



ANTI-DOPING RULES

JANUARY 2010

INTRODUCTION

Preface

- (A) British Swimming Limited (a company limited by guarantee with registered number 4092510) (“British Swimming”) is a member federation of the Federation Internationale de Natation (“FINA”) and body responsible under the World Anti-Doping Agency Code (“the Code”) for regulating doping control in all the disciplines of the sport of swimming (namely speed swimming, open water swimming, diving, masters swimming, synchronised swimming and water polo) and its members are the Amateur Swimming Association - including the Isle of Man and the Channel Islands - (“ASA”), the Scottish Amateur Swimming Association (“SASA”) and the Welsh Amateur Swimming Association (“WASA”)
- (B) British Swimming shall within its jurisdiction be the body responsible for regulating maintaining and enforcing doping control in all the said disciplines of the sport of swimming (namely speed swimming, open water swimming, diving, masters swimming, synchronised swimming and water polo).
- (C) The purpose of the doping control programme of British Swimming, of which these Anti-Doping Rules form part, is to protect the health and rights of individuals through education and controlled doping tests. British Swimming considers doping to be contrary to the ethics of sport and in furtherance of the objectives of FINA the world governing body for the sport of swimming one of the objectives of British Swimming is to provide drug free sport.
- (D) These Anti-Doping Rules are adopted and implemented in conformance with British Swimming’s responsibilities to FINA under the FINA Doping Control Rules, and are in furtherance of FINA's continuing efforts to eradicate doping in the aquatic sports and in conformance with British Swimming’s responsibilities to the United Kingdom National Anti-Doping Agency (NADO) currently UK Sport.
- (E) Anti-doping rules, like Competition rules, are sport rules governing the

conditions under which sport is played. Competitors or other persons accept these rules as a condition of participation and shall be bound by these rules. These sports specific rules and procedures aimed at enforcing anti-doping policies and programmes in a global and harmonized way are distinct in nature and are therefore are 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 case all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the Code and the fact that the latter represents the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

Fundamental Rationale for the Code, FINA's Anti-Doping Rules and these British Swimming Anti-Doping Rules

Doping Control 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 Sport; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

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

Doping is fundamentally contrary to the spirit of sport

The British Swimming Anti-Doping Rules

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The British Swimming Anti-Doping Rules

Article 1: Scope and Application

1.1 Introduction

- 1.1.1 British Swimming has adopted these Anti-Doping Rules (the "**Rules**") to impose clear prohibitions and controls on doping in the sport of swimming in accordance with the mandatory provisions of the World Anti-Doping Code (the "**Code**"), in order to preserve the integrity of and values of fair play in the sport of swimming and to protect the rights and health of participants in the sport.
- 1.1.2 These Rules are based upon the rules produced by UK Anti-Doping, the United Kingdom National Anti-Doping Agency (Version 2.0, 14 December 2009), which have been drafted to implement the amendments to the Code coming into effect in 2009 and the establishment of UK Anti-Doping. These Rules shall become effective on 1 January 2010.
- 1.1.3 British Swimming is a member of and subject to the anti-doping jurisdiction of FINA. Where the Code allows alternative approaches on a particular issue, in matters arising under these Rules and FINA mandates that British Swimming, takes a different approach on such issue than is taken in these Rules, then the different approach mandated by FINA shall be followed.

1.2 Application

- 1.2.1 These Rules shall apply to:
- a. all Athletes and Athlete Support Personnel who are members of British Swimming and/or ASA, SASA or WASA (together "Home Nations") or member or affiliate organisations or licensees of British Swimming and/or any of the Home Nations (including any clubs, teams, associations or leagues);
 - b. all Athletes and Athlete Support Personnel participating in such capacity in Events, Competitions and other activities organised, convened, authorised or recognised by British Swimming or any of the Home Nations or any of its or their member or affiliate organisations or licensees (including any clubs, teams, associations or leagues), wherever held; and

- c. any other Athlete or Athlete Support Personnel who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of British Swimming for purposes of anti-doping;

whether or not such person is a citizen of or resident in the United Kingdom.

These Rules shall not apply to an apparent anti-doping violation by a participant who is a member of another member federation of FINA. Such matter would be referred by British Swimming to the other member federation and FINA advised accordingly.

1.2.2 To be a member of any of the Home Nations or British Swimming and/or of member or affiliate organisations or licensees of British Swimming or any of the Home Nations, or to be eligible to participate (in the case of an Athlete) or assist any participating Athlete (in the case of Athlete Support Personnel) in any Event, Competition or other activity organised, convened or authorised by British Swimming or any Home Nations or any of its or their member or affiliate organisations or licensees, a person must agree to be bound by and to comply with these Rules. Accordingly, becoming such a member or by so participating or assisting, an Athlete/Athlete Support Personnel (as applicable) shall be deemed to have agreed:

- a. to be bound by and to comply strictly with these Rules (without prejudice to any other anti-doping rules applicable to him/her);
- b. to submit to the authority of British Swimming and/or of the NADO to apply, police and enforce these Rules;
- c. to provide all requested assistance to British Swimming and the NADO (as applicable) in the application, policing and enforcement of these Rules, including (without limitation) cooperating fully with any investigation, results management exercise, and/or proceedings being conducted pursuant to these Rules in relation to any potential Anti-Doping Rule Violation(s);
- d. to submit to the exclusive jurisdiction of any NADP first instance tribunal convened under these Rules to hear and determine charges and related issues arising under these Rules;
- e. to submit to the exclusive jurisdiction of any NADP appeal tribunal and/or CAS Panel convened under these Rules to hear and determine appeals made pursuant to these Rules; and

f. further to Article 16, not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the NADP first instance tribunal, the NADP appeal tribunal and CAS.

1.2.3 It is acknowledged that certain Participants may also be subject to the anti-doping rules of other Anti-Doping Organisations, including (in the case of International-Level Athletes and Athletes participating in International Events) the anti-doping rules of FINA and (in the case of Athletes with disabilities) the International Paralympic Committee, and that the same conduct of such Participants may implicate not only these Rules but also the rules of such other Anti-Doping Organisations. These Rules are not intended to limit the responsibilities of any Participant under such other rules. The jurisdictional and other issues arising when the same conduct implicates these Rules and such other rules shall be resolved in accordance with the Code.

1.2.4 Where the rules of FINA require action to be taken at the national level against a Participant for an alleged Anti-Doping Rule Violation, such action shall be taken by the NADO in accordance with these Rules.

1.2.5 For the avoidance of doubt, nothing in these Rules shall be interpreted as limiting the functions and obligations of the NADO as a Signatory to the Code. Nothing in the Rules prevents the NADO from undertaking Doping Control, results management and/or any other anti-doping activity in accordance with any agreement or arrangement with FINA, any other Anti-Doping Organisation, or other Signatory to the Code, or in accordance with any right or obligation arising under the Code.

1.3 Core Responsibilities

1.3.1 It is the personal responsibility of each Athlete (which may not be delegated to any other Person):

a. to acquaint him/herself, and to ensure that each Person (including medical personnel) from whom he/she takes advice is acquainted, with all of the requirements of these Rules, including (without limitation) being aware of what constitutes an Anti-Doping Rule Violation and of what substances and methods are on the Prohibited List; and

b. to comply with these Rules in all respects, including:

i. taking full responsibility for what he/she ingests and uses;

- ii. ensuring that any medical treatment he/she receives does not infringe these Rules;
- iii. making him/herself available for Testing at all times, whether In-Competition or Out-of-Competition;
- iv. when included in a Registered Testing Pool, providing accurate and up-to-date whereabouts information for purposes of Out-of-Competition Testing; and
- v. co-operating fully with any investigation into a potential Anti-Doping Rule Violation under these Rules.

1.3.2 It is the personal responsibility of each Athlete Support Personnel (which may not be delegated to any other Person):

- a. to acquaint him/herself with all of the provisions of these Rules, including (without limitation) being aware of what constitutes an Anti-Doping Rule Violation and what substances and methods are on the Prohibited List;
- b. to comply with these Rules in all respects;
- c. to cooperate fully with the Testing of Athletes;
- d. to cooperate fully with any investigation into a potential Anti-Doping Rule Violation under these Rules; and
- e. to use his/her influence on Athlete values and behaviour to foster anti-doping attitudes.

1.4 Retirement

1.4.1 Each Participant shall continue to be bound by and required to comply with these Rules unless and until he/she has given written notice to British Swimming that he/she has retired from the sport of swimming. Where the Participant is an Athlete who is in the National Registered Testing Pool or Domestic Pool at the time of such retirement, he/she must also send such notice to the NADO. British Swimming, the NADO, the NADP and CAS (as applicable) shall continue to have jurisdiction over him/her under these Rules after such retirement in respect of matters taking place prior to retirement.

1.4.2 An Athlete who retires from the sport of swimming in accordance with Article 1.4.1 at a time when he/she is in the National Registered

Testing Pool or the Domestic Pool may not return to compete in the sport unless:

- a. he/she has given British Swimming and the NADO written notice of no less than six months of his/her intent to return; and
- b. during that notice period he/she has submitted to the application of these Rules and to the jurisdiction of British Swimming, the NADO, the NADP and CAS (as applicable) under the Rules, including by making him/herself available for Out-of-Competition Testing and (if requested by the NADO) by providing information as to his/her whereabouts during the notice period in accordance with IST Article 11.

1.5 Interpretation

1.5.1 The Appendices to these Rules shall be considered an integral part of these Rules.

1.5.2 Save where otherwise indicated:

- a. references to Articles and Appendices are references to articles of and appendices to these Rules; and
- b. defined terms used in these Rules (i.e., those words or phrases starting with capitals) shall have the meaning given to them in **Appendix One**.

1.5.3 The headings used in these Rules are for convenience only and shall not be deemed part of the substance of these Rules or to affect in any way the language of the provisions to which they refer.

1.5.4 Further to Article 1.1.1, these Rules shall be interpreted and applied at all times (a) as an independent and autonomous text and not by reference to existing laws or statutes; and (b) in a manner that is consistent with the Code. The comments annotating various provisions of the Code shall be used, where applicable, to assist in the understanding and interpretation of these Rules.

1.6 Commencement and Amendment

1.6.1 These Rules shall come into full force and effect on the Effective Date. They shall not apply retrospectively to matters arising prior to the Effective Date; provided, however, that:

- a. Any case pending prior to the Effective Date, or brought after the Effective Date but based on an anti-doping rule violation that occurred prior to the Effective Date, shall be governed by the rules in force at the time of the anti-doping rule violation, subject to any application of the principle of *lex mitior* by the anti-doping tribunal hearing the case.
- b. Any whereabouts failure (whether a filing failure or a missed test) declared by British Swimming under rules in force prior to the Effective Date, which has not expired prior to the Effective Date, shall be carried forward and may be relied upon (prior to its expiry in accordance with such rules) as one of the requisite elements of an Anti-Doping Rule Violation under Article 2.4 of these Rules. Unless otherwise stated by British Swimming, however:
 - i. a filing failure that is carried forward in this manner may only be relied upon in combination with (post-Effective Date) Filing Failures;
 - ii. a missed test that is carried forward may only be relied upon in combination with (post-Effective Date) Missed Tests; and
 - iii. a filing failure or missed test declared by any Anti-Doping Organisation other than British Swimming prior to the Effective Date may not be combined with any Filing Failure or Missed Test declared under these Rules.
- c. Where a period of Ineligibility imposed 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 NADO 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.
- d. Subject always to Article 7.8, anti-doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior violations for purposes of determining sanctions under Article 10.7. Where such pre-Effective Date violation involved a substance that would be treated as a Specified Substance under these 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.

- 1.6.2 Amendments to these Rules shall be approved and shall come into effect in the manner prescribed by British Swimming, save that amendments by WADA to the Code, Prohibited List and any International Standard shall come into effect automatically in the manner set out in the Code. Such amendments shall be binding upon all Participants without further formality.

Article 2: Anti-Doping Rule Violations

Each of the acts or omissions set out in Articles 2.1 to 2.8 shall constitute an Anti-Doping Rule Violation under these Rules:

2.1 The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE granted in accordance with Article 4.

2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his/her body. An Athlete is responsible for any Prohibited Substance or any of its Metabolites or Markers found to be present in his/her Sample. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation under Article 2.1; nor is the Athlete's lack of intent, fault, negligence or knowledge a valid defence to a charge that an Anti-Doping Rule Violation has been committed under Article 2.1.

2.1.2 Proof of either of the following to the standard required by Article 8.3.1 is sufficient to establish an Anti-Doping Rule Violation under Article 2.1:

- a. Presence of a Prohibited Substance or any of its Metabolites or Markers in the Athlete's A Sample, where the Athlete waives analysis of his/her B Sample and the B Sample is not analysed; or
- b. Presence of a Prohibited Substance or any of its Metabolites or Markers in the Athlete's A Sample, where the Athlete's B Sample is analysed and such analysis confirms the presence in the B Sample of the Prohibited Substance or any of its Metabolites or Markers found in the A Sample.

2.1.3 Except in the case of those substances for which a quantitative threshold is specifically identified in the Prohibited List or other

International Standard, the presence of any quantity of a Prohibited Substance or any of its Metabolites or Markers in an Athlete's Sample shall constitute an Anti-Doping Rule Violation, unless the Athlete establishes that such presence is consistent with a TUE granted in accordance with Article 4.

2.1.4 As an exception to the general rule of Article 2.1.3, the Prohibited List or other International Standard may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4.

2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his/her body and that he/she does not Use any Prohibited Method. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation of Use under Article 2.2; nor is the Athlete's lack of intent, fault, negligence or knowledge a valid defence to a charge that an Anti-Doping Rule Violation of Use has been committed under Article 2.2.

2.2.2 It is necessary to demonstrate intent on the Athlete's part to establish an Anti-Doping Rule Violation of Attempted Use under Article 2.2.

2.2.3 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. For an Anti-Doping Rule Violation to be committed, it is sufficient that the Athlete Used or Attempted to Use a Prohibited Substance or Prohibited Method.

2.2.4 Out-Of-Competition Use of a substance that is only prohibited In-Competition is not an Anti-Doping Rule Violation. If, however, an Adverse Analytical Finding is reported for such substance or any of its Metabolites or Markers in respect of a Sample collected In-Competition, that may amount to an Anti-Doping Rule Violation under Article 2.1.

2.3 Refusing or failing without compelling justification to submit to Sample collection after notification of Testing as authorised in these Rules or under the Code, or otherwise evading Sample collection.

2.4 Whereabouts Violations.

- 2.4.1 Any failure to file whereabouts information in accordance with IST Article 11.3 shall be deemed a **“Filing Failure”**. Any failure to be available for Testing at the declared whereabouts in accordance with IST Article 11.4 shall be deemed a **“Missed Test”**.
- 2.4.2 Any combination of three Filing Failures and/or Missed Tests committed within an eighteen-month period, as declared by the NADO or any other Anti-Doping Organisation with the requisite jurisdiction over the Athlete in accordance with the IST, shall constitute an Anti-Doping Rule Violation under Article 2.4.

