

# **International Masters Games Association (IMGA) ANTI-DOPING RULES**



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INTERNATIONAL  
MASTERS  
GAMES  
ASSOCIATION

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# **IMGA ANTI-DOPING RULES**

## **INTRODUCTION**

### **Preface**

At the IMGA Board of Governors meeting held on 14 January 2008 in Slovenia, IMGA accepted the World Anti-Doping Code (the "*Code*") the revised version of which will be in force from January 1st 2015. These Anti-Doping Rules are adopted and implemented in conformance with IMGA's responsibilities under the *Code*, and are in furtherance of IMGA's continuing efforts to eradicate doping in Masters Sport.

These Anti-Doping Rules are rules governing the conditions under which sport is played. Aimed at enforcing anti-doping principles in a global and harmonized 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.

The IMGA Board of Governors is responsible for formally adopting these Anti-Doping Rules in accordance with IMGA's responsibilities under the *Code*, and for implementing these Anti-Doping Rules.

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

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport". It is the essence of Olympism; 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 IMGA Anti-Doping Policy determines the implementation of the anti-doping rules for IMGA Masters *Events*, meaning any World, or Regional Masters *Event* for which the IMGA is the rights holder.

The IMGA Anti-Doping Policy sets out general principles of how the IMGA will approach the issue of doping and the IMGA Anti-Doping Rules that are in place for IMGA Masters *Events* to ensure that the IMGA is *Code* compliant.

IMGA supports any *Person* who wishes to compete at an IMGA Masters *Event* in the true spirit of fair play in the *Event* of their choice without the *Use* of any *Prohibited Substance* or *Prohibited Method* or in the event that an *Athlete* does need to *Use* a *Prohibited Substance* *Prohibited Method* that the *Athlete* has medical evidence to support this *Use* and validly obtains a Therapeutic Use Exemption ("*TUE*") in accordance with the *Code*, these Rules and the International Standard for Therapeutic Use Exemptions

### **Scope of these Anti-Doping Rules**

These Anti-Doping Rules shall apply automatically to (a) IMGA; (b) all *Athletes* entered in one of IMGA's *Events* or who have otherwise been made subject to the authority of IMGA for a future *Event*; (c) all *Athlete Support Personnel* supporting such *Athletes*; (d) other *Persons* participating in the activities of IMGA; and (e) any organization, body or entity operating (even if only temporarily) under the authority of IMGA.

*Athletes* entered in one of IMGGA's *Events* or who have otherwise been made subject to the authority of IMGGA for a future *Event* are automatically bound by these Anti-Doping Rules as a condition of eligibility to participate in such *Events*.

The *Athlete Support Personnel* supporting such *Athletes* and other *Persons* participating in the activities of IMGGA are automatically bound by these Anti-Doping Rules as a condition of such support/participation.

Organizations, bodies or entities operating (even if only temporarily) under the authority of IMGGA are automatically bound by these Anti-Doping Rules as a condition of their participation in the IMGGA's activities.

These Anti-Doping Rules shall apply to all *Doping Controls* over which IMGGA has jurisdiction.

## **ARTICLE 1 DEFINITION OF DOPING**

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

## **ARTICLE 2 ANTI-DOPING RULE VIOLATIONS**

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

*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.

*[Comment to 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.]*

**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 analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or, where the *Athlete's B Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

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

**2.1.3** Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *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**

*[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the 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 Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]*

**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.

*[Comment to 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.))]*

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

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

*[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an 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.]*

### **2.4 Whereabouts Failures**

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

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

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

**2.6.1** *Possession* by 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.*

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

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

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

## **2.8 Administration or Attempted Administration to any 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 of the *Code* by another *Person*.

