



ANTI-DOPING RULES

JANUARY 2021

WP Ref: O:\Legal\AGREEMTS\AGREEMTS\BS AntiDoping Rules Jan 2021.

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 in Great Britain (namely swimming, para swimming, open water marathon swimming, diving, high diving, artistic swimming and water polo) whose members are the Amateur Swimming Association (Swim England) Limited - including the Isle of Man and the Channel Islands - ("Swim England"), the Scottish Amateur Swimming Association Limited ("Scottish Swimming") and Swim Wales.

- (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 in Great Britain (namely swimming, para swimming, open water marathon swimming, diving, high diving, artistic 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 accordance with British Swimming's responsibilities to FINA under the FINA Doping Control Rules, and 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 Anti-Doping.

- (E) These Anti-Doping Rules, are sport rules governing the conditions under which sport is played, aimed at enforcing anti-doping principles in a global

and harmonized manner, they are distinct in nature from criminal and civil proceedings, and are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings.

- (F) When reviewing the facts and the law of a given case all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules implementing the Code and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

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

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

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

Doping is fundamentally contrary to the spirit of sport.

The 2021 British Swimming Anti-Doping Rules

(Version 1.0, in effect as from 1 January 2021)

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The British Swimming Anti-Doping Rules

(Version 1.0, in effect as from 1 January 2021)

Article 1: Scope and Application

1.1 Introduction

- 1.1.1 British Swimming has adopted these 2021 Anti-Doping Rules (the "Rules") to impose clear prohibitions and controls on doping in the sport of swimming in accordance with the requirements of the World Anti-Doping Code (the "**Code**") and its supporting International Standards (each as amended from time to time) in order to preserve the integrity and values of play in the sport of swimming and to protect the rights and health of participation in the sport on a national basis within Great Britain. They also acknowledge the Athletes' Anti-Doping Rights Act referenced in Code Article 20.7.7, which compiles in one place the rights of Athletes that are specifically identified in the Code and International Standards.
- 1.1.2 These Rules are based upon the rules produced by UK Anti-Doping, the National Anti-Doping Organisation for the United Kingdom (Version 1.0, 1 January 2021), which have been drafted to implement the amendments to the Code coming into effect in 2021. These Rules shall become effective on 1 January 2021.
- 1.1.3 British Swimming is a member of and subject to the anti-doping jurisdiction of FINA and is bound by FINA's Anti-Doping Rules. Where the Code allows alternative approaches on a particular issue, and FINA mandates that British Swimming in matters arising under these Rules, takes a different approach on such an issue than is taken in these Rules, then the different approach mandated by FINA shall be followed.
- 1.1.4 Defined terms used in these Rules (denoted with initial capital letters e.g. Athlete Support Personnel) have the meaning given to them in Appendix 1 to these Rules.

1.2 Application

- 1.2.1 These Rules shall apply to:
- (a) all Athletes (including International-Level Athletes) and Athlete Support Personnel who are members of British Swimming and/or Swim England, Scottish Swimming or Swim Wales (together the "Home Nations") or affiliate organisations or licensees of British Swimming (including any clubs, teams, associations or leagues) or otherwise under the jurisdiction of British Swimming (including Recreational Athletes);
 - (b) all Athletes (including International-Level 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 member or affiliate

organisations or licensees (including any clubs, teams, associations or leagues), wherever held;

- (c) any other Athlete (including International-Level Athletes) or Athlete Support Person or other Person who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of British Swimming for purposes of anti-doping; and
- (d) any other Person over whom the Code gives UKAD authority;

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 and is not subject to these Rules. Such matter would be referred by British Swimming to the other member federation and FINA advised accordingly.

1.2.2 Each of the persons described in Article 1.2.1 shall be deemed to agree, as a condition of their participation in the activities described in that Article:

- (a) to be bound by and to comply strictly with these Rules;
- (b) to submit to the authority of British Swimming and UKAD to apply and enforce these Rules;
- (c) to provide all requested assistance to British Swimming and UKAD (as applicable) in the application and enforcement of these Rules, including (without limitation) cooperating fully with any investigation, Results Management, and/or proceedings 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 Athletes and other Persons who are subject to the authority of British Swimming 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 (the “**IPC**”), and that the same conduct of such Athletes and other Persons may engage 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 Athlete or other Person under such other rules. The jurisdictional and other issues arising when the same conduct engages these Rules and such other rules shall be resolved in accordance with the Code.

- 1.2.4 Where the rules of FINA or the IPC (as applicable) require action at the national level against an Athlete or other Person in respect of an alleged Anti-Doping Rule Violation, unless stipulated otherwise in the rules of FINA or the IPC (as applicable), such action shall be taken by UKAD in accordance with these Rules.
- 1.2.5 For the avoidance of doubt, nothing in these Rules shall be interpreted as limiting the rights, functions and obligations of UKAD as a Signatory to the Code. Nothing in the Rules prevents UKAD from undertaking Doping Control, investigations, Results Management, and/or any other Anti-Doping Activities in accordance with any agreement or arrangement with FINA or the IPC (as applicable), any other Anti-Doping Organisation, or other Code Signatory, or in accordance with any right or obligation arising under the Code (including without limitation the right under the Code to conduct Testing of athletes from other jurisdictions when they are present in the UK).

1.3 Core responsibilities under these Rules

- 1.3.1 It is the personal responsibility of each Athlete (which may not be delegated to any other person):
- (a) to acquaint themselves, and to ensure that each Person (including medical personnel) from whom they take 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 the substances and methods that have been included on the Prohibited List;
 - (b) to comply with these Rules in all respects at all times;
 - (c) to take full responsibility for what they Use;
 - (d) to carry out research regarding any products or substances which they intend to Use (prior to such Use) to ensure that Using them will not constitute or result in an Anti-Doping Rule Violation. Such research shall, at a minimum, include a reasonable internet search of:
 - i. the name of the product or substance;
 - ii. the ingredients/substances listed on the product or substance label; and
 - iii. other related information revealed through research of points (i) and (ii);

- (e) to ensure that any medical treatment they receive does not infringe these Rules;
- (f) to make themselves available for Testing at all times upon request, whether In-Competition or Out-of-Competition;
- (g) when included in a Registered Testing Pool, or the Domestic Testing Pool to provide accurate and up-to-date whereabouts information for purposes of Testing;
- (h) to disclose to UKAD and to their International Federation any decision (whether by a Signatory or a non-Signatory) that the Athlete infringed anti-doping rules within the previous ten (10) years;
- (i) to disclose the identity of their Athlete Support Personnel upon request to UKAD and/or any other Anti-Doping Organisation with authority over them; and
- (j) to cooperate fully with UKAD and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations.

1.3.2 It is the personal responsibility of each Athlete Support Person:

- (a) to acquaint themselves with all of the requirements of these Rules, including (without limitation) being aware of what constitutes an Anti-Doping Rule Violation and the substances and methods that have been included on the Prohibited List;
- (b) to comply with these Rules in all respects at all times;
- (c) not to Use or Possess any Prohibited Substance or Prohibited Method without valid justification. An Athlete Support Person or other Person who Uses or Possesses a Prohibited Substance or Prohibited Method without valid justification may not provide support to any Athlete;
- (d) to cooperate with Testing;
- (e) to use their influence to foster anti-doping attitudes among Athletes and other Persons;
- (f) to disclose to UKAD and to their International Federation any decision (whether by a Signatory or non-Signatory) that they infringed applicable anti-doping rules within the previous ten (10) years; and
- (g) to cooperate fully with UKAD and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations.

1.3.3 It is the personal responsibility of each other Person:

- (a) to acquaint themselves with all of the requirements of these Rules, including (without limitation) being aware of what

constitutes an Anti-Doping Rule Violation and the substances and methods that have been included on the Prohibited List;

- (b) to comply with these Rules in all respects at all times, to the extent the Rules impose obligations on them;
- (c) to disclose to UKAD and to their International Federation any decision (whether by a Signatory or non-Signatory) that they infringed anti-doping rules within the previous ten (10) years; and
- (d) to cooperate fully with UKAD and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations.

1.3.4 It is the responsibility of UKAD to act as the National Anti-Doping Organisation for the United Kingdom, with the roles and responsibilities set out in Code Article 20.5, including:

- (a) acting as the Results Management Authority under these Rules;
- (b) exercising the powers and discharging the responsibilities given to it in the UK National Anti-Doping Policy and in these Rules;
- (c) being independent in its operational decisions and activities from sport and government, including (without limitation) prohibiting any involvement in its operational decisions and activities by any Person who is at the same time involved in the management or operations of any International Federation, British Swimming or other National Federation, Major Event Organisation, National Olympic Committee, National Paralympic Committee, or government department with responsibility for sport or anti-doping;
- (d) being the authority on anti-doping Education within the UK, and planning, implementing, evaluating and promoting anti-doping education in line with the requirements of the International Standard for Education;
- (e) conducting all aspects of Doping Control under these Rules. If UKAD delegates any aspect of Doping Control or anti-doping education to a Delegated Third Party, UKAD will require the Delegated Third Party to perform those delegated aspects in compliance with the Code, the International Standards, and these Rules. UKAD will remain fully responsible for such compliance;
- (f) ensuring that its board members, directors, officers, and its employees who are involved in any aspect of Doping Control, as well as its Delegated Third Parties and their employees who are involved in any aspect of Doping Control, acknowledge and agree to be bound by and to comply with these Rules;

- (g) not knowingly employing a Person in any position involving Doping Control (other than authorised anti-doping education or rehabilitation programmes) who is serving a Provisional Suspension or a period of Ineligibility or, if not subject to the Code, has directly and intentionally engaged in conduct within the previous six (6) years that would have constituted an Anti-Doping Rule Violation if these Rules had been applicable to such Person;
- (h) cooperating fully with WADA in connection with investigations conducted by WADA pursuant to Code Article 20.7.14; and
- (i) reporting to WADA on UKAD's compliance with the Code and the International Standards in accordance with Code Article 24.1.2.

1.3.5 It is the responsibility of British Swimming:

- (a) to exercise the powers and discharge the responsibilities given to it in the UK National Anti-Doping Policy and in these Rules; and
- (b) to use its influence to foster anti-doping attitudes among Athletes and other Persons.

1.4 Retirement

1.4.1 Each Athlete will continue to be bound by and required to comply with these Rules unless and until they have given written notice to British Swimming that they have retired from the sport of swimming.

1.4.2 Where an Athlete is in the International Registered Testing Pool, the National Registered Testing Pool or Domestic Testing Pool at the time of such retirement, they must also send written notice to UKAD FINA or the IPC (if applicable) of such retirement in order for it to be effective.

