INTERNATIONAL SKATING UNION

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ISU ANTI-DOPING RULES

compiled in accordance with

The World Anti-Doping Code

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INTRODUCTION

Preface

In accordance with the authorization, given in Rule 139 of the current ISU Constitution and General Regulations, all Anti-Doping matters shall be regulated by the ISU Anti-Doping Rules and Procedures adopted by the ISU Council. These Rules and Procedures follow the general principles included in the World Anti-Doping *Code* (hereafter the "*Code*") and shall be binding as of the date of publication, as stated at the end of this Communication.

In case the World Anti-Doping *Code* is amended, the ISU Council may, as authorized by Rule 139 of the current ISU Constitution and General Regulations, modify, amend, replace or cancel with immediate effect the ISU Anti-Doping Rules and Procedures.

As foreseen by the ISU Constitution, Article 4. h), the ISU has the exclusive right and responsibility to promote and protect all rights relating to ISU activities throughout the world, including measures to protect International *Competition*s and *Skaters* from the contamination of doping.

As a condition of participation in ISU *Events*, *Competitions* and activities, each ISU *Member* shall adopt these ISU Anti-Doping Rules as effective to govern the conduct of all *Skaters* and *Persons* participating or claiming the right to participate in the national and international sporting activities of the *Member*. Each ISU *Member* shall cooperate fully in all aspects of the ISU Anti-Doping program, and designate an appropriate independent national body, committee or tribunal to consider claimed violations of the ISU Anti-Doping Rules occurring on a national (non-international) basis and apply sanctions when appropriate.

Appeals and actions by the ISU and/or *WADA* respecting national Anti-Doping violation decisions are provided for in Article 13.2.2

The ISU shall have sole jurisdiction over alleged violations of the ISU Anti-Doping Rules that involve *Skaters* and *Other Persons* and that relate to their participation in ISU *Competitions* and *Events* or relate to *Out-of-Competition Testing* or international-level *Skaters* and seminars or training programs and camps that are organized, financed or sponsored by the ISU. By Agreement between the ISU and *WADA*, and to meet conditions required by the IOC for ISU participation in the Olympic Winter Games, jurisdiction of the ISU may be shared or superseded as specified in such Agreement with *WADA* or by such IOC conditions.

Fundamental Rationale for the *Code* and ISU Anti-Doping Rules

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

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

Doping is fundamentally contrary to the spirit of sport.

Description of ISU Anti-Doping Activities

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

The International Skating Union (ISU) is one of the most active and innovative International Olympic Federations engaged in the fight against doping. The ISU is strongly committed to providing all participants in every ISU discipline, fair and safe *Competitions*.

The ISU Medical Commission is responsible for advising the ISU Council on Anti-Doping education and prevention programs, which include:

- Developing Anti-Doping education and prevention programs which can be used by *Member* Federations.
- Reviewing the *WADA* List of Prohibited Substances and presenting information to WADA in relation to specific knowledge about the ISU disciplines.
- Informing WADA about WADA procedures, or the activities and procedures of other stakeholders in the fight against doping, which are deemed by the ISU to be unnecessarily bureaucratic or unfair to *Skaters*.
- Advising on sports-specific information in regard to characteristics of disciplines and types of performance-enhancing Substances.
- Collecting medical evidence and furnishing testimony in Anti-Doping disciplinary actions

Responsibilities for other aspects of ISU Anti-Doping activities, such as the organization of *Testing*, etc. are defined in the relevant Articles of the ISU Anti-Doping Rules and Procedures.

Scope

These ISU Anti-Doping Rules shall apply to the ISU, each *ISU Member Federation (Member)*, and each *Participant* in the activities of ISU or any of its *Members* by virtue of the *Participant's* membership, accreditation, or participation in ISU, or its *Members*, activities, Competitions or *Events*.

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

These ISU Anti-Doping Rules shall apply to all Anti-Doping *Testing* over which the ISU and its *Members* have jurisdiction.

ARTICLE 1 - Definition of Doping

Doping is defined as the occurrence of one or more of the Anti-Doping Rule violations set forth in Article 2.1 through Article 2.8 of these Anti-Doping Rules.

ARTICLE 2 – Anti-Doping Rule Violations

Skaters and 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 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Skater's Sample*

2.1.1 It is each *Skater's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Skaters* 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 *Skater's* part be demonstrated in order to establish an ISU Anti-Doping Rule violation.

[Comment to Article 2.1.1: For purposes of anti-doping violations involving the presence of a Prohibited Substance (or its Metabolites or Markers), the ISU's Anti-Doping Rules adopt the rule of strict liability which was found in the Olympic Movement Anti-Doping Code ("OMADC") and the vast majority of pre-Code anti-doping rules. Under the strict liability principle, a Skater is responsible, and an anti-doping rule violation occurs, whenever a Prohibited Substance is found in a Skater's Sample. The violation occurs whether or not the Skater 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 Skater then has the possibility to avoid or reduce sanctions if the Skater 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 a Skater'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" Skaters and fairness in the exceptional circumstance where a Prohibited Substance entered an Skater's system through No Fault or Negligence or No Significant Fault or Negligence on the Skater's part. It is important to emphasize that while the determination of whether the anti-doping rule has been violated is based on strict liability, the imposition of a fixed period of Ineligibility is not automatic. The strict liability principle set forth in the ISU's Anti-Doping Rules 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 *Skater*'s A *Sample* where the *Skater* waives analysis of the B *Sample* and the B *Sample* is not analyzed; or, where the *Skater*'s B *Sample* is analyzed and the analysis of the *Skater*'s B *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Skater*'s A *Sample*.

[Comment to Article 2.1.2: The ISU may at its discretion choose to have the B Sample analyzed even if the Skater does not request the analysis of the B Sample.]

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

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

2.2 *Use* or *Attempted Use* by a *Skater* of a *Prohibited Substance* or a *Prohibited Method*

[Comment to Article 2.2: As noted in Article 3 (Proof of Doping), 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. 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 Skater, 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 ISU provides a satisfactory explanation for the lack of confirmation in the other Sample.]

2.2.1 It is each *Skater*'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 *Skater*'s part be demonstrated in order to establish an anti-doping rule violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.

2.2.2 The success or failure of the *Use* 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 ISU 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 Skater's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the strict liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method.
A Skater's "Use" of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Skater'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 will be 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 ISU 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 a Skater 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 Skater, while "evading" Sample collection contemplates intentional conduct by the Skater.]

2.3.1 Leaving the ice rink after the event in which the *Skater* participated without first ensuring that he or she has not been selected for Anti-Doping testing. After having been recalled, the *Skater* must return in due time to the competition site in order to comply with the Anti-Doping testing for that event.

2.4 Violation of applicable requirements regarding *Skater* availability for *Out-of-Competition Testing* set out in the *International Standard for Testing (see Appendix 2)*, including failure to file required whereabouts information in accordance with Article 11.3 of the International Standard for Testing (a Filing Failure) and failure to be available for Testing at the declared whereabouts in accordance with Article 11.4 of the *International Standard for Testing* (a Missed Test). Any combination of three Missed Tests and/or Filing Failures committed within an eighteen-month period, as declared by the ISU or any other Anti-Doping Organization 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 ISU 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 ISU.]

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

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

2.6.2 *Possession* by a *Skater Support Personnel In- Competition* of any *Prohibited Method* or any *Prohibited Substance* or *Possession* by a *Skater Support Personnel Out-of-Competition* of any *Prohibited Method* or any *Prohibited Substance* which is prohibited *Out-of-Competition*, in connection with a *Skater*, *Competition* , Event or training, unless the *Skater Support Personnel* establishes that the *Possession* is pursuant to a Therapeutic Use Exemption (TUE) granted to a *Skater* in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.

[Comment to Article 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 the 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 *Skater In-Competition* of any *Prohibited Method* or *Prohibited Substance*, or administration or *Attempted* administration to any *Skater Out-of-Competition* of any *Prohibited Method* or any *Prohibited Substance* that is prohibited in *Out-of-Competition Testing*, 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 a Skater or other Person to work or associate with Skater Support Personnel who are serving a period of Ineligibility.]

ARTICLE 3 - Proof of Doping

3.1 Burdens and Standards of Proof

The ISU and its *Members* shall have the burden of establishing that an Anti-Doping rule violation has occurred. The standard of proof shall be whether the ISU or its *Member* has established an Anti-Doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these ISU Anti-Doping Rules place the burden of proof upon the *Skater* 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 *Skater* must satisfy a higher burden of proof.

[Comment to Article 3.1: This standard of proof required to be met by the ISU or its Members 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 panels 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 ISU Anti-Doping Rule violations may be established by any reasonably reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

[Comment to Article 3.2: For example, the ISU or its Members may establish an anti-doping rule violation under Article 2.2 (Use of a Prohibited Substance or Prohibited Method) based on the Skater'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 Skater'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 *International Standard* for Laboratories (see Appendix 2). The *Skater* or other *Person* may rebut this presumption by establishing a departure from the *International Standard* occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the *Skater* or other *Person* rebuts the preceding presumption by showing a departure from the *International Standard* occurred which could reasonably have caused the *Adverse Analytical Finding*, then the ISU or its *Member* 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 Skater or other Person to establish, by a balance of probability, a departure from the International Standard that could reasonably have caused the Adverse Analytical Finding. If the Skater or other Person does so, the burden shifts to the ISU or its Members to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

3.2.2 Departures from any other *International Standard* or ISU Anti-Doping Rules and Procedures which did not cause an *Adverse Analytical Finding* or other Anti-Doping rule violation shall not invalidate such results. If the *Skater* or other *Person* establishes that a departure from another *International Standard* or the ISU Anti-Doping Rules and Procedures which could reasonably have

caused the *Adverse Analytical Finding* or other Anti-Doping rule violation occurred then the ISU, or its *Member*, 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 *Skater* or other *Person* to whom the decision pertained of those facts unless the *Skater* or other *Person* establishes that the decision violated principles of natural justice.

3.2.4 The hearing panel in a hearing on an Anti-Doping rule violation may draw an inference adverse to the *Skater* or other *Person* who is asserted to have committed an Anti-Doping rule violation based on the *Skater* 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, telephonically or by video conference, as directed by the hearing panel) and to answer questions either from the hearing panel or from the ISU or the Member 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.]

ARTICLE 4 - The Prohibited List (see Appendix 2)

4.1 Incorporation of the *Prohibited List*

These ISU Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by *WADA* as described in Article 4.1 of the *Code* from 1 January annually. *Members* are obliged to respect any amendments to the Prohibited List and ensure that the current *Prohibited List* is available to its members and constituents.

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

4.2.1 Prohibited Substances and Prohibited Methods

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these ISU Anti-Doping Rules three months after publication of the *Prohibited List* by *WADA* without requiring any further action by the ISU. As described in Article 4.2 of the *Code*, the ISU may, upon the recommendation of its Medical Commission, request that *WADA* expand the *Prohibited List* for the sport of Skating, or certain ISU disciplines. The ISU may also, upon the recommendation of its Medical Commission, request that *WADA* include additional *Substances* or *Methods*, which have the potential for abuse in the sport of Skating, in the monitoring program described in Article 4.5 of the *Code*. As provided in the *Code*, *WADA* shall make the final decision on such requests by the ISU.

