



**IPC ANTI-DOPING CODE**

NOVEMBER 2009



*This IPC Anti-Doping Code is the revised version of the IPC Anti-Doping Code first published in 2004 and amended in 2006. The amendments are to reflect the implementation by the IPC of the 2009 World Anti-Doping Code. The revised IPC Anti-Doping Code is effective as of 1 January 2009.*

*This current version (November 2009) reflects the decision of the IPC Governing Board to change the IPC Therapeutic Use Exemption Committee into the IPC Medical Committee.*



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## **PREAMBLE**

The International Paralympic Committee (IPC) is the global governing body of the Paralympic Movement and, in particular, of the Paralympic Games. Its members are National Paralympic Committees (NPCs), Regional Councils, International Federations (IFs), and International Organizations of Sport for the Disabled (IOSDs). IFs and IOSDs are collectively referred to as International Federations in this document.

The IPC supervises and co-ordinates the Paralympic Summer and Winter Games. The IPC has the additional role of International Federation for several Sports.

The IPC has established the IPC Anti-Doping Code (the Code) in compliance with the general principles of the World Anti-Doping Code (WADC), including the WADC International Standards, expecting that, in the spirit of Sport, it will lead the fight against doping in Sport for Athletes with a disability.

The Code is complemented by other IPC documents.

The IPC requires as a condition of recognition by the IPC, that

- NPCs within the Paralympic Movement, as Anti-Doping Organizations and as signatories to the WADC, comply with the Code, and that all NPCs have domestic Anti-Doping rules consistent with and reflecting the provisions of this Code.
- All other member organizations (i.e., Regional Councils and International Federations) with responsibility for Athletes with a disability, as Anti-Doping Organizations, are expected to establish Anti-Doping regulations in accordance with the WADC and this Code.

The Code shall apply to the Paralympic Games and to all Events and Competitions sanctioned by the IPC and to all Sports practised within the context of the Paralympic Movement including the time of preparation for Competition.

Anti-doping rules, like Competition rules, are Sport rules governing the conditions under which Sport is played. All Athletes and each Athlete Support Personnel who participate in the Paralympic Games and to all Events and Competitions sanctioned by the IPC as coach, trainer, manager, team staff, official, medical or paramedical personnel in the Paralympic Games or any IPC Sanctioned Event agrees to be bound by this Code as a condition of such participation.



## **IPC ANTI-DOPING CODE ADMINISTRATION**

### **IPC Governing Board**

The IPC Governing Board shall approve the Code and any amendments to it, and shall exercise any further responsibilities specified by the Code.

### **IPC Anti-Doping Committee**

The IPC Anti-Doping Committee is responsible for establishing policies, guidelines and procedures with respect to the fight against doping, including Anti-Doping Rule Violation management and compliance with internationally accepted regulations, including the WADC.

### **IPC Medical Committee**

The IPC Medical Committee is responsible to assess or review each Therapeutic Use Exemption (TUE) application submitted in accordance with the Code, and to administer the requirements of Article 4.4 of this Code.

### **IPC Medical & Scientific Director**

Unless specifically directed in the Code, the person responsible for the administration of the provisions thereof shall be the IPC Medical & Scientific Director.

The IPC Medical & Scientific Director may delegate specific responsibilities to such person or persons at his/her discretion.

### **Notice**

Notice under this Code to an Athlete or other Person who is a member of an NPC or a National Federation may be accomplished by delivery of the notice to the applicable NPC or National Federation as provided in articles 14.1.1 and 20.2.6.



## 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 2.8 of this Code.

## 2 ANTI-DOPING RULE VIOLATIONS

*[Comment to Article 2: 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 has been violated.]*

Athletes or other Persons shall be responsible for knowing what constitutes an Anti-Doping Rule Violation and the substances and methods which have been included on the Prohibited List.

The following constitute Anti-Doping Rule Violations:

### 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 violation under Article 2.1.

*[Comment to Article 2.1.1: For purposes of Anti-Doping Rule Violations involving the presence of a Prohibited Substance (or its Metabolites or Markers), the Code adopts the rule of strict liability which was found in the Olympic Movement Anti-Doping Code and the vast majority of pre-Code Anti-Doping rules. Under the strict liability principle, an Athlete is responsible, and an Anti-Doping Rule Violation occurs, whenever a Prohibited Substance is found in an Athlete's sample. The violation occurs whether or not the Athlete intentionally or unintentionally used a Prohibited Substance or was negligent or otherwise at fault. If the positive Sample came from an In-Competition test, then the results of that Competition are automatically invalidated (Article 9 (Automatic Disqualification of Individual Results)). However, the Athlete then has the possibility to avoid or reduce sanctions if the Athlete can demonstrate that he or she was not at fault or significant fault (Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances)) or in certain circumstances did not intend to enhance his or her Sport performance (Article 10.4 (Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances)). The strict liability rule for the finding of a Prohibited Substance in an Athlete's Sample, with a possibility that sanctions may be modified based on specified criteria, provides a reasonable balance between effective Anti-Doping enforcement for the benefit of all*



*"clean" Athletes and fairness in the exceptional circumstance where a Prohibited Substance entered an Athlete's system through No Fault or Negligence or No Significant Fault or Negligence on the Athlete's part. It is important to emphasize that while the determination of whether the Anti-Doping Rule Violation has occurred is based on strict liability, the imposition of a fixed period of Ineligibility is not automatic. The strict liability principle set forth in the Code has been consistently upheld in the decisions of CAS.]*

- 2.1.2 Sufficient proof of an Anti-Doping Rule Violation under Article 2.1 is established by either 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.

*[Comment to Article 2.1.2: The IPC may in 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 detected 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 other 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 (Methods of Establishing Facts and Presumptions), 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, 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 IPC 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. 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 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 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 (Presence of a Prohibited Substance or its Metabolites or Markers) regardless of when that substance might have been administered.)]*

### **2.3 Refusing or failing without compelling justification to submit to Sample collection after notification as authorized in these Anti-Doping Rules or otherwise evading Sample collection**

*[Comment to Article 2.3: Failure or refusal to submit to Sample collection after notification was prohibited in almost all pre-Code Anti-Doping rules. This Article expands the typical pre-Code rule to include "otherwise evading Sample collection" as prohibited conduct. Thus, for example, it would be an Anti-Doping Rule Violation if it were established that an Athlete was hiding from a Doping Control Official to evade notification or Testing. A violation of "refusing or failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" Sample collection contemplates intentional conduct by the Athlete.]*





**2.4 Violation of the requirements regarding Athlete availability for Out-of-Competition Testing including failure to file required whereabouts information and missed tests which are declared based on rules which comply with the International Standard for Testing. Any combination of three missed tests and/or filing failures within an eighteen-month period as determined by Anti-Doping Organizations with jurisdiction over the Athlete shall constitute an Anti-Doping Rule Violation**

*[Comment to Article 2.4: Separate whereabouts filing failures and missed tests declared under the rules of the Athlete's International Federation or any other Anti-Doping Organization with authority to declare whereabouts filing failures and missed tests in accordance with the International Standard for Testing shall be combined in applying this Article. In appropriate circumstances, missed tests or filing failures may also constitute an Anti-Doping Rule Violation under Article 2.3 or Article 2.5.]*

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

*[Comment to Article 2.5: This Article prohibits conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. For example, altering identification numbers on a Doping Control Form during Testing, breaking the B Bottle at the time of B Sample analysis or providing fraudulent information to the IPC.]*

**2.6 Possession of Prohibited Substances and Prohibited Methods**

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

2.6.2 Possession by an Athlete Support Personnel In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Support Personnel Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Personnel establishes that the Possession is pursuant to a TUE granted to an Athlete in accordance with Article 4.4 (Therapeutic Use Exemptions) 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 Method or Prohibited Substance, or administration or Attempted administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-Competition, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an Anti-Doping Rule Violation or any Attempted Anti-Doping Rule Violation**

*[Comment to Article 2: The Code does not make it an Anti-Doping Rule Violation for an Athlete or other person to work or associate with Athlete Support Personnel who are serving a period of Ineligibility. However, the IPC may adopt its own rules which prohibit such conduct.]*

# **3 PROOF OF DOPING**

## **3.1 Burden and Standards of Proof**

The IPC shall have the burden of establishing that an Anti-Doping Rule Violation has occurred. The standard of proof shall be whether the IPC has established an Anti-Doping Rule Violation to the comfortable satisfaction of the hearing body 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 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 except as provided in Articles 10.4 and 10.6 where the Athlete must satisfy a higher burden of proof.

*[Comment to Article 3.1: This standard of proof required to be met by the IPC is comparable to the standard which is applied in most countries to cases involving professional misconduct. It has also been widely applied by courts and hearing bodies in doping cases. See, for example, the CAS decision in N., J., Y., W. v. FINA, CAS 98/208, 22 December 1998.]*



## 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, the IPC may establish an Anti-Doping Rule Violation under Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) 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.]*

- 3.2.1 WADA-accredited laboratories are presumed to have conducted Sample Analysis and custodial procedures in accordance with the WADC International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories undermining the validity of the Adverse Analytical Finding 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 the IPC shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

*[Comment to Article 3.2.1: 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 the IPC to prove to the comfortable satisfaction of the hearing body that the departure did not cause the Adverse Analytical Finding.]*

- 3.2.2 Departures from any other International Standard or other Anti-Doping rule or policy which did not cause an Adverse Analytical Finding or other Anti-Doping Rule Violation shall not invalidate such Results. If the Athlete or other Person establishes that a departure from the International Standard or other Anti-Doping rule or policy which could reasonably have caused the Adverse Analytical Finding or other Anti-Doping Rule Violation occurred, then the IPC 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.



- 3.2.3 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.
- 3.2.4 The hearing body 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 body) and to answer questions from the hearing body or the IPC asserting the Anti-Doping Rule Violation.

*[Comment to Article 3.2.4: Drawing an adverse inference under these circumstances has been recognized in numerous CAS decisions.]*

## **4 THE PROHIBITED LIST AND THERAPEUTIC USE EXEMPTIONS**

### **4.1 Publication and Revision of the Prohibited List**

The Prohibited List adopted by the IPC is the WADC Prohibited List published and revised by WADA.

Unless provided otherwise the Prohibited List shall apply to this Code without requiring any further action by the IPC.

### **4.2 Specified Substances**

For purposes of the application of Article 10 (Sanctions on Individuals), 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. Prohibited Methods shall not be Specified Substances.

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

WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List and the classification of substances into categories on the Prohibited List 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.

