

#### 4.6. Affiliate Members

- a. The Council may by resolution elect as an affiliate member of the Council, any international organisation whose objects are the same or substantially similar to those of the Council when such election would, in the opinion of the Council, be desirous for or advantageous to the furtherance of the Council's objects through the fostering of collaboration between the Council and the affiliate member in the promotion, encouragement and supervision of social ballroom dancing and dance sport internationally.
- b. The membership of the affiliate member shall be governed by such terms and conditions of membership as are adopted by special resolution passed by the members present and voting at the general meeting of the Council at which the affiliate member is elected (the "affiliate terms"). The affiliate terms (as the same may be varied or amended from time to time in accordance with these articles) governing the membership of the International Dance Organisation of the unincorporated association known as WORLD DANCE COUNCIL at the date hereof shall govern the membership of that body of the Council. No organisation shall be elected to affiliate membership until the affiliate terms that shall govern its membership shall have been so adopted. A copy of the affiliate terms shall be placed in the register of members and in the minute book of the Council. Any member may apply in writing to the Company Secretary for a copy of any affiliate terms, which shall be supplied upon payment of the reasonable cost incurred by the Council in providing such copy. The affiliate terms shall be binding on the affiliate member.
- c. The affiliate terms shall be agreed by the Council in general meeting only after due consultation with the international organisation making application to become an affiliate member, and after due course consideration of the proposed affiliate terms proposed by such applicant. If, following adoption of the affiliate terms by the Council, any conflict should arise between the affiliate member's own constitution (or rules or bye-laws promulgated there under) and the affiliate terms, then the affiliate terms shall prevail and the affiliate member shall forthwith take all steps necessary to ensure that the affiliate terms shall prevail and (insofar as they are affected) its own members are able to comply fully with the affiliate terms.

- d. These articles shall govern the membership of an affiliate member to the extent that they are not modified or excluded by or are in conflict with the affiliate terms (which affiliate terms shall prevail in the case of a conflict with these articles). Affiliate term may only be amended, modified or varied upon negotiation between the affiliate organization and the Council, all amendments, modifications or variations to be ratified by the membership at the next Annual General Meeting following thereafter.
- e. Each affiliate member shall be entitled to appoint not more than two delegates (the "affiliate delegates"), and who may be accompanied by one translator, who shall be entitled to receive notice of and to attend and speak but not to vote at meetings of the Council on behalf of the affiliate member appointing them and the provision of article 3.7 as to the mode of appointment and removal of delegates shall apply to affiliate delegates.

#### 4.7. Honorary Members

a. The Council may by resolution elect as an Honorary President, Vice-President, Member of the Council any person or organisation whom they consider to have rendered outstanding services to the Council or to the art or practice of any forms of dance. The resolution shall be made by notice in writing, addressed to the Company Secretary at the office, by a minimum of three Full Members of the Council. An Honorary President, Vice-President, Member shall have the right to receive notice of, to attend and speak but not to vote at meetings of the Council.

#### 4.8. Delegates

- a. Subject to such restrictions as attached to probationary members, honorary members and affiliate members each member organisation shall be entitled to receive notice of and attend, speak and vote at general meetings of the Council and shall appoint not more than three delegates ("delegates") to act as its representatives at meetings of the Council and to exercise all other rights of the member organisation in relation to all business of the Council. Any delegate representing them at WDC meetings will meet a minimum of one of the following criteria:
  - Citizenship of the country by:
  - Birth or Naturalisation.
  - The procedure legally recognised in that country.
  - By being a registered Income Tax payer in that country.

This is to ensure that delegates do not represent a different member than they are licensed with and more than one country at one time in line with the existing rules for adjudicators and competitors.

The Company Secretary shall enter the names of the delegates in the register of members as representing the member organisation.
- b. Each delegate shall be entitled to attend Council and other meetings on behalf of its appointee until such time as he shall cease to represent the member organisation by death, retirement or through the withdrawal of his authority by the member organisation in accordance with article 4.8.d. In the event of a delegate ceasing to represent his member organisation, the member organisation shall appoint a replacement delegate in accordance with article 4.8.d. ("new delegate"). Any new delegate shall take the place of the delegate so removed whose right to attend Council meetings shall cease.
- c. Delegates of probationary members cannot be accepted for election to officers of the Council.

- d. The appointment or removal of a delegate or appointment of a new delegate shall be made by notice in writing addressed to the Company Secretary at the office. Such notification shall be binding on the Council and it shall not be required to enquire into the validity or otherwise of any such notification.
- e. Such Delegates as are appointed by their Member Organisation shall be removed as a Delegate if in the opinion of the Member Organisation and/or the Council that such delegate/s is in the Member Organisation's and/or Council's opinion is unsuitable, by proven grounds or reason of any misdemeanour/misconduct of whatever nature by such Delegates.

## 5. APPLICATION OF NEW MEMBERS

- 5.1 An organisation applying for membership, of the WDC, must be a National Council having the ability to invite and to accept new members who meet the applicants Rules and Regulations.
- 5.2 A Council's President and Officers must be elected by its member organisations.
- 5.3 The National Council must have a Constitution and/or Bye-Laws.
- 5.4 Officers and Directors must be democratically elected by its member organisations.
- 5.5 Where a national Council has been established as a member organisation, and a professional organisation or dance body („other organisation“) applies for representation to the Council, the Council may, in its absolute discretion require the national Council to invite the other organisation to be a member of the national Council.
- 5.6 Must have a minimum of two (2) sub-branches or departments.
  - a. Competitive Dance- This branch, or department, will include organisations for teachers (that qualify professionals by level examinations to the satisfaction of the WDC). This branch will also include Competitors and/or Organisations, Trainers, Adjudicators and Organisers.
  - b. Social Dance – This branch must include Teacher organisations (That qualify professionals be examinations to the satisfaction of the WDC) and/or Dance Schools.
- 5.7 A National Council's Constitution must be constructed and it must always practice inclusion and not exclusion with any Organisations and/or Federations that fulfil the requirements for membership.
- 5.8 Any organisation who seeks membership of the Council, shall apply in writing not less than ninety days prior to the next following Annual Council Meeting on a form prescribed by the Council which application shall be considered by the Council at its next Annual Council Meeting. If the members of the Council shall, by ordinary resolution, approve the election of the applicant, the applicant will be duly elected as a probationary or affiliate member (as the case may be). The Council shall have absolute discretion as to whether or not the applicant is elected to membership.
- 5.9 The Council may, at its discretion, ask any organisations making application for any class of membership to send delegates to Council meetings before considering an application to the Council for election or otherwise. Such delegates (who shall not number more than two) shall consist of either two representatives elected by the applicant or one such representative together with one other person as may be so designated to attend by the applicant and as the Council may approve. Such delegates may speak at any Council meeting that they attend at the invitation of the Chairman but may not take part in any debate thereat.



5.10 Subject to article 4.10. no organisation or body may be admitted to membership of the Council if it is not a professional association or professional dance body.

5.11 Where a professional association or dance body established in any Area applies for membership of the Council (“new applicant”) and there is an existing member established in that Area as a professional association or dance body, the Council may in its absolute discretion require that the existing member form a national council with the new applicant to represent the interests of the members of both the existing member and the new applicant. Any such national council shall prior to admission to membership submit a draft constitution to the Council for approval (which the Council may in its absolute discretion give or withhold). If the Council shall approve such constitution and if it shall be satisfied that such national council shall be fairly representative of the members of the existing member and the new applicant it shall so notify the existing member and the new applicant in writing. Upon the Council giving such written notification, the existing member shall cease to be a member and the national council shall become the member for that Area in its place.

## 6. DISCIPLINARY ACTION

6.1 The Council, or any Sub-committee of the Council, may in their absolute discretion and by decision in general meeting establish an ad hoc Enquiry Committee as provided, to investigate and examine and report upon any written complaint against any person or organisation who is subject to the jurisdiction of these regulations or any article, or the Council or any rule of any Committee, of the Council. In any urgent situation, or where a General Meeting of any Committee, is not scheduled to be held within two months of receipt of any such complaint the Board of Directors shall be empowered to establish an ad hoc Enquiry Committee as provided.

Any complaint must, in the case of any organisation making the complaint, to be signed by at least two officers of that organisation or in the case of an individual or a number of individuals be signed by each such individual and provide an address for each. Sufficient detail shall be stated in order to permit satisfactory investigation.

Each complaint must be submitted to the Company Secretary, or Head Office, within six months of any alleged breach of date upon which any such breach becomes known. The specific article, regulation or rule under which the complaint is made must be stated. Unless the complaint is initiated by the Board of Directors, the Council, or any of its Committees, a payment to the Council of £50 Sterling must accompany any complaint. Any complaint having been considered as provided shall not be subject to re-consideration by way of any further complaint from any source.

An Enquiry Committee is governed by Article 20, of the Articles of Association and this regulation.

6.2 The Enquiry Committee must consist of not less than three persons or more than five with three persons present in person constituting a quorum. The Committee will elect its own Chairman who in the case an equality of votes shall have a second or casting vote. No person who signed the complaint shall be a member of the Enquiry Committee. In addition, and as far as possible, no person who may have been involved in an issue giving rise to any complaint shall be a member of the Enquiry Committee. Voting or attendance by proxy shall not be permitted.

6.3 Any person or organisation in relation to whom any complaint is to be subject of investigation by an Enquiry Committee has the right to make representations to the Enquiry Committee. Not less than 28 days notice in writing of the date on which the Enquiry Committee is to meet shall be given to any such person or organisation. The Company Secretary, or other authorised officer of the Council, must forward to either full details of the complaint 28 days before the Enquiry Committee meeting. Any person or organisation, the subject of any complaint shall be permitted to attend the meeting. An individual may attend in person, or with a representative and may speak and represented for the purpose of answering any complaint or allegation made and making any statement by way of explanation for the consideration of the Enquiry Committee. An organisation shall receive similar facilities with at least two persons and a representative nominated by any organisation involved being entitled to attend. The Enquiry Committee will consider the matter whether or not any person or

organisation the subject of complaint makes representations and whether or not either attends the Enquiry Committee.

- 6.4 An Enquiry Committee is empowered to regulate its own proceedings. An Enquiry Committee cannot take action against any person or organisation against whom a complaint has been made. The Enquiry Committee must report its findings in writing to the Council or Sub-committee or Board of Directors as appropriate under which the Enquiry Committee was established in relation to each matter brought before it. A copy of the report of the Enquiry Committee shall be forwarded to every person and organisation whose name appears in the report, within 28 days of the report being made. Any person or organisation whose name appears in the report may make further written representations to the Council before the Council or Committee or WDC Board of Directors considers the report as appropriate before any decision with regard to the report is taken. The Board of Directors may in respect of any report be it by an Enquiry Committee refer that report to the Council or Council Sub-committee with or without recommendation.
- 6.5 The Council or Sub-committee or Board of Directors that establish the Enquiry Committee will consider any report of the Enquiry Committee and may take such decision as it considers appropriate but having full regard to all articles, regulations and rules of the Council and its Sub-Committees. In particular, any such decision, the effect of which is to obstruct, restrict or remove the rights of any member must be placed before the members as an agenda item at a full Council Meeting prior to any form of implementation. Notice of any decision must be sent without delay to any member, person or organisation who has been the subject of any complaint.
- 6.6 If any person or organisation wishes to appeal against any decision of the Council or Sub-Committee or Board of Directors, that has been taken on the basis of an Enquiry Committee's report, notice must be given in writing to the Company Secretary, that an appeal will be made, within 14 days of such decision being sent to any person or organisation. Any such appeal must be lodged with the Company Secretary, or Head Office, within a further 14 days and be accompanied by a payment of £100 Sterling to the Council, which shall be refundable if the appeal is upheld. The Board of Directors must within 28 days appoint a Review Committee consisting of the President and three persons. None of these three persons shall have been members of the Enquiry Committee or have been involved in the original complaint or have voted in any Sub-Committee or Board of Directors decision relative to the report the Enquiry Committee. The Review Committee shall review the decision and re-hear the complaint in such manner as it considers appropriate.
- 6.7 The findings and decisions of the Review Committee shall be final but shall not over-ride any article of the Articles of Association.
- 6.8 During investigation and examination of any complaint and pending any decision or appeal procedure on any action arising there from, the Council or any Sub-Committee within the Council or the Board of Directors, shall not act in any way against any person or organisation unless by way any report to the police authorities that is considered necessary or way of any legal requirements.
- 6.9 The Board of Directors shall report in writing any and all actions and decisions taken under this regulation annually.