4.2.2 Specified Substances

For purposes of the application of Article 10 (Sanctions on Individuals) all *Prohibited Substances* shall be "Specified Substances", except a) substances in the classes of anabolic agents and hormones, and b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. *Prohibited Methods* shall not be Specified Substances.

4.2.3 New Classes of Prohibited Substances

In the event *WADA* expands the *Prohibited List* by adding a new class of *Prohibited Substances* in accordance with Article 4.1 of the *Code*, *WADA*'s Executive Committee shall determine whether any or all *Prohibited Substances* within the new class of *Prohibited Substances* shall be considered Specified Substances under Article 4.2.2.

4.3 *Criteria for Including Substances and Methods on the Prohibited List*

As provided in Article 4.3.3 of the Code, 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 a *Skater* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

4.4 Therapeutic Use

4.4.1 *Skaters* with a documented medical condition requiring the use of a *Prohibited Substance* or a *Prohibited Method* must apply for and 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* and *Methods* (Article 2.6) or administration of a *Prohibited Substance* or *Prohibited Method* (Article 2.8) consistent with the provisions of an applicable Therapeutic Use Exemption issued pursuant to the *International Standard* for Therapeutic Use Exemptions shall not be considered an Anti-Doping Rule violation.

4.4.2 *Skaters* included by the ISU in its *Registered Testing Pool* and other *Skaters* participating in any *International Event* must obtain a TUE from or recognized by the ISU. The application for a TUE must be made as soon as possible (in the case of a *Skater* in the *Registered Testing Pool*, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 30 days before the *Skater's* participation in the *Event or Competition*. TUEs granted by the ISU shall be reported to the *Skater's Member* and to *WADA through ADAMS*.

4.4.3 Other *Skaters* subject to *Testing* who need to use a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons must obtain a TUE from their *National Anti-Doping Organization* or other body designated by their *Member*, as required under the rules of the *National Anti-Doping Organization*/other body. *Members* shall promptly report any such TUEs to the ISU and *WADA*.

4.4.4 The ISU shall appoint a panel of physicians to consider requests for TUEs (the "TUE Panel")The TUE Panel member(s) shall promptly evaluate such request in accordance with the *International Standard* for Therapeutic Use Exemptions (see Appendix 2) and render a decision on such request, which shall be the final decision of the ISU.

4.4.5 *WADA*, at the request of a *Skater* or on its own initiative, may review the granting or denial of any TUE by the ISU. If *WADA* determines that the granting or denial of a TUE did not comply with the *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.

ARTICLE 5 – *Testing*

5.1 Authority to Test

5.1.1 All *Skaters* under the jurisdiction of a *Member* shall be subject to *In-Competition Testing* by the ISU, the *Skater's Member*, and any other *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate. All *Skaters* under the jurisdiction of a *Member*, including *Skaters* serving a period of ineligibility or a *Provisional Suspension*,, shall also be subject to *Out-of-Competition Testing* at any time or place, by the ISU, *WADA*, the *Skater's Member*, the *National Anti-Doping Organization* of any country where the *Skater* is present, the IOC during the Olympic Winter Games, and the IPC during Paralympic Games.
Except in exceptional circumstances, all Out-of-Competition Testing shall be without Advance Notice. *Target Testing* will be made a priority.

5.1.2 Anti-Doping Tests must be carried out according to the current ISU Rules and Procedures at the following *Event*s: ISU Championships, Olympic Qualifying *Event*s, World Cup *Competition*s (Speed Skating and Short Track Speed Skating), Regional Qualifying *Event*s for World Allround Speed Skating Championships, Grand Prix of Figure Skating and Final and Junior Grand Prix of Figure Skating and Final, Open *International Competitions*, and all other *Events* designated by the ISU Council.
Even when such Testing is carried out by a *National Anti-Doping Organization* or other Anti-Doping Agency, the ISU shall remain the Testing Authority.

5.1.3 *Out-of-Competition Tests* of both urine and blood, may be conducted at any time and any place on *Skaters*, including suspended *Skaters*, of the ISU *Member*s. *Out-of-Competition Testing* will be performed by an Anti-Doping Agency approved by the ISU. *Out-of-Competition Testing* will also be carried out in co-operation with *WADA*. The *Doping Control* Officer conducting the *Testing* will follow the ISU Anti-Doping Procedures for *Testing*.

5.1.4 *Out-of-Competition Sample* collection means *Sample* collection outside ISU sanctioned *Competition*s and *Events*. An ISU sanctioned *Event* runs from 24 hours before the official draw and ends 12 hours after the end of

the *Event* (last race/program/exhibition). It is understood that the above-mentioned period refers to the *Event* as a whole (not to the individual *Competition* skating schedules of the respective *Skater*s) and applies only for *Skater*s who are entered into the respective *Event.*

5.1.5 It is recommended that all *Members* conduct Anti-Doping *Tests* on their *Skaters* during training without advance notice as well as at National Championships. In National *Events* the organizing ISU *Member* shall be the competent body to rule on the effects of a positive result during such *Events*. Each body concerned shall advise the ISU Director General of all positive results and the dispositions made in respect thereof and provide such data in respect of all tests.

5.2 Responsibility for ISU *Testing*

The ISU Medical Commission shall be responsible for drawing up a test distribution plan for the sport of skating in accordance with Article 4 of the *International Standard* for *Testing*, and for the implementation of that plan, including overseeing all *Testing* conducted by or on behalf of the ISU. *Testing* may be conducted by members of the ISU Medical Commission or by other qualified persons so authorized by the ISU

At ISU *Events*, a Chief Doping Control Officer shall be designated by the organizing Member to supervise the practical organization of the *Testing* to be conducted at that *Event*. For ISU *Events* at which an ISU Medical Advisor is present, the designation of the Chief Doping Control Officer shall be confirmed by the ISU Medical Advisor present. For other *International Competitions* at which Testing is carried out, the Chief Doping Control Officer shall be designated by the organizing Member.

5.3 *Testing* Standards

Testing conducted by and on behalf of the ISU and its *Members* shall be in substantial conformity with the *International Standard* for Testing in force at the time of testing and the ISU Anti-Doping Rules and Procedures.

5.3.1 Blood (or other non-urine) *Samples* may be used to detect *Prohibited Substances* or *Prohibited Methods*, for screening procedure purposes or for longitudinal hematological profiling (the passport). The *Sample(s)* will be used in accordance with the current ISU Blood Testing Communication. In these circumstances the ISU may decide, at its own discretion, which blood parameters are to be measured in the *Sample(s).* The *Sample(s)* may be used for Anti-Doping purposes in accordance with Article 2.2. of the Code.

5.4 Coordination of *Testing*

The ISU and its Members shall promptly report completed tests through the WADA Clearinghouse to avoid unnecessary duplication in testing.

5.5 *Skater* Whereabouts Requirements

5.5.1 The ISU shall identify a *Registered Testing Pool* of those *Skaters* who are required to comply with the whereabouts requirements of the *International Standard* for Testing, details of which are defined in Article C. 3 of the ISU Anti-Doping Procedures and shall publish a list of the *Skaters* meeting those criteria for the period in question. The

ISU shall review and update as necessary its criteria for including *Skaters* in its *Registered Testing Pool* and shall revise its *Registered Testing Pool* from time to time as appropriate in accordance with the set criteria. Each *Skater* in the *Registered Testing Pool* a) shall advise the ISU of his/her whereabouts on a quarterly basis, in the manner set out in Article 11.3 of the International Standard for Testing; b) shall update that information as necessary, in accordance with Article 11.4.2 of the International Standard for Testing, so that it remains accurate and complete at all times; and c) shall make him/herself available for Testing at such whereabouts in accordance with Article 11.4 of the International Standard for Testing. In addition to a complete mailing address, Skaters must, as a minimum, provide for each day during the following quarter, the full address of the place they will be residing, the name and address of each location where they will train, work or conduct any other regular activity and their competition schedule, including dates and addresses. In addition, the whereabouts filing must include for each day during the following quarter, one specific 60-minute time slot between 6am and 11pm where the Skater will be available and accessible for Testing at a specific location. The ultimate responsibility for providing whereabouts information rests with each *Skater*, however, it shall be the responsibility of each *Member* to use its best efforts to assist the ISU in obtaining whereabouts information as requested by the ISU.

5.5.2 All *Members/Skaters* must ensure that all whereabouts forms are adequately and accurately completed and submitted by the due date, requested by the ISU/*Anti-Doping Organization* in order for *Out-of-Competition* testing on the *Registered Testing Pool* of *Skaters* to be conducted. Failure to do so will result in disciplinary action against the *Members* as outlined in Articles 12.1 and 12.3 and/or *Skaters* as outlined in Articles 5.5.4 and 10.3.3.

5.5.3 A *Skater's* failure to advise the ISU of his/her whereabouts shall be deemed a Filing Failure for purposes of Article 2.4 where the conditions of Article 11.3.5 of the *International Standard* for *Testing* are met.

5.5.4 A Skater's failure to be available for Testing at his/her declared whereabouts shall be deemed a Missed test for purposes of Article 2.4 where the conditions of Article 11.4.3 of the *International Standard* for Testing are met.

5.5.5 For each attempt, the *Doping Control* Officer shall visit the specified location during the 60-minute time-slot and do what is reasonable in the circumstances to try to locate the *Skater*.

If the *Skater* is located at the training site the *Doping Control* Officer shall allow a two hour time frame for the *Skater* and the *Doping Control* Officer to coordinate a convenient time for the *Testing* to occur during that training time.

The two hour time frame is allowed so as not to interfere with the *Skater's* training and for the *Skater* to perform the test at a time

convenient during their training or at the end of the training period. The two hour period does not include the actual time required for *Testing*. The *Skater* will be supervised by the *Doping Control* Officer during the entire time after notification of selection for *Out-of-Competition Testing*. Notification shall be sent to the *Skater/Member* between each attempt, which is to be counted as a Missed Test.

5.5.6 Each *Member* shall also assist its *National Anti-Doping Organization* in establishing a national level *Registered Testing Pool* of top level national *Skaters* to whom the whereabouts requirements of the *International Standard* for *Testing* shall also apply. Where those Skaters are already included in the ISU *Registered Testing Pool*, the ISU and the *National Anti-Doping Organization* will agree which of them will take responsibility for receiving whereabouts filings from the Skater and sharing them with the other (and with other *Anti-Doping Organizations*) in accordance with Article 5.5.5..

5.5.7 All *Members* shall include in their Rules a provision obliging the *Member* to allow unannounced Anti-Doping *Testing* of any *Skater* affiliated to that Member. It is the duty of every *Member* to assist the ISU/ *Anti-Doping Organization* in the carrying out of no notice or short notice *Testing*. Any *Member* preventing, hindering or otherwise obstructing the carrying out of such *Testing* shall be subject to disciplinary actions as per Articles 12.1 and 12.3.