2.5 Tampering or Attempted Tampering with any part of Doping Control.

2.6 Possession of Prohibited Substances and/or Prohibited Methods.

- 2.6.1 Possession by an Athlete at any time or place of a Prohibited Method, or of a substance that is prohibited in Out-of-Competition Testing, is an Anti-Doping Rule Violation under Article 2.6 unless the Athlete establishes that the Possession is consistent with a TUE granted in accordance with Article 4 or other acceptable justification.
- 2.6.2 Possession by an Athlete In-Competition of any Prohibited Substance that is only prohibited In-Competition is an Anti-Doping Rule Violation under Article 2.6, unless the Athlete establishes that the Possession is consistent with a TUE granted in accordance with Article 4 or other acceptable justification.
- 2.6.3 Possession by an Athlete Support Personnel at any time or place of a Prohibited Method, or of a substance that is prohibited in Out-of-Competition Testing, in connection with an Athlete, Event or training, is an Anti-Doping Rule Violation under Article 2.6, unless the Athlete Support Personnel establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4 or other acceptable justification.
- 2.6.4 Possession by an Athlete Support Personnel In-Competition of any Prohibited Substance that is only prohibited In-Competition, in connection with an Athlete, Event or training, is an Anti-Doping Rule Violation under Article 2.6, unless the Athlete Support Personnel establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4 or other acceptable justification.

- 2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.**
- 2.8 Administration or Attempted administration to an Athlete at any time or place of a Prohibited Method, or of a substance that is prohibited in Out-of-Competition Testing, or administration or Attempted administration to an Athlete In-Competition of any Prohibited Substance that is only prohibited In-Competition, unless the Athlete establishes that the administration or Attempted administration was consistent with a TUE granted in accordance with Article 4; 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.**

Article 3: The Prohibited List

3.1 Incorporation of the Prohibited List

- 3.1.1 These Rules adopt and incorporate the Prohibited List, as amended from time to time.
- 3.1.2 The Prohibited List may be amended by WADA from time to time in accordance with Code Article 4.1. Unless provided otherwise by WADA, such amendments shall come into effect automatically under these Rules three (3) months after publication of the amendments by WADA on its website, without requiring any further action by British Swimming or the NADO.
- 3.1.3 All Participants shall be deemed to accept the Prohibited List, and any amendments thereto, without further formality. It is the responsibility of all Participants to familiarise themselves with the most up-to-date version of the Prohibited List and related Standard and all amendments thereto.

3.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

- 3.2.1 The Prohibited List identifies those Prohibited Substances and Prohibited Methods which are prohibited at all times (i.e., both In-Competition and Out-of-Competition) and those additional substances and methods which are prohibited In-Competition only.

- 3.2.2 Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g. anabolic agents) or by specific reference to a particular substance or method or sport.

3.3 Specified Substances

- 3.3.1 For purposes of these Rules, the term “**Specified Substances**” shall mean all Prohibited Substances classified as such in the Prohibited List.
- 3.3.2 In the event that WADA expands the Prohibited List by adding a new class of Prohibited Substances, WADA’s Executive Committee shall determine whether any or all of the Prohibited Substances within the new class of Prohibited Substances shall be considered Specified Substances within the meaning of Article 3.3.1.

3.4 No Right of Challenge

The following shall be final and shall not be subject to challenge by any Participant on any grounds:

- 3.4.1 WADA’s determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List; and
- 3.4.2 WADA’s classification of substances into categories on the Prohibited List (e.g., as prohibited at all times, or only In-Competition; or as a Specified Substance, or a non-Specified Substance).

Article 4: Therapeutic Use Exemptions

4.1 Incorporation of the International Standard for Therapeutic Use Exemptions

- 4.1.1 The Code permits Athletes to apply for permission to Use, for therapeutic purposes, substances or methods on the Prohibited List whose Use would otherwise be prohibited.
- 4.1.2 The International Standard for Therapeutic Use Exemptions sets out the circumstances in which Athletes may claim such a therapeutic use exemption (or "TUE"). These Rules adopt and incorporate that standard, as amended from time to time. All Participants shall be deemed to accept the standard and any amendments thereto as binding upon them without further formality.

4.2 Scope and Effect of TUEs

- 4.2.1 In order to excuse the presence or Use or Possession or administration of a Prohibited Substance or Prohibited Method that would otherwise amount to an Anti-Doping Rule Violation under Article 2, such presence, Use, Possession or administration must be consistent with the provisions of a TUE validly granted to the Athlete in question.
- 4.2.2 In accordance with Code Article 15.4, any TUE granted to an Athlete by or on behalf of a Signatory (including any TUE granted prior to the Effective Date) will be recognised under these Rules in accordance with the terms of the grant, provided that the grant is consistent with the Code and is within that Signatory's authority. Otherwise, however, an Athlete required by Article 4.2.4 or Article 4.2.5 to obtain a TUE must obtain one from the UK TUE Committee in accordance with Article 4.3.
- 4.2.3 Athletes should note that a TUE granted by the UK TUE Committee may not be recognised by FINA for purposes of Testing under FINA's anti-doping rules. It is the personal responsibility of any Athlete who is in an International Registered Testing Pool or participating in an International Event to ascertain whether he/she needs to apply to FINA for a TUE in accordance with its rules, notwithstanding that he/she has been granted a TUE under these Rules.
- 4.2.4 Subject only to Article 4.2.2 (which provides that a TUE granted by another Signatory, such as FINA, may be recognised under these Rules) and Article 4.3 of the International Standard for Therapeutic Use Exemptions (which identifies limited circumstances in which a TUE may be granted retrospectively):
- a. an Athlete in the National Registered Testing Pool must obtain a TUE in accordance with Article 4.3 prior to Use or Possession or administration of the Prohibited Substance or Prohibited Method in question; and
 - b. the NADO may also establish a further pool of Athletes not in the National Registered Testing Pool (the "**Domestic Pool**") who are required to obtain a TUE in accordance with Article 4.3 prior to Use or Possession or administration of the Prohibited Substance or Prohibited Method in question.
- 4.2.5 If an Athlete who is not in the National Registered Testing Pool or the Domestic Pool is tested pursuant to these Rules, and that Athlete has been Using a Prohibited Substance or Prohibited Method for which he/she is entitled to a TUE, then he/she may make a retrospective

application for a TUE to the UK TUE Committee no later than five (5) working days after the Sample is collected (but in the case of inhaled beta-2 agonists, five (5) working days after an Adverse Analytical Finding is reported in respect of the Sample); provided that:

- a. the NADO may extend this deadline upon request by the Athlete for good cause shown; and
- b. any such TUE application shall be resolved before any Adverse Analytical Finding or Atypical Finding relating to that Athlete's Sample is processed under Article 7.2 or 7.3.

4.2.6 Subject to Article 4.2.3 an Athlete may not apply to more than one Anti-Doping Organisation for a TUE. An Athlete who applies for a TUE pursuant to the rules of his/her International Federation or another Anti-Doping Organisation shall report the grant or denial of the application immediately to the NADO, by sending it copies of the application and the decision.

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

4.3 Grant of a TUE

4.3.1 An Athlete requiring a TUE must apply to the UK TUE Committee in accordance with the TUE application process set out in the UK Anti-Doping Procedures Guide.

4.3.2 The UK TUE Committee will determine the TUE application in strict accordance with the criteria set out in the International Standard for Therapeutic Use Exemptions.

4.3.3 The NADO will notify the Athlete, British Swimming, and the Athlete's International Federation in writing of the UK TUE Committee's grant or denial of the Athlete's application for a TUE. Where the Athlete is in the National Registered Testing Pool, a copy of the decision will also be sent to WADA. A TUE will be effective as of the date it is granted and will have a specified duration as decided on a case by case basis by the UK TUE Committee. It may also be granted subject to such conditions or restrictions as the UK TUE Committee sees fit.

4.3.4 An Athlete may not assume that his/her application for a TUE (or for

renewal of a TUE) will be granted. Any Use or Possession or administration of a Prohibited Substance or Prohibited Method before an application has been granted shall be entirely at the Athlete's own risk.

4.4 Expiration or Cancellation of a TUE

4.4.1 A TUE granted pursuant to these Rules:

- a. shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;
- b. may be cancelled by the UK TUE Committee if the Athlete does not promptly comply with any requirements or conditions imposed by the UK TUE Committee upon grant of the TUE; or
- c. may be withdrawn by the UK TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met.

4.4.2 An Athlete in a National Registered Testing Pool or Domestic Pool who wishes to continue to Use the Prohibited Substance or Prohibited Method in question after the term for which the TUE has been granted must apply prior to the end of the term for renewal of the TUE in accordance with Article 4.3.

4.4.3 Cancellation of a TUE pursuant to Article 4.4.1(b) or withdrawal of a TUE pursuant to Article 4.4.1(c) shall be made in writing and notified by the NADO to the Athlete in accordance with Article 17.2, with copies to British Swimming, and the Athlete's International Federation. Such notice shall take effect upon receipt, in accordance with Article 17.2.

4.4.4 In the event of an expiration, cancellation or withdrawal of the TUE pursuant to Article 4.4.1, the Athlete shall not be subject to any Consequences based on his/her Use or Possession or administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE at any time prior to the effective date of expiry, cancellation or withdrawal of the TUE. The review pursuant to Article 7.2.1 of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Method prior to that date, in which event there shall be no case to answer.

4.5 Review of Decision Granting or Denying TUE Application or Revoking or Withdrawing TUE

4.5.1 In accordance with Code Article 4.4 and Article 10 of the International Standard for Therapeutic Use Exemptions:

- a. at the request of an Athlete in the National Registered Testing Pool whose application for a TUE has been denied by the UK TUE Committee, WADA may reverse such denial if it determines that such denial did not comply with the International Standard for Therapeutic Use Exemptions, subject to the right of the NADO to appeal to CAS against WADA's decision, in accordance with Article 13.2.4; and
- b. on its own initiative, WADA may reverse any grant of a TUE if it determines that such grant did not comply with the International Standard for Therapeutic Use Exemptions, subject to the right of the Athlete and/or the NADO to appeal against WADA's decision, in accordance with Article 13.2.4.

4.5.2 Other than as set out in Article 4.5.1, decisions of the UK TUE Committee (and decisions of the UK TUE Appeal Panel) may be challenged only by appeal in accordance with Article 13.2.

4.5.3 Until such time as the grant or denial of a TUE application made pursuant to these Rules has been reversed pursuant to Article 4.5.1 or Article 4.5.2, such grant or denial shall remain in full force and effect.

Article 5: Testing

5.1 Incorporation of the International Standard for Testing

These Rules adopt and incorporate the International Standard for Testing, as amended from time to time. All Participants shall be deemed to accept that standard and any amendments thereto as binding upon them without further formality.

5.2 Testing Jurisdiction

- 5.2.1 All Athletes (including but not limited to Athletes in the National Registered Testing Pool) must make themselves available for and must submit to Testing by (or as authorised by) the NADO (urine and/or blood) pursuant to these Rules at any place and time (whether In-Competition or Out-of-Competition, whether in the UK or overseas).
- 5.2.2 Testing pursuant to these Rules shall be carried out in accordance with the International Standard for Testing in force at the time of Testing. Target Testing will be made a priority. Save in exceptional circumstances, all Out-of-Competition Testing will be conducted on a No Advance Notice basis.
- 5.2.3 Other Anti-Doping Organisations may also have jurisdiction to test Athletes who are subject to these Rules, in accordance with Code Article 15. British Swimming and the NADO shall recognise such Testing in accordance with Code Article 15.4 (Mutual Recognition) and the NADO may bring proceedings against an Athlete pursuant to these Rules for an Anti-Doping Rule Violation arising in relation to such Testing.

5.3 In-Competition Testing

- 5.3.1 At National Events, the NADO shall determine the number of Athletes to be selected for Testing in each Competition and the procedures for selecting the Athletes for Testing.
- 5.3.2 In the event that the Testing produces evidence (for example, the presence of alcohol) that suggests that the Athlete's participation in a Competition or Event may present a risk to the Athlete or other participants, British Swimming may stop the Athlete participating in the Competition or Event pending further investigation.
- 5.3.3 At International Events held in the United Kingdom, the collection of Samples shall be initiated and directed by the organiser of the Event, subject always to the right of the NADO to initiate and conduct such Testing in accordance with Code Article 15.1.1.

5.4 Out-of-Competition Testing

- 5.4.1 In addition to the general obligation on all Athletes to submit to Testing, including Out-of-Competition Testing, at any time and place, in accordance with IST Article 11.2 the NADO shall establish a pool of Athletes (the "**National Registered Testing Pool**") who are

required to provide whereabouts information in accordance with IST Article 11.3 and to make themselves available for Testing at such whereabouts in accordance with IST Article 11.4. Unless otherwise specified by the NADO, Athletes in the National Registered Testing Pool shall use ADAMS to file their whereabouts information.

5.4.2 Subject to the results management provisions set out at IST Article 11.6 and at Article 5.4.4 of these Rules:

- a. the failure of an Athlete in the National Registered Testing Pool to provide whereabouts information in accordance with IST Article 11.3 shall be deemed a Filing Failure for purposes of Article 2.4 where the conditions of IST Article 11.3.5 are met; and
- b. the failure of an Athlete in the National Registered Testing Pool to be available for Testing at such whereabouts in accordance with IST Article 11.4 shall be deemed a Missed Test for purposes of Article 2.4 where the conditions of IST Article 11.4.3 are met.
- c. in addition in the event that FINA or the NADO shall oblige British Swimming to pay expenses for the unsuccessful attempt of Testing then in such circumstances British Swimming may require an Athlete to reimburse British Swimming for any sum British Swimming shall have paid to FINA or the NADO in respect of such unsuccessful attempt of Testing where the provision of incorrect or insufficient information is the result of an act or omission of such Athlete.

5.4.3 An Athlete will be notified in writing of his/her inclusion in the National Registered Testing Pool. An Athlete may be included in the National Registered Testing Pool notwithstanding that he/she is also included in an International Registered Testing Pool. In that case, the NADO and FINA will agree on which of them receives the Athlete's whereabouts filings and shares it with the other and with other Anti-Doping Organisations with jurisdiction to test that Athlete in accordance with IST Article 11.1.7(d) (and in the absence of agreement then WADA shall decide which of them shall take that responsibility). In any event, the Athlete will only be required to file whereabouts information with either the NADO or FINA.

5.4.4 Results management in relation to an Article 2.4 Anti-Doping Rule Violation:

- a. Unless the NADO agrees or WADA provides that FINA shall take such responsibility, results management in respect of an

apparent Filing Failure by an Athlete in the National Registered Testing Pool shall be conducted by the NADO in accordance with IST Article 11.6.2.