## **2.10 Prohibited Association**

Association by an *Athlete* or other *Person* subject to the authority of an *Anti-Doping Organization* 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 Organization*, is serving a period of *Ineligibility*; or

2.10.2 If not subject to the authority of an *Anti-Doping Organization*, and where *Ineligibility* has not been addressed in a results management process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such

*Person*. The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

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

In order for this provision to apply, it is necessary that the *Athlete* or other *Person* has previously been advised in writing by an *Anti-Doping Organization* with jurisdiction over the *Athlete* or other *Person*, or by *WADA*, of the *Athlete Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organization* shall also use reasonable efforts to advise the *Athlete Support Person* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Person* may, within 15 days, come forward to the *Anti-Doping Organization* to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 15, this Article applies even when the *Athlete Support Person's* disqualifying conduct occurred prior to the effective date provided in Article 25 of the *Code*.)

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 Organizations* 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*.

*[Comment to 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 PROOF OF DOPING**

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

IMGA shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether IMGA 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.

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

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

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

*[Comment to Article 3.2: For example, IMGGA 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.]*

**3.2.1** Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *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 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 IMGGA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

*[Comment to Article 3.2.2: The burden is on the 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 IMGGA to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]*

**3.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Anti-Doping Rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *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 IMGGA 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 IMGGA.

## **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*. IMGGA will make the current *Prohibited List* available to each *Participant* through posting it on the IMGGA and each under the IMGGA Masters Event LOC's website.

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

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

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-

Doping Rules three months after publication by WADA, without requiring any further action by IMGA.

**4.2.2** All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarize themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

#### **4.2.3 Specified Substances**

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

*[Comment to Article 4.2.3: The Specified Substances identified in Article 4.2.3 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.]*

### **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** *Athletes* who wish to *Use* a *Prohibited Substance* or a *Prohibited Method* in connection with an *IMGA Event* and do not already have a *TUE* granted by their *National Anti-Doping Organization* or *International Federation* shall apply to IMGA's TUE Committee (the "TUEC") for a *TUE* in accordance with the International Standard for Therapeutic Use Exemptions. The TUEC shall promptly evaluate the application in accordance with the International Standard for Therapeutic Use

Exemptions and render a decision as quickly as possible, which decisions shall be reported via ADAMS. The provisions of the International Standard for Therapeutic Use Exemptions and the specific IMGA protocols posted on its website shall be complied with during the whole process and applied automatically. *TUEs* granted by the TUEC shall be effective for IMGA's *Events* only.

*[Comment to Article 4.4.2: Article 4.4.4.1 of the Code requires a Major Event Organization to ensure a process is available for an Athlete to apply for a TUE if he or she does not already have one. A Major Event Organization may appoint its own TUEC or may outsource this function to a suitably qualified third party].*

**4.4.3** If IMGA chooses to test an Athlete who is not an *International-Level Athlete* or a *National-Level Athlete*, IMGA shall permit that Athlete to apply to IMGA's TUE Committee (the "TUEC") for a retroactive *TUE* for any Prohibited Substance or Prohibited Method that he/she is using for therapeutic reasons. *TUEs* granted by the TUEC shall be effective for IMGA's *Events* only.

*[Comment to Article 4.4.2: Article 4.4.4.1 of the Code requires a Major Event Organization to ensure a process is available for an Athlete to apply for a TUE if he or she does not already have one. A Major Event Organization may appoint its own TUEC or may outsource this function to a suitably qualified third party].*

**4.4.4** Where the Athlete already has a *TUE* granted by his or her *National Anti-Doping Organization* or International Federation, the TUEC must recognize it, if that *TUE* meets the criteria set out in the International Standard for Therapeutic Use Exemptions. If the TUEC decides the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the Athlete promptly, explaining its reasons.

**4.4.5** A decision by IMGA not to recognize or not to grant a *TUE* may be appealed by the Athlete exclusively to the independent TUE Appeal Committee established by IMGA for that purpose. If the Athlete does not appeal (or the TUE Appeal Committee decides to uphold the refusal to grant/recognize the *TUE* and so rejects the appeal), the Athlete may not Use the substance or method in question in connection with the *Event*, but any *TUE* granted by his/her *National Anti-Doping Organization* or International Federation for that substance or method remains valid outside of that *Event*.