5.5.8 If the *Skater* cannot be located for an ISU *Out-of-Competition* no notice or short notice *Testing* due to incorrect or insufficient information provided to the ISU/*Anti-Doping Organization*, the *Member* to which the *Skater* is affiliated shall be obliged to pay expenses for the unsuccessful attempt at *Testing***.**

5.5.9 Whereabouts information provided pursuant to Articles 5.5.1 and 5.5.4 shall be shared with *WADA*, the *Member* and other *Anti-Doping Organizations* having jurisdiction to test a *Skater* in accordance with Articles 11.7.1 (d) and 11.7.3 (d) of the *International Standard* for *Testing*, including the strict condition that it be used only for *Doping Control* purposes.

5.6 Retirement and Return to *Competition*

5.6.1 A *Skater* who has been identified by the ISU for inclusion in the ISU *Registered Testing Pool* shall continue to be subject to these ISU Anti-Doping Rules, including the obligation to comply with the whereabouts requirements of the *International Standard* for *Testing* unless and until the *Skater* gives written notice to the ISU that he or she has retired or until he or she no longer satisfies the criteria for inclusion in the ISU *Registered Testing Pool* and has been so informed by the ISU.

5.6.2 A *Skater* who has given notice of retirement to the ISU may not resume competing unless he or she notifies the ISU at least six months before he or she expects to return to *Competition* and is available for unannounced *Out-of-Competition Testing*, including, if requested, complying with the *International Standard* for *Testing* at any time during the period before actual return to *Competition*.

5.6.3 *Members/National Anti-Doping Organizations* may establish similar requirements for retirement and returning to *Competition* for *Skaters* in the national *Registered Testing Pool*.

5.7 Selection of *Skaters* to be Tested

5.7.1 At International *Events* where the ISU is the ruling body or appoints the technical officials, the ISU Anti-Doping Procedures shall determine the number of finishing placement tests, random tests and target tests to be performed.

5.7.2 During Olympic Winter Games Anti-Doping tests will be carried out according to the *"IOC Anti-Doping Rules*" applicable to the particular Olympic Winter Games. These IOC Anti-Doping Rules shall supersede and be applied as appropriate in lieu of and/or in addition to these ISU Rules (see Appendix 2).

5.7.3 Each *Skater*, in all international ISU sanctioned *Events*, is subject to the specified Anti-Doping tests for that *Event* at any time during his or her presence in the country or city where that *Event* is scheduled to occur, including the official practice sessions. For all such *Events* the ISU Representative, the ISU Medical Advisor or the Chief Doping Control Officer designated by the organizing Member, has the right to select other *Skaters* for *Testing*. This right may not prevail during the Olympic Winter Games.

5.7.4 Any *Skater* who achieves a world record time must have been selected for Anti-Doping *Testing* and have tested negative on a complete urine screen for all current *Prohibited Substances* on the same day of the race in order to have the world record ratified, see Rule 221, paragraph 4 f) and Rule 292 paragraph d) of the ISU Special Regulations for Speed Skating and Short Track Speed Skating. If the existing world record is broken more than once on the same day, in *Competitions* at the same venue, the top three skaters achieving a world record time must be selected for Anti-Doping *Testing*.

5.7.5 In team disciplines, if a world record is achieved, two skaters, randomly selected from the teams, shall be tested. If the world record is broken more than once on the same day in *Competitions* at the same venue, two skaters, randomly selected from the top two teams achieving the world record time, must be selected for Anti-Doping Testing.

5.7.6 At *National Events*, each *Member* shall determine the number of *Skaters* selected for *Testing* in each *Competition* and the procedures for selecting the *Skaters* for *Testing*.

5.7.7 In addition to the selection procedures set forth in Articles 5.7.1 to 5.7.6 above, the ISU at *International Events*, and the *Member* at *National Events*, may also select *Skaters* or teams for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate *Doping Control* purposes.

5.7.8 *Skaters* shall be selected for *Out-of-Competition Testing* by the ISU and by *Members* through a process that substantially complies with the *International Standard* for *Testing* and the ISU Anti-Doping Rules and ISU Anti-Doping Procedures in force at the time of selection.

5.8 Independent Observers

The ISU authorizes and shall facilitate the *WADA Independent Observer* program at *International Events*. *Members* and the Organizing Committees for National Skating *Event*s shall provide access to *Independent Observers* at *Events* as directed by the ISU.

ARTICLE 6 - Analysis of *Samples*

Doping Control Samples collected under these ISU Anti-Doping Rules shall be analyzed in accordance with the following principles:

6.1 Use of Approved Laboratories

The ISU, or the Anti-Doping Agency acting on its behalf, shall send *Doping Control Samples* for analysis only to *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 ISU, or its appointed Anti-Doping Agency.

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 the Monitoring Program described in Article 4.5 of the *Code* or to assist the ISU in profiling relevant parameters in a *Skater*'s urine, blood or other matrix, including DNA or genomic profiling, for Anti-Doping purposes.

6.3 Research on *Samples*

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

6.4 Standards for *Sample* Analysis and Reporting

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

6.5 Retesting *Samples*

A *Sample* may be reanalyzed for the purposes described in Article 6.2 at any time exclusively at the direction of the ISU or *WADA*. The circumstances and conditions for retesting *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

ARTICLE 7- Results Management

7.1 Results Management for *Tests* Initiated by the ISU

Results management for *Tests* initiated by the ISU (including *Tests* performed by *WADA* pursuant to an agreement with the ISU) shall proceed as set forth below:

7.1.1 The *Sample* analysis shall be completed as soon as possible after its arrival at the appropriate *WADA* accredited laboratory. The results from all analyses must be sent to the ISU in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in confidentiality and in conformity with ADAMS, a database management tool developed by WADA. ADAMS is consistent with data privacy statutes and norms applicable to WADA and other organizations using it.

7.1.2 The reports may be made at ISU Championships but in this case should only be submitted to the ISU President or the ISU Representative, except as noted in Article 5.1.5, when the reports may be sent to the *Member* and the ISU.

7.1.3 Upon receipt of an A *Sample Adverse Analytical Finding*, the Anti-Doping administrator at the ISU Secretariat shall conduct a review to determine whether:

a) The Adverse Analytical Finding is consistent with an applicable TUE;
b) There is any apparent departure from the ISU Anti-Doping Rules and Procedures or *International Standard* for Testing or *International Standard* for Laboratories that caused the *Adverse Analytical Finding*.

7.1.4 If the initial review of an *Adverse Analytical Finding* under Article 7.1.3 does not reveal an applicable TUE or departure from the ISU Anti-Doping Rules and Procedures or the *International Standard* for *Testing* or the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*, the ISU shall promptly notify the ISU President, the Chairperson of the Medical Commission and the ISU *Member* which will then promptly notify the *Skater* of:

a) The *Adverse Analytical Finding;*
b) The ISU Anti-Doping Rule violated;
c) The *Skater's* right, within 4 days of the date of the letter of notification addressed to his or her Member to 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 (which shall, if possible, be within seven working days of the notification of the A Sample Adverse Analytical Finding) if the *Skater* or ISU chooses to request an analysis of the B *Sample*;
e) The opportunity of the *Skater* and/or the *Skater's* representative to attend the B *Sample* opening and analysis at the scheduled date, time and place, if such analysis is requested;

f) Following the completion of the analysis of the B *Sample*, if such analysis is requested, the *Skater'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.

g) The *Skater*'s right, within 15 days from receipt of notification of the positive A *Sample*, to submit a written explanation to the ISU Director General

The ISU shall also notify the *Skater*'s *National Anti-Doping Organization* and *WADA*. If the ISU decides not to bring forward the *Adverse Analytical Finding* as an Anti-Doping Rule violation, it shall so notify the *Skater*, the *Skater*'s *National Anti-Doping Organization* and *WADA*.

No other sports governing body, person, organization or media may be notified until the ISU has managed the result to completion and closure with the exception of the provisions of Articles 14.3, 8.1.6 and 8.2.3.

7.1.5 Arrangements shall be made by the ISU for *Testing* the B *Sample* if possible within seven (7) working days of the notification of the A Sample Adverse Analytical Finding. A *Skater* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. The ISU may nonetheless elect to proceed with the B *Sample* analysis.

7.1.6 The analysis of the B *Sample* will be carried out at a time determined by the ISU, if possible within seven (7) working days of the notification of the A Sample Adverse Analytical Finding, in the same *WADA* accredited laboratory as the original analysis. The B *Sample* analysis will be carried out as foreseen in the International Standard for Laboratory Analysis. The *Member* in question shall be allowed to send a maximum of three representatives, which may include the *Skater* and a representative of the ISU *Member*, to the laboratory, but at their expense. Should the ISU *Member* delegation not be present at the time indicated, the ISU Medical Advisor, or his/her representative, may decide to proceed to the B *Sample* analysis.

7.1.7 If the B *Sample* proves negative, the entire test shall be considered negative and the *Skater* through communication with his or her *Member* shall be so informed by the ISU.

7.1.8 If a *Prohibited Substance* or the *Use* of a *Prohibited Method* is identified, the findings shall be reported to *WADA* and to the ISU, who will promptly notify the *Member* which is responsible for communicating the results to the *Skater*. The ISU may act upon any Adverse Analytical Finding (AAF) whether the sample was provided as an In-*Competition* or *Out-of-Competition* test.

7.1.9 The Anti-Doping administrator at the ISU Secretariat shall conduct any follow-up investigation as may be required by the *Prohibited List*. Upon completion of such follow-up investigation, the ISU shall promptly notify the *Member* who will notify the *Skater* regarding the results of the follow-up investigation and whether or not the ISU asserts that an ISU Anti-Doping Rule was violated.

7.1.10 For apparent Anti-Doping rule violations that do not involve *Adverse Analytical Findings*, the ISU shall conduct any necessary follow-up investigation and at such time as it is satisfied that an Anti-Doping Rule violation has occurred, it shall then promptly notify the *Member* which will notify the *Skater* and/or the involved *Skater Support Personnel* of the Anti-Doping Rule which appears to have been violated and the basis of the violation.

7.2 Results Management for Atypical Findings

7.2.1 As provided in the *International Standards*, in certain circumstances laboratories are directed to report the presence of *Prohibited Substances* that may also be produced endogenously as *Atypical Findings* that should be investigated further.

7.2.2 If a laboratory reports an *Atypical Finding* in respect of a *Sample* collected from a *Skater* by or on behalf of the ISU, the ISU Anti-Doping Administrator shall conduct a review to determine whether:

(a) the *Atypical Finding* is consistent with an applicable TUE that has been granted as provided in the *International Standard* for Therapeutic Use Exemptions, or

(b) there is any apparent departure from the *International Standard* for *Testing* or *International Standard* for Laboratories that caused the *Atypical Analytical Finding*.

7.2.3 If the initial review of an *Atypical Finding* under Article 7.2.2 reveals an applicable TUE or departure from the *International Standard* for *Testing* or the *International Standard* for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Skater*'s Member, which shall promptly notify the *Skater*, shall be so informed.