- b. Results management in respect of an unsuccessful attempt by or on behalf of the NADO to test an Athlete in the National Registered Testing Pool shall be conducted by the NADO in accordance with IST Article 11.6.3.
- c. Results management in respect of an unsuccessful attempt by or on behalf of any other Anti-Doping Organisation to test an Athlete in the National Registered Testing Pool shall be conducted by that Anti-Doping Organisation in accordance with IST Article 11.6.3.
- d. Where, in any eighteen-month period, an Athlete in the National Registered Testing Pool is declared to have three (3) Filing Failures, or three (3) Missed Tests, or any combination of Filing Failures and Missed Tests adding up to three (3) in total, whether under these Rules or (in accordance with IST Article 11.1.5) under the rules of any other relevant Anti-Doping Organisation, then (save only where IST Article 11.6.5(a) provides otherwise) the NADO shall be responsible for reviewing the matter to determine, in accordance with IST Article 11.6.5, whether the Athlete has a case to answer under Article 2.4.

5.4.5 An Athlete who is in the National Registered Testing Pool shall continue to be subject to the requirements of IST Article 11 unless and until:

- a. he/she retires from the sport of swimming in accordance with Article 1.4.1; or
- b. the NADO has informed him/her in writing that he/she no longer satisfies the criteria for inclusion in the National Registered Testing Pool.

5.5 Selection of Athletes for Testing

5.5.1 The NADO will select Athletes for Testing using Target Testing, Weighted and random selection methods, in accordance with the International Standard for Testing in force at the time of selection.

5.5.2 In order to preserve the ability to conduct No Advance Notice Testing, those who become aware of the selection of an Athlete for Testing

shall only disclose such information on a strictly need-to-know basis. Any failure to comply with this requirement may result in a charge of Tampering or Attempted Tampering under Article 2.5.

5.6 Testing of Minors

5.6.1 Testing of an Athlete who is a Minor shall be conducted in accordance with IST Annex C (Modifications for Athletes who are Minors).

5.6.2 A Minor may not participate in the sport of swimming under the jurisdiction of British Swimming unless a parent or guardian of that Minor has consented to Testing of the Minor. For purposes of these Rules, such consent shall be deemed from the fact that the Minor has been permitted by his/her parent or guardian to participate in the sport. Confirmation in writing of such consent may be required to be provided at any time. Where the Minor is included in the National Registered Testing Pool or the Domestic Pool, such consent must be confirmed upon notification of inclusion in the pool as a pre-condition to further participation in the sport. In addition, the rules of a particular Event may require the provision of written consent as a pre-condition of participation by any Minor in the Event.

5.7 Liability for Testing

Although every reasonable effort will be made to avoid inconvenience to the Athlete being tested, no liability shall arise on the part of British Swimming or the NADO or any of their respective members, directors, officers, employees, agents or representatives for any inconvenience or loss arising on the part of the Athlete as a result of such Testing.

Article 6: Analysis of Samples

6.1 Incorporation of the International Standard for Laboratories

These Rules adopt and incorporate the International Standard for Laboratories, as amended from time to time. All Participants shall be deemed to accept the International Standard for Laboratories and any amendments thereto as binding upon them without further formality.

6.2 Use of Approved Laboratories

6.2.1 For purposes of detecting the presence of a Prohibited Substance or

any of its Metabolites or Markers, or to screen a blood Sample to determine whether the Athlete's corresponding urine Sample should be analysed, Samples collected under these Rules shall be sent for analysis only to a WADA accredited laboratory selected by the NADO, or as otherwise approved by WADA.

6.2.2 Laboratories shall analyse Samples collected under these Rules, and shall report the results of such analysis, in compliance with the International Standard for Laboratories in force at the time of analysis.

6.2.3 Save in the circumstances set out at Article 7.6.6, the NADO shall be responsible for the costs of analysis of Samples under these Rules.

6.3 Substances Subject to Detection

6.3.1 Samples shall be analysed:

a. to detect Prohibited Substances (and their Metabolites or Markers) and Prohibited Methods and other substances as may be directed by WADA pursuant to the Monitoring Programme described in Code Article 4.5; and/or

b. to assist the NADO in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA profiling, for anti-doping purposes.

6.3.2 A Sample collected under these Rules may be re-analysed for the purposes set out in Article 6.3.1 at any time exclusively at the direction of the NADO or WADA. The circumstances and conditions for re-analysing Samples shall conform with the requirements of the International Standard for Laboratories.

6.4 Research on Samples

6.4.1 As between the Athlete and the NADO, Samples provided by an Athlete under these Rules shall be the property of the NADO, and the NADO shall be entitled (subject to Article 6.4.2) to determine all matters regarding the analysis and disposal of such Samples.

6.4.2 No Sample may be used for any purpose other than as described in Article 6.3 without the Athlete's written consent. A Sample used (with the Athlete's consent) for purposes other than as described in Article 6.3 shall have the identity code removed or shall be transferred into an anonymous container so that it cannot be traced back to the Athlete.

6.5 Reporting by Laboratories

- 6.5.1 The laboratory shall report the results of the analysis of a Sample collected under these Rules in accordance with the International Standard for Laboratories.
- 6.5.2 Any Adverse Analytical Finding reported by the laboratory shall be dealt with in accordance with Article 7.2.
- 6.5.3 Any Atypical Finding reported by the laboratory shall be dealt with in accordance with Article 7.3.

Article 7: Results Management

7.1 Responsibility for Results Management

- 7.1.1 Results management and the investigation of potential Anti-Doping Rule Violations shall proceed pursuant to these Rules where the conduct in question:
 - a. was identified by Testing conducted pursuant to these Rules or otherwise arose in relation to these Rules; or
 - b. was identified by Testing conducted pursuant to other applicable rules (e.g. at an International Event) or otherwise arose in relation to those other rules, and the Anti-Doping Organisation that issued such rules requests or it is otherwise appropriate in all of the circumstances for the NADO to take jurisdiction over the matter.
- 7.1.2 Where responsibility for results management arises under these Rules, it shall be undertaken by the NADO

7.2 Review of Adverse Analytical Findings

- 7.2.1 Upon receipt of an Adverse Analytical Finding in relation to an A Sample, the NADO (involving Independent Reviewers as appropriate) shall conduct a review of any TUE granted to the Athlete as well as of the documentation relating to the Doping Control and the A Sample analysis, and any other relevant documentation, to determine whether:
 - a. the presence of the Prohibited Substance or its Metabolite or Marker in the Athlete's Sample is consistent with a valid and

applicable TUE held by the Athlete; or

- b. there has been any apparent departure from the International Standard for Testing or the International Standard for Laboratories that caused the Adverse Analytical Finding.

7.2.2 If it is determined pursuant to Article 7.2.1 either that the Adverse Analytical Finding is consistent with a valid and applicable TUE held by the Athlete, or that there has been an apparent departure from either the International Standard for Testing or the International Standard for Laboratories that caused the Adverse Analytical Finding, then the NADO shall advise the Athlete and each Interested Party of that fact. The NADO shall take no further action in relation to such Adverse Analytical Finding; provided, however, that the Athlete may subsequently be made the subject of Target Testing.

7.2.3 If it is determined pursuant to Article 7.2.1 that there is neither a valid and applicable TUE with which the Adverse Analytical Finding is consistent, nor a departure from either the International Standard for Testing or the International Standard for Laboratories that caused the Adverse Analytical Finding, then there shall be deemed to be a case to answer under Article 2 and the NADO shall send the Athlete a Notice of Charge in accordance with Article 7.5.

7.3 Review of Atypical Findings

7.3.1 As provided in the Prohibited List and/or in the International Standard for Laboratories, where a Prohibited Substance or its Marker or Metabolite that may also be produced endogenously is found to be present in an A Sample, in certain circumstances laboratories are directed to report such presence as an Atypical Finding that should be investigated further. In that case, the NADO (using Independent Reviewers as appropriate) will conduct a review to determine whether:

- a. the presence of the Prohibited Substance or its Marker or Metabolite in the Athlete's Sample is consistent with a valid and applicable TUE held by the Athlete; or
- b. there has been any apparent departure from the International Standard for Testing or from the International Standard for Laboratories that caused the Atypical Finding.

7.3.2 If it is determined pursuant to Article 7.3.1 either that the Atypical Finding is consistent with a valid and applicable TUE held by the Athlete, or that there has been an apparent departure from either the International Standard for Testing or the International Standard for Laboratories that caused the Atypical Finding, then the NADO shall

advise the Athlete and each Interested Party of that fact. The NADO shall take no further action in relation to such Atypical Finding; provided, however, that the Athlete may subsequently be made the subject of Target Testing.

- 7.3.3 If it is determined pursuant to Article 7.3.1 that there is neither a valid and applicable TUE with which the Analytical Finding is consistent, nor a departure from either the International Standard for Testing or the International Standard for Laboratories that caused the Atypical Finding, then the NADO shall conduct the follow-up investigation required by the International Standards.
- 7.3.4 The results of the investigation shall be referred to one or more Independent Reviewers, as appropriate. If the Independent Reviewer(s) conclude(s) that the Atypical Finding should be considered an Adverse Analytical Finding, such that there is a case to answer under Article 2, the NADO shall send the Athlete a Notice of Charge in accordance with Article 7.5.
- 7.3.5 Pending the outcome of the investigation, the Atypical Finding shall be kept confidential, save that:
 - a. if it determines that the B Sample should be analysed as part of the investigation, the RMA shall notify the Athlete in accordance with Article 7.5.1(e); and
 - b. if requested by British Swimming, an International Federation or Major Event Organisation or a sports organisation that is about to select Athletes to participate in an International Event, the NADO may confirm that the Athlete has a pending Atypical Finding, after informing the Athlete.
- 7.3.6 If the NADO decides not to pursue the Atypical Finding as an Adverse Analytical Finding, it shall notify the Athlete and each Interested Party of that fact. Any Interested Party may either appeal that decision or may elect to treat the Atypical Finding as an Adverse Analytical Finding and initiate proceedings under its own rules.

7.4 Review of Evidence Other Than Adverse Analytical Findings and Atypical Findings

- 7.4.1 Where a matter arises that involves evidence of a potential Anti-Doping Rule Violation other than an Adverse Analytical Finding or an Atypical Finding, then the NADO shall conduct any further investigation required in order to determine whether there is a case to answer under Article 2, including the seeking of any additional

information. This may include, where the NADO considers it appropriate to do so, giving the Participant(s) implicated in the potential Anti-Doping Rule Violation an opportunity, subject to compliance with a strict time-table, to make such submissions as he/she may wish. If the NADO decides to invite such submissions, a formal hearing is not required to be held. Instead, the NADO shall determine how the submissions should be made, such as (for example) in writing, or by telephone conference.

- 7.4.2 Failure by any Participant to cooperate in full with an investigation undertaken in accordance with Article 7.3.1 may result in a charge of misconduct under British Swimming's disciplinary rules.
- 7.4.3 Where, following the conclusion of any investigation and assessment of the evidence, the NADO concludes that there is no case to answer under Article 2, the NADO shall advise the Participant and each Interested Party of that fact. The NADO shall take no further action against the Participant in respect of such evidence; provided, however, that the Participant (if an Athlete) may subsequently be made the subject of Target Testing.
- 7.4.4 Where the NADO considers that there is a case to answer under Article 2, it shall refer the matter to one or more Independent Reviewers, as appropriate. If the Independent Reviewer(s) conclude(s) that there is no case to answer under Article 2, then the provisions of Article 7.4.3 shall apply. If the Independent Reviewer(s) conclude(s) that there is a case to answer under Article 2, the NADO shall send the person a Notice of Charge in accordance with Article 7.5.

7.5 Notice of Charge

- 7.5.1 Where it is determined, pursuant to Article 7.2.3, Article 7.3.4 or Article 7.4.4, that a Participant has a case to answer under Article 2, then the NADO shall as soon as practicable notify the Participant in writing (the “**Notice of Charge**”) of:
 - a. the Anti-Doping Rule Violation(s) that the Participant is charged with committing;
 - b. a summary of the facts and evidence relied upon by the NADO in support of such charge. Where the charge is based upon an Adverse Analytical Finding, a copy of the laboratory documentation package supporting that Adverse Analytical Finding shall be enclosed with the Notice of Charge;
 - c. (where applicable) notice of the Provisional Suspension to be imposed on the Participant pursuant to Article 7.7.1 or Article

7.7.2, along with an explanation of the Participant 's Article 7.7.3 rights in relation to such Provisional Suspension;

- d. the Consequences applicable under these Rules if it is established that the Participant has committed the Anti-Doping Rule Violation(s) charged (including identifying any discretion that may exist in relation to such Consequences under these Rules);
- e. where the charge is based on an Adverse Analytical Finding, the right of the Athlete and/or the Athlete's representative to attend on a specified date (usually within seven working days of the Athlete's receipt of the Notice of Charge) and at a specified time and place, for purposes of analysis of the B Sample, in accordance with Article 7.6;
- f. the right of the Participant to respond to the Notice of Charge in one of the following ways:
 - i. to admit the Anti-Doping Rule Violation(s) charged, and accede to the Consequences specified in the Notice of Charge;
 - ii. to admit the Anti-Doping Rule Violation(s) charged, but to dispute and/or seek to mitigate the Consequences specified in the Notice of Charge, and to have the Consequences determined at a hearing conducted in accordance with Article 8; or
 - iii. to deny the charge, and to have the charge and (if the charge is upheld) any Consequences determined at a hearing conducted in accordance with Article 8;

provided that if the Participant wishes to exercise his/her right to a hearing, he/she must submit a written request for such a hearing so that it is received by the NADO as soon as possible, but in any event within ten (10) days of the Participant's receipt of the Notice of Charge. The request must also state how the Participant responds to the charge in the Notice and must explain (in summary form) the basis for such response. In the event no such response is received by that deadline, the Participant will be deemed to have admitted the Anti-Doping Rule Violation(s) charged, and to have acceded to the Consequences specified in the Notice of Charge.

7.5.2 The NADO shall send copies of the Notice of Charge to each Interested Party.

- 7.5.3 In the Notice of Charge, and/or at any other time prior to the determination of the charge at a hearing, the NADO may invite the Participant to admit the Anti-Doping Rule Violation(s) charged and accede to specified Consequences.
- 7.5.4 In the event that the Participant admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by the NADO (or is deemed to have done so in accordance with the last sentence of Article 7.5.1), neither B Sample analysis nor a hearing is required. Instead, the NADO shall promptly issue a decision confirming the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences; shall send notice of the decision to the Participant and to each Interested Party, and shall publish the decision in accordance with Article 14.