## 7. SUSPENSION

The Board of Directors is empowered to impose a period of suspension, not exceeding one year or a fine, or both, in relation to any Council member who, following due process of investigation has been found in breach of the Council's Articles, Rules or Regulations, or whose conduct has been considered to be contrary to the best interests of the Council. Due process refers to articles 6.2 To 6.9 herein contained.

## 8. EXPULSION OF MEMBERS

- 8.1. A member may be expelled by resolution carried by the votes of not less than two thirds of the members entitled to vote at an Annual or Special General Meeting of the Council.
- 8.2. A member under expulsion shall cease to be a member at the end of the meeting at which the resolution to expel it was carried.
- 8.3. No member who has been expelled from membership shall be re-admitted to membership except by resolution carried by the votes of not less than two thirds of the members present and voting in person or by proxy and voting on a poll at an Annual or Special General Meeting of the Council. No member that has been expelled may be re-admitted other than as a probationary member.
- 8.4. The Council, by resolution carried by the voters of not less than two thirds of the members entitled to vote at an Annual or Special General Meeting of the Council, may as an alternative to expulsion reduce the class of membership of any member to one of probation and from the end of the meeting at which such resolution is carried as aforesaid the member shall become a probationary member in accordance with the provision of articles 4.4.a. to 4.4.d. hereof.
- 8.5. For the purpose of ascertaining whether a quorum is present at any meeting referred to in this article 8 the member whose expulsion is proposed shall not be deemed to be present nor shall it be entitled to vote on the resolution.

## 9. CESSATION OF MEMBERSHIP

- 9.1 Membership of the Council shall cease if in relation to a member:
  - a. It, being an individual, dies;
  - b. It, being a body corporate, ceases to be a body corporate;
  - c. It, being an unincorporated body, is dissolved or ceases to exist;
  - d. It is expelled in accordance with article 8;
  - e. It withdraws from the Council by giving not less than one month's notice in writing of its intention so to do;
  - f. It fails to pay any subscription monies due;
  - g. The provisions of article 5.4 are not implemented in relation to it.
- 9.2 A delegate elected as President shall cease to act as a delegate and his appointer may appoint a further delegate to represent it during the tenure of office of the President. At the end of the President's term of office, the member organisation shall inform the Company Secretary in writing whether it wishes to continue to be represented by the former President in which event the additional delegate shall cease to represent it and the name of the former President shall be reinstated in the register as that member organisation's delegate.

## 10. SUBSCRIPTION

- 10.1. All members (whether full, probationary, introductory, honorary or affiliate members) shall pay an annual subscription of such sum as the Council may from time to time prescribe.
- 10.2. Payment of subscriptions for each year of membership shall be made on or before the 31st January for that year (or if a member is admitted during a calendar year and after the holding of the Annual Council Meeting for that year, upon the date of admission to membership) at the rate prescribed by the Council in the previous year. Failure to pay any subscription when due shall render a member organisation liable to expulsion.
- 10.3. Members that can prove hardship to the satisfaction of the Board of Directors may apply to the Board of Directors for a reduction in the amount of the subscription monies due from them (subject to

payment of such minimum amount as the Board of Directors may from time to time determine). The Board of Directors shall have absolute discretion as to whether or not to approve a reduction in subsequent fees.

- 10.4. Failure to pay the annual subscription, or to pay any subscription on time will result in the loss of voting and representation rights at WDC meetings.
- 10.5. The annual subscription shall be reviewed and agreed by the members at the meeting of the Council in General Meeting each year.

## 11. GENERAL MEETING

- 11.1. The Council shall meet at least once a year (“the Annual Council Meeting”). Not more than 15 months shall elapse between the date of one Annual Council Meeting and that of the next.
- 11.2. All general meetings other than Annual Council Meetings shall be called Special General Meetings.
- 11.3. The Board of Directors may call general meetings and, on the requisition of members pursuant to the provisions of the Act, shall forthwith proceed to convene a Special General Meeting for a date not later than eight weeks after receipt of the requisition. If there are not within the United Kingdom sufficient members of the Board of Directors to call a general meeting, any member of the Board of Directors or any member entitled to vote thereat may call a general meeting.

## 12. SPECIAL GENERAL MEETING called by the Board of Directors

- 12.1 The Board of Directors may at any time call a Special General Meeting of the Council to deal with any matter which at its absolute discretion considers would be inappropriate to delay until the next Annual Council Meeting and the Company Secretary shall be instructed to call such a meeting. In such an event, the meeting shall be deemed a Special General Meeting of the Council.

## 13. SPECIAL GENERAL MEETING called by a member

- 13.1. Any member entitled to vote at the general meetings of the Council may requisition the Board of Directors in writing by notice sent to the office to call a general meeting. Such requisition shall specify the reason for the meeting and shall set out briefly the agenda thereof.
- 13.2. Subject to the provisions of the Act the Board of Directors, may at its absolute discretion decide whether or not such a meeting may be called, and it so shall require the Company Secretary agenda together with any accompanying documents to the members specifying a time date and place for the meeting. In such an event, the meeting shall be deemed a Special General Meeting of the Council.
- 13.3. If the Board of Directors, at its absolute discretion and subject to the provisions of the Act, refuses to call such a meeting, it shall inform the member of its decision within six weeks of the receipt of the requisition for the meeting and the member organisation shall within 6 weeks of receipt of such notice be entitled, on depositing sufficient funds with the Company Secretary as may be required by the Council to cover all the expenses of calling such meeting (including sufficient funds to cover the expenses of any member which may attend in person or by delegate or proxy), to require the President to circularise the members with the agenda and to convene a Special General Meeting at a time and place specified by the President for the meeting.

#### 14. NOTICE OF GENERAL MEETINGS

14.1. Notice of every Council meeting shall be prepared by the President and Company Secretary and dispatched to all member organisations according to the following schedule:

- a. On or before 1<sup>st</sup> February, every year, a Notice of the Annual Council Meeting will be sent to all member organisations.
- b. Member organisations must send written proposals to the Council's headquarters, to be received before 10<sup>th</sup> March.
- c. On or before 15<sup>th</sup> March, a second Notice of Proposals submitted will be sent to all member organisations.
- d. Member organisations must send written amendments to the Council's Headquarters, to be received before 10<sup>th</sup> April.
- e. On or before 15<sup>th</sup> April, an Agenda containing all proposals and amendments will be sent to all member organisations.
- f. In every third year, a special form will be sent with the 1<sup>st</sup> February Notice inviting nominations for persons to be elected to the WDC Board of Directors. Nominations must be received before 10<sup>th</sup> April.
- g. No proposal, amendment or nomination will be accepted after these deadline dates without the unanimous consent of the President and the Board of Directors. This means that no proposal, amendment or nomination will be accepted at the meeting if it has not been sent to the Council's Headquarters before the deadline date unless the President and the WDC Board of Directors unanimously agree that it can be accepted.

14.2. in the case of the Annual Council Meeting, by all the members entitled to attend and vote thereat; and

14.3. in the case of any other meeting by a majority in number of the members having a right to attend and vote being a majority together holding not less than ninety-five per cent of the total voting rights at meetings of all the members.

14.4. The notice shall specify the time and place of the meeting and the general nature of the business to be transacted and, in the case of an Annual Council Meeting, shall specify the meeting as such.

14.5. The notice shall be given to all the members and to the members of the Board of Directors and to the auditors (if any).

14.6. The accidental omission to give notice of a meeting to, or the non receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting.

## 15. PROCEEDINGS AT GENERAL MEETINGS

- 15.1. The quorum for the transaction of business at the Annual Council Meeting shall be ten members entitled to vote thereat present in person or by one or more delegates or by proxy. If a quorum is not present within half an hour of the time appointed for the meeting, the members present and entitled to vote shall have the power to conduct all business of the Council in general meeting except in relation to the election of members of the Board of Directors and amendments to these articles or any rules or bye-laws made there under.
- 15.2. At any other general meeting, a quorum shall be a minimum of five members entitled to vote thereat present in person or by one or more delegates or by proxy and if no quorum is present within half an hour of the time appointed for the meeting, or such longer time as the President (if present) shall specify, the meeting:
- a.) if a Special General Meeting requisitioned by members, shall be dissolved;
  - b.) If a Special General Meeting called by the Board of Directors shall stand adjourned to the next day at the same time and place. If, at the adjourned meeting, a quorum is not present within half an hour of the time appointed for the meeting the members entitled to vote thereat present in person or by one or more delegates or by proxy shall be a quorum.
- 15.3. The Chairman of the meeting may, with the consent of a simple majority of the members present and entitled to vote, adjourn any meeting but no business shall be transacted at any adjourned meeting other than the business not reached or left unfinished at the meeting from which the adjournment took place.
- 15.4. Every adjourned meeting shall be deemed to be a continuation of the original meeting and any resolution passed on the date on which it was in fact passed and shall not be deemed to have been passed on any earlier date. It shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.
- 15.5. A member of the Board of Directors shall, notwithstanding that he is not a member, be entitled to attend and speak at any general meeting.
- 15.6. On every resolution placed before the Council in general meetings, there shall be conducted a poll.
- 15.7. A poll shall be taken as the chairman directs and he may appoint scrutineers (who need not be members) and fix a time and place for declaring the result of the poll. The result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
- 15.8. A declaration by the Company Secretary that a resolution has been carried or carried unanimously, or by a particular majority, or lost, or not carried by a particular majority and an entry to that effect in the minutes of the meeting shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.
- 15.9. The result of such a poll shall be deemed to be the resolution of the Council in general meeting. A resolution in writing executed by or on behalf of each member who would have been entitled to vote upon it if it had been proposed at a general meeting at which he was present in person or by delegate or proxy shall be as effectual as if it had been passed at a general meeting duly convened and held and may consist of several instruments in the like form each executed by or on behalf of one or more members.

15.10. Subject to the provisions of these articles, meetings of the Council shall be conducted in such manner as the President shall from time to time direct.

15.11. Voting Procedure at Council Meetings

Any poll taken at a Council meeting in accordance with the Articles shall be entered on a form prescribed in Schedule 3 of these Regulations by the Company Secretary. On that form the Company Secretary shall record the vote (for or against or abstaining) of each member organisation entitled to vote, save that if the representative(s) of a member organisation be absent from the meeting at the time of the vote, he shall indicate on the form that member organisation's absence.

15.12. Standing Orders of the Council

- a. The Regulations governing the conduct of meeting of the Council (which shall be known as „the standing orders“) contained within these statutes shall be followed by the Council in general meeting.
- b. The Chairman of the meeting, at his absolute discretion, shall be enabled by this Regulation to lift the standing orders in order to conduct the meeting in such other manner as he deems fit.
- c. **SELECTION OF SPEAKERS AT COUNCIL MEETINGS**  
Every person present shall raise his hand when desirous of speaking and whilst speaking shall stand. The Chairman of the meeting shall decide the order of precedence, with no speech of a delegate lasting longer than 5 minutes at the discretion of the chairman.
- d. **CHAIRMAN OF THE MEETING'S RULING AT COUNCIL MEETINGS**  
If the Chairman of the meeting rises to call a nominee to order, or for any other purpose connected with the meeting, the nominee speaking shall resume his seat and no other nominee shall rise until the chair is resumed. The ruling of the Chairman of the meeting on any question of standing orders or on points of order or explanation shall be final. Any delegate may appeal against the decision of the Chairman of the meeting, but this requires a seconder and majority vote.
- e. **SPEECHES AT COUNCIL MEETINGS**  
No nominee shall be permitted to speak more than once on any subject before the meeting or upon the same point of order, except the mover of the original motion. On an amendment being moved, any nominee, even though he has spoken on the original motion, may speak again on the amendment. No delegate shall speak for more than five minutes at one time unless the Chairman of the meeting so permits. Nominees wishing to raise points of order or explanation must rise immediately and obtain the permission of the Chairman of the meeting to speak. Any member organisation may formally second any motion or amendment. The nominee representing the member organisation so seconding a motion or amendment may reserve his speech until a later period in the debate.
- f. **MOTIONS AND AMENDMENTS AT COUNCIL MEETINGS**
  - i. All proposals placed before the Council and all amendments placed before the Council be submitted in writing, together with a brief report setting out the intended purpose of the proposal, the financial and legal implications of the proposal, the date on which the proposal would come in to effect and any transitional or administrative arrangements required to implement the proposal.
  - ii. The first proposal on any particular subject shall be known as the original motion. All succeeding proposals on that subject shall be called amendments. Every Motion or amendment must be moved and seconded by member organisations actually present at the meeting before they may be discussed. When an amendment is moved to an original motion, no further amendment shall be discussed until the first amendment is disposed of. Notice of any further amendment must be given to and read out from the Chair before

the first amendment is put to the vote and this procedure must be repeated with succeeding amendments.