7.2.4 If the initial review of an *Atypical Finding* under Article 7.2.2 does not reveal an applicable TUE or departure from the *International Standard* for *Testing* or the *International Standard* for Laboratories that caused the *Atypical Finding*, the ISU shall conduct the follow-up investigation required by the *International Standards.* If, once that investigation is completed, it is concluded that the *Atypical Finding* should be considered an *Adverse Analytical Finding*, the ISU shall pursue the matter in accordance with Article 7.1.3.

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

(a) If the ISU determines the B *Sample* should be analyzed prior to the conclusion of its follow-up investigation, it may conduct the B *Sample* analysis after notifying the *Skater*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.1.5(c) to (f).

(b) If the ISU receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or from a sports

organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Skater* identified on a list provided by the *Major Event Organization* or sports organization has a pending *Atypical Finding*, the ISU shall so identify any such *Skater* after first providing notice of the *Atypical Finding* to the *Skater*.

7.3 Results Management for *Tests* Initiated During Other *International Events*

Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or any International *Event* or *Competition* Organization, shall be managed, as far as sanctions beyond *Disqualification* from the *Competition* and *Event* or the results of the *Competition* and *Event* are concerned, by the ISU.

7.4 Results Management for Tests initiated by ISU *Members*

Results management conducted by *Members* shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in Article 7. Results of all ISU Anti-Doping Tests shall be reported to the ISU and to WADA within 14 days of the conclusion of the *Member's* results management process. Any apparent Anti-Doping rule violation by a *Skater* who is a member of that *Member* shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the *Member* or national law according to the principles of the *Code*. Apparent Anti-Doping rule violations by *Skaters* who are members of another *Member* shall be referred to the ISU to pass on to the *Skater's Member* for hearing.

7.4.1 Any sanction imposed by a *Member* upon its members for an analytically positive *Sample* may not be less severe than those specified in Article 10 of these ISU Anti-Doping Rules. In the case that the sanction applied by the *Member* for a positive result is below the lower limit of the sanction that would be applicable under these ISU Rules, the ISU Council shall have the right to apply sanctions to the *Member* according to these ISU Rules and to file a complaint to the ISU Disciplinary Commission asking that the correct sanctions specified in Article 10 be applied to the *Skater* concerned, which sanction will be applicable for any national and international appearances of the *Skater*.

7.4.2 All decisions taken by the body designated by the *Member* to decide cases of alleged violation of the Anti-Doping rules shall be rendered in writing and English-language true copies of such decisions shall be sent promptly, and in any event within ten (10) days after the date such decision is taken, by email or postal mail to i) the ISU Director General and ii) *WADA* at the address for *WADA* shown in Appendix 2 of this Communication.

The *Member* shall at the same time inform the ISU and *WADA* if an appeal of such decision is provided for, whether within the *Member* or otherwise, and if an appeal is permitted, the name of the appellate tribunal and whether or not an appeal has been taken, mentioning all relevant dates and deadlines.

If an appeal is permitted and taken, the *Member* shall notify the ISU and *WADA* promptly and in any event within ten (10) days after the

date such decision is received by the *Member*, respecting the decision of the appellate body, attaching English-language true copies thereof to such notice.

7.5 Results Management for Whereabouts Violations

7.5.1 Results management in respect of an apparent *Filing Failure* by a *Skater* in the ISU's *Registered Testing Pool* shall be conducted by the ISU in accordance with Article 11.6.2 of the *International Standard* for *Testing* (unless it has been agreed in accordance with Article 5.5.4 that the *Member* or *National Anti-Doping Organization* shall take such responsibility).

7.5.2 Results management in respect of an apparent Missed Test by a *Skater* in the ISU's *Registered Testing Pool* as a result of an attempt to test the *Skater* by or on behalf of the ISU shall be conducted by the ISU in accordance with Article 11.6.3 of the *International Standard* for Testing. Results management in respect of an apparent Missed Test by such *Skater* as a result of an attempt to test the *Skater* by or on behalf of another *Anti-Doping Organization* shall be conducted by that other *Anti-Doping Organization* in accordance with Article 11.7.6(c) of the *International Standard* for *Testing*.

7.5.3 Where, in any eighteen-month period, a *Skater* in the ISU's *Registered Testing Pool* is declared to have three Filing Failures, or three Missed Tests, or any combination of Filing Failures or Missed Tests adding up to three in total, whether under these ISU Anti-Doping Rules or under the rules of any other *Anti-Doping Organization*, the ISU shall bring them forward as an apparent Anti-Doping Rule violation.

7.6 Provisional Suspensions

7.6.1 If analysis of an A *Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a Specified Substance, and a review in accordance with Article 7.1.2 does not reveal an applicable TUE or departure from the *International Standard* for *Testing* or the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*, the ISU President shall *Provisionally Suspend* the *Skater* pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.

7.6.2 In any case not covered by Article 7.6.1 where the ISU decides to take the matter forward as an apparent Anti-Doping Rule violation in accordance with the foregoing provisions of this Article 7, the ISU President and Director General jointly, after consultation with the ISU Anti-Doping Administrator, may Provisionally Suspend the *Skater* pending the hearing panel's determination of whether he/she has committed an Anti-Doping Rule violation.

7.6.3 Where a *Provisional Suspension* is to be imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, the *Skater* shall be given either (a) an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the

Provisional Suspension; or (b) an opportunity for an expedited hearing in accordance with Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a *Provisional Suspension. Members* shall impose *Provisional Suspensions* in accordance with the principles set forth in this Article 7.6.

7.6.4 If a *Provisional suspension* is imposed based on an A *Sample Adverse Analytical Finding* and a subsequent B *Sample* analysis does not confirm the A *Sample* analysis, then the *Skater* shall not be subject to any further Provisional Suspension on account of Article 2.1 of the *Code* (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers)*. In circumstances where the *Skater* or the *Skater's* team has been removed from a *Competition* and/or *Event 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* and/or *Event*, it is still possible for the *Skater* or team to be reinserted, the *Skater* or team may continue to take part in the *Competition.*

7.7 Retirement from Sport

If a *Skater* or other *Person* retires while a results management process is underway, the ISU retains jurisdiction to complete its results management process. If a *Skater* or other *Person* retires before any results management process has begun and the ISU would have had results management jurisdiction over the *Skater* or other *Person* at the time the *Skater* or other *Person* committed an Anti-Doping Rule violation, the ISU has jurisdiction to conduct results management.

ARTICLE 8 - Right to a Fair Hearing

Each *Anti-Doping Organization* with responsibility for results management shall provide a hearing process for any *Person* who is asserted to have committed an Anti-Doping rule violation. Such hearing process shall address whether an Anti-Doping rule violation was committed and, if so, the appropriate *Consequences*.

8.1 Hearings arising out of ISU *Testing* or *Tests* at *International Events*

8.1.1 The ISU body having jurisdiction in cases arising out of ISU *Testing* or *Testing* at *International Events* or *Competitions* is the ISU Disciplinary Commission (hereafter DC).

8.1.2 When it appears, following the Results Management process described in Article 7, that these ISU Anti-Doping Rules have been violated in connection with the ISU *Testing* or *Testing* at an *International Event or Competition*, then the case shall be assigned to the ISU DC.

8.1.3 The Chair of the ISU DC shall appoint three members from the panel (which may include the Chair) to hear each case. At least one appointed member shall be a lawyer. The appointed members shall have had no prior involvement with the case and shall not have the same nationality as the *Skater* or other *Person* alleged to have violated these Anti-Doping Rules.

8.1.4 Hearings pursuant to this Article shall be completed expeditiously following the completion of the results management process described

in Article 7. Hearings held in connection with *Events or Competitions* may be conducted on an expedited basis.

8.1.5 A representative of the *Member* of the *Skater* or other *Person* alleged to have violated these ISU Anti-Doping Rules may attend the hearing as an observer.

8.1.6 The ISU shall keep *WADA* apprised as to the status of pending cases and the result of all hearings.

8.1.7 A *Skater* or other *Person* may forego a hearing by acknowledging the Anti-Doping rule violation and accepting *Consequences* consistent with Articles 9 and 10 as proposed by the ISU. The right to a hearing may be waived either expressly or by the *Skater*'s or other *Person*'s failure to challenge the ISU's assertion that an Anti-Doping Rule violation has occurred within 15 days from receipt of notification of the positive A *Sample* or other apparent violation. Where no hearing occurs, the ISU Disciplinary Commission shall submit to the persons described in Article 13.2.3 a reasoned decision explaining the action taken.

8.1.8 Decisions of the ISU Disciplinary Commission may be appealed as provided in Article 13 below.

8.1.9 As stated in Article 5.7.2 above, the IOC is responsible for Doping Control during the defined period of the Olympic Winter Games. In this respect, the responsibility accepted by the IOC involves testing, investigation, notices, hearings and the imposition of disqualifications concerning Olympic results and participation, all as more fully described in the IOC Anti-Doping Rules identified in Article 5.7.2 of these ISU Anti-Doping Rules.

8.1.10 The IOC Anti-Doping Rules referenced in Article 5.7.2 above authorize implementation by the ISU of further consequences (beyond IOC Olympic disqualification) in the event of an IOC finding of an Anti-Doping violation by a person who is also within the jurisdiction of the ISU.

The ISU shall accept any final decision of the IOC or of the CAS Ad Hoc Arbitration finding an Anti-Doping Rule violation by a *Skater* or by *Skater Support Person* as binding and shall refer the IOC decision or Arbitration award in the case to the ISU Disciplinary Commission for the imposition of the applicable sanctions provided in these Rules for such violation.

8.2 Hearings Arising Out of National *Testing*

8.2.1 When it appears, following the results management process described in Article 7, that these ISU Anti-Doping Rules have been violated in connection with *Testing* other than in connection with *WADA Testing*, ISU *Testing* or *Testing* at an *International Event*, the *Skater* or other *Person* involved shall be brought before a disciplinary panel of the *Skater* or other *Person's Member* for a hearing to adjudicate whether

a violation of these ISU Anti-Doping Rules occurred and if so what *Consequences* should be imposed.

8.2.2 Hearings pursuant to Article 8.2 shall be completed expeditiously and in all cases within three months of the completion of the results management process described in Article 7. Hearings held in connection with *Events* may be conducted by an expedited process. If the completion of the hearing is delayed beyond three months, the ISU President may elect to bring the case directly before the ISU Disciplinary Commission at the responsibility and at the expense of the *Member*.

8.2.3 *Members* shall keep the ISU and *WADA* apprised as to the status of pending cases and the results of all hearings.

8.2.4 The ISU and *WADA* shall have the right to attend hearings as an observer.

8.2.5 The *Skater* or other *Person* may forego a hearing by acknowledging the violation of these ISU Anti-Doping Rules and accepting *Consequences* consistent with Articles 9 and 10 as proposed by the *Member*. The right to a hearing may be waived either expressly or by the *Skater*'s or other *Person*'s failure to challenge the ISU's assertion that an Anti-Doping Rule violation has occurred within 15 days from receipt of notification of the positive A *Sample* or other apparent violation. Where no hearing occurs, the *Member* shall submit to the persons described in Article 13.2.3 a reasoned decision explaining the action taken.