**4.4.6** WADA may review IMGA's decisions on *TUEs* 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.

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

## **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 that IMGA deems necessary to supplement 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 prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*. test distribution planning, *Testing*, post-*Testing* activity and all related activities shall be conducted by IMGA in conformity with the International Standard for *Testing* and Investigations. IMGA 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*, in accordance with Article 7.3, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and

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

**5.1.3** IMGA 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*, IMGGA shall have *In-Competition Testing* authority for the *Event Period* and *Out-of-Competition Testing* authority over all *Athletes* entered in one of its future *Events* or who have otherwise been made subject to the *Testing* authority of IMGGA for a future *Event*. At the request of IMGGA, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with IMGGA.

**5.2.2** IMGGA may require any *Athlete* over whom it has *Testing* authority to provide a *Sample* at any time and at any place.

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

**5.2.3** Subject to Article 5.3.1 of the *Code*, IMGGA shall have exclusive authority to initiate and direct *Testing* at the *Event Venue* during the *Event Period*. In accordance with Article 5.3.1 of the *Code*, not only IMGGA but also other *Anti-Doping Organizations* with *Testing* authority over *Athletes* participating at the *Event* may test such *Athletes* during the *Event Period* outside of the *Event Venues*. Such *Testing* shall be coordinated with IMGGA.

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

## **5.3 Delegation of responsibility, overseeing and monitoring of *Doping Control***

**5.3.1** IMGGA has the authority to appoint any Sample Collection Authority (as defined in the International Standard for Testing and Investigations) it deems appropriate to collect *Samples* on its behalf. Such Sample Collection Authority shall comply with the *Code* and the International Standard for Testing and Investigations in respect of such *Testing*.

**5.3.2** IMGGA will be responsible for overseeing all *Doping Control* conducted by IMGGA and/or any Sample Collection Authority collecting *Samples* under its authority. It may delegate responsibility for coordinating and overseeing *Testing* to the *LOC*.

**5.3.3** *Doping Control* may be monitored and *Testing* may be conducted by members of the IMGGA or by other qualified *Persons* so authorised by IMGGA.



**5.3.4** The *LOC* of the *Event* must ensure that, during the *Event Period*, all facilities required for the implementation of the test distribution plan established by the IMGA, including Doping Control Station(s), *Sample* collection equipment, and Sample Collection Personnel, are available, and that *Testing* procedures are implemented in accordance with the International Standard for Testing and Investigation.

**5.3.5** The overall costs of *Testing* and *Sample* analysis where IMGA has *Testing* Authority under Article 5.2 above, is the responsibility of the *LOC* of the *Event*. IMGA may at its own discretion decide to take responsibility for these costs.

## **5.4 Test Distribution Planning**

5.4.1 Consistent with the International Standard for Testing and Investigations, and in coordination with other *Anti-Doping Organizations* conducting *Testing* on the same *Athletes*, IMGA shall develop and implement an effective, intelligent and proportionate test distribution plan for its *Event(s)* that prioritizes appropriately between sports, 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. IMGA shall provide *WADA* upon request with a copy of its test distribution plan.

**5.4.2** The test distribution plan shall only be disclosed in advance of *Testing* to those *Persons* who need to know for organizational or operational reasons. Any *Person* with any declared or apparent conflict of interest shall not receive any information about the test distribution plan.

## **5.5 Coordination of Testing**

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

## **5.6 Athlete Whereabouts Information**

**5.6.1** Where an *Athlete* is in a *Registered Testing Pool*, IMGA may access his/her Whereabouts Filings (as defined in the International Standard for Testing and Investigations) for the period for which the *Athlete* is subject to IMGA's *Testing* authority. IMGA will access the *Athlete's* Whereabouts Filings not via the *Athlete* but rather via the International Federations or *National Anti-Doping Organization* that is receiving the *Athlete's* Whereabouts Filings. IMGA will not require the *Athlete* to file any different whereabouts information with it.

**5.6.2** Where an *Athlete* is not in a *Registered Testing Pool* in the period for which an *Athlete* is subject to IMGA's *Testing* authority, the IMGA may require such *Athlete* to provide whereabouts information in that period as it deems necessary and proportionate in order to conduct *Testing* upon him/her, up to and including information equivalent to the Whereabouts Filings that an *Athlete* would have to make in accordance with Annex I to the International Standard for Testing and Investigations if he/she were in a *Registered Testing Pool*.