1.4.3 Subject to Article 1.4.4, an Athlete in the International Registered Testing Pool, the National Registered Testing Pool or the Domestic Testing Pool who has given notice of retirement in accordance with Article 1.4.1 may not resume competing in an International Event or National Event in any sport covered by the Code unless:

- (a) they have given British Swimming, UKAD FINA or the IPC (if applicable) written notice of no less than six (6) months of their intent to return to competition; and
- (b) during that notice period they have submitted to the application of these Rules and to the jurisdiction of British Swimming, UKAD, the NADP and CAS (as applicable) under the Rules, including by making themselves available for Testing, and (if requested by UKAD) complying with Article 4.8 of the International Standards for Testing and Investigations, or (for Athletes not in the National Registered Testing Pool) by providing other whereabouts information as stipulated by UKAD.

1.4.4 Exemptions:

- (a) WADA, in consultation with UKAD, FINA or the IPC (as applicable), may exempt an Athlete in the National Registered Testing Pool from the six-month written notice rule under Article 1.4.3(a) where the strict application of that rule would be manifestly unfair to that Athlete. WADA's decision to grant or not grant such exemption may be appealed under Article 13.
- (b) An Athlete in the Domestic Testing Pool may apply to UKAD for an exemption from Article 1.4.3(a) where the strict application of that rule would be manifestly unfair to that Athlete. UKAD's decision not to grant such exemption may be appealed under Article 13.

1.4.5 If an Athlete retires while subject to a period of Ineligibility, that Athlete must give written notice of such retirement to UKAD and may not resume competing in an International Event or National Event in any sport covered by the Code unless:

- (a) they have given British Swimming, UKAD, and FINA or the IPC (if applicable) written notice of no less than six (6) months (or notice equivalent to the period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six months) of their intent to return to competition; and
- (b) during that notice period they have submitted to the application of these Rules and to the jurisdiction of British Swimming, FINA, the IPC, UKAD, the NADP and CAS (as applicable) under the Rules, including by making themselves available for Testing, and (if requested) complying with whereabouts requirements stipulated by UKAD.

1.4.6 Any competitive results obtained in violation of Article 1.4.3 shall be Disqualified unless the Athlete can establish that they could not reasonably have known that the Event in question was an International Event or a National Event.

1.4.7 Each Athlete Support Person and other Person described in Article 1.2.1 who is not an Athlete shall continue to be bound by and required to comply with these Rules unless and until they no longer carry out the activity or are bound by the arrangement that brought them within Article 1.2.1 in the first place.

1.4.8 British Swimming, UKAD, the NADP and CAS (as applicable) shall continue to have jurisdiction under these Rules over a Person described in Article 1.2.1 after that Person has retired, in respect of matters taking place prior to their retirement.

- (a) If such a Person retires while subject to a Results Management process, UKAD or the other Anti-Doping Organisation conducting the Results Management process retains jurisdiction to complete that process.

(b) If such a Person retires before any Results Management process has begun, UKAD and any other Anti-Doping Organisation that had Results Management authority over them before their retirement retain Results Management authority over them in respect of matters taking place prior to their retirement.

1.5 Interpretation

- 1.5.1 These Rules are intended to implement the Code and the International Standards (each as amended from time to time) in the United Kingdom, and shall be interpreted and applied accordingly. The Code (including the Purpose, Scope and Organisation of the World Anti-Doping Program and the Code and Appendix 1, Definitions) and the International Standards (each as amended from time to time) shall be considered integral parts of these Rules. If they conflict with these Rules, the Code and International Standards shall prevail.
- 1.5.2 The comments annotating various Code provisions are incorporated by reference into these Rules, as if set out in full herein, and shall be used to interpret the Code and these Rules.
- 1.5.3 The Code and these Rules shall be interpreted as an independent and autonomous text and not by reference to the existing laws of Signatories or governments. These Rules are intended to implement the Code in a harmonised manner, and are distinct in nature from criminal and civil laws. They are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings, although they do respect and reflect, and are intended to be applied in a manner that respects and reflects, human rights and the principle of proportionality.
- 1.5.4 When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Rules, and of the fact that the Code that these Rules implement represents a global consensus of WADA's stakeholders as to what is necessary to protect and ensure fair sport.
- 1.5.5 Save where otherwise indicated references in these Rules to Articles or the Appendix are references to articles of or to the appendix to these Rules.
- 1.5.6 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.
- 1.5.7 Where the term "days" is used in these Rules, it shall mean calendar days, unless otherwise specified.

1.6 Effective Date

- 1.6.1 These Rules come into full force and effect on 1 January 2021 (the "Effective Date"), replacing the British Swimming Anti-Doping Rules that were in force prior to the Effective Date.
- 1.6.2 These Rules do not apply retroactively to matters arising prior to the Effective Date. However:

- (a) Anti-Doping Rule Violations that took place prior to the Effective Date count as prior violations for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.
- (b) Any Article 2.4 Whereabouts Failure (whether a Filing Failure or a Missed Test) that took place prior to the Effective Date may be relied upon as one of the requisite elements of an Article 2.4 Anti-Doping Rule Violation under these Rules until twelve (12) months after it took place.
- (c) For purposes of assessing the period of Ineligibility for a second violation, the period of Ineligibility imposed for the first violation is taken into account: see Article 10.9.1(b)(i). Where the period of Ineligibility that was imposed for the first violation was determined based on rules in force prior to the Effective Date, it shall be assumed for purposes of the calculation under Article 10.9.1(b)(i) that the period of Ineligibility imposed for the first violation was whatever period of Ineligibility would have been imposed for that first violation had these Rules been applicable to the first violation.
- (d) Any case that is pending as of the Effective Date and any case brought after the Effective Date based on an Anti-Doping Rule Violation that allegedly occurred prior to the Effective Date will be governed by the substantive anti-doping rules in effect at the time the alleged Anti-Doping Rule Violation occurred, and not by the substantive anti-doping rules set out in these Rules (unless the panel hearing the case determines that a *lex mitior* in these Rules in relation to Consequences should apply instead), while the procedural aspects of the case will be governed by these Rules.
- (e) For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.5 and the statute of limitations in Article 7.13 are procedural rules, not substantive rules, and should be applied retroactively, provided, however, that Article 7.13 will only be applied retroactively if the statute of limitation period (whether the original one or as extended by subsequent rules) has not already expired by the Effective Date. Where a final decision finding an Anti-Doping Rule Violation has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to UKAD before the period of Ineligibility has expired to reduce the period of Ineligibility in light of a *lex mitior* in these Rules. UKAD's decision on that application may be appealed pursuant to Article 13.4.
- (f) These Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.

1.7 Amendments

- 1.7.1 UKAD may amend these Rules from time to time. Such amendments shall be approved and come into effect in the manner prescribed by British Swimming.
- 1.7.2 Amendments made by WADA to the Code, the Prohibited List and any other International Standard will come into effect automatically in the manner set out in the Code and such amendments will be binding upon all Persons who are subject to these Rules without further formality.
- 1.7.3 Changes to the Prohibited List and/or to Technical Documents relating to substances or methods on the Prohibited List shall not be applied retroactively unless they specifically so provide. However, where the effect of the change is to remove a Prohibited Substance or Prohibited Method from the Prohibited List, an Athlete or other Person who is serving a period of Ineligibility on account of that (former) Prohibited Substance or Prohibited Method may apply to UKAD to reduce the period of Ineligibility in light of its removal from the Prohibited List.

Article 2: Anti-Doping Rule Violations

Doping is defined as the occurrence of one or more of the Anti-Doping Rule Violations set out in Article 2.1 through Article 2.10 of these Rules.

The purpose of Article 2 is to specify the circumstances and conduct that constitute Anti-Doping Rule Violations. Hearings in doping cases will proceed based on the assertion that one or more Anti-Doping Rule Violations has been committed.

2.1 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 their body. An Athlete is responsible for any Prohibited Substance or any of its Metabolites or Markers found to be present in their Sample. Accordingly, it is not necessary to demonstrate intent, Fault, negligence or knowing Use on the Athlete's part in order to establish an Article 2.1 Anti-Doping Rule Violation; nor is the Athlete's lack of intent, Fault, negligence or knowledge a valid defence to an assertion that an Article 2.1 Anti-Doping Rule Violation has been committed.
- 2.1.2 Proof of any of the following to the standard required by Article 8.4.1 is sufficient to establish an Article 2.1 Anti-Doping Rule Violation:
 - (a) An Adverse Analytical Finding of the presence of a Prohibited Substance or any of its Metabolites or Markers in the Athlete's A Sample, where the Athlete waives analysis of the B Sample and so the B Sample is not analysed.
 - (b) An Adverse Analytical Finding of the presence of a Prohibited Substance or any of its Metabolites or Markers in the Athlete's A Sample, where analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance

or its Metabolites or Markers found in the Athlete's A Sample.

- (c) Where the Athlete's Sample has been split into two parts, and there has been an Adverse Analytical Finding of the presence of a Prohibited Substance or any of its Metabolites or Markers in the first part of the split Sample, and the Athlete waives analysis of the confirmation part of the split Sample, or else analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample.

2.1.3 Excepting those substances for which a Decision Limit is specifically identified in the Prohibited List or a Technical Document, the presence of any reported quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an Article 2.1 Anti-Doping Rule Violation.

2.1.4 As an exception to the general rule of Article 2.1.3, the Prohibited List, other International Standards and/or Technical Documents may establish special criteria for reporting or the evaluation of certain Prohibited Substances.

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 their body and that no Prohibited Method is Used. Accordingly, it is not necessary to demonstrate intent, Fault, negligence or knowing Use on the Athlete's part in order to establish an Anti-Doping Rule Violation for Use of a Prohibited Substance or a Prohibited Method; nor is the Athlete's lack of intent, Fault, negligence or knowledge a valid defence to an assertion that an Article 2.2 Anti-Doping Rule Violation of Use has been committed.

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

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 Article 2.2 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 Article 2.2 Anti-Doping Rule Violation. If, however, an Adverse Analytical Finding is reported for the presence of such substance or any of its Metabolites or Markers in a Sample collected In-Competition, that may amount to an Article 2.1 Anti-Doping Rule Violation.

2.3 Evading, or refusing or failing to submit, to Sample Collection

Evading Sample collection; or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorised Person.

2.4 Whereabouts Failures

Any combination of three (3) Missed Tests and/or Filing Failures within a twelve (12) month period by an Athlete in a Registered Testing Pool.

2.5 Tampering or Attempted Tampering with any part of Doping Control by an Athlete or other Person

2.6 Possession of a Prohibited Substance and/or a Prohibited Method by an Athlete or Athlete Support Person

2.6.1 Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition 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 Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4 or other acceptable justification.