8.2.6 Decisions by *Members*, whether as the result of a hearing or the *Skater* or other *Person's* acceptance of *Consequences*, may be appealed as provided in Article 13.

8.2.7 Hearing decisions by the *Member* shall not be subject to further administrative review at the national level except as provided in Article 13 or required by applicable national law.

8.3 Principles for a Fair Hearing

All hearings pursuant to either Article 8.1 or 8.2 shall respect the following principles:

- A timely hearing;
- Fair and impartial hearing panel;
- The right to be represented by counsel at the *Person*'s own expense;
- The right to be informed in a fair and timely manner of the asserted ISU Doping Rule violation;
- The right to respond to the asserted Anti-Doping Rule violation and resulting *Consequences*;
- The right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone, written submission or video conference);
- The *Person*'s right to an interpreter at the hearing, with the hearing panel to determine the identity, and the responsibility for the cost of the interpreter; and

- A timely, written, reasoned decision specifically including an explanation of the reason(s) for any period of *Ineligibility*.

ARTICLE 9 - Automatic *Disqualification* of Individual Results

A violation of these ISU Anti-Doping Rules 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 a Skater wins a gold medal with a Prohibited Substance in his or her system, that is unfair to the other Skaters in that Competition regardless of whether the gold medalist was at fault in any way. Only a "clean" Skater should be allowed to benefit from his or her competitive results.
For Team Sports, see Article 11 (Consequences to Teams).
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 ISU rules.]

ARTICLE 10 - Sanctions on Individuals

10.1 *Disqualification* of Results in an *Event* during which an *Anti-Doping Rule* Violation occurs

An Anti-Doping rule violation occurring during or in connection with an *Event* may upon the decision of the ISU Disciplinary Commission, lead to *Disqualification* of all of the *Skater's* results obtained in that *Event*, whether in an individual *Competition* or in a *Competition* in which the *Skater* actually competed as a member of a *Team*, and whether such results were obtained prior to or subsequent to the detected violation, and whether or not there is proof of doping violations specific to all such results, 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 Skater tested positive, this Article may lead to Disqualification of all results in all races during the Event. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Skater's anti-doping rule violation and whether the Skater tested negative in the other Competitions.]

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

10.1.2 If any *Skater* commits a violation of these ISU Anti-Doping Rules (such as failing to attend Doping Control after notification or manipulating a urine sample) during a *Competition* which is part of an *Event*, the *Skater* shall not be permitted to compete in any subsequent part of that *Competition* or in any other *Competition* in that *Event.* Such decision shall be made, in the case of ISU *Events*, by the ISU Representative or Technical Delegate, and in the case of other *Events*, by the ruling body of such *Event*.

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

The period of *Ineligibility* imposed for a 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 as follows, 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 in Article 10.6, are met:

First violation: Two years' *Ineligibility*.

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

The period of *Ineligibility* for violations of these ISU Anti-Doping Rules 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 *Ineligibility* period shall be two (2) years unless the conditions provided in Article 10.5, or the conditions provided in Article 10.6, are met.

For violations of Article 2.3.1 (leaving the ice rink prior to notification of doping control testing, but complying with testing on recall), the sanctions set forth in Article 10.4 shall apply.

10.3.2 For violations of Article 2.7 (*Trafficking*) or Article 2.8 (Administration of *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 provided 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 *Skater Support Personnel* for violations other than Specified *Substances* referenced in Article 4.2.2, shall result in lifetime *Ineligibility* for such *Skater Support Personnel*.

In addition, significant violations of such Articles which 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 violations of Article 2.4 (Filing Failures and/or Missed *Tests*), the period of *Ineligibility* shall be at a minimum one (1) year and at a maximum two (2) years based on the *Skater*'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.]

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

Where a *Skater* 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 *Skater*'s sport performance or mask

the use of a performance-enhancing substance, the period of *Ineligibility* found in Article 10.2 shall be replaced with the following:

First violation: At a minimum, a reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, two (2) years' *Ineligibility*.

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

[Comment to Article 10.4: Specified Substances as now defined in Article 4.2.2 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 a Skater in competition); for that reason, a Skater 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 panel is comfortably satisfied by the objective circumstances of the case that the Skater in taking 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 panel 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 Skater; the Skater'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 Skater 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 panel, the Skater may establish how the Specified Substance entered the body by a balance of probability. In assessing the Skater's or other Person's degree of fault, the circumstances considered must be specific and relevant to explain the Skater's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that a Skater would lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Skater 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* Based on Exceptional Circumstances

10.5.1 *No Fault* or *Negligence*

If a *Skater* 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 a *Skater's Sample* in violation of Article 2.1 (presence of *Prohibited Substance*), the *Skater* 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 Article10.7.

10.5.2 *No Significant Fault* or *Negligence*

If a *Skater* or other *Person* establishes in an individual case that he or she bears *No Significant Fault or Negligence*, then the 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 section may be no less than 8 years.

When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in a *Skater's Sample* in violation of Article 2.1 (Presence of *Prohibited Substance or its Metabolites or Markers*), the *Skater* 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 ISU's Anti-Doping Rules provide for the possible reduction or elimination of the period of Ineligibility in the unique circumstance where the Skater 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 Skater 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 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 a Skater 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 (Skaters 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 Skater's personal physician or trainer without disclosure to the Skater (Skaters 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 Skater's food or drink by a spouse, coach or other person within the Skater's circle of associates (Skaters 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. (E.g. reduction may well be appropriate in illustration (a) if the Skater 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 Skater exercised care in not taking other nutritional supplements.)

For purposes of assessing the Skater 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 Skater or other Person's departure from the expected standard of behavior. Thus, for example the fact that an Skater would lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Skater 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 Skater 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 Skater or other Person's degree of fault for purposes of establishing the applicable period of Ineligibility.]

10.5.3 <u>*Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations</u>

The ISU Disciplinary Commission may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Skater* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in the ISU Disciplinary Commission discovering or establishing an Anti-Doping rule violation by another *Person* or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of

professional rules by another *Person*. After a final appellate decision under Article 13 or the expiration of time to appeal, the ISU Disciplinary Commission may only suspend a part of the applicable period of *Ineligibility* with the approval of *WADA*. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the Anti-Doping Rule violation committed by the *Skater* or other *Person* and the significance of the *Substantial Assistance* provided by the *Skater* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than 8 years. If the ISU Disciplinary Commission suspends any part of the period of *Ineligibility* under this Article, it shall promptly provide a written justification for its decision to each *Anti-Doping Organization* having a right to appeal the decision.

If the ISU Disciplinary Commission subsequently reinstates any part of the suspended period of *Ineligibility* because the *Skater* or other *Person* has failed to provide the *Substantial Assistance* which was anticipated, the *Skater* or other *Person* may appeal the reinstatement pursuant to Article 13.2.

[Comment to Article 10.5.3: The cooperation of Skaters, Skater Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.

Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving Trafficking under Article 2.7 or administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectible in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the period of Ineligibility may be suspended.

If the Skater or other Person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Skater or other Person's waiver of a hearing under Article 8.3 (Waiver of Hearing), ISU shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. If the Skater or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing under Article 8 on the anti-doping rule violation, the hearing panel shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article at the same time the hearing panel decides whether the Skater or other Person has committed an anti-doping rule violation. If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense. If the Skater or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the Skater or other Person is still serving the period of Ineligibility, the Skater or other Person may apply to ISU to consider a suspension in the period of Ineligibility under this Article. Any such suspension of the period of Ineligibility shall require the approval of WADA. If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, ISU shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by ISU under this Article may be appealed pursuant Article 13.2.

This is the only circumstance under ISU's Anti-Doping Rules where the suspension of an otherwise applicable period of Ineligibility is authorized.]

10.5.4 <u>Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence</u>

Where a *Skater* or other *Person* voluntarily admits the commission of an Anti-Doping Rule violation before having received notice of a

Sample collection which could establish an Anti-Doping Rule violation (or, in the case of an Anti-Doping Rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

[Comment to Article 10.5.4: This Article is intended to apply when a Skater 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 Skater or other Person knows he or she is about to be caught.]

10.5.5 Where a *Skater* or Other *Person* Establishes Entitlement to Reduction in Sanction under More than One Provision of this Article

Before applying any reductions 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 *Skater* 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 panel 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 panel establishes whether there is a basis for elimination or reduction of the sanction (Articles 10.5.1 through 10.5.4). Note, however, not all grounds for 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 panel, under Articles 10.3.3 and 10.4, will already have determined the period of Ineligibility based on the Skater or other Person's degree of fault. In a third step, the hearing panel determines under Article 10.5.5 whether the Skater or other Person is entitled to a reduction under more than one provision of Article 10.5. Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.9. Examples of the proper sequence of analysis may be found in the Code.]

10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

If the ISU Disciplinary Commission decides in an individual case involving an Anti-Doping Rule violation other than violations under Article 2.7 (Trafficking) and 2.8 (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 years unless the *Skater* or other *Person* can prove to the comfortable satisfaction of the hearing panel that he did not knowingly violate the Anti-Doping Rule (For examples of aggravating circumstances see WADA Comments to Article 10.6 in the World Anti-Doping Code Article).

A *Skater* or other *Person* can avoid the application of this Article by admitting the Anti-Doping Rule violation as asserted promptly, but at the latest before the deadline for the *Skater* or other *Person* to file a Statement of Reply with the ISU Disciplinary Commission, after being confronted with the alleged Anti-Doping Rule violation by the ISU.

[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 Skater 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 Skater 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 Skater 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 Article 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 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 a *Skater* 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 *Skater*.

St (Standard sanction under Article 10.2 or 10.3.1): The Anti-Doping Rule violation was or should be sanctioned by the standard sanction of two years under Article 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* and Administration): The Anti-Doping Rule violation was or should be sanctioned by a sanction under Article 10.3.2 for *Trafficking* or Administration.

[Comment to Article 10.7.1: The table is applied by locating the Skater 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 Skater 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 Skater 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 25.4 with respect to application of Article 10.7.1 to pre-Code anti-doping rule violations.]

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

Where a *Skater* 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 panel 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 A 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 years to life ban.

10.7.4 Additional Rules for Certain Potential Multiple Violations

For purposes of imposing sanctions under Article10.7, an Anti-Doping rule violation will only be considered a second violation if the ISU (or its *Member)* can establish that the *Skater* or other *Person* committed the second Anti-Doping rule violation after the *Skater* or other *Person* received notice pursuant to Article 7 (Results Management), or after the ISU (or its *Member*) made reasonable efforts to give notice, of the first Anti-Doping rule violation; if the ISU (or its *Member*) 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).