7.6 B Sample Analysis

- 7.6.1 If the Athlete admits the Anti-Doping Rule Violation(s) charged, he/she shall be deemed (a) to have waived his/her right to have the B Sample analysed; and (b) to have accepted the Adverse Analytical Finding based on the A Sample analysis alone.
- 7.6.2 Otherwise the B Sample shall be analysed on the date and at the time and place specified in the Notice of Charge, and the Athlete and/or his or her representative shall have a right to attend on that date at the Athlete's cost to witness the opening and analysis of the B Sample, as shall representatives of the NADO, FINA and British Swimming (at their own cost). There shall be no right to an adjournment of the date. If the Athlete or his representative is unable to attend on the date specified, then the laboratory shall arrange for an independent witness to attend the B Sample analysis to verify, in accordance with the International Standard for Laboratories, that the B Sample container shows no signs of tampering and that the identifying numbers correspond to those on the Sample collection documentation.
- 7.6.3 If the Athlete waives his/her right to analysis of the B Sample, the NADO may proceed with such analysis in any event, in which case an independent witness shall attend the analysis for the purpose set out in Article 7.6.2.
- 7.6.4 If the analysis of the B Sample does not confirm the Adverse Analytical Finding in respect of the A Sample, then (unless the NADO charges the Athlete with Use under Article 2.2) the entire test shall be considered negative and the Athlete and each Interested Party will be so informed. In such circumstances, the Notice of Charge will be

withdrawn, the proceedings instituted against the Athlete shall be discontinued, any Provisional Suspension previously imposed on the Athlete pursuant to Article 7.7 shall be deemed automatically vacated with immediate effect, and no further disciplinary action shall be taken against the Athlete by the NADO in relation to the original Adverse Analytical Finding; provided, however, that he/she may subsequently be made the subject of Target Testing. In addition, where the Athlete or the Athlete's team has been removed from a Competition as a result of the Adverse Analytical Finding, if it is still possible (without otherwise affecting the Competition) for the Athlete or team to be reinstated, the Athlete or team may be reinstated and continue to take part in the Competition.

- 7.6.5 If the B Sample analysis confirms the Adverse Analytical Finding in respect of the A Sample, then the NADO shall provide the B Sample laboratory documentation package to the Athlete, and the matter shall proceed to a hearing as set out in Article 8. In case of doubt as to whether the B Sample analysis confirms the Adverse Analytical Finding in respect of the A Sample the NADO may refer the matter to one or more Independent Reviewer(s), as it deems appropriate.
- 7.6.6 Where Article 7.6.3 and/or 7.6.4 applies, the NADO shall be responsible for the costs of the B Sample analysis. Where Article 7.6.5, applies the NADO may require the Athlete to pay the costs of the B Sample analysis.

7.7 Provisional Suspension

- 7.7.1 Mandatory Provisional Suspension in cases of Adverse Analytical Findings for Prohibited Substances other than Specified Substances:

Where analysis of an Athlete's A Sample results in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, and it has been concluded in accordance with Article 7.2 that the Athlete has a case to answer under Article 2, then (subject only to Article 7.7.3) a Provisional Suspension will come into effect automatically on the date specified by the NADO in the Notice of Charge.

- 7.7.2 Discretionary Provisional Suspension in other cases:

- a. In all other cases where it is determined pursuant to Article 7.2.3, Article 7.3.4 or Article 7.4.4 that a Participant has a case to answer under Article 2, unless the NADO decides to disapply this Article 7.7.2 then (subject only to Article 7.7.3) a Provisional Suspension will come into effect automatically on

the date specified by the NADO in the Notice of Charge.

- b. If the NADO disapplies Article 7.7.2(a) so that no date is specified in the Notice of Charge for a Provisional Suspension to come into effect, no Provisional Suspension will come into effect prior to determination of the charge unless so ordered by the NADP on application by the NADO in accordance with Article 6 of the NADP Rules, which application must be based on evidence that was not available to the NADO at the time the Notice of Charge was sent.

7.7.3 A Participant's right to challenge the imposition of a Provisional Suspension:

A Participant who receives notice of an automatic Provisional Suspension pursuant to Article 7.7.1 or Article 7.7.2(a) has the right to apply to the NADP, either immediately (i.e., before the Provisional Suspension comes into force) or at any time prior to the full hearing, showing cause why the Provisional Suspension should not be imposed (or, where it has been imposed, why it should be lifted). The application shall be governed by and heard in accordance with Article 6 of the NADP Rules; provided that:

- a. If the Participant applies for an order that the Provisional Suspension not be imposed before the Provisional Suspension comes into effect under Article 7.7.1 or 7.7.2(a), then the Provisional Suspension shall not come into effect pending the decision on the application.
- b. If the Participant does not make an application before the Provisional Suspension comes into effect under Article 7.7.1 or 7.7.2(a), but makes an application after that date for the Provisional Suspension to be lifted, the Provisional Suspension shall remain in place pending the decision on the application.
- c. The Provisional Suspension shall be imposed (or shall not be lifted) unless the Participant establishes that:
 - i. the charge(s) has/have no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the Participant; or
 - ii. the Participant has a strong arguable case that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation(s) charged, so that any period of Ineligibility that might otherwise be imposed for such a violation is likely to be completely eliminated by application of

Article 10.5.1; or

- iii. some other facts exist that make it clearly unfair, in all of the circumstances, to impose a Provisional Suspension prior to a full hearing on the merits of the charge(s) against the Participant. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Participant participating in a particular Competition or Event shall not qualify as exceptional circumstances for these purposes.

7.7.4 Appeals from Provisional Suspensions:

- a. If an application under Article 7.7.3 not to impose (or to lift) a Provisional Suspension is rejected, the Participant shall have the right to an immediate expedited appeal against that decision (i) to an NADP appeal tribunal, in accordance with Article 6.4 of the NADP Rules; or (ii) if the case arises from participation in an International Event or involves an International-Level Athlete, to CAS in accordance with Article 13.4. The Provisional Suspension shall remain in effect pending a decision on the merits of the appeal.
- b. If an application under Article 7.7.3 not to impose (or to lift) a Provisional Suspension is granted, that decision shall be final and binding on the parties (subject only to reconsideration in the light of any new evidence), and neither the NADO nor any other Person shall have a right to appeal against it.

7.7.5 No Provisional Suspension if B Sample analysis does not confirm A Sample analysis:

In accordance with Article 7.6.4, if the B Sample analysis does not confirm the Adverse Analytical Finding in respect of the A Sample, then no Provisional Suspension shall be imposed upon the Athlete. If a Provisional Suspension was imposed prior to receipt of the non-confirmatory results of the B Sample analysis, it shall be deemed automatically vacated with immediate effect, without the need for any order from the NADP.

7.7.6 Effect of Provisional Suspension:

A Participant who is subject to a Provisional Suspension may not, during the period of Provisional Suspension, participate in any capacity (or, in the case of an Athlete Support Personnel, assist an Athlete who

is participating in any capacity) in any Competition, Event or other activity organised, convened, authorised or recognised by British Swimming, any Home Nation or by any body that is a member of, or affiliated to, or licensed by British Swimming or any Home Nation. In addition, British Swimming shall take all steps within its power to have the Provisional Suspension recognised and enforced by all other relevant parties, including in accordance with Code Article 15.4.

7.7.7 Notice of Provisional Suspension:

Any Provisional Suspension imposed under this Article 7.7 will be notified to all Interested Parties, but will otherwise remain confidential in accordance with Article 14, save only to the extent disclosure is required to ensure that the Provisional Suspension is recognised and enforced, including in accordance with Code Article 15.4.

7.7.8 Right to expedited hearing:

An Athlete who is subject to a Provisional Suspension has the right, if he/she so wishes, to an expedited hearing on the merits of the charge(s) against him/her pursuant to Article 8, to take place (save in exceptional circumstances) no later than fourteen (14) days after the date of imposition of the Provisional Suspension.

7.8 Statute of Limitations

Notwithstanding any other provision of these Rules, no charge may be brought under these Rules in respect of an Anti-Doping Rule Violation where eight (8) years or more have passed since the date that the Anti-Doping Rule Violation occurred.

Article 8: Disciplinary Proceedings

8.1 Jurisdiction of the NADP

The following matters arising under these Rules shall be submitted for determination by the National Anti-Doping Panel (NADP), in accordance with the NADP Rules, as amended from time to time:

- 8.1.1 A charge that one or more Anti-Doping Rule Violations has been committed: see Article 7.5. Where such charge is upheld, the NADP first instance tribunal will determine what Consequences (if any) should be imposed, in accordance with and pursuant to Articles 9 and 10.

8.1.2 An application that a Provisional Suspension not be imposed (or be lifted): see Article 7.7.3.

8.1.3 An appeal brought in accordance with Article 13.

8.2 Observers

Interested Parties who are not joined as a party to the proceedings before the NADP shall have the right (a) to be kept advised of the status and outcome (with reasons) of the proceedings; and (b) to attend all hearings as observers.

8.3 Rules of Evidence and Procedure

8.3.1 The NADO shall have the burden of establishing that the Participant charged has committed the Anti-Doping Rule Violation(s) specified in the Notice of Charge. To meet that burden, the NADO must establish the Participant's commission of the Anti-Doping Rule Violation(s) charged to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegations that are made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

8.3.2 Where these Rules place the burden of proof upon the Participant charged with the commission of an Anti-Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, then the applicable standard of proof shall be by a balance of probability, except where Articles 10.4 and/or 10.6 apply, in which case a higher standard of proof is specified.

8.3.3 The hearing panel shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any legal rules in relation to such matters. Facts may be established by any reliable means, including admissions.

8.3.4 WADA-accredited laboratories shall be presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Participant charged with the commission of an Anti-Doping Rule Violation may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred that could reasonably have caused the Adverse Analytical Finding (or the factual basis for any other Anti-Doping Rule Violation with which the Participant is charged). If he/she does so, then the NADO shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding (or

the factual basis for such other Anti-Doping Rule Violation).

- 8.3.5 Departures from any other International Standard or other anti-doping rule or policy that did not cause an Adverse Analytical Finding or the factual basis for any other Anti-Doping Rule Violation with which the Participant is charged shall not invalidate such evidence. If the Participant charged with committing the Anti-Doping Rule Violation establishes that a departure from another International Standard or other anti-doping rule or policy occurred that could reasonably have caused the Adverse Analytical Finding or the factual basis for any other Anti-Doping Rule Violation with which the Participant is charged, then the NADO shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding or the factual basis for such other Anti-Doping Rule Violation.
- 8.3.6 Any other deviation from these Rules or the procedures referred to in these Rules shall not invalidate any finding, procedure, decision or result under the Rules unless the Participant relying on such deviation establishes that it casts material doubt on the reliability of that finding, procedure, decision or result, and the NADO is unable to rebut that showing.
- 8.3.7 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction that is not the subject of a pending appeal shall be irrebuttable evidence against the Participant to whom the decision pertained of those facts, unless the Participant establishes that the decision violated principles of natural justice.
- 8.3.8 The hearing panel may draw an inference that is adverse to a Participant charged with commission of an Anti-Doping Rule Violation based on the Participant's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or by telephone, as directed by the hearing panel) and to answer questions put by the hearing panel or the NADO.

8.4 Publication of Decisions

- 8.4.1 Where the hearing panel determines that an Anti-Doping Rule Violation has been committed, the decision shall be disclosed publicly unless the Participant charged has a right to appeal against the decision, in which case the decision shall not be disclosed (a) until the deadline for appeal has passed and no appeal has been filed; or (b) if an appeal is filed, unless and until the decision that an Anti-Doping Rule Violation was committed is affirmed on appeal.
- 8.4.2 Where the hearing panel has determined that an Anti-Doping Rule

Violation has not been committed, the decision shall not be disclosed publicly unless the Participant charged consents to such disclosure. Where the Participant charged does not so consent, a summary of the decision may be published, provided that what is disclosed does not enable the public to identify the Participant charged.

Article 9: Disqualification of Individual Results

9.1 Disqualification of Competition Results as a Consequence of an Anti-Doping Rule Violation Committed in Connection with or Arising out of an In-Competition test

An Anti-Doping Rule Violation committed in connection with or arising out of an In-Competition test automatically leads to the Disqualification of any individual results obtained by the Athlete in the Competition in question, with all resulting consequences, including forfeiture of any medals, titles, points and prizes.

9.2 Impact of Disqualification on an Opponent's Results

There will be no adjustment of results, medals, titles, points, prizes or other consequences for the opponent of an Athlete (or the opponent of the team of an Athlete) subsequently found to have committed an Anti-Doping Rule Violation, irrespective of any Disqualification of results that may be ordered under these Rules, unless specific provision is made for such adjustment in the rules of FINA or in the applicable Event or Competition rules.

9.3 Application of Forfeited Prize Money

Any prize money forfeited under these Rules shall be applied by the NADO towards the costs of policing and enforcing these Rules.

Article 10: Ineligibility Sanctions for Individuals

10.1 Disqualification of Event Results as a Consequence of an Anti-Doping Rule Violation Committed During or In Connection with a Competition in the Event

10.1.1 Subject to Article 10.1.2, where an Athlete is found to have committed an Anti-Doping Rule Violation during or in connection with one Competition in an Event, then (in addition to the consequences set out

at Article 9.1) the Anti-Doping Rule Violation automatically leads to the Disqualification of any individual results obtained by the Athlete in other Competitions in that Event, with all resulting consequences, including forfeiture of all medals, titles, points and prizes.

10.1.2 If the Athlete establishes that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation in question, the Athlete's individual results in such other Competitions shall not be Disqualified unless the NADO establishes that the Athlete's results in those other Competitions were likely to have been affected by the Athlete's Anti-Doping Rule Violation.

10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of Prohibited Substances and/or Prohibited Methods

For an Anti-Doping Rule Violation under Article 2.1 (presence of a Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of a Prohibited Substance and/or a Prohibited Method) that is the Participant's first violation, a period of Ineligibility of two years shall be imposed, unless the conditions for eliminating or reducing the period of Ineligibility (as specified in Article 10.4 and/or Article 10.5) or for increasing the period of Ineligibility (as specified in Article 10.6) are met.

10.3 Imposition of a Period of Ineligibility for Other Anti-Doping Rule Violations

10.3.1 For an Anti-Doping Rule Violation under Article 2.3 (refusing or failing to submit to or otherwise evading Sample collection) or Article 2.5 (Tampering or Attempting to Tamper with Doping Control) that is the Participant's first violation, a period of Ineligibility of two years shall be imposed, unless the conditions for eliminating or reducing the period of Ineligibility (as specified in Article 10.5) or for increasing the period of Ineligibility (as specified in Article 10.6) are met.

10.3.2 For an Anti-Doping Rule Violation under Article 2.4 (Filing Failures and/or Missed Tests) that is the Athlete's first violation, a period of Ineligibility of at a minimum one (1) year and at a maximum two (2) years shall be imposed, depending on the Athlete's degree of fault.

10.3.3 For an Anti-Doping Rule Violation under Article 2.7 (Trafficking or Attempted Trafficking) or Article 2.8 (administration or Attempted administration of a Prohibited Substance or Prohibited Method, etc) that is the Participant's first violation, a period of Ineligibility of at least four (4) years but up to a lifetime shall be imposed, unless the

conditions for eliminating or reducing the period of Ineligibility set out in Article 10.5 are met; provided that:

- a. An Anti-Doping Rule Violation involving a Minor shall be considered a particularly serious offence, and, if committed by Athlete Support Personnel in relation to Anti-Doping Rule Violations other than those involving Specified Substances, shall result in lifetime Ineligibility for such Athlete Support Personnel.
- b. Significant Anti-Doping Rule Violations under Article 2.7 or Article 2.8 that may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.