- iii. The WDC Board of Directors be expressly enabled to propose and second proposals being placed before the Council or any Council Committee.
  
- g. **SUBSTANTIVE MOTIONS AT COUNCIL MEETINGS**  
If an amendment is carried it displaces the original motion and it self becomes the substantive motion and may be further amended, provided it is consistent with the business and has not been covered by an amendment or motion which has been previously rejected. The substantive motion will then be put to the vote.
  
- h. **RIGHT TO REPLY AT COUNCIL MEETINGS**  
The mover of the original motion shall, provided that no amendment is moved, have the right of reply at the close of the debate upon such a motion but shall introduce no new matter. The motion shall then be put to the vote immediately and under no circumstances shall any further discussion be allowed once the motion has been put from the chair. When an amendment is moved, the mover of the original motion shall be entitled to speak upon the amendment. The mover of an amendment shall not be entitled to reply.
  
- i. **WITHDRAWAL OR ALTERATION OF MOTIONS OR AMENDMENTS AT COUNCIL MEETINGS**  
No motion or amendment which has been accepted by the chair shall be withdrawn without the unanimous consent of the member organisations at the meeting. Neither shall any addendum or rider be added to the motion which has been accepted by the chair without such full consent. Should any nominee dissent, the addendum may be proposed and seconded and treated as an ordinary amendment.
  
- j. **CLOSURE OF DEBATE AT COUNCIL MEETINGS**  
Motions for next business or for the closure of debate on a motion or an amendment may be moved and seconded only by delegates who have not previously spoken at any time during the debate, either on the original motion or on any subsequent amendments. In the event of the closure of debate being carried, the mover of the original motion shall have the right to reply before the motion or amendment is put to the vote. Should a motion for next business or closure of debate be defeated, ten minutes must elapse before it can be accepted again by the Chairman of the meeting, unless he is of the opinion that the circumstances have materially altered in the meantime. No speeches shall be allowed on motions for next business or the closure of debate.

15.15 The Council shall keep at its headquarters a register of members in which the Company Secretary shall enter the following particulars

- a. the names and addresses of the Member Organisations and its Delegates;
- b. the date at which each Member Organisation or Delegate was entered in the register as a member or delegate, and the date at which any such member organisation or delegate ceased to be a member,
- c. the names, addresses, telephone, fax, e-mail and other relevant details of the officers of the member with the offices held by them respectively and the dates on which they assumed office.

15.16 The inclusion or omission of the name of any person or member organisation or delegate from the register of members shall, in the absence of evidence to the contrary, be conclusive that such person or member organisation or delegate is not a member or delegate of the Council.



## 16. VOTES OF MEMBERS

- 16.1. Subject to the restrictions placed on the rights of probationary members and honorary members and to any special rights set out in any affiliate terms, each member shall be entitled to have one vote at meetings of the Council notwithstanding that it may have more than one delegate on the Council. If the delegates representing any member organisation cannot agree on how the vote of that member organisation shall be cast at the time the vote in question is taken, then that member organisation shall be deemed to have abstained from voting on the resolution in question.
- 16.2. A member in respect of whom an order has been made by any court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder may vote by his receiver, curator bonis or other person, may, on a poll, vote by proxy. Evidence to the satisfaction of the Board of Directors of the authority of the person claiming to exercise the right to vote shall be deposited at the office, or at such other place as is specified in accordance with the articles for the deposit of instruments of proxy, not less than 48 hours before the time appointed for holding the meeting or adjourned meeting at which the right to vote is to be exercised and in default the right to vote shall not be exercisable.
- 16.3. No objection shall be raised to the qualification of any voter except at the meeting or adjourned meeting at which the vote objected to is tendered, and every vote not disallowed at the meeting shall be valid. Any objection made in due time shall be referred to the chairman whose decision shall be final and conclusive.

## 16.4. PROCEDURE FOR THE RECORDING OF VOTES AT COUNCIL MEETINGS

### a. Arrangements for voting on proposals

There shall be a form wherein the country of all member organisations' areas shall be listed in alphabetical order, in Column 1, which shall be headed „Member Organisation“. The headings of Columns 2 – 5 inclusive shall be „For“, „Against“, „Abstained“ and „Absent“ respectively. On every motion before the Council, after the Chairman of the meeting has read the motion and any amendments in accordance with the Statutes to the meeting, the Company Secretary shall read the name of each country listed in Column 1, whereupon a nominee, if there be any nominees present, of the member organisation whose area comprises that country shall call „For“, or „Against“, or „Abstain“, as appropriate. The Company Secretary shall mark the appropriate row and column with a tick, to indicate how the member organisation has voted; in the absence of a member organisation's nominees, he shall note the member organisation's absence. When all member organisations' countries have been called, the Company Secretary shall declare whether or not the motion has been carried or lost.

### b. Arrangements for voting in elections to Officer posts of the Council

The voting arrangements that shall apply to the election of Officers of the Council, whose election to posts is required by virtue of Regulation 10(e) (that is the offices of President and Vice Presidents) shall be as set out in this Section. In the case of each election that comes before the Council, the Chairman of the meeting shall call for candidates to be nominated and seconded. Where there is more than one candidate standing for election to a post, the Company Secretary shall enter the name of each candidate as headings in Columns 2 onwards, provided that the candidate has been nominated and seconded. The names of all candidates having been entered on the form, the Company Secretary shall read the name of each country listed in Column 1, whereupon a nominee, if there be nominees present, of the member organisation whose area comprises that country shall call the name of the candidate for whom it wishes to cast its vote. The Company Secretary shall mark the appropriate cell with a tick, to indicate how the member organisation has voted. When all member organisations' countries have been called, the Company Secretary shall declare the total number of votes cast for each candidate. The candidate who secures the votes cast by not less than

50% of the member organisations present shall be deemed to be elected to the post in question. In the event of no one candidate securing the votes cast by not less than 50% of the member organisations present and voting and there are more than two candidates for the post in question, the candidate with the least number of votes cast in his favour shall withdraw his candidacy for the post. The remaining candidates shall stand to the next round of voting. This process shall be repeated until the number of candidates is reduced to two. In this final round, the candidate with the highest number of votes cast in his favour shall be elected to the post. In the event of a tie (i.e. where the two candidates in the final round share an equal number of votes), the poll shall be declared void by the Company Secretary and a second election shall be begun from the beginning. For the avoidance of doubt any candidate who, in any round of voting, secures the votes cast by not less than 50% of the member organisations present shall be deemed to be elected to the post.

## 17. VOTING BY PROXY

- 17.1. A closed proxy must be lodged with the Chairman of any meeting via the WDC office by a member unable to attend the meeting having first tendered its apologies for absence:
- 17.2. Only closed proxies are permitted. Open proxies being prohibited.
- 17.3. A member can hold up to a maximum of two closed proxies.
- 17.4. A closed proxy is defined as the vote of an absent member instructing a member voting on its behalf to vote either "Yes" or "No" to a specific proposal including any amendment to the proposal accepted at the meeting.
- 17.5. A closed proxy or any form of proxy shall not be deemed as an attendance by a member to rank in the count to establish a quorum.
- 17.6. An instrument appointing a proxy shall be in writing, executed by or on behalf of the appointer and shall be in the following form (or in a form as near thereto as circumstances allow or in any other form which is usual or which the Board of Directors may approve.
- a. § PLC/Limited I/We, § of § being a member/members of the above-named company, hereby appoint § of §, or failing him, § of §, as my/our proxy to vote in my/our name/s] and on my/our behalf at the annual/extraordinary general meeting of the company to be held on § 20§, and at any adjournment thereof.
- Signed on § 20§."
- b. Where it is desired to afford members an opportunity of instructing the proxy how he shall act the instrument appointing a proxy shall be in the following form (or in a form as near thereto as circumstances allow or in any other form which is usual or which the Board of Directors may approve)
- c. § PLC/Limited I/We § of § as my/our proxy to vote on my/our name/s/ and on my/our behalf at the annual/extra ordinary general meeting of the company, to be held on § 20§, and at any adjournment thereof.

This form is to be used in respect of the resolutions mentioned below as follows:

- d. Resolution No. 1 \*for \*against  
 Resolution No. 2 \*for \*against.  
 \*Strike out whichever is not desired.

Signed this § day of § 20§.”

- 17.7. The instrument appointing a proxy and any authority under which it is executed or a copy of such authority certified notary or in some other way approved by the Board of Directors may be deposited at the office or at such other place within the United Kingdom as is specified in the notice convening the meeting or in any instrument of proxy sent out by the company in relation to the meeting not less than 48 hours before the time for holding the meeting or adjourned meeting (or such shorter period as the Board of Directors may approve) at instrument of proxy which is not deposited or delivered in a manner so permitted shall be invalid.
- 17.8. A vote given by proxy or by the delegate of a member organisation shall be valid notwithstanding the previous determination of the authority of the person voting or demanding a poll unless notice of the determination was received by the Council at the office or at such other place at which the instrument of proxy was duly deposited before the commencement of the meeting or adjourned meeting at which the vote is given or the poll demanded.

## 18. OBSERVERS AT COUNCIL MEETINGS

- 18.1. Visitors and Observers shall at the discretion of the Council be allowed to attend meetings or parts of a meeting, but shall not be allowed to take part in debate or to vote. Visitors / Observers shall be listed in the minutes of the meeting and shall pay an observers fee prescribed by the Board of Directors from time to time
- 18.2. For the express purpose of the avoidance of doubt, delegates of organisations that have applied for membership or for affiliate membership of the Council and have been invited to a meeting in accordance with the provisions of article 4.8. shall not be deemed to be observers or visitors, and shall be admitted to all or part of the meeting as determined by the Chairman of the meeting.
- 18.3. For the express purpose of the avoidance of doubt, in addition to its delegates each member organisation shall be entitled to send, to general meetings, for the sole purpose of translating the proceedings for its delegates, a person who is capable of translating from English into the native language of the member organisation, English being the official language of the Council. Such a person shall not be allowed to enter into any debate or to vote, but shall be deemed to be in attendance at the meeting and shall not be excluded from any part of the meeting at which the member organisation's delegates are rightfully present.

## 19. ACTS OF THE COUNCIL

- 19.1. All acts done in good faith by any members of the Council or of the Board of Directors, notwithstanding that it shall be afterwards discovered that there was any defect in the appointment of any member or delegate of a member or member of the Board of Directors or that any one of them was disqualified from voting, shall be as valid as if every member or delegate has been duly appointed and was duly qualified to vote.

## 20. COMMITTEES

- 20.1 The Council may constitute Committees (or Sub-Committees) and may delegate all or any of its powers to any such Committee and/may authorise the Sub-Committee to perform such functions as the Council considers fit. The powers and/or functions of such Committees, the conduct of proceedings of any such Committee and all other terms upon which any such Committee is

appointed shall be recorded in writing as soon as practicable after the meeting of the Council at which such appointment is made and shall be referred to in these articles as the “terms of reference” of that Committee.

20.2 Any Committee (or Sub-Committee) constituted pursuant to this article shall have only those powers and functions contained in the terms of reference for that Committee and its proceedings and conduct shall be governed in all respects by such terms of reference. The terms of reference of any Committee may only be changed by the Council in general meeting or by the direction of the Board of Directors. Such change in any terms of reference shall not be effective until it has been recorded in writing after the meeting of the Council or Board of Directors (as the case may be) that authorised such change.

