SOUTH AFRICAN

INSTITUTE FOR DRUG FREE SPORT

ANTI-DOPING

RULES

2015

South African Institute for
Drug-Free Sport

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SAIDS ANTI-DOPING RULES

INTRODUCTION

The *Code* and related International Standards (IS) is the core document produced by the World Anti-Doping Agency (WADA) and provides the framework for the South African Institute for Drug-Free Sport's (SAIDS) Anti-Doping Rules 2015 (as amended from time-to-time), Regulations and Policies for Anti-Doping across all sports in South Africa. The South African Government is a signatory to the *Code* and formally recognised the role of WADA through the Copenhagen Declaration of Anti-Doping in Sport (2003).

Preface

At its board meeting on 25 November 2005, SAIDS formally accepted the *Code*.

These Anti-Doping Rules are adopted and implemented in accordance with SAIDS responsibilities under the *Code*, and in furtherance of SAIDS continuing efforts to eradicate doping in sport in South Africa.

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

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

Anti-doping programme seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport". It is the essence of Olympism; the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in values we find in and through sport, including:

- Ethics, fair play and honesty
- Health
- Excellence in performance

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

Doping is fundamentally contrary to the spirit of sport.

The SAIDS Anti-Doping Programme

SAIDS was established as a statutory body by the South African Institute for Drug-Free Sport Act no. 14 of 1997 as amended in 2006 as the independent *National Anti-Doping Organisation* for South Africa. As such, SAIDS has the necessary authority and responsibility for:

- Planning, coordinating, implementing, monitoring and advocating improvements in *Doping Control*;
- Cooperating with other relevant national organisations, agencies and other *Anti-Doping Organisations*;
- Encouraging reciprocal *Testing* between *National Anti-Doping Organisations*;
- Planning, implementing and monitoring anti-doping information, education and prevention programme;
- Promoting anti-doping research;
- Vigorously pursuing all potential anti-doping rule violations within its jurisdiction, including investigating whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping, and ensuring proper enforcement of *Consequences*;
- Conducting an automatic investigation of *Athlete Support Personnel* within its jurisdiction in the case of any anti-doping rule violation by a *Minor* and of any *Athlete Support Personnel* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation;
- Cooperating fully with *WADA* in connection with investigations conducted by *WADA* pursuant to Article 20.7.10 of the *Code*.

[Comment: SAIDS is required to be independent in operational decisions and activities from all public and sports movement bodies. The principle of independence underpins anti-doping programme worldwide and ensures the integrity of the anti-doping work].

Scope of these Anti-Doping Rules

The scope of application of these Anti-Doping Rules is set out in Article 1.

ARTICLE 1 APPLICATION OF ANTI-DOPING RULES

1.1 Application to SAIDS

These Anti-Doping Rules shall apply to SAIDS.

1.2 Application to *National Federations*

1.2.1 *National Sports Federations (NSF)* in South Africa shall accept and abide by the spirit and the terms of the National Anti-Doping Programme (NADP) and these Anti-Doping Rules and shall incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules, thereby binding their members and *Participants.*

As a condition of receiving financial and/or other assistance from the Government of South Africa and/or SAIDS, shall accept and abide by the spirit and terms of the SAIDS Anti-Doping Programme and "the Rules", including the application of its sanctions to individuals, and shall respect the authority of, and co-*operate with,* SAIDS and the hearing bodies in all anti-doping matters.

1.2.2 By the adoption of these Anti-Doping Rules and their incorporation into their governing documents and rules of sport, *National Federations* and all athletes and participants under their jurisdiction or control shall:

(a) Recognise the authority and responsibility of SAIDS for

(i) Implementing the SAIDS Anti-Doping Programme and

(ii) Enforcing these Anti-Doping Rules (including the carrying out of Testing, etc.) in respect of all Persons listed in Article 1.3 below;

(b) Cooperate with and support SAIDS in the execution of this mandate;

(c) Recognise, abide by and give effect to the decisions made pursuant to these Anti-Doping Rules by SAIDS Independent Doping Hearing Panel and Appellate Body; and

(d) Authorise SAIDS to carry out *Doping Control and* their members and *Participants* accordingly recognise and accept this authority and responsibility.

The International Federations (IF) and SAIDS respect each other's authority and responsibility as foreseen in the *Code* and accordingly recognise and accept this submission and agreement subject to the rights of appeal foreseen in these rules.

1.3 Application to *Persons*

1.3.1 These Anti-Doping Rules shall apply to the following *Persons* (including *Minors*), in each case, whether or not such *Person* is a national of or resident in South Africa:

1.3.1.1 all *Athletes* and *Athlete Support Personnel* who are members or license-holders of any *National Federation* in South Africa, or of any member or affiliate organisation of any *National Federation* in South Africa (including any clubs, teams, associations or leagues);

1.3.1.2 all *Athletes* and *Athlete Support Personnel* who participate in such capacity in *Events*, *Competitions* and other activities organised, convened, authorised or recognised by any *National Federation* in South Africa, or by any member or affiliate organisation of any *National Federation* in South Africa (including any clubs, teams, associations or leagues), wherever held;

1.3.1.3 any other *Athlete* or *Athlete Support Person* or other *Person* who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the jurisdiction of any *National Federation* in South Africa, or of any member or affiliate organisation of any *National Federation* in South Africa (including any clubs, teams, associations or leagues), for purposes of anti-doping;

1.3.1.4 all *Athletes* and *Athlete Support Personnel* who participate in any capacity in any activity organised, held, convened or authorised by the organiser of a *National Event* or of a national league that is not affiliated with a *National Federation*; and

1.3.1.5 all *Athletes* who do not fall within one of the foregoing provisions of this Article 1.3.1 but who wish to be eligible to participate in *International Events* or *National Events* (and such *Athletes* must be available for testing under these Anti-Doping Rules for at least six (6) months before they will be eligible for such *Events*).

1.3.2 These Anti-Doping Rules shall also apply to all other *Persons* over whom the *Code* gives SAIDS jurisdiction, including all *Athletes* who are nationals of or resident in South Africa, and all *Athletes* who are present in South Africa, whether to compete or to train or otherwise.

1.3.3 *Persons* falling within the scope of Article 1.3.1 or 1.3.2 are deemed to have accepted and to have agreed to be bound by these Anti-Doping Rules, and to have submitted to the authority of SAIDS to enforce these Anti-Doping Rules and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Anti-Doping Rules, as a condition of their membership, accreditation and/or participation in their chosen sport.

1.4 *National-Level Athletes*

1.4.1 Of all of the *Athletes* falling within the scope of Article 1.3, the following *Athletes* shall be deemed *National-Level Athletes* for purposes of these Anti-Doping Rules:

1.4.1.1 Athletes in the SAIDS Registered Testing Pool using criteria including the following:

a) *Athletes* that participate in National Championships or participate in selection events for National Championships;
b) *Athletes* with potential to represent South Africa internationally or become a member of a National Team;
c) *Athletes* that represent South Africa internationally but are not in an International Federation's Registered Testing Pool.