If, after the resolution of a first Anti-Doping Rule violation, the ISU Disciplinary Commission discovers facts involving an Anti-Doping Rule violation by the *Skater* or other *Person* which occurred prior to notification regarding the first violation, then the ISU Disciplinary Commission 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 *Skater* 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 ISU Disciplinary Commission 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, a Skater commits an anti-doping rule violation on January 1, 2008 which the ISU does not discover until December 1, 2008. In the meantime, the Skater commits another anti-doping rule violation on March 1, 2008 and the Skater is notified of this violation by ISU on March 30, 2008 and a hearing panel rules on June 30, 2008 that the Skater committed the March 1, 2008 anti-doping rule violation. The later-discovered violation which occurred on January 1, 2008 will provide the basis for Aggravating Circumstances because the Skater did not voluntarily admit the violation in a timely basis after the Skater received notification of the later violation on March 30, 2008.]

10.7.5 Multiple Anti-Doping Rule Violations during and Eight- Year Period

For purposes of Article 10.7, each Anti-Doping Rule violation must take place within the same eight (8) year period in order to be considered multiple violations.

10.8 *Disqualification* of Results in *Competitions* and *Events* 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), and any *Disqualification* of results in the *Event* pursuant to Article 10.1 (*Disqualification* of Results in an *Event* during which an *Anti-Doping Rule* Violation occurs), 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 *Skater* must first repay all prize money forfeited under this Article.

10.8.2 Allocation of Forfeited Prize Money

Forfeited prize money shall be reallocated to other *Skaters*.

[Comment to Article 10.8.2: Nothing in the ISU's Anti-Doping Rules precludes clean Skaters 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 of the Hearing Panel 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* to be served.

10.9.1 Delays not Attributable to the *Skater* or Other *Person*

Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the *Skater* or other *Person*, the ISU Disciplinary Commission or *Anti-Doping Organization* 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 *Skater* promptly (which, in all events, means before the *Skater* competes again) admits the Anti-Doping Rule violation after being confronted with the alleged Anti-Doping Rule violation by the ISU, 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 *Skater* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Skater* 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 *Skater*, then the *Skater* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed.

10.9.4 If a *Skater* voluntarily accepts a *Provisional Suspension* in writing from the ISU and thereafter refrains from competing, the *Skater* 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 *Skater*'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 14.1.

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

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 *Skater* 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 Skater, timely admission by the Skater and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the hearing decision.]

10.10 Status During *Ineligibility*

10.10.1 Prohibition against Participation during Ineligibility

No *Skater* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in an *Event* or activity (other than authorized Anti-Doping education or rehabilitation programs) authorized or organized by the ISU or any *Member* or a club or other member organization of any *Member*, or in *Competitions* authorized

or organized by any professional league or any international or national level *Event* organization.

A *Skater* 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 sports subject to the jurisdictions of the ISU and its *Members*, but only so long as the local sport event is not at a level that could otherwise qualify such *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*.

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

[Comment to Article 10.10.1: For example, an ineligible Skater cannot participate in a training camp, exhibition or practice organized by his or her Member or a club which is a member of that Member. Further, an ineligible Skater may not compete in 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).]

10.10.2 Violation of the Prohibition of Participation during Ineligibility

Where a *Skater* 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 *Skater* or other *Person* establishes he or she bears *No Significant Fault or Negligence* for violating the prohibition against participation. The determination of whether a *Skater* 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 ISU Disciplinary Commission.

[Comment to Article 10.10.2: If a Skater or other Person is alleged to have violated the prohibition against participation during a period of Ineligibility, ISU shall determine whether the Skater violated the prohibition and, if so, whether the Skater or other Person has established grounds for a reduction in the restarted period of Ineligibility under Article 10.5.2. Decisions rendered by ISU under this Article may be appealed pursuant to Article 13.2.

Where a Skater Support Personnel or other Person substantially assists a Skater in violating the prohibition against participation during Ineligibility, the ISU 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 the ISU and its *Members*.

10.11 Reinstatement *Testing*

10.11.1 As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, a *Skater* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by the ISU, the applicable *Member*, and any other *Anti-Doping Organization* having *Testing* jurisdiction, and must comply with the whereabouts requirements of Article 11 of the *International Standard* for Testing. In addition, immediately prior to the end of the period of

Ineligibility, a *Skater* must undergo *Testing* by the ISU for the *Prohibited Substance*s and *Methods* that are prohibited in *Out-of-Competition Testing*. Once the period of a *Skater*'s *Ineligibility* has expired, and the *Skater* has fulfilled the conditions of reinstatement, then the *Skater* will become automatically re-eligible and no application by the *Skater* or by the *Skater's Member* will then be necessary.

If a *Skater* subject to a period of *Ineligibility* retires from sport and is removed from *Out-of-Competition Registered Testing Pools* and later seeks reinstatement, the *Skater* shall not be eligible for reinstatement until the *Skater* has notified the ISU and the applicable *Member* and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of a) the period set forth in Article 5.6 or b) the period of *Ineligibility* remaining as of the date the *Skater* had retired. During such remaining period of *Ineligibility*, a minimum of two tests must be conducted on the *Skater* with at least three months between each test. The *Member* shall be responsible for conducting the necessary tests, but tests by any *Anti-Doping Organization* may be used to satisfy the requirement. The results of such tests shall be reported to the ISU.

10.11.2 In the case a *Skater* is suspended for an ISU Anti-Doping violation and after compliance with the previous Article (10.11.1) enters again ISU sanctioned *Events*, such *Skater*s shall be subject to ISU Anti-Doping *Testing* on the occasion of at least the three initial *Competitions or Events* in which he/she enters and participates following his/her competitive return after a sanction. It is the responsibility of the *Skater* and the *Member* to ensure that such Anti-Doping *Testing* is performed on the occasion of the three relevant *Competitions or Events* and the expenses related to such *Testing* will be for the *Member*'s account. Failure to comply may result in sanctions to the *Skater* and the *Member*.

10.11.3. *Skater*s suspended or ineligible in other sports because of Anti-Doping Rule violations shall be deemed to be suspended or ineligible as to all ISU sanctioned *Events* and activities for an equal period of time. In the case that the suspension or ineligibility has been imposed in a sport that has not accepted the *Code*, the ISU Council, in its absolute discretion, may modify any such suspension or ban upon petition of a *Member*, if fairness so requires.

10.11.4 Sanctions: The term "Ineligibility" as used in these Rules should be understood to mean suspension of activity and not ineligibility as used in Rule 102 and 103 of the ISU General Regulations)

10.12 <u>Imposition of Financial Sanctions</u>

The ISU Disciplinary Commission may 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. Such financial sanction, if imposed, shall be in addition to sanction otherwise applicable under the Code.

ARTICLE 11 - *Consequences* To Teams

11.1 If any competing (not substitute) member of a *Team*, is found to have committed a violation of these ISU Anti-Doping Rules during a *Competition* for *Team Discipline Skaters*, the *Team* shall be *Disqualified* from that *Competition* and any *Skater* who is found to have committed an ISU Anti-Doping violation in that *Competition* shall be sanctioned individually according to these ISU Anti-Doping Rules.

11.2 If any competing (not substitute) *Skater* on a *Team* which has already competed, committed a violation of these ISU Anti-Doping Rules during a prior *Competition* (or any part thereof) of the same *Event*, whether for individual *Skaters* or for *Team Discipline Skaters*, the *Skater's* result and the *Team's* result shall be *Disqualified* and the *Team* shall not be permitted to compete in any subsequent part of that *Competition* and if any such subsequent part of that *Competition* has taken place, all results of that team in such *Competition* are *Disqualified*, regardless of whether the *Skater* who committed the violation participated in such subsequent part of the *Competition* or not.

11.3 Results that are achieved in an individual (non-*Team*) *Competition* in the *Event* by *Team* members not found to have committed an Anti-Doping violation during the *Event*, whether such results are prior to or subsequent to the violation committed by their *Team* members, shall not be *Disqualified*.

11.4 Article 10.8 applies to the subsequent results of *Team*s in which the *Skater* who committed a violation of the Anti-Doping Rules competed as a member of the *Team*.

11.5 Where more than one team member in a *Team Discipline* has been notified of a possible Anti-Doping Rule violation under Article 7 in connection with an *Event*, the *Team* shall be subject to *Target Testing* for the *Event*.

ARTICLE 12 - Sanctions and Costs Assessed Against *Members*

12.1 The ISU Council has the authority to withhold some or all funding or other non financial support to *Members* that are not in compliance with these ISU Anti-Doping Rules.

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

12.3 The ISU Council may elect to take additional disciplinary action against *Member*s with respect to recognition, the eligibility of its officials and *Skater*s to participate in *International Event*s and fines based on the following:

12.3.1 If four or more violations of these ISU Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed by *Skaters* or other *Persons* affiliated with a *Member*, within a 12-month period, in *Testing* conducted by the ISU or *Anti-Doping Organizations* other than

the *Member* or its *National Anti-Doping Organization* then the Council may, at its discretion elect to:

a) Withdraw some or all ISU membership rights, including participation in all ISU *Events*, voting rights at the ISU Congress, ban all officials from that *Member* for participation in any ISU activities for a period of up to two years;
b) Cancel the organization of future ISU *Events* in that country in the disciplines concerned;
c) Withdraw some or all ISU funding to the *Member*. (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

12.3.1.1 If four or more violations of these ISU Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed in addition to the violations described in Article 12.3.1 by *Skaters* or other *Persons* affiliated with a *Member*, within a 12-month period, in *Testing* conducted by the ISU or *Anti-Doping Organization*s other than the *Member* or its *National Anti-Doping Organization*, then the ISU Council may suspend that *Member's* membership for a period of up to 4 years.

12.3.2 If more than one *Skater* or other *Person* from a *Member* commits an Anti-Doping rule violation during an *International Event* then the ISU Council may fine that *Member* in an amount of up to CHF 50,000.

12.3.3 If a *Member* has failed to make diligent efforts to keep the ISU informed about a *Skater's* whereabouts after receiving a request for that information from the ISU then the ISU Council may fine the *Member* in an amount of up to CHF 1,000 per *Skater* in addition to all of the ISU costs incurred in *Testing* that *Member's Skaters*.

ARTICLE 13 – Appeals

13.1 Decisions Subject to Appeal

Decisions made under these ISU Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.4 or as otherwise provided in these Anti-Doping Rules. 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 these Rules must be exhausted (except as provided in Article 13.1.1). Decisions made under International Olympic Committee (IOC) Anti-Doping Rules in effect for the Olympic Winter Games may be appealed as provided by such IOC Rules.

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 ISU or its *Member*'s process, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies in the ISU or its *Member*'s process.

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

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

A decision that an Anti-Doping rule violation was committed, a decision imposing *Consequences* for an Anti-Doping rule violation, or a decision that no Anti-Doping rule violation was committed; a decision that an Anti-Doping Rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.10.2 (prohibition of participation during *Ineligibility*); a decision that the ISU or its *Member* lacks jurisdiction to rule on an alleged Anti-Doping rule violation or its *Consequences*; a decision by any *Member* 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* as a result of a *Provisional Hearing* or otherwise in violation of Article 7.4 may be appealed exclusively as provided in this Article 13.2. Notwithstanding any other provision herein, the only *Person* that may appeal from a *Provisional Suspension* is the *Skater* or other *Person* upon whom the *Provisional Suspension* is imposed.