## 21. THE BOARD OF DIRECTORS

21.1. Unless otherwise determined by ordinary resolution, the number of members of the Board of Directors (other than Alternates) shall not be subject to any maximum but shall not be less than five.

21.2. The officers of the Council shall be:

- a. The President;
- b. Such number of Vice Presidents as the Council, in general meeting may by ordinary resolution elect;
- c. Any chairman of any Sub-Committee who, by virtue of the Sub-Committee’s terms of reference, is co-opted onto the Board of Directors as a Vice-President;
- d. Any affiliate delegate, which by virtue of the affiliate member’s affiliate terms is entitled to nominate a representative to the Board of Directors, and which such affiliate delegate is approved by resolution of the Council in general meeting (insofar as such affiliate terms and these articles allow);

21.3. The officers so specified shall form an executive called the Board of Directors which shall constitute the board of directors of the Council.

21.4. The members of the Board of Directors shall be delegates of members, save as provided for by article 24.6.

21.5. Officers of the Council cannot use proxies at meetings of the Board of Directors.

For the avoidance of doubt, the officers of the Council shall be those persons jointly and severally appointed to office in accordance with the Articles, specifically not their representatives, proxies or deputies, save where such representation is expressly empowered by these Regulations. Officers of the Council shall not nominate such representatives, proxies or deputies to attend meetings the Board of Directors, save where such representation is expressly empowered by these Regulations, nor shall such representatives, proxies or deputies be in any way enabled by any form of proxy or instrument to carry out any duty, function or responsibility of an officer of the Council in the stead of that officer. The Board of Directors shall not be consulted as a committee pursuant to the Articles but shall be governed in all respects by the Council’s constitution.

## 22. POWERS OF THE BOARD OF DIRECTORS

22.1. Subject to the provisions of the Act. The memorandum and the articles and to any directions given by the members by special resolution, the business of the Council shall be managed by the Board of Directors who may exercise all the powers of the Council. No alteration of the memorandum or articles and no such direction shall invalidate any prior act of the Board of Directors which would have been valid if that alteration had not been made or that direction had not been given. The

powers given by this regulation shall not be limited by any special power given to the Board of Directors by the articles and a meeting of the Board of Directors at which a quorum is present may exercise all powers exercisable by the Board of Directors.

- 22.2. The Board of Directors may, by power of attorney or otherwise, appoint any person to be the agent of the Council for such purposes and on such conditions as they determine, including authority for the agent to delegate all or any of his powers.

### 23. DELEGATION OF BOARD OF DIRECTORS'S POWERS

- 23.1 The Board of Directors may delegate any of its powers to any committee consisting of one or more members of the Board of Directors. They may also delegate to any managing director or any member of the Board of Directors holding any other executive office such of their powers as they consider desirable to be exercised by him. Any such delegation may be made subject to any conditions the Board of Directors may impose, and either collaterally with or to the exclusion of their own powers and may be revoked or altered. Subject to any such conditions, the proceedings of a committee with two or more members shall be governed by the articles regulating the proceedings of the Board of Directors so far as they are capable of applying.

### 24. APPOINTMENT AND RETIREMENT OF BOARD OF DIRECTORS MEMBERS

- 24.1 The Council may by ordinary resolution in general meeting appoint any person who is entitled to be a member of the Board of Directors and who is willing to act to be a member of the Board of Directors, either to fill a vacancy or as an additional member of the Board of Directors.
- 24.2 Any affiliate delegate, which by virtue of any affiliate terms is appointed to the Board of Directors, shall be nominated by the affiliate member in writing and his appointment to the Board of Directors shall be subject to the prior approval of the Council by resolution in general meeting (which the Council may in its absolute discretion give or withhold). If the affiliate member shall cease to be a member of the Council for whatever reason, any office of the Council held by an affiliate delegate and the number of officers required by these articles shall be reduced accordingly.
- 24.3 The President and Vice Presidents shall hold office for a maximum of three years and shall retire and offer themselves for re-election by the Council at the Annual Council meeting held every third year. Such officers, if not elected, shall be deemed to retire at the conclusion of such Annual Council Meeting.
- 24.4 A person who has been elected to membership of the Board of Directors and who is the subject of a tri-annual election, is eligible to stand for re-election to membership of the Board of Directors on condition only that he remains a member of a member organisation.
- 24.5 If the Council, at the meeting at which a member of the Board of Directors retires and offers himself for re-election, does not fill the vacancy the retiring member of the Board of Directors shall, if willing to act, be deemed to have been re-appointed unless at the meeting it is resolved not to fill the vacancy or unless a resolution for the appointment of the member of the Board of Directors is put to the meeting and lost.
- 24.6 No person including a member of the Board of Directors retiring and offering himself for re-election shall be appointed or re-appointed a member of the Board of Directors at any general meeting unless not less than thirty-five clear days before the date appointed for the meeting, notice executed by a member qualified to vote at the meeting has been given to the Council of the intention to propose that person for appointment or reappointment stating the particulars which would, if he were so appointed or re-appointed, be required to be included in the company's register of directors together with notice executed by that person of his willingness to be appointed or re-appointed.

- 24.7 Not less than twenty-eight clear days before the date appointed for holding a general meeting notice shall be given to all who are entitled to receive notice of the meeting of any person including a member of the Board of Directors retiring and offering himself for re-election retiring at the meeting in respect of whom notice has been duly given to the Council of the intention to propose him at the meeting for appointment or reappointment as a member of the Board of Directors. The notice shall give the particulars of that person which would, if he were so appointed, be required to be included in the company's register of directors.
- 24.8 Should a vacancy occur in the office of President before the expiration of the three-year term of office of the President last elected an acting President may be appointed at the absolute discretion of the Board of Directors until the next Annual Council Meeting or the next Special Council Meeting on the agenda of which the election of a new President may be legitimately placed as an item in accordance with these articles.
- 24.9 A person appointed to the post of acting President shall hold office until the election of a President in accordance with article 24.3 (at which time his appointment shall cease automatically) but during his period of appointment he shall not be required to be a delegate of the member appointing him as such.
- 24.10 Should a vacancy occur in the office of any one of the Vice Presidents before the expiration of the three-year period of office of such Vice President before the expiration of the three-year period of office of such Vice President a special election may, at the absolute discretion of the Board of Directors, be held either at a Special General Meeting or by mail nomination and ballot (to be conducted in such manner as the Board of Directors may, in its discretion, determine). Any person so elected to the office of Vice President to fill a vacancy shall hold such office until the next general meeting of the Council at which his predecessor would have been required to offer himself for re-election.

## 25. DISQUALIFICATION AND REMOVAL OF MEMBERS OF BOARD OF DIRECTORS

- 25.1 The office of a Board of Directors member shall be vacated automatically if:
- a. He ceases to be a member of the Board of Directors by virtue of any provision of the Act or he becomes prohibited by law from being a member of the Board of Directors;
  - b. or He becomes bankrupt or makes any arrangement or composition with his creditors generally;
  - c. or He is, or may be, suffering mental disorder and either:
    - i. He is admitted to hospital in pursuance of an application for admission for treatment under the Mental Health Act 1983 or, in Scotland, an application for admission under the Mental Health (Scotland) Act 1960, or
    - ii. An order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for his detention or for the appointment of a receiver, curator bonis or other person to exercise powers with respect to his property or affairs; or
  - d. He resigns his office by notice to the Council; or

25.2 He shall for more than six consecutive months have been absent without permission of the Board of Directors from meetings of the Board of Directors held during that period and the Board of Directors resolves that his office be vacated;

25.3 The affiliate member of which he is an affiliate delegate ceases to be a member of the affiliate terms governing his appointer's membership are amended such that his appointer's right to appoint a member of the Board of Directors is revoked;

25.4 He is a member of the Board of Directors by virtue of article 21.2.c and in accordance with the terms of reference of such Committee or by virtue of any amendment to such terms of reference he ceases to be entitled to be co-opted to the Board of Directors, or if he ceases to be a member of such Committee or such Committee is dissolved.

## 26. EXPENSES

26.1 Subject to the provisions of the memorandum of association of the Council the members of the Board of Directors may be paid all travelling, hotel, and other expenses properly incurred by them in connection with their attendance at meetings of the Board of Directors or committees of the Board of Directors or of the Council or general meetings or separate meetings of the holders of debentures of the Council or otherwise in connection with the discharge of their duties.

## 27. INTERESTS OF MEMBERS OF THE BOARD OF DIRECTORS

27.1 Subject to the provisions of the Act, and provided that he has disclosed to the Board of Directors the nature and extent of any material interest of his, a member of the Board of Directors notwithstanding his office:

- a. May be a party to, or otherwise interested in, any transaction or arrangement with the Council or in which the Council is otherwise interested;
- b. May be a director or other office of, or employed by, or a party to any transaction or arrangement with, or otherwise interested in, any body corporate or unincorporated promoted by the Council or in which the Council is otherwise interested; and
- c. Shall not, by reason of his office, be accountable to the Council for any benefit which he derives from any such office or employment or from any such transaction or arrangement or from any interest in any such transaction or arrangement or from any interest in any such body corporate and no such transaction or arrangement shall be liable to be avoided on the ground of any such interest or benefit.

27.2 For the purposes of article 27.1;

- a. A general notice given to the Board of Directors that a member of the Board of Directors is to be regarded as having an interest of the nature and extent specified in the notice in any transaction or arrangement in which a specified person or class or persons is interested shall be deemed to be a disclosure that the member of the Board of Directors has an interest in any such transaction of the nature and extent so specified; and
- b. An interest of which a member of the Board of Directors has no knowledge and of which it is unreasonable to expect him to have knowledge shall not be treated as an interest of his.

## 28. GRATUITIES AND PENSIONS

28.1 The Board of Directors may exercise the powers of the Council conferred by Clause 3.10 of the memorandum of association of the Council.

## 29. PROCEEDINGS OF THE BOARD OF DIRECTORS

29.1 Subject to the provisions of the articles, the Board of Directors may regulate its proceedings as it thinks fit. The President may at the request of a member of the Board of Directors call a meeting of the Board of Directors. Questions arising at a meeting shall be decided by a majority of votes. In the case of an equality of votes, the President shall have a second or casting vote.

29.2 The quorum for the transaction of the business of the Board of Directors may be fixed by the Board of Directors and unless so fixed at any other number shall be five.

29.3 The continuing members of the Board of Directors or a sole continuing member of the Board of Directors may act notwithstanding any vacancies in their number, but, if the number of members of the Board of Directors is less than the number fixed as the quorum, the continuing member or members of the Board of Directors may act only for the purpose of calling a general meeting.

29.4 All acts done by a meetings of the Board of Directors, or of a committee of the Board of Directors, or by a person acting as a member of the Board of Directors shall, notwithstanding that it be afterwards discovered that there was a defect in the appointment of any member of the Board of Directors or that any of them were disqualified from holding office, or had vacated office, or were not entitled to vote, be as valid as if every such person had been duly appointed and was qualified and had continued to be a member of the Board of Directors and had been entitled to vote.

29.5 A resolution in writing signed by all the members of the Board of Directors entitled to receive notice of a meeting of the Board of Directors or of a committee of the Board of Directors shall be as valid and effectual as if it had been passed at a meeting of the Board of Directors or (as the case may be) a committee of the Board of Directors duly convened and held and may consist of several documents in the like form each signed by one or more members of the Board of Directors or of such committee.

29.6 A member of the Board of Directors may provided that he has declared the nature and extent of his interest at a meeting of the Board of Directors, vote at any meeting of the Board of Directors or of any committee of the Board of Directors, on any resolution, notwithstanding that it any way concerns or relates to a matter in which he has, directly or indirectly, any kind of interest whatsoever, and if he shall vote on any such resolution as aforesaid he shall (whether or not he shall vote on the same) be taken into account in calculating the quorum present at the meeting.

29.7 If a question arises at a meeting of the Board of Directors or of a committee of the Board of Directors as to the right of a member of the Board of Directors to vote, the question may, before the conclusion of the meeting be referred to the chairman of the meeting and his ruling in relation to any member of the Board of Directors other than himself shall be final and conclusive.