1.4.1.2 Athletes competing internationally representing South Africa either as individuals or as part of a team;

but if any such *Athletes* are classified by their respective International Federations as *International-Level Athletes* then they shall be considered *International-Level Athletes* (and not *National-Level Athletes*) for purposes of these Anti-Doping Rules.

1.4.2 *These Anti-Doping Rules apply to all Persons falling* within the scope of Article 1.3. However, in accordance with Article 4.3 of the International Standard for Testing and Investigations, the main focus of SAIDS test distribution plan will be *National-Level Athletes* and above.

ARTICLE 2 DEFINITION OF DOPING - ANTI-DOPING RULE VIOLATIONS

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.

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.

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

The following constitute anti-doping rule violations:

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

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

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 *Athlete's* A *Sample* where the *Athlete* waives analysis of the B *Sample* and the B *Sample* is not analysed; or, where the *Athlete*'s B *Sample* is analysed and the analysis of the *Athlete's* B *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's* A *Sample*; or, where the *Athlete's* B *Sample* is split into two (2) 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.

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 *Athlete'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 an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*

2.2.1 It is each *Athlete'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 *Athlete'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.

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 authorised in these Anti-Doping Rules or other applicable anti-doping rules.

2.4 Whereabouts Failures

Any combination of three(3) missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve (12)-month period by an *Athlete* 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 Organisation* or intimidating or attempting to intimidate a potential witness.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

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

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:

3.2.1 Analytical methods or decision limits approved by *WADA* after consultation within the relevant scientific community and which have been the subjects of peer review are presumed to be scientifically valid. Any *Athlete* 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 ten (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 *Athlete* or other *Person* may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred, which could reasonably have caused the *Adverse Analytical Finding*. If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the

International Standard for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then SAIDS shall have the burden to establish that such 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 *Athlete* 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 SAIDS 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 *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

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

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*.

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 (3) months after publication by *WADA* without requiring any further action by SAIDS. All *Athletes* and other *Persons* shall be bound by the *Prohibited List* and any revisions thereto; from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarise 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*.

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 an *Athlete* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

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 Unless otherwise specified by SAIDS in a notice (in force at the time) posted on WADA's website, any *National-Level Athlete* who needs to *Use* a *Prohibited Substance* or *Prohibited Method* for therapeutic purposes should apply to SAIDS for a *TUE* 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 thirty (30) days before the *Athlete's* next *Competition*. SAIDS shall appoint a panel to consider applications for the grant or recognition of *TUEs* (the "TUE Commission"). The TUE Commission shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions. Its decision shall be the final decision of SAIDS and shall be reported to *WADA* and other relevant *Anti-Doping Organisations* through *ADAMS*, and also to the *Athlete's National Federation*, in accordance with the International Standard for Therapeutic Use Exemptions.

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

4.4.4 A *TUE* granted by SAIDS is valid at national level only; it is not automatically valid for international-level *Competition*. An *Athlete* who is or becomes an *International-Level Athlete* should do the following:

4.4.4.1 Where the *Athlete* already has a *TUE* granted by SAIDS for the substance or method in question, the *Athlete* may apply to his or her International Federation to recognise 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 the International Federation shall recognise it for purposes of international-level *Competition* as well. If the International Federation considers that the *TUE* granted by SAIDS does not meet those criteria and so refuses to recognise it, the International Federation shall notify the *International-Level Athlete* and SAIDS promptly, with reasons. The *International-Level Athlete* and SAIDS shall have twenty-one (21) days from such notification to refer the matter to *WADA* for review. If the matter is referred to *WADA* for review in accordance with Article 4.4.6, the *TUE* granted by SAIDS 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 twenty-one (21)-day review deadline expires.

4.4.4.2 If the *Athlete* does not already have a *TUE* granted by SAIDS for the substance or method in question, the *Athlete* must apply directly to the International Federation for a *TUE* in accordance with the process set out in the International Standard for Therapeutic *Use* Exemptions. If the International Federation grants the *Athlete*'s application, it shall notify the *Athlete* and SAIDS. If SAIDS considers that the *TUE* granted by the International Federation does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has twenty-one (21) days from such notification to refer the matter to *WADA* for review. If SAIDS refers the matter to *WADA* for review, the *TUE* granted by the International 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 SAIDS does not refer the matter to *WADA* for review, the *TUE* granted by the International Federation becomes valid for national-level *Competitio*n as well when the twenty-one (21)-day review deadline expires.

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 *Athlete* does not promptly comply with any requirements or conditions imposed by the TUE Commission upon grant of the *TUE*; (c) may be withdrawn by the TUE Commission 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 *Athlete* 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 If the SAIDS TUE Commission denies an application for a *TUE*, a *National Level Athlete* may appeal to the Appellate Body as described in Articles 13.2.2 and 13.2.3.

4.4.6.2 WADA shall review any decision by an International Federation not to recognise a *TUE* granted by SAIDS that is referred to *WADA* by the *Athlete* or SAIDS. In addition, *WADA* shall review any decision by an International Federation to grant a *TUE* that is referred *to WADA* by SAIDS. *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.

4.4.6.3 Any *TUE* decision by an International Federation (or by the SAIDS TUE Commission where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by *WADA*, or that is

reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or SAIDS exclusively to *CAS*, in accordance with Article 13.

4.4.6.4 A decision by WADA to reverse a *TUE* decision may be appealed by the *Athlete*, SAIDS and/or the International Federation affected exclusively to CAS, in accordance with Article 13.

4.4.6.5 A failure to take action within thirty (30) days on a fully completed and submitted application for grant 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 SAIDS supplementing that *International Standard*.

5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete*'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 SAIDS shall be in conformity with the International Standard for Testing and Investigations. SAIDS 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 (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 SAIDS 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*, SAIDS shall have *In-Competition* and *Out-of-Competition Testing* authority over all of the *Athletes* falling within the scope of Article 1.3, above.

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

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 an International Federation or *Major Event Organisation* delegates or contracts any part of *Testing* to SAIDS (directly or through a *National Federation*), SAIDS may collect additional *Samples* or direct the laboratory to perform additional types of analysis at SAIDS's expense. If additional *Samples* are collected or additional types of analysis are performed, the International Federation or *Major Event Organisation* shall be notified.