2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or other Person

2.8 Administration or Attempted Administration by an Athlete or other Person either (1) to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or (2) to any Athlete Out-of-Competition of any Prohibited Substance or Prohibited Method that is prohibited Out-of-Competition

2.9 Complicity or Attempted Complicity by an Athlete or other Person

Assisting, encouraging, aiding, abetting, conspiring, covering up, or any other type of intentional complicity or Attempted complicity involving an Anti-Doping Rule Violation, Attempted Anti-Doping Rule Violation or violation of Article 10.14.1 by another Person.

2.10 Prohibited Association by an Athlete or other Person

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

- (a) if subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility; or
- (b) if not subject to the authority of an Anti-Doping Organisation, and where Ineligibility has not been addressed in a Results Management process pursuant to these Rules or the Code) has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in

conduct which would have constituted a violation of these Rules or the Code if Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of (1) six (6) years from the criminal, professional or disciplinary decision; or (2) the duration of the criminal, disciplinary or professional sanction imposed; or

(c) is serving as a front or intermediary for an individual described in Article 2.10.1(a) or 2.10.1(b).

2.10.2 To prove an Article 2.10 Anti-Doping Rule Violation, UKAD must establish that the Athlete or other Person knew of the Athlete Support Person's disqualifying status.

2.10.3 The burden shall be on the Athlete or other Person to establish either:

(a) that their association with an Athlete Support Person described in Article 2.10.1(a) or 2.10.1(b) is not in a professional or sport-related capacity; or

(b) that such association could not have been reasonably avoided;

If they discharge that burden (in either respect), that shall be a complete defence to the charge that the Athlete or other person has committed an Article 2.10 Anti-Doping Rule Violation.

2.10.4 If British Swimming or UKAD becomes aware of Athlete Support Personnel who meet the criteria described in Article 2.10.1(a), 2.10.1(b), or 2.10.1(c), they shall submit that information to WADA.

2.11 Acts by an Athlete or other Person to discourage or retaliate against reporting to authorities

2.11.1 Where such conduct does not otherwise constitute a violation of Article 2.5:

(a) Any act that threatens or seeks to intimidate another Person with the intent of discouraging the Person from the good-faith reporting of information that relates to an alleged Anti-Doping Rule Violation or alleged non-compliance with the Code to WADA, UKAD, law enforcement, a regulatory or professional disciplinary body, a hearing body, or a Person conducting an investigation for WADA or UKAD or another Anti-Doping Organisation.

(b) Retaliation against a Person who has provided evidence or information in good faith that relates to an alleged Anti-Doping Rule Violation or alleged non-compliance with the Code to WADA, UKAD, law enforcement, a regulatory or professional disciplinary body, a hearing body, or a Person conducting an investigation for WADA or UKAD or another Anti-Doping Organisation.

2.11.2 For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such Person that lacks a good faith basis or is a disproportionate response.

Article 3: The Prohibited List

3.1 Incorporation of the Prohibited List

- 3.1.1 These Rules incorporate the Prohibited List, which is published and revised by WADA as described in Article 4.1 of the Code.
- 3.1.2 Unless provided otherwise in the Prohibited List or a revision thereto, the Prohibited List and revisions thereto will come into effect automatically under these Rules three (3) months after their publication by WADA on its website, without requiring any further action by British Swimming or UKAD.
- 3.1.3 All Athletes and other Persons shall be bound by the Prohibited List, and any revisions thereto, from the date they come into effect. It is the responsibility of all Athletes and other Persons to familiarise themselves with the most up-to-date version of the Prohibited List and all revisions thereto.

3.2 Prohibited Substances and Prohibited Methods identified on the Prohibited List

3.2.1 Prohibited Substances and Prohibited Methods

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

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.

3.2.2 Specified Substances and Specified Methods

For purposes of these Rules, all Prohibited Substances shall be "**Specified Substances**" except as identified on the Prohibited List. No Prohibited Method shall be a "Specified Method" unless it is specifically identified as a Specified Method on the Prohibited List.

3.2.3 Substances of Abuse

Certain Prohibited Substances will be specifically classified on the Prohibited List as "**Substances of Abuse**" because they are frequently abused in society outside of the context of sport.

3.3 WADA's determination of the Prohibited List

The following shall be final and shall not be subject to any challenge by any Athlete or other Person, including (without limitation) based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk, or violate the spirit of sport:

- 3.3.1 WADA's determination of the Prohibited Substances and Prohibited Methods to be included on the Prohibited List;

- 3.3.2 WADA's classification of substances into categories on the Prohibited List;
- 3.3.3 WADA's classification of substances on the Prohibited List as a Specified Substance, or as a Specified Method, or as a Substance of Abuse, and its decision not to classify certain substances as such; and
- 3.3.4 WADA's classification of a substance as prohibited at all times or In-Competition only.

Article 4: Therapeutic Use Exemptions

4.1 Incorporation of the International Standard for Therapeutic Use Exemptions

- 4.1.1 These Rules incorporate the International Standard for Therapeutic Use Exemptions, as amended from time to time (the "ISTUE"). The ISTUE is therefore binding on all Athletes and other Persons in the same way as the Rules are binding on them.
- 4.1.2 The ISTUE sets out the circumstances in which Athletes may be granted permission to Use, for therapeutic purposes, substances or methods on the Prohibited List the Use of which would otherwise be prohibited (a "Therapeutic Use Exemption" or "TUE").

4.2 Scope and effect of TUEs

- 4.2.1 The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method shall not be considered an Anti-Doping Rule Violation if it is consistent with the provisions of a TUE validly granted to the Athlete in question in accordance with these Rules and the ISTUE.
- 4.2.2 An Athlete who is an International-Level Athlete should apply to FINA or the IPC (as applicable) for a TUE.
- 4.2.3 An Athlete who is not an International-Level Athlete should apply to the UK TUE Committee for a TUE in accordance with the TUE application process specified by UKAD from time to time.
- 4.2.4 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, provided that it is consistent with the Code and the criteria set out in the ISTUE and its grant was within that Signatory's authority. Otherwise, however, an Athlete who needs a TUE must apply to the UK TUE Committee for a TUE in accordance with these Rules and the ISTUE.
- 4.2.5 Athletes should note that a TUE granted by the UK TUE Committee will not be valid for purposes of FINA's or the IPC's rules (e.g., if the Athlete becomes an International-Level Athlete or competes in an International Event) unless and until FINA or the IPC (as applicable) recognises that TUE. An application to FINA for grant or recognition of a TUE must be made as soon as possible, save where Articles 4.1 and 4.3 of the International Standard for Therapeutic Use Exemptions apply. The

application shall be made in accordance with Article 6 of the International Standard for Therapeutic Use Exemptions as posted on FINA's website. FINA shall establish a FINA TUE Committee to consider applications for the grant or recognition of TUEs. The FINA TUE Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions. Its decision shall be the final decision of FINA and may be appealed in accordance with Article 4.6.1. The decision shall be notified in writing to the Athlete, WADA and other Anti-Doping Organisations in accordance with the International Standard for Therapeutic Use Exemptions. It shall also promptly be reported into ADAMS. An application to the IPC for grant or recognition of a TUE must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the Athlete's next Competition. The IPC Medical Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standards for Therapeutic Use Exemptions. Its decision shall be the final decision of the IPC, and shall be reported to WADA and other relevant Anti-Doping Organisations, including UKAD, through ADAMS, in accordance with the International Standards for Therapeutic Use Exemptions, Pursuant to Code Article 4.4.3.1:

- (a) If the TUE meets the criteria set out in the ISTUE, FINA or the IPC (as applicable) must recognise it.
- (b) If FINA or the IPC (as applicable) refuses to recognise the TUE, it must notify the Athlete and UKAD promptly, with reasons. The Athlete and/or UKAD shall have twenty-one (21) days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review, the TUE remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition) pending WADA's decision. If the matter is not referred to WADA for review, within the 21-day deadline, UKAD must determine whether the TUE should nevertheless remain valid for national-level Competition and Out-of-Competition Testing (provided that the Athlete ceases to be an International-Level Athlete and does not participate in international-level Competition). Pending UKAD's decision, the TUE remains valid for national-level Competition and Out-of-Competition Testing, but is not valid for international-level Competition.

4.2.6 Pursuant to Code Article 4.4.3.2, where FINA or the IPC (as applicable) grants a TUE to an Athlete, FINA or the IPC (as applicable) must notify the Athlete and UKAD. If UKAD considers that the TUE does not meet the criteria set out in the ISTUE, it has twenty-one (21) days from such notification to refer the matter to WADA for review. If UKAD refers the matter to WADA for review, the TUE granted by FINA or the IPC (as applicable) remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If UKAD does not refer the matter to WADA for review, the TUE granted by FINA or the IPC (as applicable) becomes valid for national-level Competition as well when the twenty-one (21) day review deadline expires.

- 4.2.7 Athletes are also warned that TUEs granted by the UK TUE Committee or FINA may not be automatically recognised by Major Event Organisations (e.g. the IOC, for the Olympic Games).
- 4.2.8 Subject to the foregoing provisions of this Article 4.2, an Athlete may not apply to more than one Anti-Doping Organisation for a TUE.
- 4.2.9 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) shall constitute an Article 2.5 Anti-Doping Rule Violation.

4.3 Timing of application for a TUE

- 4.3.1 As a general rule, Athletes must obtain a TUE prior to the presence, Use, or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Method.
- 4.3.2 Subject only to Articles 4.2.34 (which provides that a TUE granted by another Signatory, such as FINA, may be recognised under these Rules) and 04.3.3 (which identifies the limited circumstances in which a TUE may be granted retroactively):
 - (a) An Athlete in the National Registered Testing Pool must obtain a TUE prior to Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question.
 - (b) UKAD may also establish a further pool of Athletes not in the National Registered Testing Pool (the "National TUE **Pool**") who are required to obtain a TUE prior to Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question.
 - (c) In the event that an Athlete who is not included in the National Registered Testing Pool or National TUE Pool wishes to obtain a TUE prior to Use, Possession or Administration of the Prohibited Substance or Prohibited Method in question, UKAD may, at its sole and absolute discretion, either process the Athlete's TUE application or else refer the Athlete to the procedure for retroactive TUE applications set out in Article 4.3.3.
- 4.3.3 A TUE may only be granted retroactively in the following limited circumstances:
 - (a) Where an Athlete who is not in the National Registered Testing Pool or the National TUE Pool is tested pursuant to these Rules, and that Athlete has been Using a Prohibited Substance or Prohibited Method for which they are entitled to a TUE. If FINA or the IPC (as applicable) choose to test an Athlete who is not an International-Level Athlete or a National-Level Athlete, and that Athlete is Using a Prohibited Substance or Prohibited Method for therapeutic reasons, FINA or the IPC (as applicable) must permit the Athlete to apply for a retroactive TUE.