**5.6.3** Whereabouts information relating to an *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 a *Registered Testing Pool* who retires and then wishes to return to active participation in sport may not participate in IMGA's *Events* until he/she has given his/her International Federation and *National Anti-Doping Organization* written notice of his/her intent to resume competing and has made him/herself available for *Testing* for a period of six months, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. *WADA*, in consultation with the relevant International Federation and *National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under Article 12. Any competitive results obtained in violation of this Article 5.6.1 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 IMGA's *Events* until the *Athlete* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to his/her International Federation and *National Anti-Doping Organization* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

## **5.8 Independent Observer Program**

IMGA shall authorize and facilitate the *Independent Observer Program* at its *Event(s)*.

## **ARTICLE 6 ANALYSIS OF SAMPLES**

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

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

For purposes of Article 2.1, *Samples* shall be analyzed only in laboratories accredited or otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis under these Anti-Doping Rules shall be determined by IMGA.

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

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

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

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

**6.2.2** IMGA shall ask laboratories to analyze *Samples* in conformity with Article 6.4 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 6.2.1 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 analyze *Samples* and report results in conformity with the International Standard for Laboratories. To ensure effective *Testing*, the Technical Document referenced at Article 5.4.1 of the *Code* will establish risk assessment-based *Sample* analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyze *Samples* in conformity with those menus, except as follows:

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

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

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

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

## **6.5 Further Analysis of Samples**

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2.1: (a) by WADA at any time; and/or (b) by IMGGA 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 IMGGA to the *Athlete* as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

## **ARTICLE 7 RESULTS MANAGEMENT**

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

**7.1.1** IMGGA shall be responsible for results management and the conduct of hearings for anti-doping rule violations arising under these Anti-Doping Rules in relation to the consequences that are specified at Articles 9, 10.1 and 10.2.1.

7.1.1.1 IMGGA shall appoint a Doping Review Officer with experience in anti-doping, to conduct the review discussed in Articles 7.2-7.4.

7.1.1.2 IMGGA shall appoint a Doping Review Panel consisting of a Chair and two other members with experience in anti-doping

and/or investigations, to conduct the review of other potential anti-doping rules violations discussed in this Article 7.

7.1.1.3 No *Person* may be appointed a Doping Review Officer or member of a Doping Review Panel dealing with a specific case if he/she (i) has the same nationality as the *Athlete* or other *Person* concerned; (ii) has any declared or apparent conflict of interest with such *Athlete* or other *Person*, the *National Olympic Committee*, the *National Federation*, Master National or Continental sport organisation, or International Federation of such *Athlete* or other *Person*, or with any *Person* involved in the case in any way whatsoever; or (iii) in any way whatsoever, does not feel him/herself to be free and independent.

**7.1.2** Responsibility for results management and the conduct of hearings for anti-doping rule violations arising under these Anti-Doping Rules in relation to *Consequences* that extend beyond IMGA's *Event(s)* (e.g., period of *Ineligibility* for other *Events*) shall be referred to the applicable International Federation.

## **7.2 Review of Adverse Analytical Findings from Tests Initiated by IMGA**

Results management in respect of the results of tests initiated by IMGA (including any tests performed by *WADA* pursuant to agreement with IMGA) shall proceed as follows:

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

**7.2.2** Upon receipt of an *Adverse Analytical Finding*, IMGA 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 National Anti-Doping Organization*, the *Athlete's International Federation* and *WADA* shall be so informed.

**7.2.4** 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*, IMGA shall promptly notify the *Athlete*, and simultaneously the *Athlete's National Anti-Doping Organization*, the *Athlete's International Federation* and *WADA*, in the manner set out in Article 13.1, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete's* right to promptly request the analysis of the *B Sample* or, failing such request, that the *B Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the *B Sample* analysis if the *Athlete* or IMGA 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 if such analysis is requested; and (f) the *Athlete's* right to request copies of the *A* and *B Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories.

**7.2.5** Where requested by the *Athlete* or IMGA, arrangements shall be made to analyze 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. IMGA may nonetheless elect to proceed with the *B Sample* analysis.