5.2.5 Where another *Anti-Doping Organisation* with *Testing* authority over an *Athlete* who is subject to these Anti-Doping Rules conducts *Testing* on that *Athlete*, SAIDS and the *Athlete's National Federation* shall recognise such *Testing* in accordance with Article 15, and (where agreed with that other *Anti-Doping Organisation* or otherwise provided in Article 7 of the *Code*) SAIDS may bring proceedings against the *Athlete* pursuant to these Anti-Doping Rules for any anti-doping rule violation(s) arising in relation to such *Testing.*

5.3 *Event Testing*

5.3.1 Except as provided in Article 5.3 of the *Code*, only a single organisation should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events* held in South Africa, the collection of *Samples* shall be initiated and directed by the International Federation (or any other international organisation which is the ruling body for the *Event*). At *National Events* held in South Africa*,* the collection of *Samples* shall be initiated and directed by SAIDS. At the request of SAIDS (or the ruling body for that *Event*), any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with SAIDS (or the relevant ruling body).

5.3.2 If an *Anti-Doping Organisation* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organisation* shall first confer with SAIDS (or the ruling body of the *Event)* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organisation* is not satisfied with the response from SAIDS (or the ruling body of the *Event)*, the *Anti-Doping Organisation* 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 SAIDS (or the ruling body for the *Event)*. *WADA*'s decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organisation* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

5.3.3 *National Federations* and the organising committees for *National Events* shall authorise and facilitate the *Independent Observer Program* at such *Events*.

5.4 Test Distribution Planning

Consistent with the International Standard for Testing and Investigations, and in coordination with other *Anti-Doping Organisation*s conducting *Testing* on the same *Athlete*s, SAIDS shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritises appropriately between disciplines, categories of *Athletes*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. SAIDS 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 maximise the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

5.6 *Athlete* Whereabouts Information

5.6.1 SAIDS shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. Each *Athlete* 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 SAIDS 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 SAIDS shall make available through *ADAMS* a list, which identifies those Athletes, included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. SAIDS shall coordinate with International Federations the identification of such *Athlete*s and the collection of their whereabouts information. Where an *Athlete* is included in an international *Registered Testing Pool* by his/her International Federation and in a national *Registered Testing Pool* by SAIDS, SAIDS and the International Federation shall agree between themselves which of them shall accept that *Athlete's* whereabouts filings; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them. SAIDS shall review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with those criteria. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool.

5.6.3 For purposes of Article 2.4, an *Athlete's* failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a Filing Failure or a Missed Test (as defined in 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.

5.6.4 An *Athlete* in SAIDS'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 *Athlete* gives written notice to SAIDS that he/she has retired or

(b) SAIDS has informed him/her that he/she no longer satisfies the criteria for inclusion in SAIDS's *Registered Testing Pool*.

5.6.5 Whereabouts information relating to an *Athlete* shall be shared (through *ADAMS*) with *WADA* and other *Anti-Doping Organisations* having authority to test that *Athlete*, 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 *Athletes* Returning to *Competition*

5.7.1 An *Athlete* in SAIDS *Registered Testing Pool* who has given notice of retirement to SAIDS may not resume competing in *International Events* or *National Events* until he/she has given SAIDS written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six (6) 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 SAIDS and the *Athlete's* International Federation, may grant an exemption to the six (6)-month written notice rule where the strict application of that rule would be manifestly unfair to an *Athlete*. 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 an *Athlete* retires from sport while subject to a period of *Ineligibility* the *Athlete* shall not resume competing in *International Events* or *National Events* until the *Athlete* has given six (6) months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six (6) months) to SAIDS and to his/her International Federation 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.

5.7.3 An *Athlete* who is not in SAIDS' *Registered Testing Pool* who has given notice of retirement to SAIDS may not resume competing unless he/she notifies SAIDS and his/her International Federation at least six (6) months before he/she wishes to return

to *Competition* and makes him/herself available for unannounced *Out-of-Competition Testing*, including (if requested) complying with the whereabouts requirements of Annex I of the International Standard for Testing and Investigations, during the period before actual return to *Competition*.

ARTICLE 6 ANALYSIS OF *SAMPLES*

Samples shall be analysed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories

For purposes of Article 2.1, *Samples* shall be analysed 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 SAIDS.

6.2 Purpose of Analysis of *Samples*

6.2.1 *Samples* shall be analysed 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 in profiling relevant parameters in an *Athlete*'s urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

6.2.2 SAIDS may require laboratories to analyse *Samples* in conformity with Article 6.4 of the *Code* and Article 4.7 of the International Standard for Testing and Investigations.

6.3 Research on *Samples*

No *Sample* may be used for research without the *Athlete'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 *Athlete*.

6.4 Standards for *Sample* Analysis and Reporting

Laboratories shall analyse *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 analyse *Samples* in conformity with those menus, except as follows:

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

6.4.2 SAIDS may request that laboratories analyse 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 country or of the sport in question, 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 analyse *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.

6.5 Further Analysis of *Samples*

Any *Sample* may be stored for a period of ten (10) years 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 SAIDS 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 SAIDS to the *Athlete* as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform to 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 SAIDS shall take responsibility for results management in respect of *Athletes* and other *Persons* under its anti-doping jurisdiction in accordance with the principles set out in Article 7 of the *Code.*

7.1.2 For purposes of determining responsibility for results management, where SAIDS elects to collect additional *Samples* in the circumstances set out in Article 5.2.4, then it shall be considered the *Anti-Doping Organisation* that initiated and directed *Sample* collection. However, where SAIDS only directs the laboratory to perform additional types of analysis at SAIDS' expense, then the International Federation or *Major Event Organisation* shall be considered the *Anti-Doping Organisation* that initiated and directed *Sample* collection.

7.1.3 SAIDS shall appoint a Doping Control Review Commission consisting of a Chairperson and three (3) other members with experience in anti-doping. Each panel member shall serve a term of four (4) years. When a potential violation is referred to the Doping Control Review Commission by SAIDS, the Doping Control Review Commission shall conduct the review discussed in this Article. Where required and where necessary the Doping Control Review Commission may seek the assistance of experts to make a decision on an anti-doping rule violation.

7.2 Review of *Adverse Analytical Findings* from Tests Initiated by SAIDS

Results management in respect of the results of tests initiated by SAIDS shall proceed as follows:

7.2.1 The results from all analyses must be sent to SAIDS in encoded form, in a report signed by an authorised 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*, SAIDS 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 *Athlete*, the *Athlete*'s International Federation the *Athlete's National Federation* 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*, SAIDS shall promptly notify the *Athlete*, and simultaneously the *Athlete's* International Federation, the *Athlete's National Federation* 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 *Athlete*'s right to request the analysis of the B *Sample* or, failing such request by the specified deadline, that the B *Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the B *Sample* analysis if the *Athlete* or SAIDS chooses to request an analysis of the B *Sample*; (e) the opportunity for the *Athlete* and/or the *Athlete*'s representative to attend the B *Sample* opening and analysis in accordance with the International Standard for Laboratories; and (f) the *Athlete*'s right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories. If SAIDS decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete*, the *Athlete*'s International Federation, the *Athlete's National Federation* and *WADA*.