- (b) Where emergency treatment or urgent treatment of a medical condition was necessary.
 - (c) Where there was insufficient time or opportunity or other exceptional circumstances that prevented the Athlete submitting (or the UK TUE Committee considering) an application for the TUE prior to Sample collection.
 - (d) Where the Athlete Used Out-of-Competition, for therapeutic reasons, a substance that is only prohibited In-Competition.
 - (e) In exceptional circumstances where, considering the purpose of the Code, it would be manifestly unfair not to grant a retroactive TUE.
 - i. For National-Level Athletes, UKAD may grant a retroactive TUE pursuant to this Article 4.3.3(e) only with the prior approval of WADA, which WADA may give or withhold as it sees fit.
 - ii. For other Athletes, UKAD does not have to obtain WADA's advance approval, but WADA may review and either agree with or reverse UKAD's grant of a retroactive TUE pursuant to this Article 4.3.3(e) to such Athlete.
 - (f) Any decision made by UKAD or WADA to grant or not grant a retroactive TUE or to reverse a TUE granted pursuant to Article 4.3.3(e) may not be challenged either as a defence to an assertion of an Anti-Doping Rule Violation, or by way of appeal, or otherwise.
- 4.3.4 An Athlete must submit an application for a retroactive TUE to the UK TUE Committee no later than five (5) working days after the Athlete is notified of an Adverse Analytical Finding in respect of the Sample collected from the Athlete; provided that UKAD may extend this deadline upon request by the Athlete for good cause shown. Any such TUE application must be resolved before any Adverse Analytical Finding, Atypical Finding or Adverse Passport Finding relating to that Athlete's Sample is processed.

4.4 Grant of a TUE

- 4.4.1 An Athlete requiring a TUE from UKAD must apply to the UK TUE Committee in accordance with the TUE application process specified by UKAD from time to time.
- 4.4.2 The UK TUE Committee will determine the TUE application in strict accordance with the criteria set out in the ISTUE.
- 4.4.3 All decisions by the UK TUE Committee (whether for the grant/denial or recognition/non-recognition of a TUE application) will be notified to the Athlete in writing by UKAD and made available by UKAD to other authorised Anti-Doping Organisations and WADA via ADAMS in accordance with ISTUE Article 5.5.
 - (a) A decision to grant a TUE must specify the dosage(s), frequency, route and duration of Administration of

the Prohibited Substance or Prohibited Method in question that the UK TUE Committee is permitting, reflecting the clinical circumstances, as well as any conditions imposed in connection with the TUE.

(b) A decision to deny a TUE application must include an explanation of the reason(s) for the denial.

4.4.4 A TUE will be effective as of the date it is granted (save where a retroactive TUE is granted, in which case the UK TUE Committee will specify the applicable effective date in its decision) and will have the duration specified by the UK TUE Committee. The TUE may also be granted subject to such conditions or restrictions as the UK TUE Committee sees fit.

4.4.5 An Athlete may not assume that their 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 a TUE has been granted or renewed shall be entirely at the Athlete's own risk.

4.5 Expiration, cancellation, withdrawal or reversal of a TUE

4.5.1 A TUE granted pursuant to these Rules:

(a) will expire automatically at the end of any period for which it was granted, without the need for any further notice or other formality;

(b) may be cancelled if the Athlete does not promptly comply with any requirements or conditions imposed by the UK TUE Committee upon grant of the TUE;

(c) may be withdrawn by UKAD if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or

(d) may be reversed on review by WADA or on appeal.

4.5.2 An Athlete who wishes to continue to Use the Prohibited Substance or Prohibited Method in question after the period for which the TUE has been granted must apply well in advance of the end of the period for renewal of the TUE.

4.5.3 Cancellation of a TUE pursuant to Article 4.5.1 (b) or withdrawal of a TUE pursuant to Article 4.5.1 (c) shall be made in writing and notified by UKAD to the Athlete in accordance with Article 17.2, and made available by UKAD to other authorised Anti-Doping Organisations and WADA via ADAMS in accordance with ISTUE Article 5.5. Such notice shall take effect upon receipt, in accordance with Article 17.2.

4.5.4 In the event of an expiration, cancellation, withdrawal or reversal of the TUE pursuant to Article 4.5.1, the Athlete shall not be subject to any Consequences based on their 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, withdrawal, or reversal of the TUE. The review of any subsequent Adverse Analytical Finding or Adverse Passport 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.

4.6 Review and appeals of TUE Decisions

4.6.1 Review by WADA:

- (a) WADA must review any decision by FINA or the IPC (as applicable) not to recognise a TUE granted by UKAD that is referred to it by UKAD or the Athlete. In addition, WADA must review FINA's or the IPC's decision (as applicable) to grant a TUE that is referred to it by UKAD.
- (b) WADA may review any other TUE decisions at any time, whether upon request by those affected (e.g. 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) or on its own initiative.
- (c) If the TUE decision being reviewed meets the criteria set out in the ISTUE, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

4.6.2 Decisions of FINA or the IPC (as applicable) , the UK TUE Committee (and decisions of the UK TUE Appeal Panel), and WADA may be challenged by appeal in accordance with Article 13.2.

4.6.3 A failure to take action (whether by FINA or the IPC (as applicable), the UK TUE Committee, or WADA) within a reasonable time on a properly-submitted TUE application shall be considered a denial of the application for purposes of the appeal rights set out in Article 13.2.

4.6.4 Until such time as a TUE decision pursuant to these Rules has been reversed upon review by WADA or upon appeal, that TUE decision shall remain in full force and effect.

Article 5: Testing and Investigations

5.1 Incorporation of the International Standard for Testing and Investigations

5.1.1 These Rules incorporate the International Standard for Testing and Investigations, as amended from time to time (the ISTI"). The ISTI is therefore binding on all Athletes and other Persons in the same way as the Rules are binding on them.

5.1.2 UKAD may undertake Testing (urine and/or blood and/or other matrices approved by WADA) and investigations in accordance with the ISTI and this Article 5.

5.2 Testing jurisdiction

- 5.2.1 All Athletes who are subject to these Rules (including any Athlete serving a period of Ineligibility) must submit to Testing upon demand by or on behalf of UKAD at any place and time (whether In-Competition or Out-of-Competition, and whether in the United Kingdom or overseas).
- 5.2.2 WADA and other Anti-Doping Organisations also have jurisdiction under the Code to test Athletes who are subject to these Rules. British Swimming and UKAD will recognise such Testing, and UKAD may bring proceedings against an Athlete pursuant to these Rules for an Anti-Doping Rule Violation arising out of such Testing.
- 5.2.3 Where reasonably feasible, Testing will be coordinated through ADAMS in order to maximise the effectiveness of the combined Testing effort and to avoid unnecessary Testing.
- 5.2.4 Save in exceptional and justifiable circumstances, all Testing shall take place without advance notice to the Athlete in question.

5.3 In-Competition Testing

- 5.3.1 UKAD will determine which Events it will conduct Testing at, which Athletes will be selected for Testing at such Events, and how they will be selected for Testing.
- 5.3.2 UKAD and British Swimming will authorise and facilitate the Independent Observer Program for Events in Great Britain.
- 5.3.3 At International Events held in the United Kingdom, the collection of Samples shall be initiated and directed by the ruling body for the Event, subject always to the right of UKAD to initiate and conduct such Testing in accordance with Code Article 5.3.2.

5.4 Out-of-Competition Testing

- 5.4.1 Without prejudice to Article 5.2.1, UKAD will establish a pool of Athletes who are required to provide whereabouts information via ADAMS and to make themselves available for Testing at such whereabouts in accordance with ISTI Article 4.8 (the "**National Registered Testing Pool**").
- 5.4.2 UKAD will make a list of the Athletes in the National Registered Testing Pool available to WADA and other Anti-Doping Organisations through ADAMS. UKAD will review the composition of the National Registered Testing Pool no less than quarterly.
- 5.4.3 An Athlete will be notified in writing of their inclusion in (or removal from) the National Registered Testing Pool. An Athlete may be included in the National Registered Testing Pool notwithstanding that they are also included in an International Registered Testing Pool. In that case, UKAD and FINA or the IPC (as applicable) will agree on which of them receives the Athlete's whereabouts filings in accordance with ISTI Article 4.8.6 (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 UKAD or FINA or the IPC (as applicable).

- 5.4.4 An Athlete will remain in the National Registered Testing Pool and will continue to be subject to the requirements of Article 4.8 of the ISTI unless and until:
- (a) they retire from their sport in accordance with Article 1.4.1 and also send written notice to UKAD of such retirement in accordance with Article 1.4.2; or
 - (b) UKAD has informed them in writing that they have been removed from the National Registered Testing Pool.
- 5.4.5 Subject to the Results Management provisions set out at ISRM Annex B.3 and Article 7.6 of these Rules:
- (a) the failure of an Athlete in the National Registered Testing Pool to provide whereabouts information in accordance with ISTI Article 4.8.8 shall be deemed a Filing Failure for purposes of Article 2.4 where the conditions of ISRM Annex B.2.1 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 ISTI Article 4.8.9 shall be deemed a Missed Test for purposes of Article 2.4 where the conditions of ISRM Annex B.2.4 are met.
- 5.4.6 UKAD may also establish another pool of Athletes who are required to comply with whereabouts requirements that UKAD notifies to them in writing (the **"Domestic Testing Pool"**). UKAD may move any Athlete who fails three (3) times in any twelve (12) month period to comply with those requirements into the National Registered Testing Pool.
- 5.4.7 An Athlete will remain in the Domestic Testing Pool and continue to be subject to the special requirements applicable to Athletes in that pool unless and until:
- (a) they retire from their sport in accordance with Article 1.4.1 and also send written notice to UKAD of such retirement in accordance with Article 1.4.2; or
 - (b) UKAD has informed them in writing that they have been removed from the Domestic Testing Pool.
- 5.4.8 All whereabouts information provided to UKAD pursuant to these Rules may be shared via ADAMS with WADA and other Anti-Doping Organisations with Testing authority over the Athlete(s) in question; shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Doping Control, or providing information relevant to the Athlete Biological Passport or other analytical results, or to support an investigation into a potential Anti-Doping Rule Violation; and shall be destroyed once it is no longer relevant for these purposes, all in accordance with the International Standard for the Protection of Privacy and Personal Information.