*[Comment to Article 4.3: The question of whether a substance meets the criteria in WADC Article 4.3 (Criteria for Including Substances and Methods on the Prohibited List) in a particular case cannot be raised as a defense to an Anti-Doping Rule Violation. For example, it cannot be argued that the Prohibited Substance detected would not have been performance enhancing in that particular Sport. Rather, doping occurs when a substance on the Prohibited List is found in an Athlete's Sample. Similarly, it cannot be argued that a substance listed in the class of anabolic agents does not belong in that class.]*

#### **4.4 Therapeutic Use Exemptions**

- 4.4.1 Athletes with a documented medical condition requiring the use of a Prohibited Substance or a Prohibited Method must first obtain a Therapeutic Use Exemption (TUE). The presence of a Prohibited Substance or its Metabolites or Markers (Article 2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of Prohibited Substances or Prohibited Methods (Article 2.6) or administration of a Prohibited Substance or a Prohibited Method (Article 2.8) consistent with the provision of an applicable TUE issued pursuant to the WADC International Standard for Therapeutic Use Exemptions shall not be considered an Anti-Doping Rule Violation.
- 4.4.2 An Athlete may not apply to more than one Anti-Doping Organization for a TUE. Athletes included by the IPC in its Registered Testing Pool must obtain a TUE from the IPC, regardless of whether the Athlete previously has received a TUE at the national level. Other Athletes must obtain a TUE from their National Anti-Doping Organization or other body designated by their National Federation, as required under the rules of the National Anti-Doping Organization / other body.
- 4.4.3 Subject to the Article 4.4.2, a TUE application must be submitted to the IPC no later than the final day of entry for the relevant Competition.
- 4.4.4 An application for a TUE will not be considered for retroactive approval except in cases where the conditions set forth in the WADC International Standard for Therapeutic Use Exemptions apply. In case the IPC acts as the Major Event Organizer, all participating Athletes must submit any application for retroactive approval to the IPC.



- 4.4.5 Subject to Article 4.4.2, an Athlete seeking TUE approval by the IPC must submit to the IPC an application in writing, using the appropriate form, as available from the IPC. The application must be complemented with all relevant documents. A TUE application only will be considered following the receipt of a correctly completed application form. The accuracy of the application and supporting information, and the timely submission, is the responsibility of the Athlete and his or her physician.
- 4.4.6 The IPC Medical Committee, composed of at least three members, shall promptly evaluate any TUE request in accordance with the WADC International Standard for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of the IPC. The IPC Medical Committee may seek other medical or scientific expertise deemed appropriate to review the circumstances of a TUE Application. The decision of the IPC Medical Committee shall be notified in writing to the Athlete and WADA.
- 4.4.7 WADA, at the request of an Athlete or on its own initiation, may review the granting or denial of any TUE. If WADA determines that the granting or denial of a TUE did not comply with the WADC International Standard for Therapeutic Use Exemptions in force at the time then WADA may reverse that decision. Decisions on TUEs are subject to further appeal as provided in Article 13.4.
- 4.4.7.1 If WADA does not take action to reverse the decision of the IPC Medical Committee within 30 days of notification, the original decision remains in effect.
- 4.4.7.2 If a decision regarding the granting of a TUE is reversed on appeal, the reversal shall not apply retroactively and shall not disqualify the Athlete's Results during the period the TUE had been granted.

## **5 TESTING**

### **5.1 Test Distribution Planning**

The IPC, in its role as International Federation, shall establish a Registered Testing Pool for International Level Athletes in each Sport. All Athletes



competing in the Paralympic Games can be included in the IPC's Paralympic Games Testing Pool.

All Athletes affiliated with an NPC shall be included in the In-Competition Testing plan by the IPC when it is responsible for Testing at a Competition or Event in which they participate, regardless of being in any Registered Testing Pool. All Athletes affiliated with an NPC shall also be subject to Out-of-Competition Testing at any time or place, with or without Advance Notice, by the IPC, WADA, the Athlete's NPC and applicable National Federation, and the National Anti-Doping Organization of any country where the Athlete is present, regardless of being in any Registered Testing Pool.

## **5.2 Authority for IPC Testing**

At IPC Sanctioned Events, the collection of Doping Control Samples shall be under the authority of the IPC. The members of the IPC Anti-Doping Committee may at any time supervise and intervene as necessary during Testing conducted on behalf of IPC in order to guarantee compliance with the Code and the appropriate International Standards.

## **5.3 Testing Standards**

Testing conducted by the IPC shall be in substantial conformity with the WADC International Standard for Testing in force at the time of Testing.

## **5.4 Coordination of Testing**

- 5.4.1 If the IPC is not responsible for initiating and directing Testing at an Event but nevertheless desires to conduct additional Testing of Athletes at the Event during the Event Period, it shall first confer with the ruling body of the Event to obtain permission to conduct, and to coordinate, any additional Testing. If the IPC is not satisfied with the response from the ruling body of the Event, it may ask WADA for permission to conduct additional Testing and to determine how to coordinate such additional Testing. WADA shall not grant approval for such additional Testing before consulting with and informing the ruling body for the Event.
- 5.4.2 The IPC may initiate and direct Out-of-Competition testing in connection with any International Event subject to this Code.
- 5.4.3 The IPC shall promptly report completed tests to WADA in order to avoid unnecessary duplication in Testing.



## **5.5 Athlete Whereabouts Information**

Athletes who have been included in the IPC Registered Testing Pool shall provide accurate, up-to-date whereabouts information to the IPC in accordance with the WADC International Standard for Testing. The IPC shall submit the current whereabouts information of the identified Athletes to WADA. WADA shall make this information accessible to other Anti-Doping Organizations having authority to test the Athlete. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Testing; and shall be destroyed after it is no longer relevant for these purposes.

## **5.6 Unavailability for Out-of-Competition Testing**

Athletes in the IPC Registered Testing Pool must be available for testing in accordance with Article 11.4 of the WADC International Standard for Testing. Any Athlete who is unavailable for Testing on three (3) attempts during any period of eighteen (18) consecutive months shall be considered to have committed an Anti-Doping Rule Violation pursuant to Article 2.4. Each attempt to collect a sample shall be conducted in accordance with Articles 11.4 and 11.5 of the WADC International Standard for Testing, as relevant. Results management for an apparent whereabouts information filing failure, or an apparent missed Test, shall be conducted in accordance with Article 11.6 of the WADC International Standard for Testing.

## **5.7 Retirement and Return to Competition**

- 5.7.1 An Athlete who has given notice of retirement to the IPC or to his/her NPC or applicable NADO may not resume competing unless he/she notifies the IPC or NPC or applicable NADO at least three (3) months before he/she expects to return to Competition and is available for no-advanced notice Out-of-Competition Testing at any time during that period.
- 5.7.2 If an Athlete or other Person retires while an IPC results management process is underway, the IPC retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, the IPC will only have jurisdiction to conduct results management if it had results management jurisdiction over the Athlete or other Person at the time the Athlete or other Person committed an Anti-Doping Rule Violation.





## **6 ANALYSIS OF SAMPLES**

Samples shall be analyzed in accordance with the following principles:

### **6.1 Use of Approved Laboratories**

For purposes of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample), Doping Control Samples shall be analyzed only in WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other laboratory or method approved by WADA) used for the Sample analysis shall be determined exclusively by the IPC.

*[Comment to Article 6.1: Violations of Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) may be established only by Sample analysis performed by a WADA-approved laboratory or another laboratory specifically authorized 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 Collection and Analysis of Samples**

Samples shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to WADC Article 4.5 (Monitoring Programme), or to assist the IPC in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA or genomic profiling, for Anti-Doping purposes.

*[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an Anti-Doping Rule Violation proceeding under Article 2.2 (Use or Attempted Use of a Prohibited Substance), or both.]*

### **6.3 Research on Samples**

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

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

Laboratories shall analyze Samples and report results in conformity with the International Standard for Laboratories.

### **6.5 Retesting Samples**

A Sample collected under responsibility of IPC may be reanalyzed for the purpose of Article 6.2 at any time exclusively at the direction of the IPC or



WADA. The circumstances and conditions for retesting Samples shall conform with the requirements of the International Standard for Laboratories.

## **7 RESULTS MANAGEMENT**

Immediately following the conclusion of all IPC Sanctioned Events, including the Paralympic Games, copies of all original Doping Control Forms shall be forwarded to the IPC. The original forms will be provided to the IPC whenever there is an Adverse Analytical Finding.

The WADA-accredited laboratory (or other method approved by WADA) used for the Sample analysis of any IPC Sanctioned Competitions shall forward the Results from all A and B Sample analyses to the IPC. The reports will be signed by an authorized representative and confidentiality will be maintained at all times.

### **7.1 Initial Review Regarding Adverse Analytical Findings**

Upon receipt of an A Sample Adverse Analytical Finding, the IPC will 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
- (b) There is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the Adverse Analytical Finding.

### **7.2 Notification After Initial Review Regarding Adverse Analytical Findings**

If the initial review of an Adverse Analytical Finding under Article 7.1 does not reveal an applicable Therapeutic Use Exemption or entitlement to a Therapeutic Use Exemption as provided in the International Standard for Therapeutic Use Exemptions or departure that caused the Adverse Analytical Finding, the IPC shall promptly notify the Athlete 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 Anti-Doping Organization 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 within the time period specified in 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.

The IPC shall also notify the other Anti-Doping Organizations described in Article 14.1.2.

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

As provided in the International Standards, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, as Atypical Findings subject to further investigation. Upon receipt of an A Sample Atypical Finding, the IPC shall conduct a review to determine whether:

- (a) an applicable Therapeutic Use Exemption has been granted or
- (b) there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the Atypical Finding.

If that review does not reveal an applicable Therapeutic Use Exemption or departure that caused the Atypical Finding, the IPC shall conduct the required investigation. After the investigation is completed, the Athlete and other Anti-Doping Organizations identified in Article 14.1.2 shall be notified whether or not the Atypical Finding will be brought forward as an Adverse Analytical Finding. The Athlete shall be notified as provided in Article 7.2.

7.3.1 The IPC shall not provide notice of an Atypical Finding until it has completed its investigation and decided whether it will bring the Atypical Finding forward as an Adverse Analytical Finding unless one of the following circumstances exists:

- (a) If the IPC determines the B Sample should be analyzed prior to the conclusion of its investigation under Article 7.3, the IPC 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(b)-(f).

- (b) If the IPC receives a request, either from a Major Event Organization shortly before one of its International Events or a request from a Sport organization responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Athlete identified on a list provided by the Major Event Organization or Sport organization has a pending Atypical Finding, the IPC shall so identify any such Athlete after first providing notice of the Atypical Finding to the Athlete.

*[Comment to Article 7.3.1(b): Under the circumstance described in Article 7.3.1(b), the option to take action would be left to the Major Event Organization or Sport organization consistent with its rules.]*

#### **7.4 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.1–7.3**

The IPC or other reviewing body established by the IPC shall conduct any follow-up investigation into a possible Anti-Doping Rule Violation as may be required under applicable Anti-Doping policies and rules adopted pursuant to the Code or which the IPC otherwise considers appropriate. At such time as the IPC is satisfied that an Anti-Doping Rule Violation has occurred, it shall promptly give the Athlete or other Person subject to sanction notice, in the manner set out in its rules, of the Anti-Doping rule violated, and the basis of the violation. Other Anti-Doping Organizations shall be notified as provided in Article 14.1.2.

#### **7.5 Principles Applicable to Provisional Suspensions**

This article describes the rules and procedures applicable for imposition of a Provisional Suspension depending on the Anti-Doping Rule Violation committed.

If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Athlete or the IPC) 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 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample). In circumstances where the Athlete (or the Athlete's team as may be provided in the rules of the applicable International Federation) 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, if, without otherwise affecting the Competition, it is still possible for the Athlete or team to be reinserted, the Athlete or team may continue to take part in the Competition.