**7.2.6** The *Athlete* and/or his representative shall be allowed to be present at the analysis of the *B Sample*. Also, a representative of IMGA as well as a representative of the *Athlete's International Federation* shall be allowed to be present.

**7.2.7** If the *B Sample* analysis does not confirm the *A Sample* analysis, then (unless IMGA 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 National Anti-Doping Organization*, the *Athlete's International Federation* and *WADA* shall be so informed.

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

### **7.3 Review of Atypical Findings**

**7.3.1** 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.

**7.3.2** Upon receipt of an *Atypical Finding*, IMGA 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*.

**7.3.3** If the review of an *Atypical Finding* under Article 7.3.2 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 National Anti-Doping Organization*, the *Athlete's International Federation* and *WADA* shall be so informed.

**7.3.4** 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*, IMGA 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 7.2.4, or else the *Athlete*, the *Athlete's National Anti-Doping Organization*, the *Athlete's International Federation* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

**7.3.5** IMGA 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:

7.3.5.1 If IMGA determines the *B Sample* should be analyzed 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 7.2.4(d) - (f).

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

## **7.4 Review of Whereabouts Failures**

**7.4.1** IMGGA shall refer potential filing failures and missed tests (as defined in the International Standard for Testing and Investigations) to whichever of the *Athlete's* International Federation and *National Anti-Doping Organization* receives that *Athlete's* whereabouts filings and so has responsibility for results management of whereabouts failures by that *Athlete*.

## **7.5 Review of Other *Anti-Doping Rule Violations* Not Covered by Articles 7.2 – 7.4**

The IMGGA Doping Review Panel shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2 to 7.4. At such time as IMGGA is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* (and simultaneously the *Athlete's* or other *Person's National Anti-Doping Organization*, the *Athlete's* International Federation and WADA) notice of the anti-doping rule violation asserted, and the basis of that assertion.

## **7.6 *Provisional Suspensions***

**7.6.1 Mandatory *Provisional Suspension*:** If analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or for a *Prohibited Method*, and a review in accordance with Article 7.2.2 does not reveal an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, a *Provisional Suspension* shall be imposed upon or promptly after the notification described in Article 7.2.4.

**7.6.2 Optional *Provisional Suspension*:** In case of an *Adverse Analytical Finding* for a *Specified Substance*, or in the case of any other anti-doping rule violations not covered by Article 7.6.1, IMGGA 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 7.2-7.5 and prior to the final hearing as described in Article 8.

**7.6.3** Where a *Provisional Suspension* is imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, unless 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 from the *Provisional Suspension* in accordance with Article 12.2 (save as set out in Article 7.6.3.1).

7.6.3.1 The *Provisional Suspension* may be lifted if the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing



panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

7.6.3.2 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*; or (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 of the *Code*; 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.

**7.6.4** 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*.

**7.6.5** 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.

[*Comment to Article 7.6: Athletes and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed.*]

## **7.7 Resolution Without a Hearing**

### **7.7.1 Agreement between parties**

At any time during the results management process the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may agree with IMGGA on the *Consequences* which are mandated by these Anti-Doping Rules. The agreement shall state the full reasons for the decision. Should the *Athlete* be a *Minor*, it shall also be signed by the *Athlete's* parent/legal guardian. Such agreement shall be deemed to be a decision made under these Anti-Doping Rules within the meaning of Article 13. The decision will be reported to the parties with a right to appeal under Article 13.2.3 as provided in Article 14.2.2 and shall be published in accordance with Article 14.3.2.

### **7.7.2 Waiver of Hearing**

7.7.2.1 An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may, waive a hearing expressly.

7.7.2.2 Alternatively, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to request a hearing and/or dispute that assertion within the deadline specified in the notice sent by the IMGGA asserting the violation, then he/she shall be deemed to have waived a hearing.