## 30. DUTIES OF THE PRESIDENT

30.1. The President may preside as Chairman over Council meetings and shall be an ex-officio member of all Committee meetings unless there is an express statement to the contrary included by the Council within the terms of reference of any Committee. At both Council and Committee meetings the President shall have the right to vote.

30.2. The President shall preside as Chairman over meetings of the Board of Directors and, in the event of an equality of votes, shall have a second or casting vote. Other officers of the Board of Directors shall each have one vote.



30.3. If the President is not present at any meetings of the Council or is unwilling to act as Chairman the members present and entitled to vote shall elect a Vice President to be the Chairman of the meeting or if no Vice President is present or if he is unwilling to act then the members present and entitled to vote shall elect a person who shall be a delegate of a member organisation if such person is willing to act to be the Chairman of the meeting.

### 31. THE COMPANY SECRETARY AND OTHER EXECUTIVE APPOINTEES

31.1. The Council shall have a Company Secretary and such other executive appointees as the Board of Directors may from time to time determine who shall be appointed and may be removed by the Board of Directors and who shall receive such remuneration (if any) as the Council in general meeting shall determine.

31.2. The Company Secretary and other executive appointees, if any, shall act under the direction of the Council, and without prejudice thereto the Company Secretary shall in particular

- a. Summon and attend all meetings of the Council and of Committees and sub-Committees and keep the minutes referred to in article 31, save that in the event of an express statement to the contrary being included by the Council within the terms of reference of any Committee or sub-Committee the Company Secretary shall not be required to summon and attend meetings of that Committee or sub-Committee or to take minutes thereat, and it shall be the duty so to do of the person so appointed by virtue of the terms of reference of that Committee. Minutes of all meetings of Committees and sub-Committees which are not taken by him shall be sent to the Company Secretary at the office no later than fourteen days after the meeting;
- b. Unless the Council otherwise directs, keep all books of account and receive all contributions and other payments due to the Council from the members and other persons and pay over the amount so received as the Council directs;
- c. Produce or give up all books, documents and property of the Council in his possession whenever required so to do by a resolution of the Council.

### 32. MINUTES OF COUNCIL

32.1 Minutes of every Council meeting and of every Committee meeting and of every meeting of the Board of Directors and committee of the Board of Directors shall be kept.

32.2 After opening a meeting and having read the minutes of the previous meeting, the Chairman of the meeting shall call for a motion confirming the minutes but no motion or discussion on them shall be allowed save in regard to their accuracy. After confirmation of the minutes, they shall be signed by the Chairman of the meeting and nominees shall then be permitted to ask any questions in regard to matters arising from them. Such questions shall be allowed for the purpose of information only and no debate on the policy outlined in the minutes shall take place.

32.3 Minutes of every Council meeting and of every meeting the Board of Directors shall be circulated by the Company Secretary to all Member Organisations and to all Honorary Members and all Affiliated Members when the minutes have been passed as a true record at the next subsequent meeting of the Board of Directors, save that this Regulation shall not apply to any meeting of the Council or of the Board of Directors that should take place within thirty-five days of the annual meeting of the Council that is required to take place by virtue of the Articles.

### 33. THE SEAL

- 33.1. If the Council has a seal it shall only be used with the authority of the Board of Directors or of a committee of the Board of Directors. The Board of Directors may determine who shall sign any instrument to which the seal is affixed and unless otherwise so determined it shall be signed by the President and the Company Secretary.
- 33.2. The Council may exercise the powers conferred by section 39 of the Act with regard to having an official seal for use abroad, and such powers shall be vested in the Board of Directors.

### 34. NOTICES

- 34.1. Any notice to be given to or by any person pursuant to the articles shall be in writing except that a notice calling a meeting of the Board of Directors need not be in writing.
- 34.2. The Council may give any notice to a member either personally or by sending it by post in a prepaid envelope addressed to the member at his registered address or by leaving it at that address or by electronic means.
- 34.3. A member present, either in person or by proxy, at any meeting of the Council shall be deemed to have received notice of the meeting and, where requisite, of the purposes for which it was called.
- 34.4. A notice shall be deemed to be given at the expiration of 5 clear days after the envelope containing it was posted or a notice was sent by electronic means.

### 35. INDEMNITY

- 35.1 Every member of the Board of Directors or other officer of the Council shall be indemnified out of the assets of the Council against all losses or liabilities which he may sustain or incur in or about the execution of the duties of his office or otherwise in relation thereto, including any liability incurred by him in defending any proceedings, whether civil or criminal, or in connection with any application under section 144 or section 727 of the Act in which relief is granted to him by the Court, and no member of the Board of Directors or other officer shall be liable for any loss, damage or misfortune which may happen to or be incurred by the Council in the execution of the duties of his office or in relation thereto, But this article shall only have effect in so far as its provisions are not avoided by section 310 of the Act.
- 35.2 The Board of Directors shall have power to purchase and maintain for any director or officer of the Council insurance against any such liability as is referred to in section 310(1) of the Act.

### 36. RULES AND BYE-LAWS

- 36.1 Each member shall be bound by any rules, bye-laws or other regulations from time to time made or adopted by the Council in general meeting or by any Committee.

### 37. DISPUTES

- 37.1 The Law governing these Regulations shall be that of England and any dispute not submitted to arbitration in accordance with Regulation 37.2 hereinafter shall be subject to the jurisdiction of the English courts.

37.2 Every dispute relating to the interpretation of the Council's constitution and these Regulations between a member or any person aggrieved who has not for more than six months ceased to be a member, or any person claiming through such member or person aggrieved or claiming under these Regulations shall be submitted to an arbitrator appointed by the President of the Law Society and his decision shall be binding and conclusive on all parties without appeal, and shall not be removable.

### 38. DISSOLUTION

If on the winding up or dissolution of the Council there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall be disposed of in whatever manner may be decided by a special general meeting.

### 39. COPIES OF REGULATIONS TO BE SUPPLIED

The Company Secretary shall deliver a copy of these Regulations to every person on demand on payment of a sum as the Council may from time to time direct.

### 40. WDC Code of Ethics

Consistent with the general ideas of society the World Dance Council expects all its Members, Member Federations, its Dancers, Adjudicators and all Officers to comply with the standards of ethics, moral, good behavior and sportsmanship.

The WDC will not tolerate any discrimination and any violation of human rights or bias based on racial, religious, political grounds or sexual orientation.

### 41. WDC Anti-Doping Rules.

The World Dance Council is a signatory to the WADA Anti-Doping Rules. The WDC Anti-Doping rules are available as schedule 3 appended to this constitution.

42. That no member of the WDC Board of Directors, Competitive Dance Executive Board or Social Dance Executive Board may be a registrant of any organisation deemed to be in conflict with the World Dance Council Ltd.(WDC), or actively acting against the best interests or administrative policies and decisions of WDC, and also cannot be nominated as a delegate for aforementioned meetings and shall not be nominated for any of these positions.

### NAMES AND ADDRESSES OF SUBSCRIBERS

President: Donnie Burns

Company Secretary: Hannes Emrich

Dated this 1<sup>st</sup> June of 2017

Witness of the above signatures:

Director:  
Director:

## **SCHEDULE 1: SUB-COMMITTEE TERMS OF REFERENCE**

### **WORLD COMPETITIVE DANCE COMMITTEE: terms of reference**

The function of the World Competitive Dance Committee is to consider and debate all matters relating to competition rules, selection of adjudicators and the granting of Council Championship Titles in all forms of competitive dance. The World Competitive Dance Committee can take decisions in competitive dance matters and the WDC Board of Directors may veto a decision of the Committee after debate if the WDC Board of Directors considers that the decision does not correspond with the interest of the World Dance Council.

### **WDC SOCIAL DANCE COMMITTEE: terms of reference**

The function of the WDC Social Dance Committee is to consider and debate all matters relating to dance schools, social dances and social dancers. The WDC Social Dance Committee can take decisions in social dance matters and the WDC Board of Directors may veto a decision of the Sub-Committee after debate if the WDC Board of Directors considers that the decision does not correspond with the interest of the World Dance Council.

### **WORLD COMPETITIVE DANCE AND WDC SOCIAL DANCE COMMITTEES: composition and regulation**

1. The Members of the Sub-Committee shall comprise of up to three nominees of each Member Organisation on the Council. The Sub-Committee shall elect an Executive Board as follows :  
a Chairman  
a Senior Vice Chairman  
Vice-Chairmen with Special Responsibilities.
2. It is the responsibility of the Sub-Committee to decide what posts and how many posts of Special Responsibility it needs to operate effectively, bearing in mind that the members of the Executive Board will be „Officers of the Committee“. The Chairman of the Sub-Committee is an ex officio member of the Board of Directors.
3. At the request of the Sub-Committee or the Chairman in consultation with the Executive Board in between meetings, the Board of Directors shall appoint Commissioners, if any, as are required to carry out research and development on behalf of the Sub-Committee.
4. The Executive Board may co-opt such persons of expertise to the Board as it considers appropriate.
- 5 Meetings of the Sub-Committee will be called by the Company Secretary at the request of the Committee Chairman. The Company Secretary shall make such arrangements as are expedient to ensure that minutes of Sub-Committee meetings are circulated to all Member Organizations, Affiliated Members and Honorary Members within twenty-eight days of the meeting.
- 6 The quorum for a Sub-Committee meeting shall be one nominee each from ten member organisations.
- 7 Meetings of the Executive Board shall be called by the Chairman. Any decisions taken by the Executive Board shall be circulated in the form of a report circulated to all Member Organizations, Affiliate Members and Honorary Members within twenty eight days of the meeting. Formal minutes of Executive Board meetings do not have to be made.
- 8 The quorum for meetings of the Executive Board shall be three, including the Chairman.
- 9 Subject to the conditions stated, the Competitive Dance Executive Board shall have the authority to decide on Competitive Dance matters, the Social Dance Executive Board shall have the authority to

decide on Social Dance matters, in a matter of importance and urgency where delay is considered likely to be detrimental to the best interests of the Council. Any such decision must comply with the following:

- a. Any decision must have the written support of at least two-thirds of the Executive Board elected members.
  - b. Any decisions must be recorded in writing.
  - c. Any decision must be included as an Agenda item of the next Sub-Committee meeting.
- 10 The Executive Boards be allowed to make proposals and/or recommendations for future Sub-Committee meetings

**2 c. Terms of Affiliation - The Americas Dance Council. (TADC)**

The TADC is affiliated with the World Dance Council Ltd under the following terms of Affiliation.

The Americas Dance Council (hereafter ( "TADC:) with its titles services and members is an affiliated member of the World Dance Council ( hereafter "the Council")

The TADC will become part of the membership of the Council and will maintain its status as an independent, self -contained affiliate member.

TADC finances will remain the property of the TADC and will remain under the TADC's control. The TADC will be responsible for its own constitution and election of officers etc.

A representative of the Council will be invited to attend and speak at the AGM of the TADC. Subscription fees will be payable by the TADC to the Council and be of the same amount as any other affiliate member-organization.

The TADC will be entitled to send three delegates to the AGM of the Council and they will have the right to address the meeting.

There will be no restriction on who may be a member of the TADC and this includes Amateur Members. The TADC will promote the Council as the sole governing body of professional Dance in all forms.

If and when the process is completed , a jointly agreed press release will be published.

The Americas Dance Council (TADC)

World Dance Council (WDC)

Signature -----

Signature -----

Date-----

**SCHEDULE 3:**

**ANTI-DOPING  
RULES  
World Dance Council  
(W.D.C.)**

**Anti-Doping Rules**

**Version 3.0 for 2015**

October 2014

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## **WDC ANTI-DOPING RULES**

### **INTRODUCTION**

#### **Preface**

At the WDC Annual General meeting held on 3<sup>rd</sup> June, WDC accepted the revised (2009) World Anti-Doping *Code* (the "*Code*"). These Anti-Doping Rules are adopted and implemented in conformance with WDC's responsibilities under the *Code*, and are in furtherance of WDC's continuing efforts to eradicate doping in the competitive disciplines of dancing in all its forms.

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

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

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

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

Doping is fundamentally contrary to the spirit of sport.

## Scope

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

[To be eligible for participation in WDC events, a competitor must have an WDC licence issued by his or her *National Federation*. The WDC licence will only be issued to competitors who have personally signed the Appendix 2 consent form, in the actual form approved by the WDC Executive. All forms from under-age applicants must be counter-signed by their legal guardians.