#### 7.5.1 Mandatory Provisional Suspension after A Sample Adverse Analytical Finding

When an A Sample Adverse Analytical Finding is received for a Prohibited Substance, other than a Specified Substance, a Provisional Suspension shall be imposed promptly after the review and notification described in Articles 7.1 and 7.2.

A Provisional Suspension may not be imposed unless the Athlete is given an opportunity for an expedited hearing in accordance with Article 8 (Hearings) on a timely basis after imposition of a Provisional Suspension.

#### 7.5.2 Optional Provisional Suspension based on A Sample Adverse Analytical Finding for Specified Substances or other Anti-Doping Rule Violations:

7.5.2.1 The Provisional Suspension may be imposed after the review and notification described in Articles 7.1 and 7.2 for Specified Substances, but prior to the analysis of the Athlete's B Sample or the final hearing as described in Article 8 (Hearings).

7.5.2.2 The IPC may impose a Provisional Suspension for Anti-Doping Rule Violations other than an Adverse Analytical Finding:

- (a) for any Event for which the IPC is the ruling body
- (b) for any team selection process for which the IPC is responsible
- (c) where the IPC is the applicable International Federation or
- (d) where the IPC has results management authority over the alleged Anti-Doping rule.

7.5.2.3 Provided, however, that a Provisional Suspension may not be imposed unless the Athlete or other Person is given an opportunity for an expedited hearing in accordance with Article 8 (Hearings) on a timely basis after imposition of a Provisional Suspension.



*[Comment to Article 7.5: Before a Provisional Suspension can be unilaterally imposed by the IPC, the internal review specified in the Code must first be completed. In addition, a Signatory imposing a Provisional Suspension is required to give the Athlete an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Article 13.2.]*

*In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event. Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the Athlete may be able to take part in future Competitions.*

*Athletes shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed as provided in Article 10.9.3.]*

## **7.6 Retirement from Sport**

If an Athlete or other Person retires while a results management process is underway, the IPC conducting the results management process retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, the IPC or has jurisdiction to conduct results management.

*[Comment to Article 7.6: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an Anti-Doping Rule Violation but could be a legitimate basis for denying the Athlete or other Person membership in a Sports organization.]*

## **7.7 B Sample Analysis**

### **7.7.1 Conduct of B Sample Analysis**

If a B Sample analysis is requested by the Athlete, the IPC shall make the appropriate arrangements to conduct the B Sample opening and analysis as soon as reasonably possible and will inform the Athlete and the Athlete's NPC of such date and time.

The B Sample analysis shall be carried out in the same WADA-accredited laboratory (or other laboratory approved by WADA) used for the A Sample analysis.



#### 7.7.2 Costs Associated with a B Sample Analysis

The cost of the B Sample analysis shall be borne by the Athlete or the Athlete's NPC except when the B Sample analysis does not confirm the Result of the A Sample.

All other costs to the Athlete or the Athlete's NPC arising as a result of an Adverse Analytical Finding or B Sample analysis shall be borne by the Athlete or the Athlete's NPC regardless of the final outcome.

#### 7.7.3 Attendance at the B Sample Opening and Analysis

The B Sample opening and analysis may be attended by the Athlete, an expert designated by the Athlete, a representative of the Athlete's NPC, and a representative of the IPC. The IPC may appoint a surrogate representative acting on its behalf. Should the Athlete or the representative person(s) not be present at the laboratory at the time indicated, the representative of the IPC may decide to proceed with the B Sample opening and analysis.

#### 7.7.4 Consequences of a B Sample Analysis Confirming the Result of the A Sample or a Waived B Sample Analysis

Should the Result of the B Sample analysis confirm the Result of the A Sample, or should the B Sample analysis not be requested, the IPC shall promptly notify the Athlete and the Athlete's NPC, National Federation or National Anti-Doping Organization, and International Federation and WADA.

#### 7.7.5 Consequences of a B Sample Analysis Not Confirming the Result of the A Sample

Should the Result of the B Sample analysis not confirm the Result of the A Sample, the finding will be deemed negative and all previously imposed sanctions removed and the Athlete immediately reinstated. The IPC shall immediately inform the Athlete and the Athlete's NPC, National Federation or National Anti-Doping Organization, and International Federation and WADA. The IPC Anti-Doping Committee shall investigate the circumstances of this finding.



## **8 HEARINGS**

### **8.1 Hearing**

The hearing body shall address whether an Anti-Doping Rule Violation has been committed and if so the appropriate Consequences.

- 8.1.1 The hearing body will comprise of no less than 3 members of the IPC Anti-Doping Committee and has the right to be accompanied by Committee counsel.
- 8.1.2 Unless agreed to by the Athlete and the IPC, the hearing shall begin within thirty (30) days of the notification under Article 7.2.
- 8.1.3 The Athlete has the right to be represented by counsel and the right to an interpreter, approved by the IPC and at the Athlete's own expense.
- 8.1.4 Not more than 2 representatives of the Athlete's NPC and 1 representative from the applicable Sport concerned shall be invited.
- 8.1.5 The IPC will present its assertion of the Anti-Doping Rule Violation(s). Each party has the right to present evidence including submission of written material and the right to call witnesses.
- 8.1.6 The IPC reserves the right to conduct the hearing by telephone conference call.

### **8.2 Expedited Hearing for Provisional Suspension**

- 8.2.1 The hearing body shall address whether an Anti-Doping Rule Violation has been committed and if so the appropriate Consequences, including when relevant, whether a Provisional Suspension is warranted.
- 8.2.2 Except for Article 8.1.2, the procedures of Article 8.1 shall apply. Unless agreed to by the Athlete and the IPC, the expedited hearing shall begin within ten (10) days of the provisional suspension under Article 7.5.





### **8.3 Event Hearings**

Hearings held in connection with Events may be conducted by the expedited process under Article 8.2, above.

*[Comment to Article 8.3: For example, a hearing could be expedited on the eve of a major Event where the resolution of the Anti-Doping Rule Violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]*

### **8.4 Waiver of Hearing**

The right to a hearing may be waived, either expressly or by the Athlete's or other Person's failure to challenge the IPC's assertion that an Anti-Doping Rule Violation has occurred, within seven (7) days of the notification under Article 7.2. Where no hearing occurs, the IPC shall notify as described in Article 14.1.2 with a reasoned decision explaining the action taken.

### **8.5 Result of the Hearing**

- 8.5.1 As a result of the Hearing, or if the right to a hearing is waived, if a follow-up investigation as required by the Prohibited List is still needed, the IPC shall coordinate the conduction of such investigation and upon completion, again notify and call for a further Hearing.
- 8.5.2 If no follow-up investigation is needed, or upon completion of such investigation, and as a result of the Hearing or if the right to a hearing is waived, the IPC Anti-Doping Committee shall make a recommendation to the IPC Governing Board on the Consequences according to the Code. The IPC Governing Board shall be responsible for taking further timely action and for notifying the Athlete and the Athlete's NPC of any sanction imposed through a written, reasoned decision.

## **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: When an Athlete wins a gold medal with a Prohibited Substance in his or her system, that is unfair to the other Athletes in that Competition regardless*



*of whether the gold medalist was at fault in any way. Only a "clean" Athlete should be allowed to benefit from his or her competitive results.*

*For Team Sports, see Article 11 (Consequences to Teams in Team Sports and Individual Sports).*

*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.*

*For Teams in individual Sports, see Article 11 (Consequences to Teams in Team Sports and Individual Sports).]*

## **10 SANCTIONS ON INDIVIDUALS**

Article 10 deals with sanctions for individuals based on a variety of factors, including:

- whether the sample collection took place in-Competition (10.1)
- the type of Anti-Doping Rule Violation (10.2 and 10.3)
- whether it is a first Anti-Doping Rule Violation (10.2 and 10.3)
- the role of the individual committing the Anti-Doping Rule Violation (10.3)
- the type of Prohibited Substance or Prohibited Method involved (10.4)
- whether there are exceptional circumstances (10.5), and
- whether there are aggravating circumstances (10.6).

The Article also addresses:

- multiple including second or third Anti-Doping Rule Violations (10.7)
- subsequent Competitions (10.8)
- the commencement of Ineligibility (10.9)
- status during Ineligibility (10.10)
- imposition of financial sanctions (10.11).

### **10.1 Disqualification of Results in IPC Sanctioned Events**

An Anti-Doping Rule Violation occurring during or in connection with an IPC Sanctioned Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

*[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) disqualifies the result in a single Competition in which the Athlete has*



*committed an Anti-Doping Rule Violation (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the IPC World Championships).*

*Factors to be included in considering whether to disqualify other results in an Event might include, for example, the severity of the Athlete's Anti-Doping Rule Violation and whether the Athlete tested negative in the other Competitions.]*

- 10.1.1 If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's individual results in the other Events shall not be disqualified unless the Athlete's results in Events other than the Event in which the Anti-Doping Rule Violation occurred were likely to have been affected by the Athlete's Anti-Doping Rule Violation.

## **10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods**

The period of Ineligibility imposed for a first violation of Article 2.1 (presence of Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of Prohibited Substance or Prohibited Method) and Article 2.6 (Possession of Prohibited Substances and Methods) shall be two (2) years Ineligibility, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided for in Article 10.6, are met.

*[Comment to Article 10.2: 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 (e.g., artistic gymnastics) a two-year Disqualification has a much more significant effect on the Athlete than in Sports where careers are traditionally much longer (e.g., equestrian and shooting); in Individual Sports, the Athlete is better able to maintain competitive skills through solitary practice during Disqualification than in other Sports where practice as part of a team is more important. A primary argument in favour 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.]*



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

The period of Ineligibility for a first Anti-Doping Rule Violation other than as provided in Article 10.2 shall be as follows:

- 10.3.1 For violations of Article 2.3 (Refusing or Failing to Submit to Sample Collection) or Article 2.5 (Tampering with Doping Control), the period of Ineligibility shall be two (2) years unless the conditions provided in Article 10.5 or the conditions provided in Article 10.6 are met.
- 10.3.2 For violations of Article 2.7 (Trafficking or Attempted Trafficking) or Article 2.8 (Administration or Attempted Administration of a Prohibited Substance or Prohibited Method), the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility unless the conditions in Article 10.5 are met. An Anti-Doping Rule Violation involving a Minor shall be considered a particularly serious violation, and, if committed by Athlete Support Personnel for violations other than Specified Substances referenced in Article 4.2, shall result in lifetime Ineligibility for such Athlete Support Personnel. In addition, significant violations of such Articles 2.7 or 2.8 which may also violate non-Sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.

*[Comment to Article 10.3.2: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of Sport organizations is generally limited to Ineligibility for credentials, membership and other Sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]*

- 10.3.3 For first violations of Article 2.4 (Whereabouts Filing Failures and/or Missed Tests), the period of Ineligibility shall be a minimum of one (1) year Ineligibility and at a maximum two (2) years Ineligibility, based on the Athlete's degree of fault.

*[Comment to Article 10.3.3: The sanction under Article 10.3.3 shall be two years where all three filing failures or missed tests are inexcusable. Otherwise, the sanction shall be assessed in the range of two years to one year, based on the circumstances of the case.]*

Where an Athlete or other Person can establish how a Specified Substance entered his or her body or came into his or her Possession and that such Specified Substance was not intended to enhance the Athlete's Sport performance or mask the Use of a performance-enhancing substance, the period of Ineligibility for a first violation found in Article 10.2 shall be replaced



with, at a minimum, a reprimand and no period of Ineligibility from future Events, and, at a maximum, two years of Ineligibility.