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

10.4.1 Where the Participant can establish how a Specified Substance entered his/her body or came into his/her Possession and that such Specified Substance was not intended to enhance the Athlete's sport performance or to mask the Use of a performance-enhancing substance, and it is the Participant's first violation, the period of Ineligibility established in Article 10.2 shall be replaced with, at a minimum, a reprimand and no period of Ineligibility, and at a maximum a period of Ineligibility of two (2) years.

10.4.2 To qualify for any elimination or reduction under this Article 10.4, the Participant must produce corroborating evidence in addition to his/her word that establishes, to the comfortable satisfaction of the hearing panel, the absence of an intent to enhance the Athlete's sport performance or mask the Use of a performance-enhancing substance. The Participant's degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.

10.5 Elimination or Reduction of the Period of Ineligibility Based on Exceptional Circumstances

10.5.1 Elimination of period of Ineligibility based on No Fault or Negligence:

If a Participant establishes in an individual case that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation charged, the otherwise applicable period of Ineligibility shall be eliminated. When the Anti-Doping Rule Violation charged is an Article 2.1 violation (Presence of a Prohibited Substance or its Markers or Metabolites), the Athlete must also establish how the Prohibited Substance entered

his/her system in order to have the period of Ineligibility eliminated. In the event this Article is applied and the period of Ineligibility otherwise applicable is eliminated, the Anti-Doping Rule Violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.7.

10.5.2 Reduction of period of Ineligibility based on No Significant Fault or Negligence:

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

10.5.3 Suspension of period of Ineligibility based on Substantial Assistance in discovering or establishing other Anti-Doping Rule Violation(s):

- a. In any individual case where a period of Ineligibility has been imposed, the NADO may suspend a part of that period of Ineligibility where the Participant has provided Substantial Assistance to the NADO or other Anti-Doping Organisation, a criminal authority or a professional disciplinary body that results in (i) the NADO or other Anti-Doping Organisation discovering or establishing an Anti-Doping Rule Violation by another person; or (ii) the criminal authority or disciplinary body discovering or establishing a criminal offence or the breach of professional rules by another person. If the decision to suspend a part of the period of Ineligibility is made after a final appellate decision or the expiration of time to appeal, then the approval of WADA and FINA is required for such suspension.
- b. 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 Participant and the significance of the Substantial Assistance provided by the Participant to the effort to eliminate doping in sport. No more than three quarters $\frac{3}{4}$ 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.

- c. If the NADO suspends any part of the otherwise applicable period of Ineligibility under this Article, it shall promptly provide a written justification for its decision to each Interested Party.
- d. If the NADO subsequently reinstates any part of the suspended period of Ineligibility because the Participant has failed to provide the Substantial Assistance that was anticipated, the Participant may appeal the reinstatement pursuant to Article 13.
- e. Where the NADO declines to exercise the discretion conferred on it by the Article 10.5.3 and the matter comes before a hearing panel under Article 8 or an appeal panel under Article 13, the hearing panel/appeal panel (as applicable) may exercise such discretion if the conditions of Article 10.5.3(a) are satisfied.

10.5.4 Reduction of period of Ineligibility based on admission of an Anti-Doping Rule Violation in the absence of other evidence:

Where a Participant voluntarily admits the commission of an Anti-Doping Rule Violation before having received either (a) notification of a Sample collection that could establish the Anti-Doping Rule Violation (in the case of an Anti-Doping Rule Violation under Article 2.1), or (b) a Notice of Charge (in the case of any other Anti-Doping Rule Violation), and that admission is the only reliable evidence of the violation at the time of the admission, then the otherwise applicable period of Ineligibility may be reduced, but not by more than one half (1/2).

10.5.5 Where a Participant establishes entitlement to reduction or suspension in sanction under more than one provision of this Article 10.5:

Before applying any reduction or suspension under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of Ineligibility shall be determined in accordance with Article 10.2, 10.3, 10.4 or 10.6. If the Participant 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 (1/4) of the period of Ineligibility otherwise applicable.

10.6 Aggravating Circumstances that may Increase the Period of Ineligibility

10.6.1 If the NADO establishes in an individual case involving an Anti-Doping Rule Violation other than under Article 2.7 (Trafficking or Attempted Trafficking) or Article 2.8 (administration or Attempted administration) that aggravating circumstances are present that justify the imposition of a period of Ineligibility greater than the standard period, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four years, unless the Participant can prove to the comfortable satisfaction of the hearing panel that he/she did not knowingly commit the Anti-Doping Rule Violation.

10.6.2 A Participant can avoid the application of Article 10.6.1 by admitting his/her Anti-Doping Rule Violation promptly after being confronted with it by the NADO.

10.7 Multiple Anti-Doping Rule Violations

10.7.1 Second Anti-Doping Rule Violation:

For a Participant's first Anti-Doping Rule Violation, the period of Ineligibility is set out 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 out in the following table:

Second offence / First Offence	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

The table is applied by locating the Participant'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 Anti-Doping Rule Violation. By way of example, assume a Participant receives the standard period of Ineligibility for a first Anti-Doping Rule Violation under Article 10.2 and then commits a second Anti-Doping Rule Violation for which he/she receives a reduced sanction under Article 10.4. The table is used to determine the period of Ineligibility for the

second Anti-Doping Rule 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 Anti-Doping Rule Violation. The Participant’s degree of fault shall be the criterion used in assessing a period of Ineligibility within the applicable range.

The definitions for purposes of the second Anti-Doping Rule Violation table are as follows:

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 10.3.2 (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 established by the Participant.

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 NADO established the conditions set out under Article 10.6.

TRA (Trafficking or Attempted Trafficking and administration or Attempted administration): The Anti-Doping Rule Violation was or should be sanctioned by a sanction under Article 10.3.3.

10.7.2 Application of Articles 10.5.3 and 10.5.4 to second Anti-Doping Rule Violation:

Where a Participant who has committed a second Anti-Doping Rule Violation establishes an 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 at

Article 10.7.1, and then apply the appropriate reduction or suspension, provided that the remaining period of Ineligibility after such reduction or suspension must be at least one-fourth (1/4) of the otherwise applicable period of Ineligibility.

10.7.3 Third Anti-Doping Rule Violation:

A third Anti-Doping Rule Violation will always result in a lifetime period of Ineligibility, unless the third Anti-Doping Rule Violation fulfils the conditions for elimination or reduction of the period of Ineligibility under Article 10.4 or is an Anti-Doping Rule Violation under Article 2.4 (Filing Failures and/or Missed Tests), in which case the period of Ineligibility shall be from eight (8) years to life.

10.7.4 Additional rules for certain potential multiple offences:

- a. A second Anti-Doping Rule Violation may only be considered for the purposes of imposing sanctions under Article 10.7 if the NADO can establish that the Participant committed the second Anti-Doping Rule Violation after he/she received notice, or after the NADO or its designee made a reasonable attempt to give notice, of the first Anti-Doping Rule Violation. Otherwise, the Anti-Doping Rule Violations shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction. However, the occurrence of multiple Anti-Doping Rule Violations may be considered as a factor in determining aggravated circumstances under Article 10.6.
- b. If, after the resolution of a first Anti-Doping Rule Violation, the NADO discovers a second Anti-Doping Rule Violation by the same Participant that occurred prior to notification of the first Anti-Doping Rule Violation, then an additional sanction shall be imposed based on the sanction that could have been imposed if the two Anti-Doping Rule Violations had been adjudicated at the same time. Results in all Competitions dating back to the earlier Anti-Doping Rule Violation will be subject to Disqualification in accordance with Article 10.8. To avoid the possibility of a finding of aggravating circumstances under Article 10.6 on account of the earlier-in-time-but-later-discovered Anti-Doping Rule Violation, the Participant must voluntarily admit the earlier Anti-Doping Rule Violation on a timely basis after being charged with the later Anti-Doping Rule Violation. The same rule shall also apply when the NADO discovers another prior Anti-Doping Rule Violation after the resolution of a second Anti-Doping Rule Violation.

10.7.5 Multiple Anti-Doping Rule Violations during an eight-year period:

Any prior Anti-Doping Rule Violation shall only be taken into account for purposes of Article 10.7 if it took place within eight (8) years of the Anti-Doping Rule Violation now under consideration.

10.8 Disqualification of Results in Competitions Taking Place After the Commission of the Anti-Doping Rule Violation

Unless fairness requires otherwise, in addition to the automatic Disqualification of results under Article 9.1 and Article 10.1, any other results obtained by the Athlete, in Competitions taking place after the date the Sample in question was collected or other Anti-Doping Rule Violation occurred, shall be Disqualified, with all of the resulting consequences, including forfeiture of any medals, titles, points and prizes.

10.9 Commencement of Ineligibility Period

The period of Ineligibility shall start on the date of the decision providing for Ineligibility, save as follows:

10.9.1 Where there have been substantial delays in the hearing process or other aspects of Doping Control that are not attributable to the Participant charged, the period of Ineligibility may be deemed to have started at an earlier date, commencing as far back as the date that the Anti-Doping Rule Violation last occurred (which, in the case of an Article 2.1 violation, shall be the date that the Sample in question was collected).

10.9.2 Where the Participant promptly (which means, in any event, before he/she participates again) admits the Anti-Doping Rule Violation after being confronted with it, the period of Ineligibility may be deemed to have started at an earlier date, commencing as far back as the date the Anti-Doping Rule Violation last occurred (which, in the case of an Article 2.1 violation, shall be the date that the Sample was collected). However, the discretion to back-date under this Article is limited as follows: the Participant must actually serve at least one-half (1 /2) of the period of Ineligibility imposed, i.e., the commencement date of the period of Ineligibility cannot be back-dated such that he/she actually serves less than one-half (1 /2) of that period.

10.9.3 Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Participant shall be credited against the total period of Ineligibility to be served. To get credit for

any period of voluntary Provisional Suspension, however, the Participant must have given written notice at the beginning of such period to the NADO (and the NADO shall copy that notice to each Interested Party). No credit under this Article shall be given for any time period before the effective date of the Provisional Suspension (whether imposed or voluntarily accepted), regardless of the Participant's status during such period.

10.10 Status During Ineligibility

- 10.10.1 A Participant who has been declared Ineligible may not, during the period of Ineligibility, participate in any capacity (or, in the case of an Athlete Support Personnel, assist any Athlete participating in any capacity) in a Competition, Event or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by (a) British Swimming or any Home Nation or by any body that is a member of, or affiliated to, or licensed by British Swimming or any Home Nation.(b) any Signatory; (c) any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation; or (d) any professional league or any international or national level Event organisation. In addition, save where the Anti-Doping Rule Violation involved only a Specified Substance, some or all financial support or benefits (if any) that British Swimming or (as the case may be) any Home Nation might have otherwise provided to the Participant shall be withheld. In addition, British Swimming shall take all steps within its power to have the period of Ineligibility recognised and enforced by all relevant parties including other Signatories pursuant to Code Article 15.4.
- 10.10.2 Where an Event that will take place after the period of Ineligibility has an entry deadline that falls during the period of Ineligibility, the Athlete may submit an application for entry in the Event in accordance with that deadline, notwithstanding that at the time of such application he/she is still ineligible.
- 10.10.3 Further to Code Article 10. 10.1, a Participant who is subject to a period of Ineligibility from one sport of more than four years may, after completing four years of the period of Ineligibility, participate in local sport events in another sport, but only so long as the local sport event is not at a level that could otherwise qualify such Participant directly or indirectly to compete in (or accumulate points toward) a national championship or International Event.

- 10.10.4 An Athlete who is Ineligible shall remain subject to Testing during the period of Ineligibility.
- 10.10.5 If a Participant who is Ineligible violates the prohibition against participation set out in Article 10.10.1, any results he/she obtained during such participation shall be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, points and prizes, and the period of Ineligibility 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 Participant establishes that he/she bears No Significant Fault or Negligence for the violation. Determinations under this Article shall be made by the Anti-Doping Organisation which brought the charge that led to the initial period of Ineligibility.

10.11 Reinstatement

- 10.11.1 In order to be eligible for reinstatement at the end of any period of Ineligibility, an Athlete must, during any period of Provisional Suspension and/or Ineligibility, (a) make him/herself available for Out-of-Competition Testing by the NADO, FINA and any other Anti-Doping Organisation having jurisdiction to test him/her; and (b) if requested, provide current and accurate whereabouts information for this purpose.
- 10.11.2 If an Athlete who is subject to a period of Ineligibility retires from the sport and later seeks reinstatement, he/she shall not be eligible for reinstatement until he/she has notified British Swimming and the NADO of his/her desire for reinstatement and has made him/herself available for Out-of-Competition Testing for a period of time equal to the period of Ineligibility that remained to be served as of the date that the Athlete retired.
- 10.11.3 Provided the conditions in Article 10.11.1 and 10.11.2 have been met, once a Person's period of Ineligibility has expired and the Participant has fulfilled all conditions of reinstatement, has satisfied in full all forfeiture penalties due under these Rules and any costs order made against him/her by a NADP tribunal and/or CAS, the Participant will become automatically re-eligible to compete and no application by the Participant for reinstatement will then be necessary (unless the Participant is otherwise ineligible for reasons not related to the Anti-Doping Rule Violation for which the expired period of Ineligibility was imposed).

- 10.11.4 The NADO may in its absolute discretion establish an instalment plan for payment of any prize money forfeited under these Rules. The payment schedule may extend beyond any period of Ineligibility imposed on the Athlete in question. In such a case, the Athlete will be eligible to compete at the end of the period of Ineligibility provided no sums are overdue under that plan. If sums subsequently become overdue, the Athlete shall be automatically Ineligible again until all remaining sums payable under such plan (or, at the NADO's absolute discretion, only the overdue amounts) are paid in full.

Article 11: Consequences To Teams

In a discipline where awards are given to teams:

- 11.1 Where more than one member of a team has been notified of a possible Anti-Doping Rule Violation in connection with an Event, the team may be subjected to Target Testing during the Event Period.
- 11.2 Where an Anti-Doping Rule Violation has been committed by a member of a relay team or a duet or team in synchronised swimming or in synchronised diving in connection with an Event, the results of the duet or team in the Event shall be Disqualified.
- 11.3 Where more than one player in a water polo team has committed an Anti-Doping Rule Violation in connection with an Event, then (unless each player establishes all of the conditions for reduction of sanction under Article 10.4) the results of the team shall be Disqualified for the match(es) in the Event in which those players took part, and the other team(s) shall be declared winner(s) with the score 5 – 0 unless the other team(s) actually won by a greater margin (in which case the actual score will stand).
- 11.4 Further sanction in regard to teams may be decided by British Swimming pursuant to the British Swimming disciplinary rules (e.g. loss of points or other sanction) over and above any consequences that are imposed on the individual team members and/or the team under these Rules or the ruling body of the Competition in question.