**7.7.2.3** In cases where Article 7.7.1 or Article 7.7.2 applies, a hearing before a hearing panel shall not be required. Instead IMGGA will refer the case to the IMGGA Doping Hearing Panel for adjudication. The IMGGA Doping Hearing Panel shall promptly issue a written decision about the commission of the anti-doping rule violation and the *Consequences* imposed as a result. IMGGA shall send copies of that decision to other *Anti-Doping Organizations* with a right to appeal under Article 12.2.2, and shall *Publicly Disclose* that decision in accordance with Article 13.3.2.

## **7.8 Notification of Results Management Decisions**

In all cases where IMGGA 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, IMGGA shall give notice thereof in accordance with Article 13.2.1 to other *Anti-Doping Organizations* with a right to appeal under Article 12.2.2.

## **7.9 Retirement from Sport**

If an *Athlete* or other *Person* retires while IMGGA is conducting the results management process, IMGGA retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, and IMGGA 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, IMGGA has

authority to conduct results management in respect of that anti-doping rule violation.

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

### **8.1 Setting up a Disciplinary Commission**

Should the case occur, the IMGA Board of Governors shall set up a Doping Hearing Panel of three experts.

### **8.2 Hearings following the IMGA's result management**

**8.2.1** When IMGA sends a notice to an *Athlete* or other *Person* asserting an anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 7.7.1 or Article 7.7.2, then the case shall be referred to the Doping Hearing Panel for hearing and adjudication.

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

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

**8.2.4** WADA and the *National Anti-Doping Organization* and International Federation of the *Athlete* or other *Person* may attend the hearing as observers. In any event, IMGA shall keep them fully apprised as to the status of pending cases and the result of all hearings.

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

**8.2.6** The Doping Hearing Panel shall issue a timely reasoned decision. That decision shall be *Publicly Disclosed* as provided in Article 13.3 and may be appealed as provided in Article 12. The principles contained at Article 13.3.6 shall be applied in cases involving a *Minor*.

### **8.3 Principles for a Fair Hearing**

All hearings pursuant to Article 8 shall respect the following principles:

- a timely hearing;
- fair and impartial hearing panel;
- the right to be represented by counsel at the *Athlete* or other *Person's* own expense;

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

## **ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

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

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

## **ARTICLE 10 SANCTIONS ON INDIVIDUALS**

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

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the Doping Hearing Panel, 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*.

*[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke),*

*this Article may lead to Disqualification of all results in all races during the Event (e.g., the World Masters Games*

**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 *Competitions* shall not be *Disqualified*, unless the *Athlete's* results in *Competitions* 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***

**10.2.1** Should an *Athlete* or other *Person* be found to have committed an anti-doping rule violation before he/she has actually participated in a *Competition* at the *Event* or, in the case where an *Athlete* or other *Person* has already participated in a *Competition* at the *Event* but is scheduled to participate in additional *Competitions* at the *Event*, the Doping Hearing Panel may declare the *Athlete* or other *Person* ineligible for such *Competitions* at the *Event* in which he/she has not yet participated, along with other *Consequences* which may follow, such as exclusion of the *Athlete* and other *Persons* concerned from the *Event* and the loss of accreditation.

**10.2.2** In accordance with Article 7.1.2, responsibility for results management in terms of sanctions beyond the *Event* itself shall be referred to the applicable International Federation. In this context, the *Consequences* for anti-doping rule violations as mentioned and specified under the following Articles of the *Code* shall apply:

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

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

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

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

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

Article 10.7 Multiple Violations

Article 10.11 Commencement of *Ineligibility* Period

Article 10.12 Status During *Ineligibility*

### **10.3 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.

*[Comment to Article 10.3: 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.]*

### **10.4 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 IMGA.

### **10.5 Financial Consequences**

Article 10.5 intentionally left blank.

### **10.6 Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in Article 13.3.

*[Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of*

*jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]*

## **ARTICLE 11            CONSEQUENCES TO TEAMS**

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

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

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

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the Disciplinary Commission 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 *Athletes* committing the anti-doping rule violation.

### **11.3    *Consequences for Teams***

In sports which are not *Team Sports* but where awards are given to teams, if one or more team members have committed an anti-doping rule violation during the *Period of the Event*, the team shall be *Disqualified* from the *Event*.