#### **10.4 Elimination or Reduction of Period of Ineligibility for Specified Substances under Specific Circumstances**

To justify any elimination or reduction, the Athlete or other Person must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing body the absence of an intent to enhance Sport performance or mask the Use of a performance enhancing substance. The Athlete's or other Person's degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.

*[Comment to Article 10.4: Specified Substances are not necessarily less serious agents for purposes of Sports doping than other Prohibited Substances (for example, a stimulant that is listed as a Specified Substance could be very effective to an Athlete in Competition); for that reason, an Athlete who does not meet the criteria under this Article would receive a two-year period of Ineligibility and could receive up to a four-year period of Ineligibility under Article 10.6. However, there is a greater likelihood that Specified Substances, as opposed to other Prohibited Substances, could be susceptible to a credible, non-doping explanation.*

*This Article applies only in those cases where the hearing body is comfortably satisfied by the objective circumstances of the case that the Athlete in taking or Possessing a Prohibited Substance did not intend to enhance his or her Sport performance. Examples of the type of objective circumstances which in combination might lead a hearing body to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the Specified Substance or the timing of its ingestion would not have been beneficial to the Athlete; the Athlete's open Use or disclosure of his or her Use of the Specified Substance; and a contemporaneous medical records file substantiating the non Sport-related prescription for the Specified Substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the Athlete to prove lack of intent to enhance Sport performance.*

*While the absence of intent to enhance Sport performance must be established to the comfortable satisfaction of the hearing body, the Athlete may establish how the Specified Substance entered the body by a balance of probability.*

*In assessing the Athlete's or other Person's degree of fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Athlete only has a short time left in his or her career or the timing of the Sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article. It is anticipated that the period of Ineligibility will be eliminated entirely in only the most exceptional cases.]*



## **10.5 Elimination or Reduction of Period of Ineligibility for Based on Exceptional Circumstances**

### **10.5.1 No Fault or Negligence**

If an Athlete establishes in an individual case that he or she bears No Fault or Negligence, the otherwise applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in an Athlete's Sample in violation of Article 2.1 (Presence of Prohibited Substance), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility eliminated. In the event this Article is applied and the period of Ineligibility otherwise applicable is eliminated, the Anti-Doping Rule Violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.7.

### **10.5.2 No Significant Fault or Negligence**

If an Athlete or other Person establishes in an individual case that he or she bears No Significant Fault or Negligence, then the otherwise applicable period of Ineligibility may be reduced, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight (8) years. When a Prohibited Substance or its Markers or Metabolites is detected in an Athlete's Sample in violation of Article 2.1 (Presence of Prohibited Substance), the Athlete must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility reduced.

*[Comment to Articles 10.5.1 and 10.5.2: The Code provides for the possible reduction or elimination of the period of Ineligibility in the unique circumstance where the Athlete can establish that he or she had No Fault or Negligence, or No Significant Fault or Negligence, in connection with the violation. This approach is consistent with basic principles of human rights and provides a balance between those Anti-Doping Organizations that argue for a much narrower exception, or none at all, and those that would reduce a two-year suspension based on a range of other factors even when the Athlete was admittedly at fault. These Articles apply only to the imposition of sanctions; they are not applicable to the determination of whether an Anti-Doping Rule Violation has occurred. Article 10.5.2 may be applied to any Anti-Doping Rule Violation even though it will be especially difficult to meet the criteria for a reduction for those Anti-Doping Rule Violations where knowledge is an element of the violation.]*



*Articles 10.5.1 and 10.5.2 are meant to have an impact only in cases where the circumstances are truly exceptional and not in the vast majority of cases.*

*To illustrate the operation of Article 10.5.1, an example where No Fault or Negligence would result in the total elimination of a sanction is where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction based on No Significant Fault or Negligence. (For example, reduction may well be appropriate in illustration (a) if the Athlete clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substances and the Athlete exercised care in not taking other nutritional supplements.)*

*For purposes of assessing the Athlete's or other Person's fault under Articles 10.5.1 and 10.5.2, the evidence considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Athlete only has a short time left in his or her career or the timing of the Sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article.*

*While Minors are not given special treatment per se in determining the applicable sanction, certainly youth and lack of experience are relevant factors to be assessed in determining the Athlete's or other Person's fault under Article 10.5.2, as well as Articles 10.4 and 10.5.1.*

*Article 10.5.2 should not be applied in cases where Articles 10.3.3 or 10.4 apply, as those Articles already take into consideration the Athlete's or other Person's degree of fault for purposes of establishing the applicable period of Ineligibility.]*

### 10.5.3 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations

The IPC Governing Board, on the recommendation of the IPC Anti-Doping Committee, may also reduce the period of Ineligibility in an individual case where the Athlete has provided substantial assistance to the IPC, which results in the IPC discovering or establishing an Anti-Doping Rule Violation by another Person involving Possession under Article 2.6.2



(Possession by Athlete Support Personnel), Article 2.7 (Trafficking), or Article 2.8 (administration to an Athlete). The reduced period of Ineligibility may not, however, be less than one-half of the minimum period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this section may be no less than eight (8) years.

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

Where an Athlete or other Person voluntarily admits the commission of an Anti-Doping Rule Violation before having received notice of a Sample collection which could establish an Anti-Doping Rule Violation (or, in the case of an Anti-Doping Rule Violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7.2) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.

*[Comment to Article 10.5.4: This Article is intended to apply when an Athlete or other Person comes forward and admits to an Anti-Doping Rule Violation in circumstances where no Anti-Doping Organization is aware that an Anti-Doping Rule Violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught.]*

#### 10.5.5 Where an Athlete or Other Person Establishes Entitlement to Reduction in Sanction Under More than One Provision of this Article

Before applying any reduction or suspension under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under two or more of Articles 10.5.2, 10.5.3 or 10.5.4, then the period of Ineligibility may be reduced or suspended, but not below one-quarter of the otherwise applicable period of Ineligibility.

*[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the hearing body determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4 or Article 10.6) applies to the particular Anti-Doping Rule Violation. In a second step, the hearing body establishes whether there is a basis for suspension, elimination or reduction of the sanction (Articles 10.5.1 through*





10.5.4). Note, however, not all grounds for suspension, elimination or reduction may be combined with the provisions on basic sanctions. For example, Article 10.5.2 does not apply in cases involving Articles 10.3.3 or 10.4, since the hearing body, under Articles 10.3.3 and 10.4, will already have determined the period of Ineligibility based on the Athlete's or other Person's degree of fault. In a third step, the hearing body determines under Article 10.5.5 whether the Athlete or other Person is entitled to elimination, reduction or suspension under more than one provision of Article 10.5. Finally, the hearing body decides on the commencement of the period of Ineligibility under Article 10.9.

The following four examples demonstrate the proper sequence of analysis:

**Example 1.**

*Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; the Athlete promptly admits the Anti-Doping Rule Violation as asserted; the Athlete establishes No Significant Fault (Article 10.5.2); and the Athlete provides Substantial Assistance (Article 10.5.3).*

*Application of Article 10:*

- 1. The basic sanction would be two years under Article 10.2. (Aggravating Circumstances (Article 10.6) would not be considered because the Athlete promptly admitted the violation. Article 10.4 would not apply because a steroid is not a Specified Substance.)*
- 2. Based on No Significant Fault alone, the sanction could be reduced up to one-half of the two years. Based on Substantial Assistance alone, the sanction could be reduced up to three-quarters of the two years.*
- 3. Under Article 10.5.5, in considering the possible reduction for No Significant Fault and Substantial Assistance together, the most the sanction could be reduced is up to three-quarters of the two years. Thus, the minimum sanction would be a six-month period of Ineligibility.*
- 4. Under Article 10.9.2, because the Athlete promptly admitted the Anti-Doping Rule Violation, the period of Ineligibility could start as early as the date of Sample collection, but in any Event the Athlete would have to serve at least one-half of the Ineligibility period (minimum three months) after the date of the hearing decision.*

**Example 2.**

*Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; aggravating circumstances exist and the Athlete is unable to establish that he did not knowingly commit the Anti-Doping Rule Violation; the Athlete does not promptly admit the Anti-Doping Rule Violation as alleged; but the Athlete does provide Substantial Assistance (Article 10.5.3).*

*Application of Article 10:*



1. *The basic sanction would be between two and four years Ineligibility as provided in Article 10.6.*
2. *Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the maximum four years.*
3. *Article 10.5.5 does not apply.*
4. *Under Article 10.9.2, the period of Ineligibility would start on the date of the hearing decision.*

**Example 3.**

*Facts: An Adverse Analytical Finding involves the presence of a Specified Substance; the Athlete establishes how the Specified Substance entered his body and that he had no intent to enhance his Sport performance; the Athlete establishes that he had very little fault; and the Athlete provides Substantial Assistance (Article 10.5.3).*

*Application of Article 10:*

1. *Because the Adverse Analytical Finding involved a Specified Substance and the Athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. The hearing body would assess the Athlete's fault in imposing a sanction within that range. (Assume for illustration in this example that the body would otherwise impose a period of Ineligibility of eight months.)*
2. *Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) No Significant Fault (Article 10.5.2) would not be applicable because the Athlete's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1.*
3. *Article 10.5.5 does not apply.*
4. *Under Article 10.9.2, because the Athlete promptly admitted the Anti-Doping Rule Violation, the period of Ineligibility could start as early as the date of Sample collection, but in any Event, the Athlete would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)*

**Example 4.**

*Facts: An Athlete who has never had an Adverse Analytical Finding or been confronted with an Anti-Doping Rule Violation spontaneously admits that he intentionally used multiple Prohibited Substances to enhance his performance. The Athlete also provides Substantial Assistance (Article 10.5.3).*

*Application of Article 10:*



- 1. While the intentional Use of multiple Prohibited Substances to enhance performance would normally warrant consideration of aggravating circumstances (Article 10.6), the Athlete's spontaneous admission means that Article 10.6 would not apply. The fact that the Athlete's Use of Prohibited Substances was intended to enhance performance would also eliminate the application of Article 10.4 regardless of whether the Prohibited Substances used were Specified Substances. Thus, Article 10.2 would be applicable and the basic period of Ineligibility imposed would be two years.*
- 2. Based on the Athlete's spontaneous admissions (Article 10.5.4) alone, the period of Ineligibility could be reduced up to one-half of the two years. Based on the Athlete's Substantial Assistance (Article 10.5.3) alone, the period of Ineligibility could be reduced up to three-quarters of the two years.*
- 3. Under Article 10.5.5, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced would be up to three-quarters of the two years. (The minimum period of Ineligibility would be six months).*
- 4. If Article 10.5.4 was considered by the hearing body in arriving at the minimum six-month period of Ineligibility at step 3, the period of Ineligibility would start on the date the hearing body imposed the sanction. If, however, the hearing body did not consider the application of Article 10.5.4 in reducing the period of Ineligibility in step 3, then under Article 10.9.2, the commencement of the period of Ineligibility could be started as early as the date the Anti-Doping Rule Violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.]*

## **10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility**

If the IPC establishes in an individual case involving an Anti-Doping Rule Violation other than violations under Articles 2.7 (Trafficking or Attempted Trafficking) and 2.8 (Administration or Attempted Administration) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four (4) years unless the Athlete or other Person can prove to the comfortable satisfaction of the hearing body that he or she did not knowingly commit the Anti-Doping Rule Violation.