7.3.2 Where requested by the *Athlete* or SAIDS, arrangements shall be made to analyse the B *Sample* in accordance with the International Standard for Laboratories. An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. SAIDS may nonetheless elect to proceed with the B *Sample* analysis.

7.3.3 The *Athlete* and/or his representative shall be allowed to be present at the analysis of the B *Sample*. A representative of SAIDS, and a representative of the *Athlete*'s *National Federation* shall also be allowed to be present.

7.3.4 If the B *Sample* analysis does not confirm the A *Sample* analysis, then (unless SAIDS takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Athlete*, the *Athlete*'s International

Federation, the *Athlete's* National Federation 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 *Athlete*, the *Athlete*'s International Federation, the *Athlete's National Federation*, and *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*, SAIDS 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 *Athlete*, the *Athlete*'s International Federation 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*, SAIDS 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 *Athlete*, the *Athlete's* International Federation, the *Athlete's National Federation* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

7.4.5 SAIDS 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 SAIDS determines the B *Sample* should be analysed prior to the conclusion of its investigation, it may

conduct the B *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.3.1(d) - (f).

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

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 SAIDS is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the *Athlete's* International Federation, the *Athlete's National Federation* and *WADA*) notice of the anti-doping rule violation asserted and the basis of that assertion.

7.6 Review of Whereabouts Failures

SAIDS shall review potential filing failures and missed tests (as defined in *the* International Standard for Testing and Investigations) in respect of *Athletes* who file their whereabouts information with SAIDS, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as SAIDS is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the *Athlete's* International Federation, the *Athlete's National Federation*, 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

SAIDS 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 SAIDS is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* (and simultaneously the *Athlete's* International Federation, the *Athlete's National Federation*, 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 an *Athlete* or other *Person* notice of an asserted anti-doping rule violation as provided above, SAIDS shall refer to *ADAMS* and contact *WADA* and other relevant *Anti-Doping Organisations* to determine whether any prior anti-doping rule violation exists.

7.9 *Provisional Suspensions*

7.9.1 Mandatory *Provisional Suspension*: If the 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 the 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, SAIDS may impose a *Provisional Suspension* on the *Athlete* 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 *Athlete* 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 *Athlete* or other *Person* has a right to appeal the *Provisional Suspension* in accordance with Article 13.2 (save as set out in Article 7.9.3.1).

Where an *Athlete* choose to exercise (a) above the *Athlete* shall advise SAIDS in writing of his/her decision within three (3) days, after being notified in writing, of the decision to impose a *Provisional Suspension*. The Independent Tribunal appointed to adjudicate the matter shall then, within three (3) months, decide the outcome of the challenge.

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

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

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

7.9.5 In all cases where an *Athlete* 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 *Athlete* or other *Person* shall be offered the opportunity to accept a *Provisional Suspension* voluntarily pending the resolution of the matter.

7.10 Resolution Without a Hearing

7.10.1 An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive the right to 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 SAIDS.

7.10.2 Alternatively, if the *Athlete* 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 SAIDS asserting the violation, then he/she shall be deemed to have admitted the violation, to have waived the right to 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 SAIDS.

7.10.3 In cases where Article 7.10.1 or Article 7.10.2 applies, a hearing before an Independent Tribunal shall not be required. Instead SAIDS 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. SAIDS shall send copies of that decision to other *Anti-Doping Organisations* 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 SAIDS 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 an *Athlete* or other *Person* on the imposition of *Consequences* without a hearing, SAIDS shall give notice thereof in accordance with Article 14.2.1 to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3.

7.12 Retirement from Sport

If an *Athlete* or other *Person* retires while SAIDS is conducting the results management process, SAIDS retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires

before any results management process has begun, and SAIDS would have had results management authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, SAIDS has authority to conduct results management in respect of that anti-doping rule violation.

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1 Hearings Following SAIDS Results Management

8.1.1 The Registrar shall appoint an Independent Doping Hearing Panel consisting a minimum of, but not being limited to, three (3) members to hear and adjudicate cases. The Hearing Panel should consist of at least the following:

a) A legal practitioner who shall act as a Chairperson;

b) A medical practitioner and/or a person with analytical and/or forensic pharmacology or endocrinology; and

c) Either a second person from category (a) or (b) above or an additional member who shall be, or has previously been, a sports administrator or an *Athlete.*

8.1.2 When SAIDS sends a notice to an *Athlete* or other *Person* alleging an anti-doping rule violation, and the *Athlete* or other *Person* does not waive the right to a hearing in accordance with Article 7.10.1 or Article 7.10.2, then the case shall be referred to the Independent Doping Hearing Panel for hearing and adjudication. The appointed members shall have had no prior involvement with the case. Each member, upon appointment, shall disclose to the Chairperson of the Independent Doping Hearing Panel any circumstances likely to affect impartiality with respect to any of the parties.

8.1.3 The principles of natural justice shall be adhered to in all disciplinary proceedings. Such principles include, but are not limited to, the right to know what evidence will be presented at the hearing, the right to be heard and to be represented, the right to produce evidence and to be judged by impartial and independent adjudicators, the right to be represented by a competent person; the right to call witnesses and to cross-examine witnesses; etc.

8.2 Principles for a Fair Hearing

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

8.2.2 The Independent Doping Hearing Panel shall determine the procedure to be followed at the hearing.

8.2.3 *WADA* and the *National Federation* of the *Athlete* or other *Person* may attend the hearing as observers. In any event,

SAIDS shall keep *WADA* fully apprised as to the status of pending cases and the result of all hearings.

8.2.4 The Independent Doping Hearing Panel shall act in a fair and impartial manner towards all parties at all times.

8.3 Decisions of the Independent Doping Hearing Panel

8.3.1 At the end of the hearing, or on a timely basis thereafter, the Chairperson of the Independent Doping Hearing Panel shall issue a written, dated and signed decision (either unanimously or by majority) 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.

8.3.2 The decision shall be provided by SAIDS to the *Athlete* or other *Person*, to his/her *National Federations*, and to *Anti-Doping Organisations* with a right to appeal under Article 13.2.3.

8.3.3 The decision may be appealed as provided in Article 13. 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 *Athlete* or other *Person* who is the subject of the decision. SAIDS shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve. The principles contained at Article 14.3.6 shall be applied in cases involving a *Minor*.

8.4 Single Hearing Before *CAS*

Cases asserting anti-doping rule violations against *International-Level Athletes* or *National-Level Athletes* may be heard directly at *CAS*, with no requirement for a prior hearing. The aforesaid require the consent of the *Athlete*, SAIDS, *WADA*, and any other *Anti-Doping Organisation* that would have had a right to appeal a first instance hearing decision to *CAS*.