Article 12: Sanctions against Sporting Bodies

[Intentionally left blank].

Article 13: Appeals

13.1 Appeal Rights

Decisions made under these Rules may be challenged only by appeal exclusively as set out in this Article 13. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

13.2 Appeals from TUE Decisions

13.2.1 The Athlete, British Swimming and/or the NADO may appeal a decision by the UK TUE Committee on the Athlete's TUE application, in whole or in part, to the UK TUE Appeal Panel in the manner set out in the UK Anti-Doping Procedures Guide. Alternatively, an International-Level Athlete may appeal any such decision to CAS.

13.2.2 Where the UK TUE Committee fails to take action on a properly-submitted TUE application within a reasonable time, such failure may be considered a denial for purposes of the appeal rights set out in this Article 13.2.

13.2.3 If the UK TUE Appeal Panel upholds an Athlete's appeal in whole or in part, British Swimming, the NADO and/or WADA may appeal that decision to CAS.

13.2.4 A decision by WADA reversing the grant or denial of a TUE pursuant to Article 4.5.2 may be appealed exclusively to CAS by the Athlete, British Swimming or the NADO, in accordance with Article 13.4, or by FINA, in accordance with its rules.

13.3 Appeals from Provisional Suspensions

See Article 7.7.3.

13.4 Appeals from Other Decisions

13.4.1 The following decisions -- a decision that an Anti-Doping Rule Violation was (or was not) committed, a decision imposing Consequences (or not imposing Consequences) for an Anti-Doping Rule Violation; a decision that a charge cannot go forward for procedural reasons (e.g., because of lapse of time); a decision that the NADO or a hearing panel lacks jurisdiction to deal with an alleged Anti-Doping Rule Violation; a decision not to bring forward an Adverse Analytical Finding or an Atypical Finding as an Anti-Doping Rule Violation under Article 7.2 or 7.3, or a decision not to go forward

with a charge after an investigation under Article 7.4; a decision on an application made pursuant to Article 1.6.1(c) a decision made pursuant to Article 10.5.3 in relation to suspension or reinstatement of a period of Ineligibility; and a decision under Article 10.10.5 -- may be appealed by any of the following parties exclusively as provided in this Article 13:

- a. the Participant who is the subject of the decision being appealed;
- b. British Swimming;
- c. the NADO;
- d. the National Anti-Doping Organisation(s) of the Person's country of residence, country of nationality, and country where he/she is licensed to participate in sport (if different from the NADO);
- e. FINA;
- f. any other Anti-Doping Organisation under whose rules a sanction could have been imposed for the Anti-Doping Rule Violation in question;
- g. the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- h. WADA.

In the absence of any such appeal, such decisions shall be final and binding on all of the above Persons.

13.4.2 Subject to Article 13.5, an appeal pursuant to Article 13.4.1 shall be made as follows:

- a. In a case arising from participation in an International Event or involving an International-Level Athlete, the appeal shall be made to CAS, following the procedures set out in CAS's Code of Sports-related Arbitration and in Article 13.7 of these Rules.
- b. In all other cases, the appeal shall be made to the NADP, in accordance with Article 12 of the NADP Rules, and following

the procedures set out in the NADP Rules and in Article 13.7 of these Rules.

13.5 Appeals by WADA

- a. Notwithstanding any other provision of these Rules, where WADA has a right of appeal under these Rules against a decision, and no other party has appealed against that decision, WADA may appeal such decision directly to CAS without having first to exhaust any other remedy, including (without limitation) without having to appeal to an NADP appeal tribunal.
- b. Where WADA considers that the NADO has failed within a reasonable deadline to make a decision with respect to whether an Anti-Doping Rule Violation was committed, WADA shall have a right of appeal to CAS as if the NADO had rendered a decision finding no Anti-Doping Rule Violation. If CAS determines that an Anti-Doping Rule Violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's reasonable costs in pursuing the appeal shall be reimbursed to WADA by the NADO

13.6 Appeals from NADP Appeal Tribunal Decisions

Decisions of an NADP appeal tribunal may be challenged by FINA or by WADA, by appeal to CAS. Subject thereto, such decisions shall be the full, final and complete disposition of the appeal and will be binding on all of the Persons identified in Article 13.4.1.

13.7 Appeal Procedure

- 13.7.1 The time to file an appeal to the NADP or to CAS (as applicable) shall be twenty-one (21) days from the date of receipt of the decision by the appealing party; save that:
 - a. Within ten (10) days of receipt of the decision, a potential appellant that was not a party to the proceedings that gave rise to the decision shall have the right to request from the body that issued the decision a copy of the file on which such body relied. It shall then have twenty-one (21) days from receipt of the file to file an appeal.
 - b. The filing deadline for an appeal filed by WADA shall be the

later of:

- i. Twenty-one (21) days after the last day on which any other party in the case could have appealed; and
- ii. Twenty-one (21) days after WADA's receipt of a copy of the file on which the body that issued the decision relied.

13.7.2 Each Interested Party, if not joined as a party to the appeal, shall have the right to be kept apprised of the status and outcome (with reasons) of the appeal, as well as the right to attend appeal hearings as an observer.

13.7.3 A decision on appeal that an Anti-Doping Rule Violation has been committed shall be disclosed publicly without delay, unless a further appeal right exists, in which case the decision shall not be disclosed publicly (a) until the deadline for appeal has passed and no appeal against that decision has been filed; or (b) if an appeal against that decision is filed, unless and until the decision that an Anti-Doping Rule Violation has been committed has been affirmed on appeal.

13.7.4 A decision on appeal that an Anti-Doping Rule Violation has not been committed shall not be disclosed publicly unless the Participant who is the subject of the decision consents to such disclosure. Where he/she does not so consent, a summary of the decision may be disclosed publicly, provided that what is disclosed does not enable the public to identify the Participant.

Article 14: Confidentiality and Reporting

14.1 Reporting of Pending Cases

14.1.1 Any notice given to Interested Parties and/or other third parties of pending cases pursuant to these Rules shall be provided to them on the confidential basis set out in Code Article 14.1.5.

14.1.2 Subject to Article 7.7.7 the identity of a Participant charged with an Anti-Doping Rule Violation shall not be publicly disclosed except in accordance with Article 8.4 and Article 13.7. Where such public disclosure is permitted under those Articles, the Participant's identity shall be disclosed publicly, including on the NADO's website.

14.1.3 The NADO will not comment publicly 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 Participant charged or his/her representatives.

14.1.4 The NADO may consult with British Swimming at any time in relation to pending investigations and/or cases on the confidential basis set out in Code Article 14.1.5.

14.2 Reporting of Testing

To ensure efficient use of anti-doping resources, completed tests conducted pursuant to these Rules shall be reported by the NADO publicly, including through WADA, as soon as possible after such tests have been conducted.

14.3 Reporting under the Code

The number of Adverse Analytical Findings and Anti-Doping Rule Violations arising under these Rules shall be publicly reported by the NADO as a minimum on a quarterly basis.

Article 15: Recognition of Decisions

15.1 Recognition of Signatories' Decisions

The Testing, TUEs and hearing results or other final adjudications of any Signatory that are consistent with the Code and are within that Signatory's authority shall be recognised and respected by British Swimming, its member and affiliate organisations, its licensees and all those subject to these Rules automatically upon receipt of the same, without the need for further formality.

15.2 Recognition of Non-Signatories' Decisions

The same actions of non-Signatories shall also be recognised and respected if such actions are consistent with the Code.

Article 16: Challenges to a Decision or these Rules

16.1 Governing Law and Jurisdiction

- a. Subject to Article 1.5.4, these Rules and all matters and proceedings arising in connection with the Rules shall be governed by the laws of

England & Wales.

- b. These Rules shall constitute an agreement to arbitrate, and proceedings before an NADP first instance tribunal pursuant to Article 8, or before an NADP appeal tribunal pursuant to Article 13, shall constitute arbitration proceedings with a seat in England or Wales to which the Arbitration Act 1996 shall apply.
- c. To the greatest extent allowable under applicable law:
 - i. any challenge to these Rules or to a decision made pursuant to these Rules shall be made exclusively in accordance with the provisions of Article 13, and shall not be made by recourse to any court or other forum; and
 - ii. all Participants shall be deemed to have waived irrevocably any right to appeal against, to seek review of, or otherwise to challenge any decision made by a first instance NADP tribunal, an NADP appeal tribunal, or a CAS Panel under these Rules.
- d. Subject strictly to Article 16.1 (b) and (c), the courts of England & Wales shall have exclusive jurisdiction in relation to these Rules and any decision made hereunder.

16.2 Limitation of Liability

None of British Swimming, or any of the Home Nations, the NADO, or any of their respective members, directors, officers, employees, agents, representatives and other Persons involved in the administration of the Rules shall be liable to any Person in any way, in relation to acts done or omitted to be done in good faith in connection with the policing and enforcement of these Rules.

16.3 Severability

If any part of these Rules is held invalid, unenforceable or illegal for any reason, these Rules shall remain otherwise in full force apart from such part, which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

Article 17: Miscellaneous

17.1 Data

17.1.1 British Swimming and the NADO shall comply with the International

Standard for the Protection of Privacy and Personal Information and with applicable data protection and privacy laws in respect of the handling of personal information provided to them under these Rules.

17.1.2 Any Participant who submits information including personal data to any Person in accordance with these Rules shall be deemed to have agreed, both pursuant to the Data Protection Act 1998 and otherwise, that such information may be collected, processed and disclosed by such Person for the purposes of the implementation of, these Rules, in accordance with the International Standard for the Protection of Privacy and Personal Information.

17.2 Notices

17.2.1 All written notices or other written communications given or made under or referred to in these Rules shall be governed by the provisions of this Article.

17.2.2 Each Athlete in the National Registered Testing Pool or Domestic Pool shall provide British Swimming and the NADO with a proper postal address to which notice may be delivered. In the event of a change of address, it is the responsibility of the Athlete to provide British Swimming and the NADO with such amended details.

17.2.3 Notice to an Athlete in the National Registered Testing Pool or Domestic Pool shall be delivered by first class registered post to the address provided by that Athlete pursuant to Article 17.2.2. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.

17.2.4 Notice to any other Person shall be accomplished by sending the notice first class registered post to the address provided by that Person to British Swimming, or to the last known address of such Person, as applicable. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.

17.2.5 British Swimming or the NADO may, at its discretion, as an alternative to, or in conjunction with notice by post, use any other method of secure and confidential communication available, including but not limited to facsimile, email and/or telephone. In the case of such means of communication, there shall be no deemed receipt; if disputed by the Person, actual receipt must be proved.

17.2.6 Written notice or other written communications to British Swimming or the NADO given or made under or referred to in these Rules shall be accomplished by hand delivery or by first class registered post to

British Swimming or the NADO at its registered office or the fax number listed on its official website and shall be deemed to have been given or served on British Swimming or the NADO on the day of delivery (if delivered by hand or faxed before 5 pm on a business day; otherwise, on the next business day) or upon the expiry of three (3) working days after the date of posting (if delivered by first class registered post), as applicable.

17.2.7 Written notices or other written communications given or made under, or referred to in these Rules, other than as set out in the preceding sub-articles, shall be accomplished by sending the notice by first class registered post to the address of the addressee. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.

17.3 Matters Not Otherwise Provided For

Where a matter arises that is not otherwise provided for in these Rules, the Person or body called upon to resolve the matter shall have discretion to do so in such manner as he/she/it sees fit, provided that such resolution does not materially undermine the reliability of proceedings under these Rules or otherwise cause material injustice to the Participant to whom the Rules are being applied.

Appendix One: Definitions

ADAMS:

The Anti-Doping Administration and Management System maintained by WADA.

Adverse Analytical Finding:

A report from a laboratory or other WADA-approved entity that, consistent with the International Standard for Testing and related technical documents, identifies in a Sample the presence of a Prohibited Substance or any of its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

Anti-Doping Organisation:

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

Anti-Doping Rule Violation:

One of the prohibited acts or omissions set out at Article 2.

Athlete:

Any Person who competes at any level in the sport under the jurisdiction of British Swimming; save that for purposes of Article 2.8, an Athlete is any Person who participates at any level in any sport under the authority of any Signatory, government or other sports organisation accepting the Code.

Athlete Support Personnel:

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

Attempt:

Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an Anti-Doping Rule Violation. Provided, however, there shall be no Anti-Doping Rule Violation based solely on an Attempt if the Participant 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 that 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 in Lausanne, Switzerland.

Code:

See Article 1.1.1.

Competition:

A single race, match, game or other athletic contest.

Consequences:

An Anti-Doping Rule Violation may result in one or more of the following:

- a. **Disqualification** means the Athlete's results in a particular Competition or Event are invalidated, with all resulting consequences including forfeiture of any medals, titles, points and prizes;
- b. **Ineligibility** means the Participant is barred for a specified period of time from participating in any Competition or other activity or funding, in accordance with Article 10.10; and
- c. **Provisional Suspension** means the Participant is barred temporarily from participating in the sport pending determination of a charge that he/she has committed an Anti-Doping Rule Violation, as provided in Article 7.7.

Disqualification:

See Consequences of Anti-Doping Rule Violations, above.

Domestic Pool:

See Article 4.2.4(b).

Doping Control:

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

Effective Date:

1 January 2009.

Event:

A series of individual Competitions conducted together under one ruling body (e.g., the Olympic Games).

Event Period:

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

Filing Failure:

See Article 2.4.

In-Competition:

Unless provided otherwise in the rules of FINA or other relevant Anti-Doping Organisation, the period commencing twelve (12) hours before a Competition in which the Athlete is scheduled to participate through to the end of such Competition and the Sample collection process related to such Competition.

Independent Observers:

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.

Independent Reviewer(s):

One or more suitably qualified experts, who are independent of the NADO, and who are appointed by the NADO to carry out the functions ascribed to Independent Reviewer(s) in these Rules

Ineligibility:

See Consequences.

Interested Party:

FINA, WADA, British Swimming and any other Anti-Doping Organisation that has a right to appeal the decision in question under Article 13.4.

International Event:

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

International Federation:

An international non-governmental organisation administering one or more sports at world level.

International-Level Athletes:

Athletes designated by an International Federation as being within its International Registered Testing Pool.

International Registered Testing Pool:

A pool of Athletes designated by an International Federation in accordance with IST Article 11.2.

International Standard:

A standard adopted by WADA in support of the Code (including any technical documents issued pursuant to such standard). 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. WADA's Executive Committee may approve revisions to an International Standard at any time, and such revisions shall become effective in relation to the Rules on the date specified by WADA, without the need for any further action by WADA, British Swimming or the NADO. The version of each International Standard that is in effect at the relevant time will be the latest version published on WADA's website, (www.wada-ama.org)

International Standard for Laboratories:

The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (www.wada-ama.org).

International Standard for the Protection of Privacy and Personal Information:

The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (www.wada-ama.org).

International Standard for Testing (or IST):

The International Standard of the same name adopted by WADA in support of the Code, is available on WADA's website (www.wada-ama.org).