An Athlete or other Person can avoid the application of this Article by admitting the Anti-Doping Rule Violation as asserted promptly after being confronted with the Anti-Doping Rule Violation by an Anti-Doping Organization.

*[Comment to Article 10.6: Examples of aggravating circumstances which may justify the imposition of a period of Ineligibility greater than the standard sanction are: the Athlete or other Person committed the Anti-Doping Rule Violation as part of a doping*



*plan or scheme, either individually or involving a conspiracy or common enterprise to commit Anti-Doping Rule Violations; the Athlete or other Person used or possessed multiple Prohibited Substances or Prohibited Methods or used or possessed a Prohibited Substance or Prohibited Method on multiple occasions; a normal individual would be likely to enjoy the performance-enhancing effects of the Anti-Doping Rule Violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an Anti-Doping Rule Violation.*

*For the avoidance of doubt, the examples of aggravating circumstances described in this Comment to Article 10.6 are not exclusive and other aggravating factors may also justify the imposition of a longer period of Ineligibility. Violations under Articles 2.7 (Trafficking or Attempted Trafficking) and 2.8 (Administration or Attempted Administration) are not included in the application of Article 10.6 because the sanctions for these violations (from four (4) years to lifetime Ineligibility) already build in sufficient discretion to allow consideration of any aggravating circumstance.]*

## 10.7 Multiple Violations

### 10.7.1 Second Anti-Doping Rule Violation

For an Athlete's or other Person's first Anti-Doping Rule Violation, the period of Ineligibility is set forth in Articles 10.2 and 10.3 (subject to elimination, reduction or suspension under Articles 10.4 or 10.5, or to an increase under Article 10.6). For a second Anti-Doping Rule Violation the period of Ineligibility shall be within the range set forth in the table below.

Second Violation / First Violation	RS	FFMT	NSF	St	AS	TRA
RS	1-4	2-4	2-4	4-6	8-10	10-life
FFMT	1-4	4-8	4-8	6-8	10-life	life
NSF	1-4	4-8	4-8	6-8	10-life	life
St	2-4	6-8	6-8	8-life	life	life
AS	4-5	10-life	10-life	life	life	life
TRA	8-life	life	life	life	life	life

Definitions for purposes of the second Anti-Doping Rule Violation table:

**RS** (Reduced sanction for Specified Substance under Article 10.4): The Anti-Doping Rule Violation was or should be sanctioned by a reduced sanction under Article 10.4 because



it involved a Specified Substance and the other conditions under Article 10.4 were met.

**FFMT** (Filing Failures and/or Missed Tests): The Anti-Doping Rule Violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).

**NSF** (Reduced sanction for No Significant Fault or Negligence): The Anti-Doping Rule Violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because No Significant Fault or Negligence under Article 10.5.2 was proved by the Athlete.

**St** (Standard sanction under Articles 10.2 or 10.3.1): The Anti-Doping Rule Violation was or should be sanctioned by the standard sanction of two (2) years under Articles 10.2 or 10.3.1.

**AS** (Aggravated sanction): The Anti-Doping Rule Violation was or should be sanctioned by an aggravated sanction under Article 10.6 because the Anti-Doping Organization established the conditions set forth under Article 10.6.

**TRA** (Trafficking or Attempted Trafficking and Administration or Attempted Administration): The Anti-Doping Rule Violation was or should be sanctioned by a sanction under Article 10.3.2.

*[Comment to Article 10.7.1: The table is applied by locating the Athlete's or other Person's first Anti-Doping Rule Violation in the left-hand column and then moving across the table to the right to the column representing the second violation. By way of example, assume an Athlete receives the standard period of Ineligibility for a first violation under Article 10.2 and then commits a second violation for which he receives a reduced sanction for a Specified Substance under Article 10.4. The table is used to determine the period of Ineligibility for the second violation. The table is applied to this example by starting in the left-hand column and going down to the fourth row which is "St" for standard sanction, then moving across the table to the first column which is "RS" for reduced sanction for a Specified Substance, thus resulting in a 2-4 year range for the period of Ineligibility for the second violation. The Athlete's or other Person's degree of fault shall be the criterion considered in assessing a period of Ineligibility within the applicable range.]*

*[Comment to Article 10.7.1 RS Definition: See Article 21.6 with respect to application of Article 10.7.1 to pre-Code Anti-Doping Rule Violations.]*



#### 10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second Anti-Doping Rule Violation

Where an Athlete or other Person who commits a second Anti-Doping Rule Violation establishes entitlement to suspension or reduction of a portion of the period of Ineligibility under Article 10.5.3 or Article 10.5.4, the hearing body shall first determine the otherwise applicable period of Ineligibility within the range established in the table in Article 10.7.1, and then apply the appropriate suspension or reduction of the period of Ineligibility. The remaining period of Ineligibility, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of Ineligibility.

#### 10.7.3 Third Anti-Doping Rule Violation

A third Anti-Doping Rule Violation will always result in a lifetime period of Ineligibility, except if the third violation fulfills the condition for elimination or reduction of the period of Ineligibility under Article 10.4 or involves a violation of Article 2.4 (Filing Failures and/or and Missed Tests). In these particular cases, the period of Ineligibility shall be from eight (8) years to life ban.

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

10.7.4.1 For purposes of imposing sanctions under Article 10.7, an Anti-Doping Rule Violation will only be considered a second violation if the IPC can establish that the Athlete or other Person committed the second Anti-Doping Rule Violation after the Athlete or other Person received notice pursuant to Article 7 (Results Management), or after the IPC made reasonable efforts to give notice of the first Anti-Doping Rule Violation; if the IPC cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 10.6).

10.7.4.2 If, after the resolution of a first Anti-Doping Rule Violation, the IPC discovers facts involving an Anti-



Doping Rule Violation by the Athlete or other Person which occurred prior to notification regarding the first violation, then the IPC shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all Competitions dating back to the earlier Anti-Doping Rule Violation will be disqualified as provided in Article 10.8. To avoid the possibility of a finding of aggravating circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the Athlete or other Person must voluntarily admit the earlier Anti-Doping Rule Violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when the IPC discovers facts involving another prior violation after the resolution of a second Anti-Doping Rule Violation.

*[Comment to Article 10.7.4: In a hypothetical situation, an Athlete commits an Anti-Doping Rule Violation on 1 January 2008, which the IPC does not discover until 1 December 2008. In the meantime, the Athlete commits another Anti-Doping Rule Violation on 1 March 2008, and the Athlete is notified of this violation by the IPC on 30 March 2008, and a hearing body rules on 30 June 2008 that the Athlete committed the 1 March 2008 Anti-Doping Rule Violation. The later-discovered violation which occurred on 1 January 2008 will provide the basis for aggravating circumstances because the Athlete did not voluntarily admit the violation in a timely basis after the Athlete received notification of the later violation on 30 March 2008.]*

#### 10.7.5 Multiple Anti-Doping Rule Violations During Eight-Year Period

For purposes of Article 10.7, each Anti-Doping Rule Violation must take place within the same eight-year period in order to be considered multiple violations.

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

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



10.8.1 As a condition of regaining eligibility after being found to have committed an Anti-Doping Rule Violation, the Athlete must first repay all prize money forfeited under this Article.

10.8.2 Allocation of Forfeited Prize Money

Forfeited prize money shall be allocated to reimburse the expenses of the IPC or other Anti-Doping Organization that performed the necessary steps to collect the prize money back, then to reimburse the expenses of the IPC or other Anti-Doping Organization that conducted results management in the case, with the balance, if any, allocated in accordance with the IPC's rules.

*[Comment to Article 10.8.2: Nothing in the Code 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.]*

## 10.9 Commencement of Ineligibility Period

Except as provided below, the period of Ineligibility shall start on the date of the decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility imposed.

10.9.1 Delays Not Attributable to the Athlete or other Person

Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Athlete or other Person, the body imposing the sanction may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred.

10.9.2 Timely Admission

Where the Athlete or other Person promptly (which, in all Events, for an Athlete means before the Athlete competes again) admits the Anti-Doping Rule Violation after being confronted with the Anti-Doping Rule Violation by the IPC the period of Ineligibility may start as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. In each case, however, where this Article is applied, the Athlete or other Person shall serve at





least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.

*[Comment to Article 10.9.2: This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.5.4 (Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).]*

10.9.3 If a Provisional Suspension is imposed and respected by the Athlete, then the Athlete shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed.

10.9.4 If an Athlete voluntarily accepts a Provisional Suspension in writing from the IPC and thereafter refrains from competing, the Athlete shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Athlete's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of a potential Anti-Doping Rule Violation under Article 13.1.

*[Comment to Article 10.9.4: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]*

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

*[Comment to Article 10.9: The text of Article 10.9 has been revised to make clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the hearing decision. This amendment corrects inconsistent interpretation and application of the previous text.]*

## **10.10 Status During Ineligibility**

### **10.10.1 Prohibition Against Participation During Ineligibility**

No Athlete or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized Anti-Doping education or rehabilitation programmes) authorized



or organized by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization, or in Competitions authorized or organized by any professional league or any international- or national-level Event organization.

An Athlete or other Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate in local Sport Events in a Sport other than the Sport in which the Athlete or other Person committed the Anti-Doping Rule Violation, but only so long as the local Sport Event is not at a level that could otherwise qualify such Athlete or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event.

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

*[Comment to Article 10.10.1: For example, an ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her NPC or National Federation or a club which is a member of that NPC or National Federation. Further, an ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level Event organization without triggering the consequences set forth in Article 10.10.2. Sanctions in one Sport will also be recognized by other Sports (see Article 15.2 Mutual Recognition).]*

#### 10.10.2 Violation of the Prohibition of Participation During Ineligibility

Where an Athlete or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Article 10.10.1, the results of such participation shall be disqualified and the period of Ineligibility which was originally imposed shall start over again as of the date of the violation. The new period of Ineligibility may be reduced under Article 10.5.2 if the Athlete or other Person establishes he or she bears No Significant Fault or Negligence for violating the prohibition against participation. The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether a reduction under Article 10.5.2 is appropriate, shall be made by the IPC.

*[Comment to Article 10.10.2: If an Athlete or other Person is alleged to have violated the prohibition against participation during a period of Ineligibility, the IPC shall determine whether the Athlete or other Person violated the prohibition and, if so,*



*whether the Athlete or other Person has established grounds for a reduction in the restarted period of Ineligibility under Article 10.5.2. Decisions rendered by the IPC under this Article may be appealed pursuant to Article 13.2.*

*Where an Athlete Support Personnel or other Person substantially assists an Athlete in violating the prohibition against participation during Ineligibility, the IPC may appropriately impose sanctions under its own disciplinary rules for such assistance.]*

### 10.10.3 Withholding of Financial Support during Ineligibility

In addition, for any Anti-Doping Rule Violation not involving a reduced sanction for Specified Substances as described in Article 10.4, some or all Sport-related financial support or other Sport-related benefits received by such Person will be withheld by Signatories, Signatories' member organizations and governments.