8.5 Plea Bargain

Any *Athlete* or his *Support Personnel* who faces an anti-doping rule violation may enter into plea bargain arrangements, with the aim of diverting the matter from the disciplinary proceedings.

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.

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 *Athlete'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 *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.

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

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 (4) years where:

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance,* unless the *Athlete* 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 SAIDS 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 (2) years.

10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those *Athletes* who cheat. The term, therefore, requires that the *Athlete* or other *Person* engaged 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 *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered "intentional" if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

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 (4) years unless, in the case of failing to submit to *Sample* collection, the *Athlete* 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 (2) 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 (1) year, depending on the *Athlete's* degree of *Fault*. The flexibility between two (2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Minor* shall be

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

10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to four (4) years, depending on the seriousness of the violation.

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

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

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

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 *Athlete* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

10.5.1.2 *Contaminated Products*

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

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

If an *Athlete* 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 *Athlete* or other *Person*'s degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one (1)-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 (8) years.

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 SAIDS 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 *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organisation* 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 SAIDS. After a final appellate decision under Article 13 or the expiration of time to appeal, SAIDS may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA* and the applicable International Federation. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on

the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three (3)-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 (8) years. If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, SAIDS shall reinstate the original period of *Ineligibility*. If SAIDS 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 *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of SAIDS or at the request of the *Athlete* 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 Organisation*.

10.6.1.3 If SAIDS suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organisations* with a right to appeal under 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 authorise SAIDS to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than 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 (1)-half of the period of *Ineligibility* otherwise applicable.

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.

An *Athlete* or other *Person* potentially subject to a four (4)-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 SAIDS, and also upon the approval and at the discretion of both *WADA* and SAIDS, may receive a reduction in the period of *Ineligibility* down to a minimum of two (2) years, depending on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*.

10.6.4 Application of Multiple Grounds for Reduction of a Sanction.

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one (1) 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 *Athlete* 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 (1)-fourth of the otherwise applicable period of *Ineligibility*.

10.7 Multiple Violations

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

(a) six (6) months;

(b) one (1)-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 fulfils 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 (8) years to lifetime *Ineligibility*.

10.7.3 An anti-doping rule violation for which an *Athlete* 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 SAIDS can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after SAIDS made reasonable efforts to give notice, of the first anti-doping rule violation. If SAIDS 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, SAIDS discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then SAIDS shall impose an additional sanction based on the sanction that could have been imposed if the two (2) 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 (10)-Year Period.

For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten (10)-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 *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

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 *Athletes* if provided for in the rules of the applicable International Federation; and third, reimbursement of the expenses of SAIDS.

10.10 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.

10.10.1 Delays Not Attributable to the *Athlete* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, SAIDS 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*.

10.10.2 Timely Admission

Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by SAIDS, 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 *Athlete* or other *Person* shall serve at least one (1)-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* already has been reduced under Article 10.6.3.

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

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

10.10.3.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from SAIDS and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility*, which may ultimately be imposed. A copy of the *Athlete* or other *Perso*n'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.

10.10.3.3 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 *Athlete* elected not to compete or was suspended by his or her team.

10.10.3.4 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.

10.11 Status during *Ineligibility*

10.11.1 Prohibition Against Participation During *Ineligibility*

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

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport

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

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

10.11.2 Return to Training

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

10.11.3 Violation of the Prohibition of Participation During *Ineligibility*

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

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Comment [1]: Please note that, pursuant to Article 23.2.2 of the Code, Article 10.12.3 of the Code must be reproduced without any substantive change in the SAIDS Rules.

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

10.11.4 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 SAIDS, the South African Government, and the *National Federations*.

10.12 Automatic Publication of Sanction

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

ARTICLE 11 *CONSEQUENCES* TO TEAMS

11.1 *Testing* of *Team Sports*

Where more than one (1) 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 (2) 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 *Athlete*s 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 imposes *Consequences* for *Team Sports* stricter than those in Article 11.2 for purposes of the *Event*.

ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST SPORTING BODIES

12.1 SAIDS has the authority to request the South African Government and SASCOC 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 SAIDS may elect to request SASCOC to take additional disciplinary action against *National Federations* with respect to recognition, the eligibility of its officials and *Athletes* to participate in International Events and fines based on the following:

12.2.1 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with a *National Federation* within a twelve (12)-month period.

12.2.2 More than one (1) *Athlete* or other *Person* from a *National Federation* commits an *Anti-Doping Rule* violation during an *International Event.*

12.2.3 A *National Federation* has failed to make diligent efforts to keep SAIDS informed about an *Athlete's* whereabouts after receiving a request for that information from SAIDS.

ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Articles 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 Organisation*'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.

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 SAIDS' process, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies in SAIDS' process.

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 (6) months' notice requirement for a retired *Athlete* 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 SAIDS 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;* SAIDS' failure to comply with Article 7.9; a decision that SAIDS 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 SAIDS not to recognise another *Anti-Doping Organisation*'s decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

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

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

13.2.2 Appeals Involving *National-Level Athletes*, Other *Athletes* or Other *Persons*

In cases where Article 13.2.1 is not applicable, the decision may be appealed to the National Appellate Body.

13.2.2.1 Hearings before the Appellate Body

13.2.2.1.1

a) The South African government shall appoint the independent SAIDS *Anti-Doping Appeal Board in terms of the Institute for Drug-Free Sport Act 14 of 1997* including a person to chair the Appeal Board who will also be the *Registrar.* The Appeal Board consists of a pool of legal experts, medical experts and sport administrators from which the Registrar will draw to form the Appeal Committee that will hear matters. Each Board member shall be appointed for a term of five (5) years. If a Board member dies or resigns, the South African government may appoint an independent *Person* to be a Board member to fill the resultant vacancy. The *Person* so appointed shall be appointed for the remainder of the term of the member who

occasioned the vacancy. A Board member may be re-appointed.

b) The Chairperson/Registrar of the Appeal Board shall appoint an Appeal Committee consisting of a minimum of three (3) members to hear an appeal of which one must be a legal practitioner who will act as chairperson for the Appeal Committee;

13.2.2.1.2 The appointed members shall have had no prior involvement with any aspect of the case. In particular, no member may have previously considered any *TUE* application or appeal involving the same *Athlete* as in the current case. Each member, upon appointment, shall disclose to the Chair any circumstances likely to affect impartiality with respect to any of the parties.

13.2.2.1.3 If a member appointed by the Chairperson to hear a case is unwilling or unable, for whatever reason, to hear the case, the Chairperson may appoint a replacement or appoint a new hearing panel.