## **ARTICLE 12            APPEALS**

### **12.1    *Decisions Subject to Appeal***

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 12.2 through 12.6 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.

#### **12.1.1    *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.

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

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

*[Comment to Article 12.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]*

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

Where WADA has a right to appeal under Article 12 and no other party has appealed a final decision within the IMGA's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the IMGA's process.

*Comment to Article 12.1.3: Where a decision has been rendered before the final stage of IMGA's process (for example, a first hearing) and no party elects to appeal that decision to the next level of IMGA's process (e.g., the Managing Board), then WADA may bypass the remaining steps in IMGA's internal process and appeal directly to CAS.]*

## **12.2 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 months' notice requirement for a retired *Athlete* to return to *Competition* under Article 5.6.1; a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by IMGA 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 7.5; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; IMGA's failure to comply with Article 7.6; a decision that IMGA lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; and a decision by IMGA not to recognize another *Anti-Doping Organization's* decision under Article 14 may be appealed exclusively as provided in this Article 12.

**12.2.1** In cases arising from the *Event*, the decision may be appealed exclusively to CAS.

*[Comment to Article 12.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]*

### **12.2.2 Persons Entitled to Appeal**

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) IMGA; (c) the relevant International Federation; (d) the



*National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games and (f) WADA.*

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.

### **12.2.3 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 12 must file a cross appeal or subsequent appeal at the latest with the party's answer.

*[Comment to Article 12.2.3: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]*

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

Where, in a particular case, IMGGA or the Doping Hearing Panel 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 IMGGA or the Doping Hearing Panel 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 IMGGA.

*[Comment to Article 12.3: 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 IMGGA to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with IMGGA and give IMGGA an opportunity to explain why it has not yet rendered a decision.]*

### **12.4 Appeals Relating to TUEs**

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

### **12.5 Notification of Appeal Decisions**

Any *Anti-Doping Organization* 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 Organizations* that would have been entitled to appeal under Article 12.2.2 as provided under Article 13.2.

## **12.6 Time for Filing Appeals**

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

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

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

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

## **ARTICLE 13 CONFIDENTIALITY AND REPORTING**

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

#### **13.1.1** Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons*

Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 13 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*.

#### **13.1.2** Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations*, International Federations and WADA

Notice of the assertion of an anti-doping rule violation to *National Anti-Doping Organizations*, International Federations and WADA shall occur as provided

under Articles 7 and 13 of these Anti-Doping Rules, simultaneously with the notice to the *Athlete* or other *Person*.

### **13.1.3** 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.

### **13.1.4** Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 13.1.1, *National Anti-Doping Organizations*, 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 12 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

### **13.1.5** Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Federation*, and team in a *Team Sport*) until *IMGA* has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 13.3.

**13.1.6** *IMGA* 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 13.3, and shall include provisions in any contract entered into between *IMGA* 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.]

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

**13.2.1** Anti-doping rule violation decisions rendered pursuant to Article 7.8, 8.2.4, 10.4 of the *Code*, 10.5 of the *Code*, 10.6 of the *Code*, 10.12.3 of the *Code* or 12.5 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, IMGA shall provide a short English or French summary of the decision and the supporting reasons.

**13.2.2** An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 13.2.1 may, within fifteen days of receipt, request a copy of the full case file pertaining to the decision.

### **13.3 Public Disclosure**

**13.3.1** The identity of any *Athlete* or other *Person* who is asserted by IMGA to have committed an anti-doping rule violation may be *Publicly Disclosed* by IMGA only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7 and simultaneously to *WADA* and the *National Anti-Doping Organization* and International Federation of the *Athlete* or other *Person* in accordance with Article 13.1.2.

**13.3.2** No later than twenty days after it has been determined in a final appellate decision under Article 12.2.1, 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, IMGA 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. IMGA must also *Publicly Report* within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

**13.3.3** 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. IMGA shall use reasonable efforts to obtain such consent. If consent is obtained, IMGA shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

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

**13.3.5** Neither IMGA, nor any of its officials, 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.

**13.3.6** The mandatory *Public Reporting* required in Article 13.3.2 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.