5.5 ABP Testing

- 5.5.1 UKAD will implement an ABP Programme in accordance with the relevant International Standards.
- 5.5.2 UKAD will designate one or more person(s) to administer and manage the ABP Programme on behalf of UKAD (the "**Athlete Passport Management Unit**", or "**APMU**"). UKAD will also appoint suitably qualified, independent experts to form an expert panel ("**Expert Panel**") for purposes of the ABP Programme.
- 5.5.3 UKAD will decide, in its sole discretion, which Athletes will be selected for ABP Testing. UKAD will also decide, consulting as appropriate with the Expert Panel (via the APMU), on the timing of such Testing. UKAD will also coordinate as necessary with other competent Anti-Doping Organisations carrying out ABP Testing in relation to any Athlete(s).
- 5.5.4 Samples that are intended to be part of the ABP Programme will be collected, transported and analysed in accordance with the relevant International Standards.
- 5.5.5 The data arising from analysis of such Samples will be processed and reviewed in accordance with the relevant International Standards to identify Atypical Passport Findings and other cases that warrant referral to a single expert from the Expert Panel.

5.6 Selection of Athletes for Testing

- 5.6.1 UKAD will select Athletes for Testing using Target Testing, Weighted and random selection methods, in accordance with the International Standard for Testing and Investigations in force at the time of selection.
- 5.6.2 For the avoidance of doubt, UKAD may select Athletes for Target Testing, so long as such Target Testing is not used for any purpose other than legitimate anti-doping purposes.
- 5.6.3 In order to preserve the ability to conduct Testing without advance notice, 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.

5.7 Testing of Minors

- 5.7.1 The consent of a parent or guardian to Testing of the Minor pursuant to these Rules shall be inferred from the fact that the Minor has been permitted by their parent or guardian to participate in the sport. Written confirmation of such consent may be required at any time as a pre-condition of further participation. Where the Minor is included in the National Registered Testing Pool or the Domestic Testing Pool, such consent must be confirmed upon notification of inclusion in the pool. In addition, the rules of a particular Event may require the provision of written consent as a pre-condition of the Minor's participation in the Event.
- 5.7.2 Testing of an Athlete who is a Minor shall be conducted in accordance with ISTI Annex B (Modifications for Athletes who are Minors).

5.8 Liability for Testing

Although every reasonable effort will be made to avoid inconvenience to Athletes as a result of Testing, British Swimming and UKAD and any Delegated Third Party and their respective members, directors, officers, employees, agents and representatives shall not be liable for any inconvenience or loss suffered by an Athlete as a result of Testing.

5.9 Investigations

- 5.9.1 UKAD shall have the power to gather anti-doping intelligence and conduct investigations in accordance with the Code and the ISTI and this Article 5.9 into matters that may evidence or lead to the discovery of evidence of an Anti-Doping Rule Violation.
- 5.9.2 UKAD shall always conduct an investigation of an Athlete Support Person who is subject to these Rules (1) where the Athlete Support Person has provided support to a Protected Person found to have committed an Anti-Doping Rule Violation; and (2) where the Athlete Support Person has provided support to more than one Athlete found to have committed an Anti-Doping Rule Violation.
- 5.9.3 UKAD may conduct investigations in cooperation with, and/or information obtained in such investigations may be shared with, other Anti-Doping Organisations and/or other relevant regulatory, administrative, or criminal authorities. Where it deems appropriate, UKAD may stay its own investigation pending the outcome of investigations being conducted by other Anti-Doping Organisations and/or other relevant authorities.
- 5.9.4 In investigating whether there is a case to answer for an Anti-Doping Rule Violation, UKAD may seek information from any source, which may include (without limitation), at UKAD's discretion:
- (a) giving the Athlete(s) or other Person(s) implicated in the potential Anti-Doping Rule Violation an opportunity, subject to compliance with a strict time-table, to make such submissions as they may wish. If UKAD decides to invite such submissions, UKAD shall determine how the submissions should be made, such as (for example) in writing or verbally; and/or
 - (b) making a written demand to an Athlete or other Person (a "**Demand**") to provide information that may evidence or lead to the discovery of evidence of an Anti-Doping Rule Violation, including (without limitation) requiring the Athlete or other Person to attend an interview and/or to provide a written statement setting forth their knowledge of the relevant facts and circumstances within a deadline specified by UKAD in the Demand.
- 5.9.5 Any information provided to UKAD shall be kept confidential except when it becomes necessary to disclose such information in order to advance the investigation of and/or to bring proceedings relating to an Anti-Doping Rule Violation, or when such information is reported to other regulatory, administrative, criminal or judicial authorities.

- 5.9.6 Where an Athlete or other Person knows or suspects that any other Athlete or other Person has committed an Anti-Doping Rule Violation, the first Athlete or other Person must report such knowledge or suspicion to UKAD as soon as possible, and thereafter must report any new knowledge or suspicion regarding any Anti-Doping Rule Violation to UKAD without delay. Failure to do so without acceptable justification will amount to misconduct under British Swimming's rules of conduct and may be sanctioned accordingly.
- 5.9.7 Athletes and other Persons must cooperate fully with investigations conducted pursuant to this Article 5.9. Without prejudice to Article 5.9.8, a failure or refusal to do so without acceptable justification will amount to misconduct under British Swimming's rules of conduct and may be sanctioned accordingly.
- 5.9.8 If the Athlete or other Person subverts or Attempts to subvert the investigation process (e.g., by providing false, misleading or incomplete information, and/or by destroying potential evidence), they may be charged with an Article 2.5 Anti-Doping Rule Violation.
- 5.9.9 Where, as the result of an investigation under this Article 5.9, UKAD considers that an Athlete or other Person has a case to answer under Article 2, it shall refer the matter to one or more Independent Reviewers, as appropriate, to be dealt with as set out in Article 7.7.
- 5.9.10 UKAD shall keep WADA informed of its investigations in accordance with the requirements of the ISTI, including advising WADA where it decides following investigation not to assert that an Athlete or other Person has committed an Anti-Doping Rule Violation. That decision may be appealed pursuant to Article 13.

Article 6: Analysis of Samples

6.1 Incorporation of the International Standard for Laboratories

These Rules incorporate the International Standard for Laboratories (the "ISL") and all related Technical Documents, each as amended from time to time. The ISL and all related Technical Documents are therefore binding on all Athletes and other Persons in the same way as the Rules are binding on them.

6.2 Purpose of analysis

- 6.2.1 Samples and related analytical data or Doping Control information 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;
 - (b) to detect evidence of the Use of a Prohibited Substance;
 - (c) to assist UKAD in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA profiling; and/or

(d) for any other legitimate anti-doping purpose.

6.3 Use of accredited laboratories, approved laboratories, and other laboratories

- 6.3.1 For purposes of establishing an Adverse Analytical Finding, Samples collected under these Rules shall be analysed only by WADA-accredited laboratories or laboratories otherwise approved by WADA. Such laboratories shall be selected exclusively by UKAD.
- 6.3.2 Laboratories shall analyse Samples collected under these Rules, and shall report the results of such analysis, in compliance with the Code and the ISL and Technical Documents in force at the time of analysis.
- 6.3.3 Laboratories may at their own expense analyse Samples for Prohibited Substances or Prohibited Methods not included on the standard Sample analysis menu or otherwise requested by UKAD. Results from any such analysis shall be reported to UKAD in the same manner as the other results of analysis of the Samples in question, and shall have the same validity as those other results.
- 6.3.4 Any Adverse Analytical Finding, Atypical Finding, or Adverse Passport Finding reported by the laboratory in respect of a Sample collected under these Rules shall be dealt with in accordance with the ISL, the ISRM, and Article 7.
- 6.3.5 Save in the circumstances set out at Article 7.9.5, UKAD shall be responsible for the costs of analysis of Samples under these Rules.

6.4 Further analysis of Samples

- 6.4.1 Where UKAD is responsible for Results Management in respect of a Sample, it may conduct further analysis of that Sample at any time before it charges the Athlete with an Article 2.1 Anti-Doping Rule Violation based on an Adverse Analytical Finding reported in respect of that Sample. If UKAD wishes to conduct further analysis of that Sample after such charge, it may do so with the consent of the Athlete or else with the approval of the panel hearing the case against the Athlete.
- 6.4.2 Any Sample that has been reported as negative or has otherwise not resulted in a charge may be stored and subjected to further analysis for the purposes set out in Article 6.2 at any time exclusively at the direction of UKAD (where it is responsible for Results Management in respect of that Sample) or WADA. Any other Anti-Doping Organisation with authority to test the Athlete that wishes to conduct further analysis on a stored Sample may do so with the permission of UKAD or WADA, and shall be responsible for any follow-up Results Management. Any Sample storage or further analysis initiated by WADA or another Anti-Doping Organisation shall be at WADA's or that Anti-Doping Organisation's expense. The circumstances and conditions for storage and further analysis of Samples shall comply with the requirements of the ISL.

6.5 Split of A or B Sample

Where WADA, UKAD, and/or a WADA-accredited laboratory (with approval from WADA or the Anti-Doping Organisation with Results Management authority)

wishes to split an A or B Sample in order to use the first part of the split Sample for an A Sample analysis and the second part of the split Sample for confirmation, the applicable procedures in the ISL shall be followed.

6.6 WADA's right to take possession of Samples and related data

6.6.1 WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any Sample and related analytical data or information in the possession of a laboratory or Anti-Doping Organisation. Upon request by WADA, the laboratory or Anti-Doping Organisation in possession of the Sample or data shall immediately grant access to and enable WADA to take physical possession of the Sample or data. If WADA has not provided prior notice to the laboratory or Anti-Doping Organisation before taking possession of a Sample or data, it shall provide such notice to the laboratory and the Anti-Doping Organisation within a reasonable time after taking possession.

6.6.2 After analysis and any investigation of a seized Sample or data, WADA may direct another Anti-Doping Organisation with authority to test the Athlete to assume Results Management responsibility for the Sample or data if a potential Anti-Doping Rule Violation is discovered.

6.7 Research on Samples and related data

6.7.1 As between the Athlete and UKAD, Samples provided by an Athlete under these Rules shall be the property of UKAD, and UKAD shall be entitled (subject to Article 6.7.2) to determine all matters regarding the analysis and disposal of such Samples.

6.7.2 Samples, related analytical data and Doping Control information may be used for anti-doping research purposes. However no Sample may be used for research without the Athlete's written consent. Samples and related analytical data or Doping Control information that are used for research purposes shall first be processed in such a manner as to prevent them being traced back to the Athlete.

6.7.3 Any research involving Samples and related analytical data or Doping Control information shall adhere to the principles set out in Code Article 19.

6.7.4 Samples, related analytical data and Doping Control information may also be used for non-research purposes, such as method development or to establish reference populations, provided they are first processed in such a manner as to prevent them being traced back to the Athlete.

Article 7: **Results Management: Responsibility, Initial Review, Notice, Provisional Suspensions, and Charge Letters**

7.1 Incorporation of the International Standard for Results Management

These Rules incorporate the International Standard for Results Management, as amended from time to time (the "**ISRM**"). The ISRM is therefore binding on all Athletes and other Persons in the same way as the Rules are binding on them.