International Standard for Therapeutic Use Exemptions:

The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (www.wada-ama.org).

Major Event Organisation:

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

Marker:

A compound, group of compounds or biological parameter(s) that indicate(s) the Use of a Prohibited Substance or Prohibited Method.

Metabolite:

Any substance produced by a biotransformation process.

Minor:

A Person under the age of 18.

Missed Test:

See Article 2.4.

NADO:

United Kingdom Anti-Doping Limited

NADP:

See National Anti-Doping Panel.

NADP Rules:

The rules issued by the National Anti-Doping Panel, as amended from time to time, setting out the procedures to be followed by NADP arbitral tribunals and NADP appeal tribunals in matters referred to them under these Rules. The NADP Rules in force as of 1 January 2010 are set out at **Appendix Two** and are available on the NADP website (www.nadp.co.uk).

National Anti-Doping Organisation:

The entity 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 Organisation for such countries. If this designation has not been made by the competent public authorities, the entity shall be the country's National Olympic Committee or its designee. The National Anti-Doping Organisation for the UK is the entity defined under these Rules as "the NADO".

National Anti-Doping Panel:

The panel of arbitrators administered by Sport Resolutions (UK) or its successor to whom matters may be referred under Articles 8 and/or 13.

National Anti-Doping Policy:

The document of that name issued by or on behalf of the UK Government, compliance with which is a condition of eligibility for public funding in the UK.

National Event:

An Event held in the UK that does not qualify as an International Event.

National Olympic Committee:

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

National Registered Testing Pool:

See Article 5.4.1.

NGB:

See Article 1.1.1.

No Advance Notice:

Testing that takes place with no advance warning to the Athlete and where the Athlete is continuously chaperoned from the moment of notification through Sample collection.

No Fault or Negligence:

The Athlete's establishing that he or she did not know or suspect, and could not reasonably have known or suspected, even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method.

No Significant Fault or Negligence:

The Athlete's establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relation to the Anti-Doping Rule Violation.

Out-of-Competition:

Any period which is not In-Competition.

Participant:

Any Athlete or Athlete Support Personnel.

Person:

A natural person or an organisation or other entity.

Possession:

The actual, physical Possession, or the constructive Possession (which shall be found only if the Participant has exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists or if the Participant knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it). Provided, however there shall be no Anti-Doping Rule Violation based solely on Possession if, prior to receiving notification of any kind that he/she has committed an Anti-Doping Rule Violation, the Participant has taken concrete action demonstrating that he/she never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or a Prohibited Method constitutes Possession by the Participant who makes the purchase.

Prohibited List:

The Prohibited List International Standard issued by WADA, identifying the Prohibited Substances and Prohibited Methods, as amended from time to time, which is available on WADA's website (www.wada-ama.org).

Prohibited Method:

Any method so described on the Prohibited List.

Prohibited Substance:

Any substance so described on the Prohibited List.

Provisional Suspension:

See Consequences.

Rules:

See Article 1.1.1.

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 Committees, National Paralympic Committees, Major Event Organisations, National Anti-Doping Organisations and WADA.

Specified Substance:

See Article 3.3.1.

Substantial Assistance:

For purposes of Article 10.5.3, a Participant providing Substantial Assistance must: (1) fully disclose in a signed written statement all information that he/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) by testifying at a hearing if requested to do so by the NADO or the hearing panel. Further, the information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis upon which such 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 Organisation.

Target Testing:

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

Team Sport:

A sport in which the substitution of players is permitted during a Competition.

Testing:

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

Trafficking:

Selling, giving, transporting, sending, delivering or distributing a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by a Participant to any third party; provided, however, that this definition shall not include (a) the actions of bona fide medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification; or (b) actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances were not intended for genuine and legal therapeutic purposes.

TUE:

See Article 4.1.2.

UK Anti-Doping Procedures Guide:

The document of that name issued by the NADO, as amended by the NADO from time to time, which is available on the NADO's website (www.ukad.org.uk)

UK TUE Committee:

The committee established by the NADO to review TUE applications in accordance with the UK Anti-Doping Procedures Guide.

UK TUE Appeal Panel:

The panel established by the NADO to hear an appeal regarding a denial or conditional grant of a TUE in accordance with the UK Anti-Doping Procedures Guide.

Use:

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

WADA:

The World Anti-Doping Agency.

Weighted:

A ranking method of selecting Athletes using criteria where the ranking is based on the potential risk of doping and possible doping patterns.

Appendix Two: NADP Rules

2010 RULES OF THE NATIONAL ANTI-DOPING PANEL

1. **Introduction**
 - 1.1 A national governing body or other relevant organisation (an “**NGB**”) may confer jurisdiction on the National Anti-Doping Panel (the “**NADP**”) to hear and determine some or all of the following matters arising under the NGB’s anti-doping rules and regulations (the “**Anti-Doping Rules**”):
 - 1.1.1 any charge(s) brought by UK Anti-Doping Limited (the “**NADO**”), the NGB or its designee (the “**Anti-Doping Organisation**”) that an athlete or other person who is subject to the Anti-Doping Rules (the “**Respondent**”) has committed a doping offence, hereinafter referred to as an Anti-Doping Rule Violation (“**ADRV**”), under such rules;
 - 1.1.2 the “**Provisional Suspension**” of the Respondent pending determination of the charge(s); and/or
 - 1.1.3 any appeal brought against a decision made (whether by an NADP first instance tribunal or by another tribunal appointed by the NGB) in relation to any matter arising under the Anti-Doping Rules.
 - 1.2 Where the Anti-Doping Rules or any other rule, regulation, agreement, submission or reference confer jurisdiction over a matter on the NADP, the parties shall be taken to have agreed that such matter shall be heard and resolved in accordance with the following rules, as amended from time to time (“**the NADP Rules**”).
 - 1.3 The NADP Rules shall constitute an agreement to arbitrate, and proceedings under the NADP Rules shall constitute arbitration proceedings with a seat or legal place in London, England, for the purpose of triggering the application of the Arbitration Act 1996.
 - 1.4 The NADP Rules may be amended by the “**President**” from time to time in order to reflect any changes made to the “**World Anti-Doping Code**” and otherwise as required to ensure they remain fit for purpose. Any amendments shall be published by the NADP Secretariat, which shall confirm the date upon which such amendments shall come into effect, as well as any transitional arrangements.

2. Definitions and Interpretation

2.1 Unless otherwise indicated, when used in the NADP Rules the following terms shall be given the meanings set out next to them below:

Adverse Analytical Finding	has the meaning given to that term in the World Anti-Doping Code.
ADRV	has the meaning given to that term in Article 1.1.1.
Anti-Doping Organisation	has the meaning given to that term in Article 1.1.1.
Appeal Tribunal	means the tribunal of three arbitrators appointed in accordance with Article 5.3 to hear and determine an appeal.
Appellant	has the meaning given to that term in Article 12.1.
Arbitral Tribunal	means the sole arbitrator or tribunal of three arbitrators appointed in accordance with Article 5.1 to hear and determine a charge(s) and/or a Provisional Suspension issue.
CAS	means the Court of Arbitration for Sport in Lausanne, Switzerland.
Code	means the World Anti-Doping Code, as defined below.
Consequences	has the meaning given to that term in the World Anti-Doping Code.
International Event	has the meaning given to that term in the World Anti-Doping Code.
International-Level Athlete	has the meaning given to that term in the World Anti-Doping Code.
International Standard	means one of the Standards issued by WADA in accordance with the World Anti-Doping Code.
International Standard for Laboratories	means the International Standard of that name issued by WADA, a copy of which can be found on WADA's website located at www.wada-ama.org .
NADO	has the meaning given to that term in Article 1.1.1.

NADP	means the National Anti-Doping Panel, from which Arbitral Tribunals and Appeal Tribunals are convened to hear and determine matters over which the NADP has jurisdiction.
NADP Rules	means these rules.
NADP Secretariat	means the body of that name which may be contacted c/o Sport Resolutions (UK), 107 Fleet Street, London EC4 2AB, tel 020 7936 9084.
NGB	has the meaning given to that term in Article 1.1.
Notice of Appeal	has the meaning given to that term in Article 12.5.
President	means the President of the NADP, who shall perform the functions given to that person in the NADP Rules.
Provisional Suspension	has the meaning given to that term in the World Anti-Doping Code.
Request for Arbitration	has the meaning given to that term in Article 4.1.1.
Respondent	has the meaning given to that term in Article 1.1.1.
Tribunal	means an Arbitral Tribunal and/or an Appeal Tribunal, as the context requires.
Vice-President	means the Vice-President of the NADP, who shall perform the functions given to that person in the NADP Rules.
WADA	means the World Anti-Doping Agency.
Working Day	means a day (other than a Saturday or Sunday) on which banks are open for business in London.
World Anti-Doping Code	means the Code of that name issued by WADA, a copy of which can be found on WADA's website located at www.wada-ama.org .

2.2 References to the male gender shall be deemed to include the female gender. References to the President and “**Vice-President**” of the NADP, the “**NADP Secretariat**”, expert, any arbitrator, witness, party and legal representative shall be deemed to include both genders.

2.3 Unless otherwise indicated, references to an Article are to an article of the NADP Rules.

3. **Notices and Periods of Time**

- 3.1 Any notice or other communication required to be given by a party pursuant to the NADP Rules must be given in writing and must be sent by first class post or transmitted by facsimile or e-mail. If sent by first class post, the notice or other communication shall be deemed to have been given on the “**Working Day**” following the day it is sent. If transmitted by facsimile or email before 5pm (London time) on a Working Day, the notice of communication shall be deemed to have been given on that Working Day. If transmitted on a non-Working Day, at or after 5pm (London time) on a Working Day, the notice or other communication shall be deemed to have been given on the next Working Day.
- 3.2 A party's last-known residence or place of business shall be a valid address for the purpose of any notice or other communication unless notification of a change to such address has been communicated to all parties and to the NADP Secretariat.
- 3.3 For the purpose of calculating a period of time under the NADP Rules, such period shall begin to run on the day following the day when a notice or other communication is given. Non-Working Days occurring during the period are included in calculating the running of that period, save that if the period, so calculated, ends on a non-Working Day, then it shall be deemed to end on the next Working Day.

4. **Triggering the Jurisdiction of the NADP**

- 4.1 The jurisdiction of the NADP over a matter shall be triggered in the following circumstances:
 - 4.1.1 Where an Anti-Doping Organisation submits a written request to the NADP Secretariat for determination of one or more charges that the Anti-Doping Organisation has brought against the Respondent under the Anti-Doping Rules, which request (the “**Request for Arbitration**”) must contain or be accompanied by:
 - 4.1.1.1 the contact details of the Anti-Doping Organisation and the Respondent;
 - 4.1.1.2 a copy of the rule, regulation, agreement, submission or reference conferring jurisdiction on the NADP to hear and determine the charge(s);
 - 4.1.1.3 a copy of the notice of charge(s) sent to the Respondent and any written response served by the Respondent;

- 4.1.1.4 any proposals in relation to the conduct or venue of the arbitration proceedings or as to the number of arbitrators, any request for provisional relief, and an indication as to any special features of the arbitration proceedings (including but not limited to the date of birth of any minors involved in the arbitration proceedings) and/or whether expedited proceedings are required; and
 - 4.1.1.5 confirmation that a copy of the Request for Arbitration, together with all enclosures, is being served simultaneously on the Respondent and any other party or parties entitled to notification of the same under the World Anti-Doping Code and/or the Anti-Doping Rules.
 - 4.1.2 Where the Anti-Doping Organisation or the Respondent makes an application to the NADP in relation to the Provisional Suspension of the Respondent, in accordance with Article 6; and/or
 - 4.1.3 Where an **Appellant** submits a Notice of Appeal to the NADP Secretariat in accordance with Article 12.
- 4.2 Where the jurisdiction of the NADP over a matter is triggered in accordance with Article 4.1, the NADP Secretariat, the President, the Vice-President and the members of the NADP shall deal with such matter in accordance with the roles ascribed to each of them respectively in the NADP Rules.
- 4.3 Where a party requires to contact the President, the Vice-President and/or members of the NADP in connection with a matter, such contact shall be made via the NADP Secretariat, copying all other parties.
- 5. **Composition of a Tribunal**
 - 5.1 Where a Request for Arbitration is received, the President shall appoint a “**Tribunal**” made up of three NADP arbitrators, one acting as chairman, to hear and determine the charge(s) in accordance with the NADP Rules, unless it appears to the President that the matter is suitable for determination by a sole arbitrator. The President’s appointee(s) pursuant to this Article shall be referred to as the “**Arbitral Tribunal**”.
 - 5.2 Where a ruling is required in relation to a Provisional Suspension or any other urgent matter before an Arbitral Tribunal has been convened, the President himself shall determine that matter or shall refer that matter to the Vice-President for determination.

- 5.3 Where a Notice of Appeal is received, the President shall appoint a tribunal made up of three NADP arbitrators, one acting as chairman, to hear and determine the appeal in accordance with Article 12 (the “**Appeal Tribunal**”).
- 5.4 All NADP arbitrators sitting on Tribunals convened under the NADP Rules must remain impartial and independent at all times and must have had no prior involvement with the dispute at hand. Prior to his appointment to a Tribunal, each NADP arbitrator must sign a declaration that there are no facts or circumstances known to him which might call into question his impartiality or independence in the eyes of any of the parties, other than any circumstances disclosed in the declaration. Each NADP arbitrator shall have a continuing duty to disclose to the President without delay any such circumstances arising following his appointment. The President shall determine whether such NADP arbitrator should be appointed (or should continue to serve) as a Tribunal member in light of such disclosure(s).
- 5.5 The NADP Secretariat shall advise the parties of the identity of the NADP arbitrators appointed to the Tribunal that will hear and determine the matter, and shall furnish them with a copy of each member’s written declaration of independence. Any party having any legitimate objection to such appointment(s) must communicate its objections to the President via the NADP Secretariat within 14 days of receipt of such declarations. The President shall rule on the legitimacy of any such objection and his decision shall be final.
- 5.6 An arbitrator may also be challenged by any party where, following the formation of the Tribunal, circumstances arise that create legitimate doubts as to his impartiality or independence. Such a challenge must be made within 14 days of that party becoming aware of such circumstances. The President shall decide on the challenge, unless the challenged arbitrator withdraws or all parties agree to the challenge, and the President’s decision shall be final.
- 5.7 If an arbitrator gives notice of his desire to resign from a Tribunal, or becomes unwilling, unable or unfit to sit on such Tribunal for any reason, the President shall revoke that member’s appointment and may in his discretion either appoint another NADP arbitrator to the Tribunal or, with the agreement of the remaining arbitrators and having regard to the circumstances of the case and the stage of the proceedings, authorise the remaining arbitrators to continue to hear and determine the matter alone.

6. **Conduct of applications relating to Provisional Suspensions**

- 6.1 The Anti-Doping Rules may permit the Anti-Doping Organisation to apply to the NADP for the Provisional Suspension of the Respondent in specific circumstances.