### **13.4 Statistical Reporting**

IMGA shall, after each *Event* under its jurisdiction, publish a general statistical report of its *Doping Control* activities, with a copy provided to WADA. IMGA may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*.

### **13.5 Doping Control Information Clearinghouse**

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organizations*, IMGA shall report all *In-Competition* and *Out-of-Competition* tests on such *Athletes* 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 National Anti-Doping Organization* or International Federation, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.

### **13.6 Data Privacy**

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

**13.6.2** 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 14 APPLICATION AND RECOGNITION OF DECISIONS**

**14.1** Subject to the right to appeal provided in Article 12, *Testing*, hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority, shall be applicable worldwide and shall be recognized and respected by IMGA.

*[Comment to Article 14.1: The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and by the International Standard for Therapeutic Use Exemptions.]*

**14.2** IMGA shall recognize the measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

*[Comment to Article 14.2: 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, IMGA 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 IMGA shall recognize the finding of an anti-doping rule violation and may conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]*

## **ARTICLE 15            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 years from the date the violation is asserted to have occurred.

## **ARTICLE 16            IMGA COMPLIANCE REPORTS TO WADA**

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

## **ARTICLE 17            EDUCATION**

IMGA 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 *Athletes* and *Athlete Support Personnel* in such programs.

## **ARTICLE 18            AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES**

**18.1** These Anti-Doping Rules may be amended from time to time by the IMGA Board of Governors.

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

**18.3** 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.

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

**18.5** 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.

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

## **ARTICLE 19            INTERPRETATION OF THE CODE**

**19.1** 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.

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

**19.3** 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.

**19.4** 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.

**19.5** 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.

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

## **ARTICLE 20        ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS**

### **20.1** Roles and Responsibilities of *Athletes*

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

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

*[Comment to Article 20.1.2: 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.]*

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

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

**20.1.5** To disclose to IMGA any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.

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

**20.1.7** Failure by any *Athlete* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under IMGA's disciplinary rules/code of conduct.

### **20.2** Roles and Responsibilities of *Athlete Support Personnel*

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

**20.2.2** To cooperate with the *Athlete Testing* program.

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

**20.2.4** To disclose to IMGA any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.



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

**20.2.6** Failure by any *Athlete Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of misconduct under IMGAs [disciplinary rules/code of conduct].

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

**20.2.8** *Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Personnel* without valid justification may result in a charge of misconduct under IMGAs [disciplinary rules/code of conduct].

## APPENDIX 1 DEFINITIONS

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

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

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

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

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

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

of any *Signatory*, government, or other organization accepting the *Code* is an *Athlete*.

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

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

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

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

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

*CAS*: The Court of Arbitration for Sport.

*Code*: The World Anti-Doping Code.

*Competition*: A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Masters Games 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 of the *Code*; (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 13. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

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

*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 World Masters Games).

*Event Venues*: Those venues so designated by IMGA, including official *Competition* venues for the *Event*..

*Event Period*: The period commencing on the date of the opening ceremony for the *Event*, up until and including the day of the closing ceremony 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 behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.5.1 or 10.5.2 of the *Code*.

[*Comment: The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.5.2 of the Code, 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*: For purposes of these Anti-Doping Rules, "*In-Competition*" means the *Event Period*.

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

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

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

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

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

[*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*.

*Local Organizing Committee "LOC"*: The organization, body or entity that is responsible for organizing and staging the *Event*, in accordance with the Host Agreement and IMGA regulations, guidelines or documents.

*Major Event Organizations*: The continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*. For purposes of these Anti-Doping Rules, the *Major Event Organization* is IMGA.

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

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

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

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

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

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

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

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

*No Fault or Negligence*: The *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 organization or other entity.

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

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

*[Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the 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 7.6, 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 7.6, is a full hearing on the merits conducted on an expedited time schedule.]*

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

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

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

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

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

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

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

Specified Substance: See Article 4.2.3.

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 Organization* in order to establish an anti-doping rule violation.

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

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

Target Testing: Selection of specific *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 Organization* to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

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

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

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

WADA: The World Anti-Doping Agency.

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