13.2.2.1.4 The Chairperson of the Appellate Body has the power, at its absolute discretion, to appoint an expert to assist or advise the Appeal Committee as required by the Appeal Committee

13.2.2.1.5 SAIDS has the right to join proceedings and attend hearings of the national Appeal Committee as a party.

13.2.2.1.6 The International Federation and/or the *National Federation* concerned, if not a party to the proceedings, the *National Olympic Committee*, if not a party to the proceedings, and *WADA* each have the right to attend hearings of the Appeal Committee as an observer.

13.2.2.1.7 Hearings pursuant to this Article should be completed expeditiously as of the date of the decision of the Appeal Committee save where exceptional circumstances apply.

13.2.2.1.8 Hearings held in connection with *Events* may be conducted on an expedited basis.

13.2.2.2 Proceedings of the Appeal Committee

13.2.2.2.1 Subject to the provisions of these Anti-Doping Rules, the Appeal Committee shall have the power to regulate its own procedures.

13.2.2.2.2 The appellant shall present his/her case and the respondent party or parties shall present his/her/their case(s) in reply.

13.2.2.2.3 A failure by any party or his/her representative to attend a hearing after notification will be deemed to be an abandonment of his/her right to a hearing. This right may be reinstated on reasonable grounds.

13.2.2.2.4 Each party shall have the right to be represented at a hearing, at that party's own expense.

13.2.2.2.5 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the Appeal Committee. The Appeal Committee shall determine the identity and responsibility for the cost of any interpreter.

13.2.2.2.6 Each party to the proceedings has the right to present evidence, including the right to call and question witnesses (subject to the Appeal Committee's discretion to accept testimony by telephone or other means).

13.2.2.2.7 Any failure by any party to comply with any requirement or direction of the Appeal Committee shall not prevent the Appeal Committee from proceeding and such failure may be taken into consideration by the Appeal Committee when making its decision.

13.2.2.3 Decisions of the Appeal Committee

13.2.2.3.1 At the end of the hearing, or on a timely basis thereafter, the Appeal Committee shall issue a written, dated and signed decision (either unanimously or by majority) that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential sanction was not imposed.

13.2.2.3.2 The decision shall be provided by SAIDS to the *Athlete* or other *Person*, to his/her *National*

Federation, and to *Anti-Doping Organisations* with a right to appeal under Article 13.2.3.

13.2.2.3.3 The decision may be appealed as provided in Article 13.2.3. 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 *Athlete* or other *Person* who is the subject of the decision. SAIDS shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

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 *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) SAIDS and (if different) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) *WADA*.

In cases under Article 13.2.2, the following parties, at a minimum, shall have the right to appeal: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) SAIDS and (if different) the *National Anti-Doping Organisation* of the *Person*'s country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) *WADA*. For cases

under Article 13.2.2, *WADA,* the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation 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 Organisation* 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 *Athlete* 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.

13.3 Failure to Render a Timely Decision

Where, in a particular case, SAIDS 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 SAIDS 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 SAIDS.

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

13.6 Appeals from Decisions Pursuant to Article 12

Decisions by the hearing panel 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 (15) 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 (15)-day period, then the party making such request shall have twenty-one (21) 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 (21) days after the last day on which any other party in the case could have appealed; or

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

13.7.2 Appeals to the Appellate Body under Article 13.2.2

The time to file an appeal to the appellate body shall be twenty-one (21) days from the date of written receipt of the decision by the appealing party. Notices will enjoy legal validity notwithstanding the fact that it may be in electronic form. The Appeal Committee could condone an extension if it finds the reasons afforded for the extension are acceptable. However, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the decision subject to appeal:

(a) Within fifteen (15) days from notice of the decision, such party/ies shall have the right to request from the hearing panel having issued the decision, a copy of the file on which such body relied;

(b) If such a request is made within the fifteen (15)-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to the appellate body.

c) An appellant lodging an appeal pursuant to Article 13.2.2 shall specify the name of the Appellant lodging the appeal; the decision appealed against; date of the decision appealed against; the date of receipt of the decision appealed against by the party appealing; and grounds of the appeal.

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

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

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

NOTE: No party or parties may make any revelations, decisions taken, projected outcomes, opinions, comments, etc., known to the media, in whatever form, until the appeal process is exhausted.

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 *Athletes* and other *Persons*

Notice to *Athletes* or other *Persons* that an anti-doping rule violation is being asserted against them shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules. Notice to an *Athlete* 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 International Federations and *WADA*

Notice of the assertion of an anti-doping rule violation to International Federations and *WADA* shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules, simultaneously with the notice to the *Athlete* 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 *Athlete*'s name, country, sport and discipline within the sport, the *Athlete*'s competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the International Standard for 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, International Federations 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 organisations shall not disclose this information beyond those *Person*s with a need to know (which would include the appropriate personnel at SASCOC, the relevant *National Federation*, and team in a *Team Sport*) until SAIDS has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 14.3.

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

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

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

14.2.2 An *Anti-Doping Organisation* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) 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 *Athlete* or other *Person* who is asserted by SAIDS to have committed an anti-doping rule violation, may be *Publicly Disclose*d by SAIDS only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to *WADA* and the International Federation of the *Athlete* or other *Person* in accordance with Article 14.1.2.

14.3.2 No later than twenty (20) 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, SAIDS

must *Publicly Report* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. SAIDS must also *Publicly Report* within twenty days (20) 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 *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. SAIDS shall use reasonable efforts to obtain such consent. If consent is obtained, SAIDS shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

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

14.3.5 Neither SAIDS, nor the *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 *Athlete* 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 *Athlete* 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

SAIDS shall publish at least annually a general statistical report of its *Doping Control* activities, with a copy provided to *WADA*. SAIDS may also publish reports showing the name of each *Athlete* 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 Organisation*s, SAIDS shall report all *In-Competition* and *Out-of-Competition* tests on such *Athlete*s 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 *Athlete*, the *Athlete*'s International Federation and any other *Anti-Doping Organisations* with *Testing* authority over the *Athlete*.

14.6 Data Privacy

14.6.1 SAIDS may collect, store, process or disclose personal information relating to *Athlete*s 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 recognised and respected by SAIDS and all *National Federations*.

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

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

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

16.1 All *National Federation*s and their members shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each *National Federation's* rules so that SAIDS may enforce them itself directly as against *Athletes* and other *Persons* under the *National Federation's* jurisdiction.

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

16.3 All *National Federation*s shall report any information suggesting or relating to an anti-doping rule violation to SAIDS and to their International Federation, and shall cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.

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

16.5 All *National Federations* shall be required to conduct anti-doping education in coordination with SAIDS.

ARTICLE 17 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against an *Athlete* 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 (10) years from the date the violation is asserted to have occurred.

ARTICLE 18 SAIDS COMPLIANCE REPORTS TO *WADA*

SAIDS will report to *WADA* on SAIDS' compliance with the *Code* in accordance with Article 23.5.2.

ARTICLE 19 EDUCATION

SAIDS 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 *Athlete*s and *Athlete Support Personnel* in such programs.