- 6.2 In addition, the Anti-Doping Rules may permit the Respondent to apply to the NADP either for an order that no Provisional Suspension should be imposed, or for an order that a Provisional Suspension should be lifted.
- 6.3 An application made by the Anti-Doping Organisation in accordance with Article 6.1, or an application made by the Respondent in accordance with Article 6.2, shall be determined by an Arbitral Tribunal convened in accordance with Article 5.1 or (if the application is urgent and no Arbitral Tribunal has yet been convened) by the President or Vice-President in accordance with Article 5.2. Upon such application:
- 6.3.1 any submissions of the parties shall be made in writing and/or, if the Tribunal or President (as applicable) so orders, orally during a telephone conference. There shall be no right to personal attendance before the Tribunal/President/Vice-President, unless it/he so orders;
 - 6.3.2 the Tribunal/President/Vice-President shall give the Anti-Doping Organisation an opportunity to comment on the Respondent's submissions prior to making such decision; and
 - 6.3.3 subject to the foregoing, the application shall be determined on an expedited basis.
- 6.4 A Respondent who has the right to appeal to the NADP against a decision determining an application made pursuant to Article 6.1 or Article 6.2 may appeal the decision to an Appeal Tribunal in accordance with Article 12.5. Such appeal shall be conducted in accordance with Article 5.3 (save that where the decision being appealed was made by the President, the members of the Appeal Tribunal shall be chosen by the Vice-President) and Article 12.4 et seq.
- 6.5 A Respondent who is Provisionally Suspended has the right to an expedited hearing on the merits of the charge(s) brought against him, to take place as soon as possible and in any event (save where impracticable) no later than fourteen (14) days after the date of imposition of the Provisional Suspension, unless otherwise agreed by the Respondent.

7. Conduct of the Proceedings

- 7.1 While (in accordance with Article 1.3) the seat or legal place of all Tribunal proceedings (whether first instance or appeal) shall be London, England, for convenience the Tribunal may in its discretion order that meetings, hearings or deliberations be held at an alternative location.

- 7.2 The Tribunal shall determine the dispute in accordance with the Anti-Doping Rules, the NADP Rules and the substantive law specified in the Anti-Doping Rules or (in the absence of an express choice of law in such rules) according to the law of the country in which the Anti-Doping Organisation is domiciled.
- 7.3 In the case of any conflict between the Anti-Doping Rules and the NADP Rules, the Anti-Doping Rules shall prevail.
- 7.4 The parties shall be entitled, at their own expense, to be represented by legal counsel or any other representative(s) in all proceedings under the NADP Rules.
- 7.5 The Tribunal shall have all powers necessary for, and incidental to, the discharge of its responsibilities under the NADP Rules, including (without limitation) the power, whether on the application of a party or of its own motion:
- 7.5.1 to appoint an expert to assist or advise the Tribunal on a specific issue or issues, such expert to be and remain impartial and independent of the parties, and the costs of such expert to be borne by the parties or in such manner as directed by the Tribunal;
 - 7.5.2 to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it shall determine, where fairness so requires;
 - 7.5.3 to extend or abbreviate any time-limit provided by the NADP Rules, by the Anti-Doping Rules, or by the Tribunal's own orders;
 - 7.5.4 to conduct such enquiries as appear necessary or expedient in order to ascertain the facts;
 - 7.5.5 to order any party to make any property, document or other thing in its possession or under its control available for inspection by the Tribunal and any other party;
 - 7.5.6 subject to the consent of the original parties, to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such joinder or intervention, and thereafter to make a single final decision or separate decisions in respect of all parties;
 - 7.5.7 to award interim relief or other conservatory measures on a provisional basis subject to final determination;
 - 7.5.8 to impose or to lift a Provisional Suspension in accordance with Article 6.3; and

- 7.5.9 to rule on its own jurisdiction.
- 7.6 In all cases involving a three-member Tribunal, the Tribunal chairman may make procedural rulings on his own.
- 7.7 The President shall have the power, whether on the application of a party or of his own motion:
 - 7.7.1 subject to the consent of the parties, to consolidate the proceedings with other substantially similar or related NADP proceedings and/or order that concurrent hearings be held in relation to such proceedings;
 - 7.7.2 to award interim relief or order other conservatory measures on a provisional basis before a Tribunal has been convened; and
 - 7.7.3 to impose or to lift a Provisional Suspension pursuant to Article 6.3 before a Tribunal has been convened.
- 7.8 As soon as practicable after the formation of the Tribunal, the Tribunal chairman shall issue directions to the parties in relation to the procedure and time-table to be followed in the proceedings. Where he deems appropriate, he shall hold a directions hearing prior to issuing such directions. In particular, the directions shall:
 - 7.8.1 fix the date, time and venue of the hearing. Subject to Article 6.5, the hearing should take place no later than forty (40) days after the NADP Secretariat receives the Request for Arbitration, save where fairness requires or the parties otherwise agree;
 - 7.8.2 establish a schedule for the exchange of written submissions and evidence in advance of the hearing, including confirmation by the Anti-Doping Organisation of the details of its prima facie case, confirmation by the Respondent of the details of his defence and/or mitigation, and provision for the Anti-Doping Organisation to reply to the Respondent's defence and/or mitigation; and
 - 7.8.3 make such order as he deems appropriate in relation to the manner and form in which any witness or expert evidence should be produced, provided that:
 - 7.8.3.1 a party intending to rely upon the evidence of a witness or expert shall serve a statement or report setting out the proposed evidence of such witness or expert at a date in advance of the hearing that is specified by the chairman; and

7.8.3.2 the Tribunal shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any witness or expert; and

7.8.4 make such order as he shall deem appropriate in relation to the disclosure of relevant documents and/or other materials in the possession or control of either party; provided that, save for good cause shown, no documents and/or other materials shall be ordered to be disclosed in relation to the laboratory analysis resulting in an Adverse Analytical Finding beyond the documents that the “**International Standard for Laboratories**” requires to be included in the laboratory report pack.

7.9 Where the Tribunal determines, of its own motion or at the request of the parties, to hold a directions hearing, the hearing may be held in person or by telephone or video conference call. The non-attendance of any party or his/its representative(s) at the directions hearing, after proper notice of the hearing has been provided, shall not prevent the Tribunal chairman from proceeding with the meeting in such party’s absence, whether or not any written submissions are made by or on behalf of that party.

8. **Hearings**

8.1 Save for good cause shown by any party, all hearings shall be conducted on a private and confidential basis, attended only by the parties to the proceedings (i.e., in the case of a first instance proceeding, the Anti-Doping Organisation and Respondent; in the case of an appeal, the Appellant and any other parties to the appeal) and their representatives and witnesses, as well as the representatives of any third party/ies permitted under the Code or the Anti-Doping Rules to attend in order to participate in and/or to observe the proceedings.

8.2 Each person with a right of appeal under the Anti-Doping Rules, if not a party to the proceedings before the Arbitral Tribunal, and if not wishing to exercise its right to attend the hearing, shall have the right to be kept advised by the Anti-Doping Organisation of the status of the proceedings.

8.3 The hearing shall be conducted in English. The Respondent shall be entitled to use an interpreter provided by the NADP at the Respondent’s own cost. Any party wishing to rely upon documents written in a language other than English shall produce official English translations of such documents at his/its own cost.

8.4 The procedure to be followed at the hearing shall be at the discretion of the Tribunal chairman, provided always that the hearing is conducted in a fair

manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses), address the Tribunal and present its/his case as to both liability and “**Consequences**”. The Tribunal shall have discretion as to whether to receive evidence from witnesses in person, by telephone, by video conference or in writing, and shall have the right to question a witness and control the questioning of witnesses by a party.

- 8.5 Unless the Tribunal orders that parties may make submissions in writing only, all parties should attend hearings in person, along with any representative(s). The non-attendance of any party or his representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the Tribunal from proceeding with the hearing in his absence, whether or not written submissions have been made by or on behalf of that party.
- 8.6 Once the parties have completed their respective submissions, the Tribunal shall retire to determine in private whether it is satisfied to the required standard that the Respondent has committed the ADRV(s) with which he is charged. The Tribunal shall make its decision unanimously or by majority. No member of the Tribunal may abstain.

9. **Burdens and Standards of Proof**

- 9.1 The Tribunal shall apply the burden(s) and standard(s) of proof specified in the Anti-Doping Rules, as well as any further rules of evidence and/or procedure specified in the Anti-Doping Rules.
- 9.2 Subject to Article 9.1, the Tribunal shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any judicial or evidential rules in relation to such matters. Facts may be established by any reliable means, including admissions.

10. **Consequences**

Where the Tribunal determines that the Respondent has committed the ADRV(s) charged, the Tribunal shall impose Consequences in accordance with the Anti-Doping Rules.

11. **Tribunal decisions**

- 11.1 Save with the permission of the President (which permission shall be notified to the parties in writing), the Tribunal shall announce its decision to the parties in writing, dated and signed by at least the Tribunal chairman within fifteen

(15) working days of the end of the hearing. The written decision shall set out and explain:

- 11.1.1 the Tribunal's findings, with reasons, as to what ADRV(s), if any, the Respondent has committed;
 - 11.1.2 what Consequences the Tribunal is imposing as a result of such findings, with reasons. In any case in which the Tribunal exercises the discretion conferred on it under the Anti-Doping Rules as to Consequences, the decision shall explain in detail the basis on which the Tribunal has determined that such discretion was triggered as well as the basis for the manner in which such discretion was exercised; and
 - 11.1.3 the rights of appeal that lie in respect of the decision.
- 11.2 Where the Tribunal finds that an argument advanced by a party was frivolous or otherwise entirely without merit, the Tribunal may award costs as it deems appropriate against that party. Otherwise, however, each of the parties shall bear its own costs, legal, expert or otherwise, and the Tribunal shall not have the power to order any other party to pay such costs, or the costs of convening the Tribunal.
- 11.3 The NADP Secretariat shall send copies of the decision to the parties and to any other person that has a right of appeal against the decision.
- 11.4 Proceedings under the NADP Rules are confidential and no arbitrator, party, third party observer or witness may disclose any facts or other information relating to the proceedings; provided, however, that:
- 11.4.1 where the Tribunal has determined that an ADRV has been committed, the NADP Secretariat shall disclose the decision publicly once the Respondent's time to appeal the decision has run, unless the Respondent appeals against the decision, in which case the NADP Secretariat shall not disclose the decision publicly pending determination of the appeal; and
 - 11.4.2 where the Tribunal has determined that an ADRV has not been committed, the NADP Secretariat shall not disclose the decision publicly unless the Respondent consents to such disclosure. Where the Respondent does not so consent, the NADP Secretariat may publish a summary of the decision, provided that what is disclosed does not enable the public to identify the Respondent.

12. **Appeals from Arbitral Tribunal decisions**

12.1 Decisions issued by Arbitral Tribunals under the NADP Rules shall be final and binding on all parties. They may be appealed to an Appeal Tribunal by any person(s) who is given such a right of appeal in the Anti-Doping Rules (the “**Appellant**”). The decision being appealed shall remain in full force and effect pending determination of the appeal unless the Appeal Tribunal orders otherwise.

12.2 All parties waive irrevocably any right to any other form of appeal, review or recourse by or in any court or judicial authority, insofar as such waiver may validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.

12.3 An Appellant who was not a party to the proceedings that led to the decision being appealed shall have the right to receive a copy of the record of the proceedings that led to the decision, including a copy of any transcripts. If such request is made, the NADP Secretariat shall supply the record and/or transcript to such party as soon as reasonably practicable.

12.4 Standard of review:

12.4.1 Where required in order to do justice (for example to cure procedural errors in the Arbitral Tribunal proceedings), appeals to an Appeal Tribunal pursuant to this Article 12 shall take the form of a rehearing *de novo* of the issues raised in the proceedings, i.e. the Appeal Tribunal shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed.

12.4.2 In all other cases, the appeal to an Appeal Tribunal shall not take the form of a *de novo* hearing but instead shall be limited to a consideration of whether the decision being appealed was erroneous.

12.5 Any party who wishes to appeal to an Appeal Tribunal must lodge a document (a “**Notice of Appeal**”) with the NADP Secretariat within 21 days of receipt of the decision being appealed, containing or accompanied by the following:

12.5.1 the contact details of the Appellant and any other party/parties to the appeal;

12.5.2 a copy of the decision being appealed;

12.5.3 a copy of the rule, regulation, agreement, submission or reference conferring jurisdiction on the NADP to hear and determine the appeal;

- 12.5.4 a statement of the grounds for the appeal;
 - 12.5.5 any proposals in relation to the conduct or venue of the appeal and an indication as to any special features of the appeal including but not limited to the date of birth of any minors involved in the appeal, whether any interim relief is sought, and/or whether expedited proceedings are required; and
 - 12.5.6 confirmation that a copy of the Notice of Appeal is being served simultaneously on any party or parties entitled to notification of the same pursuant to the Code and/or the Anti-Doping Rules.
- 12.6 Appeal procedures:
- 12.6.1 Where a Notice of Appeal is filed with the NADP Secretariat in accordance with Article 12.5, the President shall appoint an Appeal Tribunal in accordance with Article 5.3.
 - 12.6.2 Articles 5, 7, 8, 9, 10 and 11 shall apply *mutatis mutandis* (i.e. with any amendments deemed to have been made that are necessary to take account of the different context) to proceedings before the Appeal Tribunal.
 - 12.6.3 Appeals should be conducted expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall take place no later than forty (40) days after the NADP Secretariat receives the Notice of Appeal.
- 12.7 Each of the relevant international federation, the NADO , the NGB, and WADA, if not party to the appeal, shall have the right to be kept advised by the Anti-Doping Organisation of the status of the appeal, as well as the right to attend appeal hearings as an observer.
- 12.8 For the avoidance of doubt, an Appeal Tribunal shall have the power to increase, decrease or remove any Consequences imposed by an Arbitral Tribunal, in accordance with the Anti-Doping Rules.
- 13 Appeals from Appeal Tribunal decisions**
- 13.1 An Appeal Tribunal's decision shall be final and binding and may only be appealed strictly as specified in the Anti-Doping Rules.
 - 13.2 The parties waive irrevocably any right to any other form of appeal, review or recourse in or by a court or judicial authority, insofar as such waiver may

validly be made. For the avoidance of doubt, such a waiver extends to any rights that would otherwise arise under sections 45 or 69 of the Arbitration Act 1996.

14 **Miscellaneous**

14.1 Where a matter arises that is not otherwise provided for in the NADP Rules, the President (or, at the request of the President, the Vice-President) shall resolve the matter as he sees fit.

14.2 None of the NADP, the President, the Vice-President, the NADP Secretariat, any NADP arbitrator or any expert appointed to assist a Tribunal shall be liable to any party for any act or omission in connection with any proceedings (first instance or appellate) conducted in accordance with the NADP Rules save where actuated by malice or bad faith.