7.2 Responsibility for conducting Results Management

- 7.2.1 Where responsibility for Results Management arises under these Rules, it shall be undertaken by UKAD.
- 7.2.2 Results Management responsibility shall arise under these Rules, and Results Management and the investigation of potential Anti-Doping Rule Violations shall proceed under these Rules in accordance with Code Article 7.1, the ISRM, and this Article 7.2.
- 7.2.3 In particular, but without prejudice to the generality of Article 7.2.2, UKAD will have Results Management authority under these Rules where the conduct in question:
- (a) was identified as a result of Testing initiated and directed by UKAD pursuant to these Rules or otherwise arose in relation to these Rules;
 - (b) was identified as a result of Testing conducted pursuant to other applicable rules (e.g. at an International Event) or otherwise arose in relation to those other rules, and UKAD agrees with the body that issued such rules that UKAD will take jurisdiction over the matter, or UKAD agrees that it is otherwise appropriate in all of the circumstances for UKAD to take jurisdiction over the matter; or
 - (c) was identified by means other than Testing, and UKAD was the first Anti-Doping Organisation to send an Article 7.8 Notice to the Athlete or other Person of the potential Anti-Doping Rule Violation.
- 7.2.4 UKAD shall have Results Management authority in relation to an Article 2.4 Anti-Doping Rule Violation where the Athlete in question files their whereabouts information with UKAD.
- 7.2.5 Where UKAD has responsibility for Results Management under these Rules in respect of a case that has been passed to it by an International Federation or other Anti-Doping Organisation, UKAD may (at its sole discretion) submit the file received from the International Federation or other Anti-Doping Organisation to one or more Independent Reviewer(s) to review the file in accordance with Articles 7.3-7.7 (as applicable).
- 7.2.6 Any dispute between UKAD and another Anti-Doping Organisation over which organisation has Results Management authority in respect of a

particular matter shall be settled by WADA in accordance with Code Article 7.1.

7.3 Review of Adverse Analytical Findings

- 7.3.1 Upon receipt of an Adverse Analytical Finding in relation to an A Sample, UKAD shall proceed in accordance with ISRM Article 5.1 and this Article 7.3.
- 7.3.2 Notwithstanding any other provision of these Rules, at any point in the Results Management process (including, without limitation, after any further analysis of the Sample conducted in accordance with Article 6.4, and/or further Testing, and/or any further investigation conducted in accordance with Article 5.9), UKAD may decide not to bring the Adverse Analytical Finding forward as an Anti-Doping Rule Violation (either at all, or at that stage). UKAD will notify the Athlete and each Interested Party of that decision (with reasons).
- 7.3.3 Subject always to Article 7.3.2, upon receipt of an Adverse Analytical Finding in relation to an A Sample, UKAD (involving Independent Reviewers as it deems appropriate) shall conduct a review of any TUE granted to the Athlete as well as of the documentation relating to the Sample collection and the A Sample analysis, and any other relevant information, to determine:
- (a) whether the presence of the Prohibited Substance or its Metabolites or Markers in the Athlete's Sample is consistent with a valid and applicable TUE held by the Athlete (or alternatively whether the Athlete should be invited to apply for a retroactive TUE); or
 - (b) whether there has been any apparent departure from the ISTI or the ISL that caused the Adverse Analytical Finding; or
 - (c) whether it is apparent that the Adverse Analytical Finding was caused by an ingestion of the Prohibited Substance by a permitted route.
- 7.3.4 If pursuant to Article 7.3.3 UKAD determines either that the Adverse Analytical Finding is consistent with a valid and applicable TUE held by the Athlete (including any retroactive TUE), or that there has been an apparent departure from either the ISTI or the ISL that caused the Adverse Analytical Finding, or that it is apparent that the Prohibited Substance was ingested by a permitted route, UKAD shall advise the Athlete and each Interested Party of that fact, and shall take no further action in relation to such Adverse Analytical Finding.
- 7.3.5 If pursuant to Article 7.3.3 UKAD determines that there is neither a valid and applicable TUE with which the Adverse Analytical Finding is consistent, nor a departure from either the ISTI or the ISL that caused the Adverse Analytical Finding, and nor is it apparent that the Prohibited Substance was ingested by a permitted route, UKAD shall send the Athlete a Notice in accordance with Article 7.88.

7.4 Review of Atypical Findings

- 7.4.1 Upon receipt of an Atypical Finding in relation to an A Sample, UKAD shall proceed in accordance with ISRM Article 5.2 and this Article 7.4.
- 7.4.2 Where a laboratory reports the presence in a Sample of a Prohibited Substance or its Markers or Metabolites as an Atypical Finding, UKAD (using Independent Reviewers as it deems appropriate) will conduct a review to determine:
- (a) whether 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 alternatively whether the Athlete should be invited to apply for a retroactive TUE, if they have not applied already); or
 - (b) whether there has been any apparent departure from the ISTI or the ISL that caused the Atypical Finding; or
 - (c) whether it is apparent that the Atypical Finding was caused by an ingestion of the Prohibited Substance by a permitted route.
- 7.4.3 If it is determined pursuant to Article 7.4.2 either that the Atypical Finding is consistent with a valid and applicable TUE held by the Athlete (including any retroactive TUE), or that there has been an apparent departure from either the ISTI or the ISL that caused the Atypical Finding, or that it is apparent that the Prohibited Substance was ingested by a permitted route, UKAD shall advise the Athlete and each Interested Party of that fact, and shall take no further action in relation to such Atypical Finding.
- 7.4.4 If it is determined pursuant to Article 7.4.2 that there is neither a valid and applicable TUE with which the Atypical Finding is consistent, nor a departure from either the ISTI or the ISL that caused the Atypical Finding, and it is not apparent that the Prohibited Substance was ingested by a permitted route, UKAD will conduct any necessary follow-up investigation, including directing any further Testing that may be required.
- 7.4.5 Pending the outcome of the investigation, the Atypical Finding will be kept confidential, save that:
- (d) if UKAD determines that the B Sample should be analysed as part of the investigation, it shall notify the Athlete in accordance with Article 7.8.1(e), and such notice shall additionally include a description of the Atypical Finding and specify the Athlete's right to request copies of the A and B Sample laboratory documentation packages;
 - (e) if requested by British Swimming, or by an International Federation or Major Event Organisation or a sports organisation that is about to select Athletes to participate in an International Event, UKAD may confirm that the Athlete has a pending Atypical Finding, after informing the Athlete; and

- (f) if the Atypical Finding is, in the opinion of qualified medical or expert personnel, likely to be connected to a serious pathology that requires urgent medical attention, UKAD may inform the Athlete of the Atypical Finding.

7.4.6 If UKAD decides not to pursue the Atypical Finding as a potential Anti-Doping Rule Violation, it shall notify the Athlete and each Interested Party of that fact. Any Interested Party may either appeal that decision in accordance with Article 13 or may elect to pursue the Atypical Finding as an Anti-Doping Rule Violation under its own rules.

7.4.7 If UKAD decides to pursue the Atypical Finding as one or more potential Anti-Doping Rule Violations under Article 2, UKAD shall send the Athlete a Notice in accordance with Article 7.8.

7.5 Review of Adverse Passport Findings

7.5.1 Where an Atypical Passport Finding or other ABP-related case is referred to a single expert from the Expert Panel in accordance with Article 5.5.5, and the opinion of the single expert is 'likely doping', the file will be referred to a group of three experts from the Expert Panel (composed of the single expert appointed in the initial review and two further experts chosen by the APMU from the Expert Panel) for consideration in accordance with ISRM Annex C.

7.5.2 Where all of the three experts from the Expert Panel, having reviewed the ABP Documentation Package, render a joint opinion of 'likely doping' (an "**Adverse Passport Finding**"), UKAD shall send the Athlete a Notice in accordance with Article 7.8.

7.6 Review of Whereabouts Failures

7.6.1 Results Management in relation to potential Whereabouts Failures shall be conducted in accordance with ISRM Annex B.3.

7.6.2 Where a Whereabouts Failure by an Athlete who is subject to UKAD's Results Management authority is uncovered through an attempt by or on behalf of an Anti-Doping Organisation other than UKAD to test that Athlete, UKAD shall procure the requisite information and assistance from that other Anti-Doping Organisation pursuant to ISRM Annex B.3.2 to enable UKAD to carry out Results Management in respect of the Whereabouts Failure.

7.6.3 Where an Athlete requests an administrative review of a Filing Failure or Missed Test declared by UKAD, UKAD shall refer the file to one or more suitably qualified Independent Reviewer(s), who shall carry out that administrative review in accordance with ISRM Annex B.3.2 (f).

7.6.4 If the conclusion following administrative review is that the requirements for recording a Whereabouts Failure are not all met, UKAD shall so advise the Athlete and the Interested Parties (and the Anti-Doping Organisation that uncovered the Whereabouts Failure, if applicable), giving reasons for that decision. Subject to the rights of appeal set out at Article 13, the matter shall not proceed any further.

7.6.5 If the conclusion following administrative review is that all of the requirements for recording a Whereabouts Failure are met, or if the

Athlete does not request an administrative review, UKAD shall notify the Athlete that it is recording a Whereabouts Failure against them.

7.6.6 UKAD shall report a decision to record a Whereabouts Failure against an Athlete to British Swimming, and to WADA and all other relevant Anti-Doping Organisations via ADAMS.

7.6.7 Where the Whereabouts Failure recorded in accordance with Article 7.6.5 is the third Whereabouts Failure recorded against the Athlete within a twelve (12) month period, the matter shall be referred to one or more Independent Reviewer(s) to determine whether the Athlete may have committed an Anti-Doping Rule Violation under Article 2.4. If the Independent Reviewer(s) determines that the Athlete may have committed an Anti-Doping Rule Violation under Article 2.4, UKAD shall send the Athlete a Notice in accordance with Article 7.88.

7.7 Review of other evidence of a potential Anti-Doping Rule Violation

7.7.1 Where there is evidence of a potential Anti-Doping Rule Violation other than an Adverse Analytical Finding, an Atypical Finding, an Adverse Passport Finding, or Whereabouts Failures, UKAD will review the file in accordance with ISRM Annex A (where applicable), and will refer the file to one or more Independent Reviewer(s) who have the expertise required by the nature of the particular case to review the evidence to determine whether the Athlete or other Person may have committed one or more Anti-Doping Rule Violations under Article 2.

7.7.2 Where the Independent Reviewer(s) conclude(s) that the Athlete or other Person may have committed one or more Anti-Doping Rule Violations under Article 2, UKAD shall send the Athlete or other Person a Notice in accordance with Article 7.88.