The *National Federation* must guarantee that all competitors registered for a WDC Licence accept the Rules of the WDC, including these WDC Anti-Doping Rules.]

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

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

Within the overall pool of *Competitors* set out above who are bound by and required to comply with these Anti-Doping Rules, the following *Competitors* shall be considered to be *International-Level Competitors* for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to *International-Level Competitors* (as regards *Testing* but also as regards *TUEs*, whereabouts information, results management, and appeals) shall apply to such *Competitors*: *Competitors* who participate in *Events*, *Competitions* or activities organized by WDC or where WDC is the ruling body; and *Competitors* who are members of WDC or who have received an accreditation from WDC.

## ARTICLE 1 DEFINITION OF DOPING

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

## ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

### **2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Competitor's Sample***

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

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

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

*[Comment to Article 2.1.2: The Anti-Doping Organization with results management responsibility may, at its discretion, choose to have the B Sample analyzed even if the Competitor does not request the analysis of the B Sample.]*

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

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

## **2.2 Use or Attempted Use by a Competitor of a Prohibited Substance or a Prohibited Method**

*[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Competitor, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Competitor Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]*

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

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

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

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

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

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

*[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Competitor 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 Competitor, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Competitor.]*

### **2.4 Whereabouts Failures**

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

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

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

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

### **2.6 Possession of a Prohibited Substance or a Prohibited Method**

**2.6.1** *Possession by a Competitor In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Competitor Out-of-Competition of any Prohibited Substance or any Prohibited Method*

which is prohibited *Out-of-Competition* unless the *Competitor* establishes that the *Possession* is consistent with a Therapeutic Use Exemption ("TUE") granted in accordance with Article 4.4 or other acceptable justification.

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

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

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

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

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

## **2.9 Complicity**

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

## **2.10 Prohibited Association**

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

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

**2.10.2** If not subject to the authority of an *Anti-Doping Organization* and where *Ineligibility* has not been addressed in a results management

process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

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

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

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

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

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

## **ARTICLE 3            PROOF OF DOPING**

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



WDC or its *National Federations* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether WDC or its *National Federations* 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 *Competitor* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

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

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

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

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

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

**3.2.2** WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the International Standard for Laboratories. The *Competitor* 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 *Competitor* 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 WDC or its *National Federations* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

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

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

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

**3.2.5** The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Competitor* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Competitor'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 WDC or its *National Federations*.

## **ARTICLE 4            THE PROHIBITED LIST**

### **4.1    Incorporation of the *Prohibited List***

These Anti-Doping Rules incorporate the *Prohibited List*, which is published and revised by *WADA* as described in Article 4.1 of the *Code*.

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

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

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

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

### **4.2.2 Specified Substances**

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

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

## **4.3 WADA's Determination of the Prohibited List**

WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, and the classification of a substance as prohibited at all times or *In-Competition* only, is final and shall not be subject to challenge by a *Competitor* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

## **4.4 Therapeutic Use Exemptions ("TUEs")**

**4.4.1** The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method*, shall not be considered an anti-doping rule violation if it is

consistent with the provisions of a *TUE* granted in accordance with the International Standard for Therapeutic Use Exemptions.

**4.4.2** If an *International-Level Competitor* is using a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons:

4.4.2.1 Where the *Competitor* already has a *TUE* granted by his or her *National Anti-Doping Organization* for the substance or method in question, that *TUE* is not automatically valid for international-level *Competition*. However, the *Competitor* may apply to WDC or his or her *National Federation* to recognize that *TUE*, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that *TUE* meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then WDC or the relevant *National Federation* shall recognize it for purposes of International- and National-level *Competition* as well. If WDC or the relevant *National Federation* considers that the *TUE* does not meet those criteria and so refuses to recognize it, WDC or the relevant *National Federation* shall notify the *Competitor* and his or her *National Anti-Doping Organization* promptly, with reasons. The *Competitor* and the *National Anti-Doping Organization* shall have 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the matter is referred to WADA for review, the *TUE* granted by the *National Anti-Doping Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending WADA's decision. If the matter is not referred to WADA for review, the *TUE* becomes invalid for any purpose when the 21-day review deadline expires.

*[Comment to Article 4.4.2.1: Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, WDC or its National Federations may publish notice on its website [www.wcdance.com](http://www.wcdance.com) that it will automatically recognize TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by National Anti-Doping Organizations. If a Competitor's TUE falls into a category of automatically recognized TUEs, then he/she does not need to apply to WDC or his or her National Federation for recognition of that TUE.*

*If WDC or its National Federations refuses to recognize a TUE granted by a National Anti-Doping Organization only because medical records or other information are missing that are needed to demonstrate satisfaction of 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 WDC or its National Federations.]*

4.4.2.2 If the *Competitor* does not already have a *TUE* granted by his/her *National Anti-Doping Organization* for the substance or method in question, the *Competitor* must apply directly to WDC

or his or her *National Federation* for a *TUE* in accordance with the process set out in the International Standard for Therapeutic Use Exemptions [using the form posted on WDC website at [www.wdcdance.com](http://www.wdcdance.com). If WDC or the relevant *National Federation* denies the *Competitor's* application, it must notify the *Competitor* promptly, with reasons. If WDC or the relevant *National Federation* grants the *Competitor's* application, it shall notify not only the *Competitor* but also his/her *National Anti-Doping Organization*. If the *National Anti-Doping Organization* considers that the *TUE* granted by WDC or the relevant *National Federation* does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to *WADA* for review in accordance with Article 4.4.6. If the *National Anti-Doping Organization* refers the matter to *WADA* for review, the *TUE* granted by WDC or the relevant *National Federation* remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA's* decision. If the *National Anti-Doping Organization* does not refer the matter to *WADA* for review, the *TUE* granted by WDC or the relevant *National Federation* becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

*[Comment to Article 4.4.2: WDC or its National Federations may agree with a National Anti-Doping Organization that the National Anti-Doping Organization will consider TUE applications on behalf of WDC or its National Federations.]*

**4.4.3** If WDC or a *National Federation* chooses to test a *Competitor* who is not an *International-Level Competitor*, WDC or the *National Federation* shall recognize a *TUE* granted to that *Competitor* by his or her *National Anti-Doping Organization*. If WDC or a *National Federation* chooses to test a *Competitor* who is not an *International-Level* or a *National-Level Competitor*, WDC or the relevant *National Federation* shall permit that *Competitor* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that he/she is using for therapeutic reasons.

**4.4.4** An application to WDC or its *National Federations* for grant or recognition of a *TUE* must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the *Competitor's* next *Competition*. WDC or its *National Federations* shall appoint a panel to consider applications for the grant or recognition of *TUEs* (the "TUE Committee"). The TUE Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions [and the specific WDC or its *National Federation's* protocols posted on its website]. Subject to Article 4.4.6 of these Rules, its decision shall be the final

decision of WDC or its *National Federations*, and shall be reported to WADA and other relevant *Anti-Doping Organizations*, including the *Competitor's National Anti-Doping Organization*, through ADAMS, in accordance with the International Standard for Therapeutic Use Exemptions.

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

*A Competitor should not assume that his/her application for 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 Competitor's own risk.]*

#### **4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a TUE**

4.4.5.1 A TUE granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the *Competitor* does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE; (c) may be withdrawn by the TUE Committee 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.

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

#### **4.4.6 Reviews and Appeals of TUE Decisions**

4.4.6.1 WADA shall review any decision by WDC or its *National Federations* not to recognize a TUE granted by the *National Anti-Doping Organization* that is referred to WADA by the *Competitor* or the *Competitor's National Anti-Doping Organization*. In addition, WADA shall review any decision by WDC or its *National Federations* to grant a TUE that is referred to WADA by the *Competitor's National Anti-Doping Organization*. WADA may

review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, *WADA* will not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* will reverse it.

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

*[Comment to Article 4.4.6.2: In such cases, the decision being appealed is the WDC or the National Federation's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the deadline to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]*

4.4.6.3 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Competitor*, the *National Anti-Doping Organization* and/or *WDC* or the *Competitor's National Federations* exclusively to *CAS*, in accordance with Article 13.

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

## **ARTICLE 5            TESTING AND INVESTIGATIONS**

### **5.1    Purpose of Testing and Investigations**

*Testing* and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the specific protocols of *WDC* and its *National Federations* supplementing that *International Standard*.

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

**5.1.2** Investigations shall be undertaken:

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

5.1.2.2 in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.

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

## **5.2 Authority to conduct Testing**

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



**5.2.2** WDC and its *National Federations* may require any *Competitor* over whom it has *Testing* authority (including any *Competitor* serving a period of *Ineligibility*) to provide a *Sample* at any time and at any place.

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

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

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

### **5.3 Event Testing**

**5.3.1** Except as provided in Article 5.3 of the *Code*, only a single organization should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the collection of *Samples* shall be initiated and directed by WDC and at *National Events*, by its *National Federations*. At the request of WDC and its *National Federations*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with WDC and its *National Federations*.

**5.3.2** If an *Anti-Doping Organization* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Competitors* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with WDC and/or, where relevant, its *National Federations*, to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from WDC and/or its *National Federations*, the *Anti-Doping Organization* may ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*, in accordance with the procedures set out in the *International Standard for Testing and Investigations*. WADA shall not grant approval for such *Testing* before consulting with and informing WDC and/or its *National Federations*. 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 Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

#### **5.4 Test Distribution Planning**

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

#### **5.5 Coordination of Testing**

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

#### **5.6 Athlete Whereabouts Information**

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

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

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

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

## **5.7 Retired *Competitors* Returning to Competition**

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

**5.7.2** If a *Competitor* retires from sport while subject to a period of *Ineligibility*, the *Competitor* shall not resume competing in *International Events* or *National Events* until the *Competitor* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to WDC and to his/her *National Anti-Doping Organization* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if

requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

## **5.8 Independent Observer Program**

WDC and its *National Federations* and the organizing committees for WDC *Events*, as well as the *National Federations* and the organizing committees for *National Events*, shall authorize and facilitate the *Independent Observer Program* at such *Events*.

## **ARTICLE 6 ANALYSIS OF SAMPLES**

*Samples* shall be analyzed in accordance with the following principles:

### **6.1 Use of Accredited and Approved Laboratories**

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

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

### **6.2 Purpose of Analysis of Samples**

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

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

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

### **6.3 Research on *Samples***

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

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

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

**6.4.1** WDC and its *National Federations* may request that laboratories analyze its *Samples* using more extensive menus than those described in the Technical Document.

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

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

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

### **6.5 Further Analysis of *Samples***

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

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

## **ARTICLE 7 RESULTS MANAGEMENT**

### **7.1 Responsibility for Conducting Results Management**

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

### **7.2 Review of Adverse Analytical Findings From Tests Initiated by WDC or its National Federations**

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

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

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

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

### **7.3 Notification After Review Regarding Adverse Analytical Findings**

**7.3.1** If the review of an *Adverse Analytical Finding* under Article 7.2.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, WDC or, where applicable, the relevant *National Federation* shall promptly notify the *Competitor*, and simultaneously the *Competitor's National Anti-Doping Organization* and WADA, in the manner set out in Article 14.1, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Competitor's* right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the B *Sample* analysis if the *Competitor* or WDC or the relevant *National Federation* chooses to request an analysis of the B *Sample*; (e) the opportunity for the *Competitor* and/or the *Competitor's* representative to attend the B *Sample* opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the *Competitor's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories. If WDC or the relevant *National Federation* decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Competitor*, the *Competitor's National Anti-Doping Organization* and WADA.

**7.3.2** Where requested by the *Competitor* or WDC or its *National Federations*, arrangements shall be made to analyze the B *Sample* in accordance with the International Standard for Laboratories. A *Competitor* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. WDC or its *National Federations* may nonetheless elect to proceed with the B *Sample* analysis.

**7.3.3** The *Competitor* and/or his representative shall be allowed to be present at the analysis of the B *Sample*. Also, a representative of WDC or its *National Federations* shall be allowed to be present.

**7.3.4** If the B *Sample* analysis does not confirm the A *Sample* analysis, then (unless WDC or the relevant *National Federation* takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Competitor*, the *Competitor's National Anti-Doping Organization* and WADA shall be so informed.