13.2.1 Appeals Involving International-Level Skaters

In cases arising from an *International Event* or in cases involving *International-Level Skaters*, the decision of the ISU Disciplinary Commission may be appealed exclusively to CAS in accordance with the provisions applicable before such court. The International Olympic Committee (IOC) Anti-Doping Rules in effect for the Olympic Winter Games shall govern appeals from decisions made under such IOC Rules.

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

13.2.2 Appeals Involving National Level Skaters

In cases involving *Skaters* that do not have a right to appeal under Article 13.2.1, each *Member* shall have in place an appeal procedure that respects the following principles: a timely hearing, a fair and impartial hearing panel; the right to be represented by a counsel at the person's expense; and a timely, written, reasoned decision. The *Member* may alternatively elect to give its national level *Skater*s the right to appeal directly to CAS. The ISUs rights of appeal with respect to these cases are set forth in Article 13.2.3 below.

13.2.3 Persons Entitled to Appeal

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS:

a) The *Skater* or other *Person* who is the subject of the decision being appealed;
b) The other party to the case in which the decision was rendered;
c) The ISU and any other *Anti-Doping Organization* under whose rules a sanction could have been imposed;
d) The International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Winter Games or Paralympic Games, including decisions affecting eligibility for the Olympic Winter Games or Paralympic Games;

e) *WADA*.

In cases under Article 13.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the *Member's* rules but, at a minimum, shall include the following parties:

a) The *Skater* or other *Person* who is the subject of the decision being appealed;
b) The other party to the case in which the decision was rendered;
c) The ISU;
d) *WADA*.

For cases under Article 13.2.2, *WADA* and the ISU shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body.

13.3 Failure to Render a Timely Decision by the ISU and its *Members*

Where, in a particular case, the ISU or its *Members* fail 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 ISU or its *Members* had rendered a decision finding no Anti-Doping Rule violation. If the *CAS* panel determines that an Anti-Doping Rule violation was committed and that *WADA* acted reasonably in electing to appeal directly to *CAS*, then *WADA*'s reasonably expended costs and attorneys' fees in prosecuting the appeal shall be reimbursed to *WADA* by the ISU or its *Members*. As between the ISU and its Members, the party responsible for the failure to render such decision shall be responsible to reimburse WADA.

[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 the ISU to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the ISU and give the ISU an opportunity to explain why it has not yet rendered a decision. Nothing in this rule prohibits the ISU from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its Members has been inappropriately delayed.]

13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

Decisions by *WADA* reversing the granting or denial of a TUE may be appealed exclusively to CAS by the *Skater*, the ISU, or a *National Anti-Doping Organization* or other body designated by a *Member* which granted or denied the exemption. Decisions to deny TUEs, and which are not reversed by *WADA*, may be appealed by *International-Level Skaters* to CAS and by other *Skaters* to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a TUE, that decision may be appealed to CAS by *WADA*.

When the ISU, *National Anti-Doping Organizations* or other bodies designated by *Members* fail to take action on a properly submitted Therapeutic Use Exemption application within a reasonable time, their failure to decide may be considered a denial for purposes of the appeal rights provided in this Article.

13.5 Appeal from Decisions Pursuant to Article 12

Decisions by the ISU pursuant to Article 12 may be appealed to CAS by the *Member*.

13.6 Time for Filing Appeals

The time to file an appeal to CAS shall be twenty-one days from the date of receipt of the respective 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:

a) Within ten 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;
b) If such a request is made within the ten-day period, then the party making such request shall have twenty-one days from receipt of the file to file an appeal to CAS.

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

(a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or
(b) Twenty-one (21) days after *WADA*'s receipt of the complete file relating to the decision.

13.7 Article 13.6 also applies in full to any appeal by the ISU to the national review body against the decision of the Member-designated hearing panel deciding an Anti-Doping violation under Article 7.4 and to appeals by the ISU to CAS against decisions of such national review body.

ARTICLE 14 - *Members* Incorporation of ISU Rules, Reporting and Recognition

14.1 Incorporation of ISU Anti-Doping Rules

All *Members* shall comply with these ISU Anti-Doping Rules. These ISU Anti-Doping Rules shall also be incorporated either directly or by reference into each *Member's* Rules. All *Members* shall include in their Rules the procedural rules necessary to effectively implement these ISU Anti-Doping Rules. Each *Member* shall specifically provide that all *Skaters, Skater Support Personnel* and other *Persons* under the jurisdiction of the *Member* shall be bound by the ISU Anti-Doping Rules.

14.2 Statistical Reporting

14.2.1 *Members* shall report to the ISU at the end of every skating season (May 30) results of all the positive *Anti-Doping Tests* within their jurisdiction sorted by *Skater* and identifying each date on which the *Skater* was tested, the entity conducting the test, and whether the test was *In-Competition* or *Out-of-Competition*. The ISU may periodically publish *Testing* data received from *Members* as well as comparable data from *Testing* under the ISU's jurisdiction.

14.2.2. The ISU shall publish annually a general statistical report of its Doping Control activities during the previous season with a copy provided to WADA.

14.3 *Doping Control* Information Clearinghouse

When a *Member* has received an *Adverse Analytical Finding* on one of its *Skaters* it shall report the following information to the ISU and *WADA* within fourteen days of the process described in Article 7.1.2 and 7.1.3:

- The *Skater's* name, country, sport and discipline within the sport;
- Whether the test was *In-Competition* or *Out-of-Competition;*
- The date of *Sample* collection and the *Adverse Analytical Finding* reported by the laboratory.

The *Member* shall also regularly update the ISU and *WADA* on the status and findings of any review or proceedings conducted pursuant to Article 7 *(Results Management)*, Article 8 *(Right to a Fair Hearing)* or Article 13 *(Appeals)*, and comparable information shall be provided to the ISU and *WADA* within fourteen days of the notification described in Article 7.1.9, with respect to other violations of these ISU Anti-Doping Rules.

In any case in which the period of *Ineligibility* is eliminated under Article 10.5.1 (*No Fault or Negligence)* or reduced under Article 10.5.2 *(No Significant Fault or Negligence)*, the ISU and *WADA* shall be provided with a written reasoned decision explaining the basis for the elimination or reduction. Neither the ISU nor *WADA* shall disclose this information beyond those persons within their organisations with a need to know until the *Member* has made a *Public Disclosure* or has failed to make a *Public Disclosure* as required in Article 14.4 below.

14.4 *Public Disclosure*

14.4.1 Neither the ISU nor its *Member* shall publicly identify *Skaters* whose *Samples* have resulted in *Adverse Analytical Findings*, or who were alleged to have violated other Articles of these ISU Anti-Doping Rules until 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 or the *Skater* has been *Provisionally Suspended*.

Once a violation of these ISU Anti-Doping Rules has been established, it shall be *Publicly Reported* within 20 days. The ISU or its *Member* must also report within 20 days appeal decisions on an Anti-Doping Rule violation. The ISU or its *Member* shall also, within the time period for publication, send all hearing and appeal decisions to *WADA*.

Public Disclosure of violations detected at the Olympic Winter Games shall be governed by the International Olympic Committee Anti-Doping Rules in effect during such Games.

14.4.2 In any case where it is determined, after a hearing or appeal, that the *Skater* or other *Person* did not commit an Anti-Doping Rule violation, the decision may be disclosed publicly only with the consent of the *Skater* or other *Person* who is the subject of the decision. The ISU or its *Member* 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 *Skater* or other *Person* may approve.

14.4.3 Neither the ISU nor its *Member* or *WADA* accredited laboratory, 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 *Skater*, other *Person* or their representatives.

14.5 Recognition of Decisions by the ISU and *Member*s
Any decision of the ISU or a *Member* regarding a violation of these Anti-Doping Rules shall be recognized by all *Members*, which shall take all necessary action to render such results effective.

ARTICLE 15 - Recognition of Decisions by Other Organizations

Subject to the right to appeal provided in Article 13, the *Testing*, TUEs and hearing results or other final adjudications of any *Signatory* to the *Code* which are consistent with the *Code* and are within the *Signatory's* authority, shall be recognized and respected by the ISU and its *Members*. The ISU and its *Members* may recognize the same actions of other bodies which have not accepted the *Code* if the Rules of those bodies are otherwise consistent with the *Code*.

ARTICLE 16 - Statute of Limitations

No action may be commenced under these ISU Anti-Doping Rules against a *Skater* or other *Person* for a violation of an ISU Anti-Doping Rule contained in these ISU Anti-Doping Rules unless such action is commenced within eight years from the date the violation occurred.

ARTICLE 17 - ISU COMPLIANCE REPORTS TO *WADA*

The ISU will report to *WADA* on the ISU's compliance with the *Code* every second year and shall explain reasons for any noncompliance.

ARTICLE 18 - Amendment and Interpretation of Anti-Doping Rules

18.1 These ISU Anti-Doping Rules may be amended from time to time by the ISU Council.

18.2 Except as provided in Article 18.5, these ISU Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

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

18.4 The 'Introduction' and the 'Appendix I – Definitions' shall be considered integral parts of these Anti-Doping Rules.

18.5 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The comments annotating various provisions

of the *Code* may, where applicable, assist in the understanding and interpretation of these Anti-Doping Rules. The International Olympic Committee (IOC) Anti-Doping Rules in effect during the Olympic Winter Games shall supersede the ISU Anti-Doping Code for the period and to the extent specified in such IOC Rules.

18.6 Notice to a *Skater* or other *Person* who is a member of a *Member* may be accomplished by delivery of the notice to the *Member*.

18.7 These ISU Anti-Doping Rules shall come into full force and effect on 1 January 2009 (the "Effective Date"). They shall not apply retrospectively to matters pending before the Effective Date; provided, however, that:

18.7.1 Any case pending prior to the Effective Date, or brought after the Effective Date based on an ISU Anti-Doping Rule violation that occurred prior to the Effective Date, shall be governed by the predecessor to these Anti-Doping Rules in force at the time of the Anti-Doping rule violation, subject to any application of the principle of lex mitior by the hearing panel determining the case.

18.7.2 Any Article 2.4 whereabouts violation (whether a filing failure or a missed test) declared by the ISU under rules in force prior to the Effective Date that has not expired prior to the Effective Date and that would qualify as a whereabouts violation under Article 11 of the *International Standard* for *Testing* shall be carried forward and may be relied upon, prior to expiry, as one of the three Filing Failures and/or Missed Tests giving rise to an Anti-Doping rule violation under Article 2.4 of these Anti-Doping Rules. Unless otherwise stated by the ISU, however:

a. a filing failure that is carried forward in this manner may only be combined with (post-Effective Date) Filing Failures;
b. a missed test that is carried forward in this manner may only be combined with (post-Effective Date) Missed Tests; and
c. a filing failure or missed test declared by any Anti-Doping Organization other than the ISU prior to the Effective Date may not be combined with any Filing Failure or Missed Test declared under these Anti-Doping Rules.