7.8 Notice

7.8.1 Where it is determined, pursuant to the previous provisions of this Article 7, that an Athlete or other Person may have committed one or more Anti-Doping Rule Violations under Article 2, UKAD shall promptly notify the Athlete or other Person in writing (the "**Notice**") of:

- (a) the Anti-Doping Rule Violation(s) that UKAD says the Athlete or other Person may have committed;
- (b) a summary of the facts and evidence relied upon by UKAD in this regard;
- (c) any Provisional Suspension to be imposed on the Athlete or other Person pursuant to Article 7.10.1 or Article 7.10.2, along with an explanation of the Athlete's or other Person's Article 7.10.3 rights in relation to such Provisional Suspension;
- (d) the Consequences applicable under these Rules if it is established that the Athlete or other Person has committed the specified Anti-Doping Rule Violation(s) (including identifying any discretion that may exist in relation to such Consequences under these Rules);

- (e) where the specified Anti-Doping Rule Violations are Article 2.1 and Article 2.2 Anti-Doping Rule Violations based on an Adverse Analytical Finding:
 - (i) the details of the Adverse Analytical Finding;
 - (ii) the Athlete's right to a copy of the laboratory documentation package for the Adverse Analytical Finding;
 - (iii) the right of the Athlete to request the analysis of the B Sample, explaining that any request for such analysis must be sent in writing so that it is received by UKAD within ten (10) days of the Athlete's receipt of the Notice, failing which the right to the B Sample analysis shall be deemed to be waived; and
 - (iv) if such right is exercised, the right of the Athlete and/or the Athlete's representative to attend the opening and analysis of the B Sample by the laboratory that analysed the A Sample at a date and time to be specified by UKAD in accordance with Article 7.9;
- (f) where the specified Anti-Doping Rule Violation is based on an Adverse Passport Finding, that copies of the ABP documentation package and the joint expert report are enclosed with the Notice;
- (g) the right of the Athlete or other Person to provide an alternative explanation (by a specified deadline) for the facts based on which UKAD says the Athlete or other Person may have committed an Anti-Doping Rule Violation (for example, in a case based on an Adverse Passport Finding, an alternative explanation for the data on which the Adverse Passport Finding is based);
- (h) the right of the Athlete or other Person to respond to the Notice (by a specified deadline) in one of the following ways, depending on the explanation (if any) provided:
 - (i) to admit the Anti-Doping Rule Violation(s) asserted, and accede to the Consequences specified in the Notice;
 - (ii) to admit the Anti-Doping Rule Violation(s) asserted, but to dispute and/or seek to mitigate the Consequences specified in the Notice, and to have the Consequences determined at a hearing conducted in accordance with Article 8; or
 - (iii) to deny the Anti-Doping Rule Violation(s) asserted, and (if UKAD proceeds to charge in accordance with Article 7.11) to have the assertion and (if necessary) any Consequences determined at a hearing conducted in accordance with Article 8; and
- (i) the opportunity for the Athlete or other Person:
 - (i) to provide Substantial Assistance as set out in Article 10.7.1;

- (ii) to benefit (if they admit the Anti-Doping Rule Violation(s)) from the one (1) year reduction of the otherwise applicable period of Ineligibility pursuant to Article 10.8.1 (if applicable); and/or
 - (iii) to seek to enter into a case resolution agreement as per Article 10.8.2.
- 7.8.2 Before sending the Notice to the Athlete or other Person, UKAD will refer to ADAMS and contact WADA and other relevant Anti-Doping Organisations as necessary to determine whether the Athlete or other Person has committed any prior doping offences, and will identify the relevant Consequences for the Anti-Doping Rule Violation asserted in the Notice accordingly.
- 7.8.3 UKAD will send a copy of the Notice to British Swimming and each Interested Party.

7.9 B Sample analysis

- 7.9.1 In a case involving an Adverse Analytical Finding, if the Athlete exercises the right to have their B Sample analysed, such analysis shall be conducted by the laboratory that analysed the A Sample on the date and at the time specified by UKAD, and the Athlete and/or their representative may attend at the laboratory on that date and at that time, at the Athlete's cost, to witness the opening and analysis of the B Sample, as may representatives of UKAD, FINA or the IPC (as applicable) and British Swimming (at their own cost).
- 7.9.2 If the Athlete and their representative is unable to attend at the date and time specified by UKAD for analysis of the B Sample, alternative dates and times will be offered in accordance with ISRM Article 5.1.2.4. If the Athlete and their representative are unable to attend on those alternative dates, the laboratory will arrange for an independent witness to attend the B Sample analysis on the specified date and time to verify, in accordance with the ISL, that the B Sample container shows no signs of Tampering and that the identifying numbers correspond to those on the Sample collection documentation.
- 7.9.3 If the Athlete admits the Anti-Doping Rule Violation(s) asserted in the Notice, and/or does not request analysis of their B Sample by the deadline referenced in Article 7.8.1(e)(iii), they will be deemed to have accepted the accuracy and reliability of the Adverse Analytical Finding based on the A Sample analysis alone, and analysis of the B Sample shall not be required. UKAD may however proceed with such analysis at any time if it sees fit, in which case an independent witness shall attend the analysis for the purpose set out in Article 7.9.2.
- 7.9.4 Where an Athlete who has requested analysis of their B Sample has been Provisionally Suspended in accordance with Article 7.10, they shall remain Provisionally Suspended pending analysis of their B Sample. If the analysis of the B Sample does not confirm the Adverse Analytical Finding reported in respect of the A Sample, then (unless UKAD asserts an Article 2.2 Anti-Doping Rule Violation against the Athlete the entire test shall be considered negative and the Athlete and each Interested Party will be so informed. In such circumstances, the Notice will be withdrawn, any Provisional Suspension imposed on the Athlete pursuant

to Article 7.10 will be deemed automatically vacated with immediate effect (without the need for any order from the NADP), and no further disciplinary action shall be taken against the Athlete by UKAD in relation to the original Adverse Analytical Finding (provided, however, that UKAD may investigate why the B Sample did not match the A Sample). 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.

- 7.9.5 If the B Sample analysis confirms the Adverse Analytical Finding reported in respect of the A Sample, UKAD will provide the B Sample laboratory documentation package to the Athlete, and give the Athlete a short deadline to provide or supplement their explanation for the Adverse Analytical Finding, and/or to admit the Anti-Doping Rule Violation(s) specified in the Notice based on the Adverse Analytical Finding to potentially benefit from a one (1) year reduction in the otherwise applicable period of Ineligibility under Article 10.8.1 (if applicable), and/or to accept a voluntary Provisional Suspension under Article 7.10.5) if applicable. In case of doubt as to whether the B Sample analysis confirms the Adverse Analytical Finding in respect of the A Sample, UKAD may refer the matter to one or more Independent Reviewer(s), as it deems appropriate.
- 7.9.6 Where Article 7.9.3 and/or 7.9.4 applies, UKAD shall be responsible for the costs of the B Sample analysis. Where Article 7.9.5 applies, UKAD may require the Athlete to pay the costs of the B Sample analysis.

7.10 Provisional Suspension

- 7.10.1 Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding:

Where a Notice is issued to an Athlete based on an Adverse Analytical Finding or Adverse Passport Finding for a Prohibited Substance that is not a Specified Substance or for Use of a Prohibited Method that is not a Specified Method, then (subject only to Article 7.10.3) a Provisional Suspension will come into effect automatically on the date specified by UKAD in the Notice.

- 7.10.2 Discretionary Provisional Suspension in other cases:

In cases not covered by Article 7.10.1, UKAD may decide whether or not to apply this Article 7.10.2.

- (a) If UKAD decides to apply this Article 7.10.2, then (subject only to Article 7.10.3) a Provisional Suspension will come into effect automatically on the date specified by UKAD in the Notice.
- (b) If UKAD decides not to apply this Article 7.10.2, no Provisional Suspension will come into effect prior to determination of the case unless (1) it is voluntarily accepted by the Athlete or other Person in accordance with Article 7.10.5; or (2) it is so ordered by the NADP on application by UKAD, which application must be based on

evidence that was not available to UKAD at the time the Notice was sent.

7.10.3 Challenging the imposition of a Provisional Suspension:

An Athlete or other Person who receives notice of a Provisional Suspension pursuant to Article 7.10.1 or Article 7.10.2 has the right to apply to the NADP, either before the Provisional Suspension comes into force or at any time prior to the final first instance decision on the merits, seeking an order that the Provisional Suspension should not be imposed (or, where it has been imposed, that it should be lifted), provided that:

- (a) If the Athlete or other Person applies before the date specified in the Notice for when the Provisional Suspension comes into effect, the Provisional Suspension shall not come into effect pending the decision on the application.
- (b) If after the Provisional Suspension comes into effect the Athlete or other Person applies 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 Athlete or other Person establishes that:
 - (i) the assertion of an Anti-Doping Rule Violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the Athlete or other Person;
 - (ii) any period of Ineligibility that might otherwise be imposed for the Anti-Doping Rule Violation(s) asserted is likely to be completely eliminated by application of Article 10.5 (No Fault or Negligence);
 - (iii) the Anti-Doping Rule Violation asserted is likely to have involved a Contaminated Product;
 - (iv) the Anti-Doping Rule Violation asserted involves a Substance of Abuse and the Athlete establishes entitlement to a reduced period of Ineligibility under Article 10.2.4(a); or
 - (v) other facts exist that make it clearly unfair, in all of the circumstances, for the Athlete or other Person to be subject to a Provisional Suspension prior to the final first instance decision on the merits. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Athlete or other Person participating in a particular Competition or Event shall not qualify as exceptional circumstances for these purposes.

7.10.4 Provisional Suspensions may be appealed as provided in Article 13.3 and Article 13.4.

7.10.5 Voluntary acceptance of Provisional Suspension:

- (d) An Athlete may voluntarily accept a Provisional Suspension, provided that they do so no later than the latest of the following dates: (1) ten (10) days after waiver of the B Sample analysis or receipt of the results of analysis of the B Sample (as applicable); (2) ten (10) days after receipt of a Notice of a potential Anti-Doping Rule Violation other than under Article 2.1; or (3) the date after receipt of a Notice on which the Athlete would otherwise first compete.
 - (e) Other Persons may voluntarily accept a Provisional Suspension within ten (10) days of receipt of a Notice of a potential Anti-Doping Rule Violation.
 - (f) A Provisional Suspension that is voluntarily accepted by the applicable deadline shall have effect and shall be treated in the same manner as a Provisional Suspension imposed in accordance with Article 7.10.1 or 7.10.2.
 - (g) The Athlete or other Person may withdraw their voluntary acceptance of a Provisional Suspension, but in that event they shall not receive any credit for the Provisional Suspension served.
- 7.10.6 During the period of a Provisional Suspension (whether imposed or voluntarily accepted), the Athlete or other Person who is subject to the Provisional Suspension may not, participate in any capacity (or, in the case of an Athlete Support Person or other Person, assist an Athlete who is participating in any capacity) in any Competition, Event or other activity organised, convened, authorised or recognised by British Swimming or by any body that is a member of, or affiliated to, or licensed by British Swimming.
- 7.10.7 Any Provisional Suspension imposed under this Article 7.10 will be notified to all Interested Parties. In addition, UKAD may Publicly Disclose the Provisional Suspension in accordance with Code Article 14.3.1 and/or as necessary to ensure that the Provisional Suspension is recognised and enforced, including in accordance with Code Article 15.1.
- 7.10.8 An Athlete who is subject to a Provisional Suspension has the right, if they so wish, to an expedited hearing on the merits of the case brought against them 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.