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

## **7.4 Review of Atypical Findings**

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

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

**7.4.3** If the review of an *Atypical Finding* under Article 7.4.2 reveals an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Competitor*, the *Competitor's National Anti-Doping Organization* and WADA shall be so informed.

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

**7.4.5** WDC or the relevant *National Federation* will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

7.4.5.1 If WDC or the relevant *National Federation* determines the *B Sample* should be analyzed prior to the conclusion of its investigation, it may conduct the *B Sample* analysis after notifying the *Competitor*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.3.1(d)-(f).

7.4.5.2 If WDC or the relevant *National Federation* is asked (a) by a *Major Event Organization* shortly before one of its *International Events*, or (b) by a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Competitor*



identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, WDC or the relevant *National Federation* shall so advise the *Major Event Organization* or sports organization after first providing notice of the *Atypical Finding* to the *Competitor*.

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

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

### **7.6 Review of Whereabouts Failures**

WDC or its *National Federations* shall review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations, in respect of *Competitors* who file their whereabouts information with WDC or its *National Federations*, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as WDC or, where applicable, a relevant *National Federation* is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Competitor* (and simultaneously the *Competitor's National Anti-Doping Organization* and WADA) notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

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

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

### **7.8 Identification of Prior Anti-Doping Rule Violations**

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

## **7.9 Provisional Suspensions**

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

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

**7.9.3** Where a *Provisional Suspension* is imposed pursuant to Article 7.9.1 or Article 7.9.2, the *Competitor* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Competitor* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 13.2 (save as set out in Article 7.9.3.1).

7.9.3.1 The *Provisional Suspension* may be lifted if the *Competitor* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Competitor's* assertion regarding a *Contaminated Product* shall not be appealable.

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

In addition, the *Competitor* or team may thereafter take part in other *Competitions* in the same *Event*.

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

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

## **7.10 Resolution Without a Hearing**

**7.10.1** A *Competitor* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by WDC or his/her *National Federation*.

**7.10.2** Alternatively, if the *Competitor* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by the WDC or the *National Federation* asserting the violation, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by WDC or his/her *National Federation*.

**7.10.3** In cases where Article 7.10.1 or Article 7.10.2 applies, a hearing before a hearing panel shall not be required. Instead WDC or, where applicable, the relevant *National Federation* shall promptly issue a written decision confirming the commission of the anti-doping rule violation and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. WDC or, where applicable, the relevant *National Federation* shall send copies of that decision to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3, and shall *Publicly Disclose* that decision in accordance with Article 14.3.2.

## **7.11 Notification of Results Management Decisions**

In all cases where WDC or one of its *National Federations* has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, or agreed with a

*Competitor* or other *Person* on the imposition of *Consequences* without a hearing, WDC or the relevant *National Federation* shall give notice thereof in accordance with Article 14.2.1 to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3.

## **7.12 Retirement from Sport**

If a *Competitor* or other *Person* retires while WDC or his/her *National Federation* is conducting the results management process, WDC or the *Competitor's National Federation* retains jurisdiction to complete its results management process. If an *Competitor* or other *Person* retires before any results management process has begun, and WDC or the *Competitor* or other *Person's National Federation* would have had results management authority over the *Competitor* or other *Person* at the time the *Competitor* or other *Person* committed an anti-doping rule violation, WDC or the relevant *National Federation* has authority to conduct results management in respect of that anti-doping rule violation.

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

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

### **8.1 Principles for a Fair Hearing**

**8.1.1** When WDC or one of its *National Federations* sends a notice to a *Competitor* or other *Person* asserting an anti-doping rule violation, and the *Competitor* or other *Person* does not waive a hearing in accordance with Article 7.10.1 or Article 7.10.2, then the case shall be referred to the WDC Doping Hearing Panel for hearing and adjudication.

**8.1.2** Hearings shall be scheduled and completed within a reasonable time. Hearings held in connection with *Events* that are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the hearing panel.

*[Comment to Article 8.1.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Competitor's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Competitor's results or continued participation in the Event.]*

**8.1.3** The WDC Doping Hearing Panel shall determine the procedure to be followed at the hearing.

**8.1.4** WADA and the *National Federation* of the *Competitor* or other *Person* may attend the hearing as observers. In any event, WDC or its *National Federations* shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

**8.1.5** The WDC Doping Hearing Panel shall act in a fair and impartial manner towards all parties at all times.

## **8.2 Decisions**

**8.2.1** At the end of the hearing, or on a timely basis thereafter, the WDC Doping Hearing Panel shall issue a written decision that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed.

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

**8.2.3** If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Article 14.3.2; but (b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Competitor* or other *Person* who is the subject of the decision. WDC or the *Competitor* or other *Person's National Federation* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Competitor* or other *Person* may approve. The principles contained at Article 14.3.6 shall be applied in cases involving a *Minor*.

## **8.3 Single Hearing Before CAS**

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

*[Comment to Article 8.3: Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organization that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]*

## ARTICLE 9            AUTOMATIC    *DISQUALIFICATION*    OF    INDIVIDUAL RESULTS

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

*[Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Article 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 be as provided in the applicable rules of the International Federation.]*

## ARTICLE 10            SANCTIONS ON INDIVIDUALS

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

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

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

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

**10.1.1** If the *Competitor* establishes that he or she bears *No Fault or Negligence* for the violation, the *Competitor's* individual results in the other *Competitions* shall not be *Disqualified*, unless the *Competitor's* results in *Competitions* other than the *Competition* in which the anti-

doping rule violation occurred were likely to have been affected by the *Competitor's* anti-doping rule violation.

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

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

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

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

10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and WDC or, where applicable, the relevant *National Federation* can establish that the anti-doping rule violation was intentional.

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

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

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

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

**10.3.1** For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be four years unless, in the case of failing to submit to *Sample* collection, the *Competitor* can establish that the commission of

the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.

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

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

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

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

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

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

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

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



*[Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where a Competitor 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 (Competitors are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Competitor's personal physician or trainer without disclosure to the Competitor (Competitors 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 Competitor's food or drink by a spouse, coach or other Person within the Competitor's circle of associates (Competitors are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence.]*

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

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

#### 10.5.1.1 *Specified Substances*

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

#### 10.5.1.2 *Contaminated Products*

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

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

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

If a *Competitor* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Competitor* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight years.

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

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

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

10.6.1.1 WDC or where applicable, the relevant *National Federation* may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it has results management authority where the *Competitor* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to WDC or its *National Federations*. After a final appellate decision under Article 13 or the expiration of time to appeal, WDC or the relevant *National Federation* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Competitor* or other *Person* and the significance of the *Substantial Assistance* provided by the *Competitor* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility*

may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight years. If the *Competitor* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, WDC or its National Federations shall reinstate the original period of *Ineligibility*. If WDC or one of its *National Federations* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

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

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

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

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

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

*[Comment to Article 10.6.2: This Article is intended to apply when a Competitor or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Competitor 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 Competitor or other Person would have been caught had he/she not come forward voluntarily.]*

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

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

### **10.6.4** Application of Multiple Grounds for Reduction of a Sanction

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

*[Comment to Article 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions*

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

## **10.7 Multiple Violations**

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

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

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

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

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

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

10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if WDC or, where applicable, a relevant *National Federation* can establish that the *Competitor* or other *Person* committed the second anti-doping rule violation after the *Competitor* or other *Person* received notice pursuant to Article 7, or after WDC or the relevant *National Federation* made reasonable efforts to give notice of the first anti-doping rule violation. If WDC or the relevant *National Federation* cannot establish this, the

violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, WDC or, where applicable, the relevant *National Federation* discovers facts involving an anti-doping rule violation by the *Competitor* or other *Person* which occurred prior to notification regarding the first violation, then WDC or the *National Federation* shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

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

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

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

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

*[Comment to Article 10.8: Nothing in these Anti-Doping Rules precludes clean Competitors or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]*

### **10.9 Allocation of CAS Cost Awards and Forfeited Prize Money**

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other *Competitors*; and third, reimbursement of the expenses of WDC or, where applicable, the relevant *National Federation*.

### **10.10 Financial Consequences**

Where an *Competitor* or other *Person* commits an anti-doping rule violation, WDC or, where applicable, the relevant *National Federation* may, in its discretion and subject to the principle of proportionality, elect to a) recover from the *Competitor* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed and/or b) fine the *Competitor* or other *Person* in an amount up to \$ 10000 U.S. Dollars, only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

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

### **10.11 Commencement of *Ineligibility* Period**

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

#### **10.11.1 Delays Not Attributable to the *Competitor* or other *Person***

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Competitor* or other *Person*, WDC or the *Competitor* or other *Person's National Federation* may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

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

#### **10.11.2 Timely Admission**

Where the *Competitor* or other *Person* promptly (which, in all events, for an *Competitor* means before the *Competitor* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by WDC or his/her *National Federation*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Competitor* or other *Person* shall serve at least one-half of the period of *Ineligibility* going

forward from the date the *Competitor* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3.

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

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

10.11.3.2 If a *Competitor* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from WDC or his/her *National Federation* and thereafter respects the *Provisional Suspension*, the *Competitor* 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 *Competitor* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.

*[Comment to Article 10.11.3.2: An Competitor's voluntary acceptance of a Provisional Suspension is not an admission by the Competitor and shall not be used in any way as to draw an adverse inference against the Competitor.]*

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

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



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

## **10.12 Status During *Ineligibility***

### **10.12.1 Prohibition Against Participation During *Ineligibility***

No *Competitor* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in *Competitions* authorized or organized by any professional league or any international or national level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.

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

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

*[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible Competitor cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Competitor may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Mutual Recognition).]*

### **10.12.2 Return to Training**

As an exception to Article 10.12.1, a *Competitor* may return to train with a team or to use the facilities of a club or other member organization of

WDC 's member organization during the shorter of: (1) the last two months of the *Competitor's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

*[Comment to Article 10.12.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an Competitor cannot effectively train on his/her own so as to be ready to compete at the end of the Competitor's period of Ineligibility. During the training period described in this Article, an Ineligible Competitor may not compete or engage in any activity described in Article 10.12.1 other than training.]*

### **10.12.3** Violation of the Prohibition of Participation During *Ineligibility*

Where a *Competitor* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Competitor* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether a *Competitor* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

Where a *Competitor Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, WDC or the *Competitor Support Person's National Federation* shall impose sanctions for a violation of Article 2.9 for such assistance.

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

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

## **10.13 Automatic Publication of Sanction**

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

*[Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Competitors are professionals making a sizable income from the sport and in others the Competitors are true amateurs; in those sports where an Competitor's career is short, a standard*

*period of Ineligibility has a much more significant effect on the Competitor than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Competitors from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]*

## **ARTICLE 11            CONSEQUENCES TO TEAMS**

### **11.1    Testing of Team Sports**

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

### **11.2    Consequences for Team Sports**

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Competitors* committing the anti-doping rule violation.

### **11.3    Event Ruling Body may Establish Stricter Consequences for Team Sports**

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences* for *Team Sports* stricter than those in Article 11.2 for purposes of the *Event*.

*[Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.]*

## **ARTICLE 12            SANCTIONS AND COSTS ASSESSED AGAINST SPORTING BODIES**

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

**12.2** *National Federations* shall be obligated to reimburse WDC for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by a *Competitor* or other *Person* affiliated with that *National Federation*.

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

**12.3.1** Four or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Competitors* or other *Persons* affiliated with a *National Federation* within a 12-month period in testing conducted by WDC or *Anti-Doping Organizations* other than the *National Federation* or its *National Anti-Doping Organization*. In such event WDC may in its discretion elect to: (a) ban all officials from that *National Federation* for participation in any WDC activities for a period of up to two years and/or (b) fine the *National Federation* in an amount up to £10000. (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

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

**12.3.2** More than one *Competitor* or other *Person* from a *National Federation* commits an *Anti-Doping Rule* violation during an *International Event*. In such event WDC may fine that *National Federation* in an amount up to £ 10000.

**12.3.3** A *National Federation* has failed to make diligent efforts to keep the WDC informed about a *Competitor's* whereabouts after receiving a request for that information from WDC. In such event WDC may fine the *National Federation* in an amount up to £ 10000 per *Competitor* in addition to all of the WDC costs incurred in *Testing* that *National Federation's Competitors*.