18.7.3 Where a period of *Ineligibility* imposed by the ISU under rules in force prior to the Effective Date has not yet expired as of the Effective Date, the *Person* who is *Ineligible* may apply to the ISU for a reduction in the period of *Ineligibility* in light of the amendments made to the *Code* as from the Effective Date. To be valid, such application must be made before the period of *Ineligibility* has expired.

18.7.4 Subject always to Article 10.7.5, Anti-Doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior offences for purposes of determining sanctions under Article 10.7. Where such pre-Effective Date Anti-Doping rule violation involved a substance that would be treated as a Specified Substance under these Anti-Doping Rules, for which a period of *Ineligibility* of less than two years was imposed, such violation shall be considered a Reduced Sanction violation for purposes of Article 10.7.1.

ARTICLE 19 - Various

19.1 Written confirmation is required in advance that the Organizing Committee acknowledges that they have read and understood these ISU Anti-Doping Rules, and the Memorandum for guidance in holding ISU Championships and *Events* of the respective discipline and will comply.

19.2 In any case where the above Rules do not apply or suffice, the ISU Representative is authorized to take a decision in consultation with the ISU President or, if the President is unavailable, with the Medical Advisor from the ISU Medical Commission or, if that Medical Advisor is unavailable, with the Chief Doping Control Officer.

19.3 Persons participating in Anti-Doping tests or blood tests shall not make any statement regarding specific procedures or results to the media without authorization by the ISU.

19.4 The Versapak and Bereg systems are approved by the ISU for use for *Testing* at ISU *Events* and other *International Events*. The ISU Medical Advisor or ISU Representative must approve alternative systems in advance and in writing.

19.5 If *WADA* produces and publishes a revised *List of Prohibited Substances and Methods* and the ISU Medical Commission question the propriety of any substances added to the revised list, the ISU Council may submit the issue to *WADA* for final decision. In such case, the ISU Council shall also submit the medical and scientific basis for the questions raised by the ISU Medical Commission.

Milan, October 10, 2012 — **Ottavio Cinquanta**, President

Lausanne, — **Fredi Schmid**, Director General

APPENDIX 1 - DEFINITIONS

Adverse Analytical Finding. A report from a laboratory or other approved *Testing* entity that 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*.

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

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.

Code. The World Anti-Doping *Code*.

Competition. A single skating competition or race, regardless of how many segments, heats or qualifying rounds it consists of, provided that it leads to one final result. The skaters competing in such *Competition* may be competing as individuals or as members of a *Team.*

Consequences of Anti-Doping rules Violations. A *Skater's* or other *Person's* violation of an ISU Anti-Doping Rule may result in one or more of the following: (a) *Disqualification* means the *Skater'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 *Skater* or other *Person* is barred for a specified period of time from participating in any *Competition*, *Event* or other ISU activity or funding as provided in Article 10.9; and (c) *Provisional Suspension* means the *Skater* or other *Person* is barred temporarily from participating in any *Competition* or *Event* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

Disqualification. See *Consequences of Anti-Doping Rules Violations* above.

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

Endogenous. A substance which is capable of being produced by, or originating within the body naturally.

Event. A series of individual *Competitions* conducted together over a limited period of time at the same venue under one ruling body (e.g., the Olympic Winter Games, ISU Championships). The ISU World Cup, the ISU Grand Prix, and any other ISU series of individual competitive meetings established or sanctioned by the ISU Council to conduct *Competitions*, are not included within this definition of *Event*, although an individual competitive meeting might be an *Event* by itself, and each separate meeting and *Competition* of the series shall be fully subject to all ISU Anti-Doping Rules and Procedures, from the first scheduled activity of the meeting through the last scheduled activity.

(The definition of the term "*Event*" above is made for the purpose of these ISU Anti-Doping Rules only and has no impact on the definition of the ISU Events in the ISU Constitution, General and Special Regulations.)

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

In-Competition. *In-Competition Doping Control* means *Doping Control* in connection with a specific Competition. An ISU sanctioned *Competition* or *Event* runs from 24 hours before the official draw and ends 12 hours after the end of the *Competition* or *Event* (last race/program/exhibition). In the case of an *Event*, the above-mentioned period refers to the *Event* as a whole (not to the individual *Competition* skating schedules of the respective *Skater*s) and applies only for *Skater*s who are entered into the respective *Event or Competition*.

Independent Observer Program. 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.

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

Ineligibility. See *Consequences of Anti-Doping Rules Violations* above.

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

International-Level Skater. *Skaters* designated by the ISU as being within the *Registered Testing Pool* for the ISU. Also includes any Skater who is a member of an ISU Member and who participates in ISU International Events.

International Standard. A standard adopted by *WADA* in support of the *Code* (See Appendix 2). 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. *Internationa*l *Standards* shall include any Technical Documents issued pursuant to the *International Standard*.

ISU Member Federation (Member). A national entity which is a member of or is recognized by ISU as the entity governing the ISU's sport in that nation.

Major Event Organizations. The continental associations of *National Olympic Committee*s 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 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 Olympic Committee* or its designee.

National Event. A skating *Event* involving international or national-level *Skater*s that is not an *International Event*.

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

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

No Fault or Negligence. The *Skater'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.*

No Significant Fault or Negligence. The *Skater'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.

Out-of-Competition. Any *Doping Control* which is not *In-Competition.*

Participant. Any *Skater* or *Skater Support Personnel*.

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

Possession. The actual, physical possession, or the constructive possession (which shall be found only if the person has exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists); provided, however, that if the person does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive possession shall only be found if the person knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there shall be no Anti-Doping Rule violation based solely on possession if, prior to receiving notification of any kind that the *Person* has committed an Anti-Doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have possession and has renounced possession by explicitly declaring it to an *Anti-Doping Organization*.

Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes possession by the *Person* who makes the purchase.
[Comment: Under this definition, steroids found in a Skater's car would constitute a violation unless the Skater establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Skater did not have exclusive control over the car, the Skater knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of a Skater and spouse, the Anti-Doping Organization must establish that the Skater knew the steroids were in the cabinet and that the Skater intended to exercise control over the steroids.]

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

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

Prohibited Substance. Any Substance so described on the *Prohibited List*.

Provisional Hearing. For purposes of Article 7.6, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the *Skater* with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension. See *Consequences* above.

Public Disclosure. To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with Article 14.

Registered Testing Pool. The pool of top level *Skaters* established separately by each International Federation and *National Anti-Doping Organization* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or Organization's test distribution plan.

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

Signatories. Those entities signing the *Code* and agreeing to comply with the *Code*, including the International Olympic Committee, International Federations, International Paralympic Committee, *National Olympic Committee*s, National Paralympic Committees, *Major Event Organizations*, *National Anti-Doping Organizations*, and *WADA*.

Skater. Any *Person* who participates in sport at the international level (as defined by the ISU) or at 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 TUEs 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 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 2.8 (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 a *Skater*.

[Comment: This definition makes it clear that all international and national-caliber skaters 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 ISU 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 Skaters 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 control program beyond national-caliber skaters to competitors at lower levels of competition. Competitors at all levels of competition should receive the benefit of anti-doping information and education.]

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

Specified Substances. As defined in Article 4.2.2.

Substantial Assistance: 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 cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Tampering. Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly ; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring; or providing fraudulent information to an *Anti-Doping Organization*.

Target Testing. Selection of *Skaters* for *Testing* where specific *Skaters* or groups of *Skaters* are selected on a non-random basis for *Testing* at a specified time.

Team. Two or more skaters competing together in a *Team Discipline*.

Team Discipline. A skating discipline in which at least 2 skaters are participating at the same time. *Team Discipline* includes pairs in pair skating, dance couples in ice dancing, team in the ISU World Team Trophy, team pursuit in Speed Skating, relay in Short Track and Synchronized Skating. The result is a team result.

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

Trafficking. Selling, giving, transporting, sending, delivering or distributing a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by a *Skater*, *Skater 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.

TUE. As defined in Article 2.6.1.

TUE Panel. As defined in Article 4.4.3.

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

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

WADA. The World Anti-Doping Agency.

APPENDIX 2 – CONTACTS LIST

International Skating Union (ISU)
Chemin de Primerose 2
1007 Lausanne
Switzerland
Tel: +41 21 612 6666
Fax: +41 21 612 6677
Email: info@isu.ch
Website: www.isu.org

World Anti-Doping Agency (WADA)
800 Place Victoria – Suite 1700
P.O. Box 120, Montreal, QC
Canada H4Z 1B7
Tel: +1 514 904 9232
Fax: +1 514 904 8650
Email: info@wada-ama.org
Website: www.wada-ama.org

Court of Arbitration for Sport (CAS)
Avenue de Beaumont 2
CH-1012 Lausanne
Switzerland
Tel: +41 21 613 5000
Fax: +41 21 613 5001
Email: info@tas-cas.org
Website: www.tas-cas.org

International Olympic Committee (IOC)
Château de Vidy
1007 Lausanne
Switzerland
Tel: +41 21 621 6111
Fax : +41 21 621 6216
www.olympic.org

International Paralympic Committee
Adenauerallee 212-214
D-53113 Bonn
Germany
Tel: +49 228 2097 200
Fax: +49 228 2097 209
Email: info@paralympic.org
Websitse: www.paralympic.org

World Anti-Doping Code
The World Anti-Doping Code is a fundamental document intended to harmonize core anti-doping activities in order to protect athlete's rights to participate in doping free sport and to ensure coordinated and effective anti-doping programs worldwide.
Available at www.wada-ama.org

***International Standard* for Testing**
The *International Standard* for Testing is a mandatory *International Standard* designed to harmonize technical and operational aspects of in- and out-of-competition testing as part of the programs of Anti-Doping Organizations which are signatories of the World Anti-Doping Code.
The *Standard* is available at www.wada-ama.org

***International Standard* for Laboratories**
The *International Standard* for Laboratories is a mandatory *International Standard* designed to ensure the laboratory production of valid test results and data and to achieve harmonized results and reporting from all accredited Doping Control Laboratories.
The *Standard* is available at www.wada-ama.org

***International Standard* for Therapeutic Use Exemptions**
The *International Standard* for Therapeutic Use Exemptions is a mandatory *International Standard* developed to ensure that the process of granting therapeutic use exemptions is harmonized across sports and countries.
The *Standard* is available at www.wada-ama.org

List of Prohibited Substances and Methods
WADA implements an amended *List of Prohibited Substances and Methods* as of January of each year. The list is normally available on the WADA website at www.wada-ama.org in advance of its effective date. The ISU expects that all Members have internet access as part of their administration, however, internet access is available generally at libraries, commercial internet cafes and at the headquarters of each *Member*'s National Olympic Committee.
The current and any future versions of the *Prohibited List* published on the WADA website shall be applicable for all purposes during the time period for that new version as specified by WADA on its website, whether or not the ISU amends these Rules or furnishes a printed copy of the new version to *Members*.

IOC Anti-Doping Rules
IOC Anti-Doping Rules are available at: http://multimedia.olympic.org/pdf/en_report_1018.pdf