### 10.11 Imposition of Financial Sanctions

The IPC or NPCs may, in their own rules, provide for financial sanctions on account of Anti-Doping Rule Violations. However, no financial sanction may be considered a basis for reducing the period of Ineligibility or other sanction which would otherwise be applicable under the Code.

*[Comment to Article 10.11: For example, if a hearing body were to find in a case that the cumulative effect of the sanction applicable under the Code and a financial sanction provided in the rules of an Anti-Doping Organization would result in too harsh a consequence, then the Anti-Doping Organization's financial sanction, not the other Code sanctions (e.g., Ineligibility and loss of results), would give way.]*

## 11 CONSEQUENCES TO TEAMS IN TEAM SPORTS AND INDIVIDUAL SPORTS

### 11.1 Testing of Team Sports

Where more than one member of a team in a Team Sport has been notified of an Anti-Doping Rule Violation under Article 7 in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of the team during the Event Period.

### 11.2 Consequences for Team Sports

If more than one member of a team in a Team Sport is found to have committed an Anti-Doping Rule Violation during an Event Period, the ruling body of the Event shall impose an appropriate sanction on the team (e.g., loss



of points, Disqualification from a Competition or Event, or other sanction) in addition to any Consequences imposed upon the individual Athletes committing the Anti-Doping Rule Violation.

### **11.3 Event Ruling Body May Establish Stricter Consequences to Team Sports**

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

*[Comment to Article 11.3: For example, the IPC could establish rules which would require Disqualification of a Team from the Games of the Paralympic Games based on a lesser number of Anti-Doping Rule Violations during the period of the Paralympic Games.]*

### **11.4 Consequences for Teams in Individual Sports**

If a member of a Team in an individual Sport is found to have committed an Anti-Doping Rule Violation during an Event Period, the ruling body of the Event shall impose an appropriate sanction on the Team (e.g., loss of points, Disqualification from a Competition or Event, or other sanction) in addition to any Consequences imposed upon the individual Athletes committing the Anti-Doping Rule Violation. If a member of a Team in an individual Sport is found to have committed an Anti-Doping Rule Violation outside an Event Period, the International Federation 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. Only the individual member of the Team found to have committed an Anti-Doping Rule Violation is liable to a period of ineligibility.

## **12 SANCTIONS AGAINST SPORTING BODIES**

The IPC may establish rules for the purpose of imposing sanctions on another Sporting body over which the IPC has authority.

*[Comment to Article 12: This Article makes it clear that the Code does not restrict whatever disciplinary rights between organizations may otherwise exist.]*



## 13 APPEALS

### 13.1 Decisions Subject to Appeal

Decisions made under this Code may be appealed as set forth below in Articles 13.2 through 13.5 or as otherwise provided in the Code. Such decisions shall remain in effect while under Appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorized in Article 7 (Results Management) must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided for in Article 13.2.1)

#### 13.1.1 WADA Not Required to Exhaust Internal Remedies

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

*[Comment to Article 13.1.1: Where a decision has been rendered before the final stage of the IPC's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the IPC's (e.g., the Governing Board), then WADA may bypass the remaining steps in the IPC's process and appeal directly to CAS.]*

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

The following decisions may be appealed:

- a decision that an Anti-Doping Rule Violation was committed
- a decision imposing Consequences for an Anti-Doping Rule Violation
- 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 under Article 10.10.2 (Violation of the Prohibition of Participation during Ineligibility)
- a decision that the IPC lacks jurisdiction to rule on an alleged Anti-Doping Rule Violation or its Consequences
- a decision by the IPC 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 7.4 and
- a decision to impose a Provisional Suspension under Article 7.5, may be appealed exclusively as provided in this Article 13.2.



### 13.2.1 Appeals Involving Consequences Imposed by the IPC

In cases arising from consequences imposed by the IPC, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.

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

### 13.2.2 Persons Entitled to Appeal

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the Athlete or other Person who is the subject of the decision being appealed; (b) the relevant International Federation; (c) the NPC or National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (d) the IPC, where it is the International Federation, or where the decision may have an impact in relation to the Paralympic Games and all Events and Competitions sanctioned by the IPC, including decisions affecting eligibility for the Paralympics Games and all Events and Competitions sanctioned by the IPC, and (e) WADA.

The filing deadline for an appeal or intervention filed by WADA shall be the later of twenty-one (21) days after the last day on which any other party in the case could have appealed, or twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

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

## 13.3 Failure to Render a Timely Decision by an Anti-Doping Organization

13.3.1 Where, in a particular case, an NPC, or National Federation or International Federation, or National Anti-Doping Organization fails to render a decision with respect to whether an Anti-Doping Rule Violation was committed within a reasonable deadline set by the IPC, the IPC may elect to appeal directly to CAS as if the NPC had rendered a decision finding no Anti-Doping Rule Violation. If the CAS hearing body determines that an Anti-Doping Rule Violation was committed and that the IPC acted reasonably in electing to appeal directly to CAS, then



the IPC's costs and attorneys fees in prosecuting the appeal shall be reimbursed to the IPC by the NPC.

- 13.3.2 Where, in a particular case, the IPC 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 the IPC had rendered a decision finding no Anti-Doping Rule Violation. If the CAS hearing body determines that an Anti-Doping Rule Violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorneys fees in prosecuting the appeal shall be reimbursed to WADA by the IPC.

*[Comment to Article 13.3: Given the different circumstances of each Anti-Doping Rule Violation investigation and results management process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a decision before the IPC or WADA may intervene by appealing directly to CAS. Before taking such action, however, the IPC or WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]*

#### **13.4 Appeals from Decisions Granting or Denying a TUE**

Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to CAS by the Athlete, the IPC, or National Anti-Doping Organization or other body designated by an NPC whose decision was reversed. Decisions by the IPC other than WADA denying Therapeutic Use Exemptions, which are not reversed by WADA, may be appealed by International-Level Athletes to CAS.

When the IPC fails to take action on a properly submitted Therapeutic Use Exemption application within a reasonable time, the IPC's failure to decide may be considered a denial for purposes of the Appeal rights provided in this Article.

#### **13.5 Time for Filing Appeals**

The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with Appeals filed by a party entitled to appeal but which was not a party to the proceedings having lead to the decision subject to appeal:



- 13.5.1 Within ten (10) days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied.
- 13.5.2 If such a request is made within the ten (10) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

## **14 CONFIDENTIALITY, NOTICE AND REPORTING**

The IPC agrees to the principles of the coordination of Anti-Doping results, public transparency and accountability and respect for the privacy interests of individuals alleged to have violated Anti-Doping rules as provided below:

### **14.1 Information Concerning Adverse Analytical Findings and Other Potential Anti-Doping Rule Violations**

#### **14.1.1 Notice to Athletes and Other Persons**

An Athlete whose Sample is brought forward as an Adverse Analytical Finding after the initial review under Article 7, or an Athlete or other Person who is asserted to have committed an Anti-Doping Rule Violation after the initial review under Article 7, shall be notified by the IPC through the relevant NPC or applicable National Federation and as provided in Article 7.

#### **14.1.2 Notice to National Anti-Doping Organizations, International Federations and WADA**

The IPC shall also notify the Athlete's NPC, National Federation or National Anti-Doping Organization, and International Federation and WADA not later than the completion of the process described in Articles 7.1 through 7.4.

#### **14.1.3 Content of Notification**

Notification shall include the Athlete's name, country of Sport governing body, Sport and discipline within the Sport, whether the test was In-Competition or Out-of-Competition, the date of Sample collection and the analytical result reported by the laboratory.





#### 14.1.4 Status Reports

The same Persons and Anti-Doping Organizations shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7, 8 (Hearings) or 13 (Appeals) and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### 14.1.5 Records of Adverse Analytical Findings from IFs and NPCs

Records of sanctions imposed by IOSDs, IPSFs and NPCs shall be forwarded to the IPC. Such records will be maintained by the IPC.

#### 14.1.6 Confidentiality

The recipient organizations shall not disclose information concerning Adverse Analytical Findings and other potential Anti-Doping Rule Violations beyond those Persons with a need to know (which would include the appropriate personnel at the applicable NPC, National Federation, and team in a Team Sport) until the IPC has made public disclosure or has failed to make public disclosure as required in Article 14.2 below. The IPC Anti-Doping Committee, non-voting observers, selected surrogates and all other relevant IPC staff and representatives shall use their best endeavours to maintain in strict confidentiality the Results of all Doping Control Testing and the identities involved in proceedings under this Code, until such time as (a) all proceedings are completed and (b) there has been a public disclosure by the IPC Governing Board.

*[Comment to Article 14.1.6: The IPC shall provide, in its own rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]*

### 14.2 Public Disclosure

14.2.1 The identity of any Athlete or other Person who is asserted by the IPC to have committed an Anti-Doping Rule Violation, may be publicly disclosed by the IPC only after notice has been provided to the Athlete or other Person in accordance with Article 7, and to the applicable Anti-Doping Organizations in accordance with Article 14.1 and no later than twenty (20) days after notification of the final decision of the IPC



Governing Board following the corresponding Hearing (Article 8).

- 14.2.2 No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 that an Anti-Doping Rule Violation has occurred, or such hearing has been waived, or the assertion of an Anti-Doping Rule Violation has not been timely challenged, the IPC, responsible for results management, must publicly report the disposition of the Anti-Doping matter including the Sport, the Anti-Doping rule violated, the name of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. The IPC must also publicly report within twenty (20) days appeal decisions concerning Anti-Doping Rule Violations. The IPC shall also, within the time period for publication, send all hearing and appeal decisions to WADA.
- 14.2.3 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 disclosed publicly only with the consent of the Athlete or other Person who is the subject of the decision. The IPC shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.
- 14.2.4 For purposes of Article 14.2, publication shall be accomplished at a minimum by placing the required information on the IPC's website and leaving the information up for at least one (1) year.
- 14.2.5 Neither the IPC, nor any other Anti-Doping Organization, or official of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.

### **14.3 Athlete Whereabouts Information**

As further provided in the International Standard for Testing, Athletes who have been identified by the IPC for inclusion in a Registered Testing Pool shall provide accurate, current location information. The IPC shall coordinate with the International Federations and National Anti-Doping Organizations the identification of Athletes and the collecting of current location information. This



information will be accessible, through ADAMS where reasonably feasible, to other Anti-Doping Organizations having jurisdiction to test the Athlete as provided in Article 15. This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Testing; and shall be destroyed after it is no longer relevant for these purposes.

#### **14.4 Statistical Reporting**

The IPC will publish an annual statistical report of its Doping Control activities. A copy will be provided to WADA. The IPC may also publish reports showing the name of each Athlete tested and the date of each Testing.

#### **14.5 Doping Control Information Clearing House**

WADA shall act as a central clearinghouse for Doping Control Testing data and Results for International-Level Athletes and national level Athletes who have been included in their National Anti-Doping Organization's Registered Testing Pool. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organizations, the IPC shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse as soon as possible after such tests have been conducted. This information will be made accessible to the Athlete, the Athlete's NPC, applicable National Federation, National Anti-Doping Organization, IPSF, and the IPC. To enable it to serve as a clearinghouse for Doping Control Testing data, WADA has developed a database management tool, ADAMS, that reflects emerging data privacy principles. In particular, WADA has developed ADAMS to be consistent with data privacy statutes and norms applicable to WADA and other organizations using ADAMS. Private information regarding an Athlete (including whereabouts information), Athlete Support Personnel, or others involved in Anti-Doping activities shall be maintained by the IPC and by WADA, which is supervised by Canadian privacy authorities, in strict confidence at all times and in accordance with the International Standard for the Protection of Privacy.