ARTICLE 20 AMENDMENT AND INTERPRETATION

20.1 These Anti-Doping Rules may be amended from time to time by SAIDS

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, which are reproduced in Appendix 3 to these Anti-Doping Rules, shall be used to interpret these Anti-Doping Rules.

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

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

20.7.2 The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 17 are procedural rules and should be applied retroactively; provided, however, that Article 17 shall only be applied retroactively if the statute of limitation 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 twelve (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 *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organisation* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of 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 Organisation 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 *ATHLETES* AND OTHER *PERSONS*

22.1 Roles and Responsibilities of *Athlete*s

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.

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 Substance*s and *Prohibited Method*s 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 International Federation and to SAIDS any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.

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

22.2 Roles and Responsibilities of *Athlete Support Personnel*

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

22.2.2 To cooperate with the *Athlete Testing* program.

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

22.2.4 To disclose to his or her International Federation and to SAIDS any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten (10) years.

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

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

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 Organisation: 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 Paralympics Committee, and other *Major Event Organisations* that conduct *Testing* at their *Events*, *WADA*, International Federations, and *National Anti-Doping Organisations.*

Appeal Committee: Selected from members from the Appellate Body by the Registrar to hear appeals.

Appellate Body: SAIDS appeal board as appointed by the Minister of Sport and Recreation.

Athlete: Any *Person* who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each *National Anti-Doping Organisation*). An *Anti-Doping Organisation* has

discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "Athlete." In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organisation* may elect to: conduct limited *Testing* or no *Testing* at all; analyse *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organisation* 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 organisation accepting the *Code* is an *Athlete*.

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

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

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

[Athlete Support Person will denote the singular form of Athlete Support Personnel.]

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.

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

14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11 of the *Code*.

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

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

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

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

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

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

In-Competition: Unless provided otherwise in the rules of an International Federation or the ruling body of the *Event* in question, "*In-Competition*" means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

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

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

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

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

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

International-Level Athlete: *Athletes* who participate in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations.

[Comment: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, 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 Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. 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 Organisations: The continental associations of *National Olympic Committee*s and other international multi-sport organisations 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.

Minister: Minister of Sport and Recreation.

Minor: A natural *Person* who has not reached the age of eighteen (18) years.

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

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

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

National-Level Athlete: *Athletes* who participate in sport at the national level, as defined by each *National Anti-Doping Organisation,* consistent with the International Standard for Testing and Investigations. In South Africa, *National-Level Athletes* are defined as set out in Article 1.4.

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

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

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

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

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

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

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

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

Possession: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* 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 Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

[Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organisation must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids.

Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organisation must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]

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

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

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

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

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

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

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

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

Registered Testing Pool: The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organisations,* who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organisation*'s test

distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the *Code* and the International Standard for Testing and Investigations.

Registrar: The Chairperson of the Appeal Board appointed by the Minister of Sport and Recreation for a five (5) year term that runs concurrently with the appointment of the Board of the South African Institute for Drug-Free Sport (SAIDS).

SAIDS: The South African Institute for Drug-Free Sport. This is the statutory body established by Government with the responsibility to promote and support the elimination of doping in Sport in South Africa.

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.]

SASCOC: South African Sports Confederation and Olympic Committee.

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

Specified Substance: See Article 4.2.2.

Strict Liability: The rule, which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, *Fault*, negligence, or knowing *Use* on the *Athlete's* part be demonstrated by the *Anti-Doping Organisation* 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 Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case, which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Tampering: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or

engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

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

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

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

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

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

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

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

WADA: The World Anti-Doping Agency.

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

APPENDIX 2 EXAMPLES OF THE APPLICATION OF ARTICLE 10

EXAMPLE 1.

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

Application of *Consequences*:

1. The starting point would be Article 10.2. Because the *Athlete* is deemed to have *No Significant Fault* that would be sufficient corroborating evidence (Articles 10.2.1.1 and 10.2.3) that the anti-doping rule violation was not intentional, the period of *Ineligibility* would thus be two years, not four (4) years (Article 10.2.2).

2. In a second step, the panel would analyse 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 (1) year (minimum one (1)-half of the two (2) year sanction). The panel would then determine the applicable period of *Ineligibility* within this range based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of sixteen (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 (2)-year minimum set forth in Article 10.6.3.) Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three (3)-quarters of sixteen (16) months.* The minimum period of *Ineligibility* would thus be four (4) months. (Assume for purposes of illustration in this example that the panel suspends ten (10) months and the period of *Ineligibility* would thus be six (6) months.)

4. Under Article 10.11, the period of *Ineligibility*, in principle, starts on the date of the final hearing decision. However, because the *Athlete* promptly admitted the anti-doping rule violation, the period of *Ineligibility* could start as early as the date of *Sample* collection, but in any event the *Athlete* would have to serve at least one (1)-half of the *Ineligibility* period (i.e., three (3) months) after the date of the hearing decision (Article 10.11.2).

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

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

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

8. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of: (a) the last two (2) months of the *Athlete's* period of *Ineligibility*, or (b) the last one (1)-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training one (1) and one (1) - 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 Organisation* is able to establish that the *Athlete* committed the anti-doping rule violation intentionally; the *Athlete* is not able to establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance; the *Athlete* does not promptly admit the anti-doping rule violation as alleged; the *Athlete* does provide *Substantial Assistance*.

Application of Consequences:

1. The starting point would be Article 10.2. Because the *Anti-Doping Organisation* can establish that the anti-doping rule violation was committed intentionally and the *Athlete* is unable to establish that the substance was permitted *Out-of-Competition* and the *Use* was unrelated to the *Athlete's* sport performance (Article 10.2.3), the period of *Ineligibility* would be four (4) 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 (3)-

quarters of the four (4) years. * The minimum period of *Ineligibility* would thus be one (1) year.

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

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

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

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

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of: (a) the last two (2) months of the *Athlete's* period of *Ineligibility*, or (b) the last one (1)-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two (2) months before the end of the period of *Ineligibility*.

EXAMPLE 3.

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

Application of Consequences:

1. The starting point would be Article 10.2. Because the *Athlete* can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, i.e., he had *No Significant Fault* in *Using* a *Contaminated Product* (Articles 10.2.1.1 and 10.2.3), the period of *Ineligibility* would be two (2) years (Article 10.2.2).

2. In a second step, the panel would analyse the *Fault*-related possibilities for reductions (Articles 10.4 and 10.5). Since the *Athlete* can establish that

the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with *No Significant Fault or Negligence* based on Article 10.5.1.2, the applicable range for the period of *Ineligibility* would be reduced to a range of two (2) years to a reprimand. The panel would determine the period of *Ineligibility* within this range, based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of four (4) months.)