## **ARTICLE 13            APPEALS**

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

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.7 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organization's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

#### **13.1.1 Scope of Review Not Limited**

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

#### **13.1.2 CAS Shall Not Defer to the Findings Being Appealed**

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

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

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

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

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

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA

not to grant an exception to the six month notice requirement for a retired *Competitor* to return to *Competition* under Article 5.7.1; a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by WDC or one of its *National Federations* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; WDC or one of its *National Federation's* failure to comply with Article 7.9; a decision that WDC or one of its *National Federations* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1; a decision under Article 10.12.3; and a decision by WDC or one of its *National Federations* not to recognize another *Anti-Doping Organization's* decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

### **13.2.1** Appeals Involving *International-Level Competitors* or *International Events*

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

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

### **13.2.2** Appeals Involving Other *Competitors* or Other *Persons*

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

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

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Competitor* 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) WDC; (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the

*Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

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

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

#### **13.2.4** Cross Appeals and other Subsequent Appeals Allowed

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

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

### **13.3 Failure to Render a Timely Decision**

Where, in a particular case, WDC or one of its *National Federations* fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if WDC or the relevant *National Federation* had rendered a decision finding no anti-doping rule violation. If the CAS hearing

panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by WDC or, where applicable, the relevant *National Federation*.

*[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for WDC or its National Federations to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with WDC or the relevant National Federation and give WDC or the relevant National Federation an opportunity to explain why it has not yet rendered a decision.]*

#### **13.4 Appeals Relating to TUEs**

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

#### **13.5 Notification of Appeal Decisions**

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

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

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

#### **13.7 Time for Filing Appeals**

##### **13.7.1 Appeals to CAS**

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

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



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

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

### **13.7.2 Appeals Under Article 13.2.2**

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

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

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

## **ARTICLE 14 CONFIDENTIALITY AND REPORTING**

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

#### **14.1.1** Notice of Anti-Doping Rule Violations to *Competitors* and other *Persons*

Notice to *Competitors* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules. Notice to a *Competitor* or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

#### **14.1.2** Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations* and *WADA*

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

#### **14.1.3** Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation under Article 2.1 shall include: the *Competitor's* name, country, sport and discipline within the sport, the *Competitor's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

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

#### **14.1.4** Status Reports

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

#### **14.1.5** Confidentiality

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

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

**14.2.1** Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.2, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, WDC shall provide a short English or French summary of the decision and the supporting reasons.

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

### **14.3** *Public Disclosure*

**14.3.1** The identity of any *Competitor* or other *Person* who is asserted by WDC to have committed an anti-doping rule violation may be *Publicly*

*Disclosed* by WDC only after notice has been provided to the *Competitor* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to WADA and the *National Anti-Doping Organization* of the *Competitor* or other *Person* in accordance with Article 14.1.2.

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

**14.3.3** In any case where it is determined, after a hearing or appeal, that the *Competitor* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Competitor* or other *Person* who is the subject of the decision. WDC shall use reasonable efforts to obtain such consent. If consent is obtained, WDC shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Competitor* or other *Person* may approve.

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

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

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

#### **14.4 Statistical Reporting**

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

## **14.5 Doping Control Information Clearinghouse**

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

## **14.6 Data Privacy**

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

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

## **ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS**

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

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

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

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

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

## **ARTICLE 16            INCORPORATION OF WDC ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL FEDERATIONS**

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

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

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

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

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

## **ARTICLE 17            STATUTE OF LIMITATIONS**

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

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

WDC and its *National Federations* will report to *WADA* on their compliance with the *Code* in accordance with Article 23.5.2 of the *Code*.

## **ARTICLE 19            EDUCATION**

WDC and its *National Federations* shall plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Article 18.2 of the *Code*, and shall support active participation by *Competitors* and *Competitor Support Personnel* in such programs.

## **ARTICLE 20            AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES**

**20.1** These Anti-Doping Rules may be amended from time to time by WDC.

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

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

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

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

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

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

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

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

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

**20.7.4** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Competitor* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Competitor* or other *Person* may apply to the *Anti-Doping Organization* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

**20.7.5** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the

period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

## **ARTICLE 21 INTERPRETATION OF THE CODE**

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

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

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

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

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

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

## **ARTICLE 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF COMPETITORS AND OTHER PERSONS**

### **22.1 Roles and Responsibilities of Competitors**

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

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

*[Comment to Article 22.1.2: With due regard to a Competitor's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Competitors use low doses of EPO during these hours so that it will be undetectable in the morning.]*



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

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

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

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

**22.1.7** Failure by any *Competitor* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under WDC's code of conduct.

## **22.2 Roles and Responsibilities of *Competitor Support Personnel***

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

**22.2.2** To cooperate with the *Competitor Testing* program.

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

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

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

**22.2.6** Failure by any *Competitor Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under WDC's code of conduct.

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

**22.2.8** *Use or Possession of a Prohibited Substance or Prohibited Method* by an *Competitor Support Personnel* without valid justification may result in a charge of misconduct under WDC's code of conduct.

## APPENDIX 1 DEFINITIONS

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

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

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

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

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

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

who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is a *Competitor*.

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

*Competitor 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.

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

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

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

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

*CAS*: The Court of Arbitration for Sport.

*Code*: The World Anti-Doping Code.

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

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

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

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

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

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

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

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

**Fault**: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a *Competitor* or other *Person's* degree of *Fault* include, for example, the *Competitor's* or other *Person's* experience, whether the *Competitor* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the

*Competitor* and the level of care and investigation exercised by the *Competitor* in relation to what should have been the perceived level of risk. In assessing the *Competitor's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Competitor's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that a *Competitor* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Competitor* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.5.1 or 10.5.2.

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

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

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

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

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

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

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

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

*International-Level Competitor*: *Competitors* 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 competitive dancing, *International-Level Competitors* are defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.

[*Comment: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Competitors as International-Level Competitors, e.g., by ranking, by participation in particular International Events, by type of license, etc. However, it must publish*

*those criteria in clear and concise form, so that Competitors are able to ascertain quickly and easily when they will become classified as International-Level Competitors. For example, if the criteria include participation in certain International Events, then the International Federation must publish a list of those International Events.]*

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

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

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

**Metabolite:** Any substance produced by a biotransformation process.

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

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

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

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

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

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

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

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

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

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

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

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

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

[*Comment: Under this definition, steroids found in a *Competitor's* car would constitute a violation unless the *Competitor* establishes that someone else used the car; in that event, the *Anti-Doping Organization* must establish that, even though the *Competitor* did not have exclusive control over the car, the *Competitor* 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 a *Competitor* and spouse, the *Anti-Doping Organization* must establish that the *Competitor* knew*



*the steroids were in the cabinet and that the Competitor intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]*

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

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

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

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

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

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

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

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

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

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

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

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

Specified Substance: See Article 4.2.2.

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

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

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

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

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

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

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

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

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

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

WADA: The World Anti-Doping Agency.

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

## APPENDIX 2 EXAMPLES OF THE APPLICATION OF ARTICLE 10

### EXAMPLE 1.

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

#### Application of Consequences:

1. The starting point would be Article 10.2. Because the *Competitor* is deemed to have *No Significant Fault* that would be sufficient corroborating evidence (Articles 10.2.1.1 and 10.2.3) that the anti-doping rule violation was not intentional, the period of *Ineligibility* would thus be two years, not four years (Article 10.2.2).
2. In a second step, the panel would analyze whether the *Fault*-related reductions (Articles 10.4 and 10.5) apply. Based on *No Significant Fault or Negligence* (Article 10.5.2) since the anabolic steroid is not a *Specified Substance*, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The panel would then determine the applicable period of *Ineligibility* within this range based on the *Competitor's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of 16 months.)
3. In a third step, the panel would assess the possibility for suspension or reduction under Article 10.6 (reductions not related to *Fault*). In this case, only Article 10.6.1 (*Substantial Assistance*) applies. (Article 10.6.3, Prompt Admission, is not applicable because the period of *Ineligibility* is already below the two-year minimum set forth in Article 10.6.3.) Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 16 months.\* The minimum period of *Ineligibility* would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of *Ineligibility* would thus be six months.)
4. Under Article 10.11, the period of *Ineligibility*, in principle, starts on the date of the final hearing decision. However, because the *Competitor* promptly admitted the anti-doping rule violation, the period of *Ineligibility* could start as early as the date of *Sample* collection, but in any event the *Competitor* would have to serve at least one-half of the *Ineligibility* period (i.e., three months) after the date of the hearing decision (Article 10.11.2).
5. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would have to automatically *Disqualify* the result obtained in that *Competition* (Article 9).

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

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

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

#### EXAMPLE 2.

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

#### Application of Consequences:

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

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

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

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

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

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

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

### EXAMPLE 3.

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

#### Application of Consequences:

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

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

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

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

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

#### EXAMPLE 4.

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

#### Application of Consequences:

1. Since the violation was intentional, Article 10.2.1 would be applicable and the basic period of *Ineligibility* imposed would be four years.
2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Articles 10.4 and 10.5).
3. Based on the *Competitor's* spontaneous admission (Article 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the *Competitor's Substantial Assistance* (Article 10.6.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.\* Under Article 10.6.4, in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.
4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Article 10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Article 10.11.2 would not be permitted. The provision seeks to prevent an *Competitor* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Article 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the *Competitor's* last *Use* of the anabolic steroid.
5. According to Article 10.8, all results obtained by the *Competitor* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.

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

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

#### EXAMPLE 5.

##### Facts:

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

##### Application of Consequences:

1. According to Article 10.3.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)
2. There is no room for *Fault*-related reductions since intent is an element of the anti-doping rule violation in Article 2.9 (see comment to Article 10.5.2).
3. According to Article 10.6.2, provided that the admission is the only reliable evidence, the period of *Ineligibility* may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of *Ineligibility* of 18 months.)
4. The information referred to in Article 14.3.2 must be *Publicly Disclosed* unless the *Competitor Support Person* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

#### EXAMPLE 6.

Facts: A *Competitor* was sanctioned for a first anti-doping rule violation with a period of *Ineligibility* of 14 months, of which four months were suspended because of *Substantial Assistance*. Now, the *Competitor* commits a second anti-doping rule violation resulting from the presence of a stimulant which is not a *Specified Substance*



in an *In-Competition* test (Article 2.1); the *Competitor* establishes *No Significant Fault or Negligence*; and the *Competitor* provided *Substantial Assistance*. If this were a first violation, the panel would sanction the *Competitor* with a period of *Ineligibility* of 16 months and suspend six months for *Substantial Assistance*.

Application of Consequences:

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

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

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

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

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

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

7. The *Competitor* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Competitor's* period of *Ineligibility* (Article 10.12.1). However, the

*Competitor* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Competitor's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Competitor* would be allowed to return to training two months before the end of the period of *Ineligibility*

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

### APPENDIX 3 Consent Form

As a member of [National Federation] and/or a participant in an event authorized or recognized by [National Federation or International Federation], I hereby declare as follows:

I acknowledge that I am bound by, and confirm that I shall comply with, all of the provisions of WDC Anti-Doping Rules (as amended from time to time) and the *International Standards* issued by the World Anti-Doping Agency and published on its website.

I acknowledge the authority of WDC [and its member National Federations and/or National Anti-Doping Organizations] under the WDC Anti-Doping Rules to enforce, to manage results under, and to impose sanctions in accordance with, the WDC Anti-Doping Rules.

**I also acknowledge and agree that any dispute arising out of a decision made pursuant to the WDC Anti-Doping Rules, after exhaustion of the process expressly provided for in the WDC Anti-Doping Rules, may be appealed exclusively as provided in Article 13 of the WDC Anti-Doping Rules to an appellate body for final and binding arbitration, which in the case of International-Level Competitors is the Court of Arbitration for Sport (CAS).**

I acknowledge and agree that the decisions of the arbitral appellate body referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.

I have read and understand the present declaration.

\_\_\_\_\_

Date

\_\_\_\_\_

Print Name (Last Name, First Name)

\_\_\_\_\_

Date of Birth  
(Day/Month/Year)

\_\_\_\_\_

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