#### **14.6 Data Privacy**

When performing obligations under the Code, the IPC may collect, store, process or disclose personal information relating to Athletes and third parties. The IPC shall ensure that it complies with applicable data protection and privacy laws with respect to their handling of such information, as well as the International Standard for the Protection of Privacy that WADA shall adopt to ensure Athletes and non-athletes are fully informed of and, where necessary, agree to the handling of their personal information in connection with Anti-Doping activities arising under the Code.



## 15 DOPING CONTROL RESPONSIBILITIES

### 15.1 Results Management, Hearings and Sanctions

Except as provided in Article 15.1.1 below, results management and hearings shall be the responsibility of and shall be governed by the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the organization which discovered the violation). If that Anti-Doping Organization does not have the authority to conduct results management, then results management authority shall default to the IPC. Regardless of which organization conducts results management or hearings, the principles set forth in Articles 7 and 8 shall be respected.

*[Comment to Article 15.1: In some cases, the procedural rules of the Anti-Doping Organization which initiated and directed the Sample collection may specify that results management will be handled by another organization (e.g., the Athlete's National Federation). In such Event, it shall be the Anti-Doping Organization's responsibility to confirm that the other organization's rules are consistent with the Code.]*

*The Athlete's or other Person's International Federation, or the IPC, has been made the authority of last resort for results management to avoid the possibility that no Anti-Doping Organization would have authority to conduct results management. Of course, an International Federation is free to provide in its own Anti-Doping rules that the Athlete's or other Person's National Federation shall conduct results management.]*

- 15.1.1 Results management and the conduct of hearings for an Anti-Doping Rule Violation arising from a test by, or discovered by, a National Anti-Doping Organization involving an Athlete who is not a national, resident, license-holder or member of a Sport organization of that country shall be administered by the International Federation. Results management and the conduct of hearings from a test by a Major Event Organization, shall be referred to the applicable International Federation or the IPC as far as sanctions beyond Disqualification from the Event or the results of the Event.

*[Comment to Article 15.1.1: No absolute rule is established for managing results and conducting hearings where a National Anti-Doping Organization tests a foreign national Athlete over whom it would have had no jurisdiction but for the Athlete's presence in the National Anti-Doping Organization's country. Under this Article, the IPC leaves it to the International Federation to determine under its own rules whether, for example, management of the case should be referred to the Athlete's National Anti-Doping Organization, remain with the Anti-Doping Organization that collected the Sample, or be taken over by the International Federation.]*



## **15.2 Mutual Recognition**

The IPC shall recognize and respect the Testing, TUEs and hearing results or other final adjudications of any Signatory to the WADC, and of any other bodies which have not accepted the WADC if the rules of those bodies are otherwise consistent with the WADC, provided they are consistent with the WADC and within that Signatory's authority.

*[Comment to Article 15.2: There has in the past been some confusion in the interpretation of this Article with regard to Therapeutic use Exemptions. Unless authorized by the IPC, or provided for by the rules of an International Federation or an agreement with an International Federation, NPCs or National Anti-Doping Organizations do not have "authority" to grant Therapeutic use Exemptions to International-Level Athletes.]*

*Where the decision of a body that has not accepted the WADC is in some respects WADC compliant and in other respects not WADC compliant, the IPC will attempt to apply the decision in harmony with the principles of the WADC. For example, if in a process consistent with the WADC 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 body but the period of Ineligibility applied is shorter than the period provided for in the WADC, then all Signatories should recognize the finding of an Anti-Doping Rule Violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with WADC Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]*

## **16 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT**

### **16.1 Applicable Anti-Doping Rules**

In any Sport that includes animals in competition, the International Federation for that Sport shall establish and implement Anti-Doping rules for the animals included in that Sport. The Anti-Doping rules shall include a list of Prohibited Substances, appropriate Testing procedures and a list of approved laboratories for Sample analysis.

### **16.2 Determining Anti-Doping Rules Violations**

With respect to determining Anti-Doping Rule Violations, Results management, hearings, Consequences, and appeals for animals involved in Sport, the International Federation for that Sport shall establish and implement rules that are generally consistent with Articles 1, 2, 3, 9, 10, 11, 13 and 17 of the Code.



## **17 STATUTE OF LIMITATIONS**

No action may be commenced under this Code against an Athlete or other Person for an Anti-Doping rule contained in this Code unless such action is commenced within eight (8) years from the date the violation is asserted to have occurred.

## **18 EDUCATION**

**18.1 The IPC shall implement, evaluate and monitor information and education programmes for doping-free Sport**

**18.2 All IPC member organizations as Signatories to the WADC and in compliance with the Code, shall also develop information and education programmes for doping-free Sport fore Athletes and Athlete support personnel under the scope of their responsibility**

**18.3 These programmes shall provide Athletes and other Persons with updated and accurate information on at least the following issues:**

- Substances and methods on the Prohibited List
- Anti-Doping Rule Violations
- Consequences of doping, including sanctions, health and social consequences
- Doping Control procedures
- Athletes' and Athlete Support Personnel's rights and responsibilities
- Therapeutic Use Exemptions
- Managing the risks of nutritional supplements
- Harm of doping to the spirit of Sport

The programmes should promote the spirit of Sport in order to establish an environment that is strongly conducive to doping-free Sport and will have a positive and long-term influence on the choices made by Athletes and other Persons.

These programmes should be directed at young people, appropriate to their stage of development, in school and Sports clubs, parents, adult Athletes, Sport officials, coaches, medical personnel and the media (the media should also co-operate in supporting and diffusing this information).

Athlete Support Personnel should educate and counsel Athletes regarding Anti-Doping policies and rules adopted pursuant to the Code.



All Persons subject to this Code shall promote and support active participation by Athletes and Athlete Support Personnel in education programmes for doping-free Sport.

*[Comment to Article 18.3: Anti-Doping informational and educational programmes should not be limited to national- or International-Level Athletes but should include all Persons, including youth, who participate in Sport under the authority of any organization subject to this Code. (See definition of Athlete.) These programmes should also include Athlete Support Personnel.]*

*These principles are consistent with the UNESCO Convention with respect to education and training.]*

## **19 REINSTATEMENT**

### **19.1 Request for Reinstatement**

Participants sanctioned under the Code who wish to resume their eligibility must request in writing reinstatement of Sport eligibility upon completion of the Ineligibility period.

### **19.2 Reinstatement Testing**

As a condition to regaining eligibility at the end of a specified period of Ineligibility, an Athlete must, during any period of Provisional Suspension or Ineligibility, make him or herself available for Out-of-Competition Testing by the IPC, and must, if requested, provide current and accurate whereabouts information. If an Athlete subject to a period of Ineligibility retires from Sport and is removed from Out-of-Competition Testing pools and later seeks reinstatement, the Athlete shall not be eligible for reinstatement until the Athlete has notified the IPC and has been subject to Out-of-Competition Testing for a period of time equal to the period of Ineligibility remaining as of the date the Athlete had retired, or three (3) months, whichever is longer.

## **20 ADDITIONAL RESPONSIBILITIES**

### **20.1 Additional Responsibilities of the IPC**

- 20.1.1 The IPC will withhold some or all Paralympic funding of any Sport organization not in compliance with the Code.
- 20.1.2 The IPC will authorize and facilitate the Independent Observer Programme and facilitate Athlete Outreach Programmes.



## **20.2 Additional Responsibilities of NPCs**

- 20.2.1 To ensure that their Anti-Doping policies and rules conform with the Code.
- 20.2.2 To require as a condition of membership or recognition that National Federations' Anti-Doping policies and rules are in compliance with the applicable provisions of the Code.
- 20.2.3 To require Athletes who are not regular members of a National Federation to be available for Sample collection and to provide accurate and up-to-date whereabouts information as part of the National Registered Testing Pool during the year before the Paralympic Games as a condition of participation in the Paralympic Games.
- 20.2.4 To co-operate with their National Anti-Doping Organization.
- 20.2.5 To require each of its National Federations to establish rules requiring each Athlete Support Personnel who participates as coach, trainer, manager, team staff, official, medical or para-medical personnel in an Event or activity authorized or organized by a National Federation or one of its member organizations to agree to be bound by Anti-Doping rules in conformity with the Code as a condition of such participation.
- 20.2.6 To notify the Athlete or other Person who is asserted to have committed an Anti-Doping Rule Violation as provided in article 14.1.1.
- 20.2.7 The applicable NPC is responsible for enforcing any sanction imposed by the IPC.
- 20.2.8 To withhold some or all funding, during any period of his or her Ineligibility, to any Athlete or Athlete Support Personnel who has violated Anti-Doping rules.
- 20.2.9 To withhold some or all funding to its member or recognized National Federations that are not in compliance with the Code.
- 20.2.10 To vigorously pursue all potential Anti-Doping Rule Violations within its jurisdiction including investigation into whether Athlete Support Personnel or other Persons may have been involved in each case of doping.





20.2.11 To promote Anti-Doping education.

20.2.12 To co-operate with relevant national organizations and agencies and other Anti-Doping Organizations.

### **20.3 Roles and Responsibilities of the IPC as a Major Event Organization**

20.3.1 To adopt and implement Anti-Doping policies and rules for their Events which conform with the Code.

20.3.2 To take appropriate action to discourage noncompliance with the Code as provided in WADC Article 23.5.

20.3.3 To authorize and facilitate the Independent Observer Programme and facilitate Athlete Outreach Programmes.

20.3.4 To require all Athletes and each Athlete Support Personnel who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in the Event to agree to be bound by Anti-Doping rules in conformity with the Code as a condition of such participation.

20.3.5 To vigorously pursue all potential Anti-Doping Rule Violations within its jurisdiction including investigation into whether Athlete Support Personnel or other Persons may have been involved in each case of doping.

20.3.6 After 1 January 2010, to do everything possible to award Events only to countries where the government has ratified, accepted, approved or acceded to the UNESCO Convention and the National Olympic Committee, National Paralympic Committee and National Anti-Doping Organization are in compliance with the Code.

20.3.7 To promote Anti-Doping education.

20.3.8 To co-operate with relevant national organizations and agencies and other Anti-Doping Organizations.

### **20.4 Roles and Responsibilities of Athletes**

20.4.1 To be knowledgeable of and comply with all applicable Anti-Doping policies and rules adopted pursuant to the Code.

20.4.2 To be available for Sample collection.



- 20.4.3 To take responsibility, in the context of Anti-Doping, for what they ingest and Use.
- 20.4.4 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 Anti-Doping policies and rules adopted pursuant to the Code.

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

- 20.5.1 To be knowledgeable of and comply with all Anti-Doping policies and rules adopted pursuant to the Code and which are applicable to them or the Athletes whom they support.
- 20.5.2 To co-operate with the Athlete Testing Programme.
- 20.5.3 To use their influence on Athlete values and behaviour to foster Anti-Doping attitudes.