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

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

5. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of: (a) the last two (2) months of the *Athlete's* period of *Ineligibility*, or (b) the last one (1)-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training one (1) month before the end of the period of *Ineligibility*.

EXAMPLE 4.

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

Application of Consequences:

1. Since the violation was intentional, Article 10.2.1 would be applicable and the basic period of *Ineligibility* imposed would be four (4) years.

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

3. Based on the *Athlete's* spontaneous admission (Article 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one (1)-half of the four (4) years. Based on the *Athlete's Substantial Assistance* (Article 10.6.1) alone, the period of *Ineligibility* could be suspended up to three (3)-quarters of the

four (4) 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 (3)-quarters of the four (4) years. The minimum period of *Ineligibility* would be one (1) year.

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

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

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

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of: (a) the last two (2) months of the *Athlete's* period of *Ineligibility*, or (b) the last one (1)-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two (2) months before the end of the period of *Ineligibility*.

EXAMPLE 5.

Facts:

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

Application of Consequences*:*

1. According to Article 10.3.4, the period of *Ineligibility* would be from two (2) up to four (4) 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 (3) 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 (1)-half. (Assume for purposes of illustration in this example that the panel would impose a period of *Ineligibility* of eighteen (18) months.)

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

EXAMPLE 6.

Facts: An *Athlete* was sanctioned for a first anti-doping rule violation with a period of *Ineligibility* of fourteen (14) months, of which four (4) months were suspended because of *Substantial Assistance*. Now, the *Athlete* commits a second anti-doping rule violation resulting from the presence of a stimulant which is not a *Specified Substance* in an *In-Competition* test (Article 2.1); the *Athlete* establishes *No Significant Fault or Negligence*; and the *Athlete* provided *Substantial Assistance*. If this were a first violation, the panel would sanction the *Athlete* with a period of *Ineligibility* of sixteen (16) months and suspend six (6) 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 (6) months;
   (b) one (1)-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 (1)-half of fourteen (14) months, which is seven (7) 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 (2) times sixteen (16) months, which is thirty-two (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 thirty-two (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 (3)-quarters of thirty-two (32) months.* The minimum period of *Ineligibility* would thus be eight (8) months. (Assume for purposes of illustration in this example that the panel suspends eight (8) months of the period of *Ineligibility* for *Substantial Assistance*, thus reducing the period of *Ineligibility* imposed to two (2) years.)

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

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

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

7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of: (a) the last two (2) months of the *Athlete's* period of *Ineligibility*, or (b) the last one (1)-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two (2) 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 (3)-quarters and reporting and publication may be delayed.

APPENDIX 3 COMMENTS

Article 1.2.1: *SAIDS shall work cooperatively with its Government and SASCOC to ensure that recognition of SAIDS and acceptance and application of these Anti-Doping Rules represents a pre-condition to a National Federation's receipt of any financial and/or other assistance from the Government and/or the SASCOC.*

Article 1.3.1: *These organising bodies shall be incorporated into the national anti-doping program.*

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

Article 2.1.2: *The Anti-Doping Organisation with results management responsibility may, at its discretion, choose to have the B Sample analysed even if the Athlete does not request the analysis of the B Sample.*

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 Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under 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 Organisation provides a satisfactory explanation for the lack of confirmation in the other Sample.*

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

An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the

Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that substance might have been administered.)

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

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 organisations.

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.*

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

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

Article 3.1: *This standard of proof required to be met by SAIDS is comparable to the standard, which is applied in most countries to cases involving professional misconduct.*

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

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

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

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 an Athlete for a purpose other than the enhancement of sport performance.*

Article 4.4.2: *In accordance with Article 5.1 of the International Standard for Therapeutic Use Exemptions, SAIDS may decline to consider advance applications for TUEs from National-Level Athletes in sports that are not prioritised by SAIDS in its Test Distribution Planning, but in that case it shall permit any such Athlete who is subsequently tested to apply for a retroactive TUE.*

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

An Athlete 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 Athlete's own risk.

Article 4.4.3: *The International Standard for Therapeutic Use Exemptions also permits a National Anti-Doping Organisation to limit the grant of advance TUEs to certain categories of National-Level Athletes. If a National Anti-Doping Organisation chooses to collect a Sample from an Athlete who is a National-*

Level Athlete from whom the National Anti-Doping Organisation does not accept advance applications for TUES, then the National Anti-Doping Organisation must also permit that Athlete to apply for a retroactive TUE, if necessary.

Article 4.4.4.1: *Further to Articles 5.6 and 7.1(a) of the* International Standard *for Therapeutic Use Exemptions, an International Federation may publish notice on its website that it will automatically recognise TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by National Anti-Doping Organisations. If an Athlete's TUE falls into a category of automatically recognised TUEs, then he/she does not need to apply to his/her International Federation for recognition of that TUE.*

In accordance with the requirements of the International Standard for Therapeutic Use Exemptions, SAIDS will help its Athletes to determine when they need to submit TUEs granted by SAIDS to an International Federation or Major Event Organisation for recognition, and will guide and support those Athletes through the recognition process.

If an International Federation refuses to recognise a TUE granted by SAIDS 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 the International Federation.

Article 4.4.4.2: *The International Federation and SAIDS may agree that SAIDS will consider TUE applications on behalf of the International Federation.*

Article 4.4.6.3: *In such cases, the decision being appealed is the International 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 time 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.

Article 5.2.2: *Unless the Athlete has identified a sixty (60)-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, SAIDS will not test an Athlete during that period unless it has serious and specific suspicions that the Athlete may be engaged in doping. A challenge to whether SAIDS had sufficient suspicion for Testing*

in that period shall not be a defence to an anti-doping rule violation based on such test or attempted test.

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.*

Article 6.2: *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.*

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 recognised 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 analysed.*

Article 7.9: *Athletes 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.*

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

Article 8.2.1: *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 Athlete's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.*

Article 8.4: *Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two (2) hearings. An Anti-Doping Organisation 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: *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 (1) or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.*

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

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

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.*

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 an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes 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 Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence.*

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

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 Athlete or other Person's degree of Fault.

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

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

Article 10.6.4: *The appropriate sanction is determined in a sequence of four (4) 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 Athlete or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (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.*

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

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

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

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

Article 10.12.1: *For example, subject to Article 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organised 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 Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organised by a non-Signatory International Event organisation or a non-Signatory national-level event organisation 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 organisation described in this Article. Ineligibility imposed in one sport shall also be recognised by other sports (see Article 15.1, Mutual Recognition).*

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

Article 10: *Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favour of harmonisation is that it is simply not right that two (2) Athletes 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 organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organisations.*

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

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

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.*

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

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

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

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, SAIDS or 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 an Athlete 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 SAIDS shall recognise 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.*

Article 22.1.2: *With due regard to an Athlete'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 Athletes use low doses of EPO during these hours so that it will be undetectable in the morning.*