## **21 AMENDMENT AND INTERPRETATION OF THIS CODE**

- 21.1 This Code may be amended from time to time by the IPC Governing Board
- 21.2 The Comments annotating various provisions of this Code shall be used to interpret the Code
- 21.3 This Code, adopted pursuant to the applicable provisions of the WADC, shall be interpreted as an independent and autonomous text and not by reference to any other existing law or statutes except the WADC
- 21.4 The headings used for the various Parts and Articles of this Code 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
- 21.5 The Preamble, IPC Anti-Doping Code Administration and Glossary shall be considered integral parts of this Code
- 21.6 This Code shall not apply retrospectively to matters pending before the date the Code is approved by the IPC Governing Board and implemented in its rule. 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 new violations

## 21.7 Transitional Provisions

21.7.1 The 2009 Code shall apply in full after 1 January 2009 (the “Effective Date”).

21.7.2 Non-Retroactive Unless Principle of Lex Mitior Applies

With respect to any Anti-Doping Rule Violation case which is pending as of the Effective Date and any Anti-Doping Rule Violation case brought after the Effective Date based on an Anti-Doping Rule Violation which occurred prior to the Effective Date, the case shall be governed by the substantive Anti-Doping rules in effect at the time the alleged Anti-Doping Rule Violation occurred unless the body hearing the case determines the principle of Lex Mitior appropriately applies under the circumstances of the case.

21.7.3 Application to Decisions Rendered Prior to the 2009 Code

With respect to cases where a final decision finding an Anti-Doping Rule Violation has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to the IPC to consider a reduction in the period of Ineligibility in light of the 2009 Code. Such application must be made before the period of Ineligibility has expired. The decision rendered by the IPC may be appealed pursuant to Article 13.2. The 2009 Code shall have no application to any Anti-Doping Rule Violation case where a final decision finding an Anti-Doping Rule Violation has been rendered and the period of Ineligibility has expired.

21.7.4 Application to Specific Pre-Code Violations

For purposes of applying Article 10.7.1, a pre-Code Anti-Doping Rule Violation where the violation involved a substance which is categorized as a Specified Substance under the 2009 Code and the period of Ineligibility imposed was less than two (2) years, the pre-Code violation shall be considered a Reduced Sanction (RS).

*[Comment to Article 21.7.4: Other than the situation described in Article 21.7.3, where a final decision finding an Anti-Doping Rule Violation has been rendered prior to the Code or under the Code before the 2009 Code and the period of Ineligibility imposed*



*has been completely served, the 2009 Code may not be used to re-characterize the prior violation.]*



## APPENDIX: GLOSSARY

<b>ADAMS</b>	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.
<b>Adverse Analytical Finding</b>	A report from a laboratory or other WADA-approved entity 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.
<b>Anti-Doping Organization (ADO)</b>	A Signatory of the WADC that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the IPC, IOC, other major Event organizations that conduct Testing at their Events, WADA, IPSFs, NPCs and National Anti-Doping Organizations.
<b>Athlete</b>	Any Person who participates in Sport at the international level (as defined by the IPC or each International Federation), the national level (as defined by each National Anti-Doping Organization, including but not limited to those Persons in its Registered Testing Pool), and any other competitor in Sport who is otherwise subject to the jurisdiction of any Signatory or other Sports organization accepting the Code. All provisions of the Code, including, for example, Testing and Therapeutic Use Exemptions, must be applied to international- and national-level competitors. Some National Anti-Doping Organizations may elect to test and apply Anti-Doping rules to recreational-level or masters competitors who are not current or potential national caliber competitors. National Anti-Doping Organizations are not required, however, to apply all aspects of the Code to such Persons. Specific national rules may be established for Doping Control for non-international-level or non-national-level competitors without being in conflict with the Code. Thus, a country could elect to test recreational-level competitors but not require Therapeutic use Exemptions or whereabouts information. In the same manner, a Major



Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not require advance Therapeutic use Exemptions or whereabouts information. For purposes of Article 3.8 (Administration or Attempted Administration) and for purposes of Anti-Doping information and education, any Person who participates in Sport under the authority of any Signatory, government, or other Sports organization accepting the Code is an Athlete.

*[Comment: This definition makes it clear that all international- and national-caliber Athletes are subject to the Anti-Doping rules of the Code, with the precise definitions of international- and national-level Sport to be set forth in the Anti-Doping rules of the International Federations and National Anti-Doping Organizations, respectively. At the national level, Anti-Doping rules adopted pursuant to the Code shall apply, at a minimum, to all persons on national teams and all persons qualified to compete in any national championship in any Sport. That does not mean, however, that all such Athletes must be included in a National Anti-Doping Organization's Registered Testing Pool. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its Anti-Doping Programme beyond national-caliber Athletes to competitors at lower levels of Competition. Competitors at all levels of Competition should receive the benefit of Anti-Doping information and education.]*

**Athlete Support Personnel**

Any coach, trainer, manager, agent, Team staff, official, medical para-medical 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 laboratory or other WADA-approved entity 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.

**CAS**

The Court of Arbitration for Sport.



<b>Code</b>	The IPC Anti-Doping Code.
<b>Competition</b>	A single race, match, game or singular athletic contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other athletic 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.
<b>Consequences of Anti-Doping Rules Violations</b>	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 for a specified period of time from participating in any Event or other activity or funding as provided in Article 10.10; and (c) Provisional Suspension means the Athlete or other Person is barred temporarily from participating in any Competition prior to the final decision at a hearing conducted under Article 8 (Hearings).
<b>Disqualification (Disqualified)</b>	See Consequences of Anti-Doping Rules Violations.
<b>Doping Control</b>	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, Therapeutic use Exemptions, results management and hearings.
<b>Event</b>	A series of individual Competitions conducted together under one ruling body (e.g., the Paralympic Games, FINA World Championships, or Parapan American Games).
<b>Event Period</b>	The time between the beginning and end of an Event, as established by the ruling body of the Event.
<b>In-Competition</b>	Unless provided otherwise in the rules of an International Federation or other relevant Anti-Doping Organization, "In-Competition" means the period commencing twelve hours before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition.



<b>Independent Observer Programme</b>	A team of observers, under the supervision of WADA, who observe and may provide guidance on the Doping Control process at certain Events and report on their observations.
<b>Individual Sport</b>	Any Sport that is not a Team Sport.
<b>Internal Appeal</b>	An Appeal, conducted by the IPC, lodged due to a decision taken as a result of an Expedited Hearing.
<b>Internal Appeal Hearing</b>	Hearing held as a result of an Internal Appeal with or without the requirement for a B Sample Analysis.
<b>Ineligibility</b>	See Consequences of Anti-Doping Rules Violations.
<b>IPC</b>	International Paralympic Committee.
<b>IPC Anti-Doping Committee</b>	The Committee responsible for establishing policies, guidelines and procedures with respect to the fight against doping, including Results management and compliance with internationally accepted regulations, including the WADC.
<b>IPC Anti-Doping Committee Chairperson</b>	A Person appointed by the IPC Governing Board as Chairperson of the IPC Anti-Doping Committee.
<b>IPC Governing Board</b>	The IPC Governing Board is the representative of the IPC Membership, elected at the General Assembly. The IPC Governing Board is responsible for overseeing the affairs of the IPC in between meetings of the IPC General Assembly.
<b>IPC Medical &amp; Scientific Director</b>	A Person employed by the IPC with responsibilities for the IPC Medical & Scientific Department.
<b>IPC Medical Committee</b>	The Body designated by the IPC Governing Board to assess all Therapeutic Use Exemptions.
<b>International Event</b>	An Event where the IPC, IOC, an IPSF, a Major Event Organization, or another international Sport organization is the ruling body for the Event or appoints the technical officials for the Event.
<b>International-Level Athlete</b>	Athletes designated by one or more International Federations as being in the Registered Testing Pool for an International Federation.
<b>International Paralympic</b>	The governing body of a Sport on the Paralympic Programme.





**Sports  
Federation (IPSF)**

**International  
Standard**

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

**Major Event  
Organizations**

The continental associations of National Paralympic Committees and other international multi-Sport organizations that function as the ruling body for any continental, regional or other International Event.

**Marker**

A compound, group of compounds or biological parameter(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 majority as established by the applicable laws of his or her country of residence.

**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, all at the national level. This includes an entity which may be designated by multiple countries to serve as a regional Anti-Doping Organization for such countries. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Paralympic Committee or its designee.

**National Event**

A Sport Event involving international- or national-level Athletes that is not an International Event.

**National  
Paralympic  
Committee (NPC)**

The organization recognized by the IPC as the national governing body for Athletes with a disability.

**No Advance  
Notice**

A Doping Control which takes place with no advance warning to the Athlete and where the Athlete is continuously chaperoned from the moment of notification through Sample provision.



<b>No Fault or Negligence</b>	The Athlete'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.
<b>No Significant Fault or Negligence</b>	The Athlete'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.
<b>Out-of-Competition</b>	Any Doping Control which is not In-Competition.
<b>Paralympic Games</b>	The Paralympic Games represent the peak moment of each quadrennial Sports cycle for Paralympic Athletes and constituents of the Paralympic Movement. They form the ultimate goal to which national, regional and world championships and other Competitions lead up to.
<b>Participant Person Possession</b>	<p>Any Athlete or Athlete Support Personnel.</p> <p>A natural Person or an organization or other entity.</p> <p>The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive 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</p>



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.]*

<b>Prohibited List</b>	The WADC List identifying the Prohibited Substances and Prohibited Methods.
<b>Prohibited Method</b>	Any method so described on the Prohibited List.
<b>Prohibited Substance</b>	Any substance so described on the Prohibited List.
<b>Publicly Disclose</b>	To disseminate or distribute information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14.
<b>Registered Testing Pool</b>	The pool of top level Athletes established separately by the IPC, each International Federation and National Anti-Doping Organization who are subject to both In-Competition and Out-of-Competition Testing as part of the IPC's or that International Federation's or Organization's test distribution plan. The IPC shall publish a list which identifies those Athletes included in its Registered Testing Pool either by name or by clearly defined, specific criteria.
<b>Result</b>	The information obtained from a Doping Control test.
<b>Sample</b>	Any biological material collected for the purposes of Doping Control. <i>[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.]</i>
<b>Sanctioned or Recognized Event</b>	An Event that meets the appropriate organizational and technical requirements of the IPC.
<b>Substantial Assistance</b>	For purposes of Article 10.5.3, 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 co-operate 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 body. 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.

<b>Tampering</b>	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; or providing fraudulent information to an Anti-Doping Organization.
<b>Target Testing</b>	Selection of Athletes for Testing where specific Athletes or groups of Athletes are selected on a non-random basis for Testing at a specified time.
<b>Team</b>	Team is a combination of Participants playing as one entity in a Sport. The definition of Team includes, not only those of Team Sports but also double, pair, relay, crew, horse and rider and visually impaired Athlete with guide and/or pilot.
<b>Team Sport</b>	A Sport in which the substitution of players is permitted during an Event.
<b>Testing</b>	The parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory.
<b>Therapeutic Use Exemption (TUE)</b>	An exemption to use, for therapeutic purposes, substances on the WADC Prohibited List.
<b>Trafficking</b>	Selling, giving, transporting, sending, delivering or distributing a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by an Athlete, Athlete Support Personnel 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.

**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.

**WADC**

The World Anti-Doping Code.