7.11 Charge Letter

- 7.11.1 Upon receipt of a response by an Athlete or other Person to an Article 7.8 Notice, UKAD will assess any explanation provided, and may conduct such further investigation as it sees fit, including (without limitation) requesting further information and/or documents from the Athlete or other Person to whom the Notice was sent within a set deadline, and/or liaising with third parties in order to assess the validity of an explanation offered by the Athlete or other Person.
- 7.11.2 In a case based on an Adverse Passport Finding, UKAD will forward any explanation provided by the Athlete, together with any supporting information supplied by the Athlete, to the three experts from the Expert

Panel referred to in Article 7.5, for consideration (along with any other information that the three experts deem necessary) in accordance with the relevant International Standards.

- 7.11.3 If, following such consideration, the three experts from the Expert Panel are no longer unanimously of the opinion that the case is one of 'likely doping', UKAD will notify the Athlete and each Interested Party and (subject to the rights of appeal set out at Article 13) the matter shall not proceed any further.
- 7.11.4 If, following such consideration, the three experts from the Expert Panel maintain their opinion, notwithstanding the Athlete's explanation, that the case is one of 'likely doping', UKAD will proceed in accordance with Article 7.11.2.
- 7.11.2 Where, after receipt of the response of the Athlete or other Person to the Notice, or expiry of the deadline to receive such response, and after conducting such further investigation as it sees fit (if any), UKAD considers that the Athlete or other Person has committed one or more Anti-Doping Rule Violations, UKAD will promptly charge the Athlete or other Person with the relevant Anti-Doping Rule Violation(s).
- 7.11.3 The letter sent by UKAD to the Athlete or other Person (the "**Charge Letter**") will set out the following:
- (a) the Anti-Doping Rule Violation(s) that UKAD asserts the Athlete or other Person has committed;
 - (b) a summary of the facts and evidence relied upon by UKAD in support of that assertion;
 - (c) the Consequences that UKAD will seek under these Rules if it is established that the Athlete or other Person has committed the Anti-Doping Rule Violation(s) asserted;
 - (d) the right of the Athlete or other Person to respond to the Charge Letter (by a specified deadline of not more than twenty (20) days, which may be extended only in exceptional cases) in one of the following ways:
 - (i) to admit the Anti-Doping Rule Violation(s) asserted, and accede to the Consequences specified in the Charge Letter, including the one (1) year reduction pursuant to Article 10.8.1 of the otherwise applicable period of Ineligibility (if applicable);
 - (i) to admit the Anti-Doping Rule Violation(s) asserted, but to dispute and/or seek mitigation of the Consequences specified in the Charge Letter, and to have the Consequences determined at a hearing conducted in accordance with Article 8; or
 - (ii) to deny the Anti-Doping Rule Violation(s) asserted, and to have the assertion and (if necessary) any Consequences

determined at a hearing conducted in accordance with Article 8;

- (e) a warning that if the Athlete or other Person does not deny the Anti-Doping Rule Violation(s) asserted or the proposed Consequences or request a hearing by the prescribed deadline, the Athlete or other Person will be deemed to have waived their right to a hearing and admitted the Anti-Doping Rule Violation(s) asserted and the Consequences proposed in the Charge Letter (although, for the avoidance of doubt, this will not trigger any entitlement to the one (1) year reduction pursuant to Article 10.8.1);
- (f) noting the position in relation to any Provisional Suspension in accordance with Article 7.10; and
- (g) noting the opportunity for the Athlete or other Person to provide Substantial Assistance as set out in Article 10.7.1, and/or to seek to enter into a case resolution agreement as per Article 10.8.2.

7.11.4 The Athlete or other Person has the right to respond to the Charge Letter in any one of the following ways:

- (a) admit the Anti-Doping Rule Violation(s) charged, and accede to the Consequences specified in the Charge Letter;
- (b) admit the Anti-Doping Rule Violation(s) charged, but dispute and/or seek to mitigate the Consequences specified in the Charge Letter, and have the Consequences determined at a hearing conducted in accordance with Article 8; or
- (c) deny the Anti-Doping Rule Violation(s) charged, and have the charge and (if necessary) any Consequences determined at a hearing conducted in accordance with Article 8;

provided that if no response is received by the deadline specified in the Charge Letter, the Athlete or other Person will be deemed to have admitted the Anti-Doping Rule Violation(s) charged, and, unless UKAD (at its sole discretion) refers the determination of the applicable Consequences to a hearing conducted in accordance with Article 8, the Athlete or other Person will also be deemed to have acceded to the Consequences specified in the Charge Letter.

7.11.5 The Charge Letter will be sent at the same time to the Athlete or other Person charged and to their National Anti-Doping Organisation (if that is not UKAD), British Swimming, their International Federation, and WADA, and will be promptly reported into ADAMS. Thereafter UKAD may Publicly Disclose the charge in accordance with Code Article 14.3.1.

7.11.6 If by the deadline specified in Article 7.11.3 the Athlete or other Person disputes the charge(s) and/or the Consequences specified by UKAD in the Charge Letter and requests a hearing, the matter shall be referred to the NADP in accordance with Article 8.

7.12 Case resolution without a hearing

- 7.12.1 At any time prior to a final decision by the NADP, UKAD may invite the Athlete or other Person to admit the Anti-Doping Rule Violation(s) charged and accede to specified Consequences (e.g., in accordance with Article 10.8); or UKAD may decide to withdraw the Charge Letter for good cause.
- 7.12.2 In the event that UKAD withdraws the Charge Letter, or the Athlete or other Person admits the Anti-Doping Rule Violation(s) asserted and accedes to the Consequences specified by UKAD (or is deemed to have done so in accordance with Article 7.11.4), UKAD will promptly issue a reasoned decision confirming the withdrawal of the Charge Letter or the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences (as applicable), will send notice of the decision to the Athlete or other Person and to each Interested Party, and (if applicable) will Publicly Disclose the decision in accordance with Article 8.5.
- 7.12.3 Any decision issued by UKAD in accordance with Article 7.12.2 that an Anti-Doping Rule Violation has been committed will not purport to be limited in effect to a particular geographic area or sport, and will address and determine (without limitation): (1) the factual basis of the decision that an Anti-Doping Rule Violation was committed; and (2) all of the Consequences to be imposed for such Anti-Doping Rule Violation, including the reasons for imposing the Consequences specified, and in particular the reasons for exercising any discretion not to impose the full Consequences available under these Rules.

7.13 Statute of Limitations

Notwithstanding any other provision of these Rules, no charge may be brought against an Athlete or other Person in respect of an Anti-Doping Rule Violation unless they have been given the Notice of the Anti-Doping Rule Violation referenced in Article 7.8, or notification has been reasonably attempted, within ten (10) years of the date that the Anti-Doping Rule Violation is asserted to have occurred.

Article 8: Disciplinary Proceedings

8.1 Jurisdiction of the National Anti-Doping Panel

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. 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 for an order that a Provisional Suspension should or should not be imposed (or should be lifted).

8.1.3 An appeal brought in accordance with Article 13.4.2(b).

8.2 Independence of the National Anti-Doping Panel

The National Anti-Doping Panel shall be Operationally Independent and Institutionally Independent, and shall conduct its activities, including hearings, in accordance with ISRM Article 8, and without interference from UKAD or any third party. Board members, staff members, commission members, consultants and officials of UKAD and its affiliates may not be appointed as members and/or clerks of the NADP. In particular, no member or clerk of the NADP shall have previously considered any TUE application or Results Management decision relating to a case in which they are asked to sit.

8.3 Hearings

8.3.1 The Athlete or other Person charged has the right to request a public hearing. Such request may however be denied in the interest of morals, public order, national security, where the interests of Minors or the protection of the private life of the parties so require, where publicity would prejudice the interests of justice, or where the proceedings are exclusively related to questions of law.

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

8.4 Proof of doping

8.4.1 UKAD will have the burden of establishing that the Athlete or other Person has committed the Anti-Doping Rule Violation(s) charged. To meet that burden, UKAD must establish the Athlete's or other Person's commission of the Anti-Doping Rule Violation(s) 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.

8.4.2 Where these Rules place the burden of proof upon the Athlete or other Person to rebut a presumption or establish specified facts or circumstances, the applicable standard of proof shall be by a balance of probability, except as provided in Article 8.4.5 and 8.4.6.

8.4.3 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, or reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

8.4.4 Analytical methods or Decision Limits approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review shall be presumed to be scientifically valid. Any Athlete or other Person seeking to challenge whether the conditions for such presumption have been met or seeking to rebut the presumption shall, as a condition precedent, first notify WADA and explain the basis for their position. The hearing panel, on its own

initiative, may also inform WADA of any such challenge or attempt to rebut the presumption. WADA shall have the right to intervene as a party, appear as amicus curiae, or otherwise provide evidence in such proceedings, provided that it exercises that right within ten (10) days of its receipt of such notice and of the relevant case file. In cases before CAS, at WADA's request the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge/attempt to rebut the presumption.

- 8.4.5 WADA-accredited laboratories and other laboratories approved by WADA shall be presumed to have conducted Sample analysis and custodial procedures in accordance with the ISL. The Athlete or other Person asserted to have committed an Anti-Doping Rule Violation may rebut this presumption by establishing that a departure from the ISL occurred that could reasonably have caused the Adverse Analytical Finding (or the factual basis for any other Anti-Doping Rule Violation asserted). Where the presumption is rebutted, UKAD 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).
- 8.4.6 Departures from any other International Standard or other anti-doping rule or policy set forth in these Rules or the Code shall not invalidate analytical results or other evidence of an Anti-Doping Rule Violation, and shall not constitute a defence to an assertion of an Anti-Doping Rule Violation, subject only to the following potential exception. If the Athlete or other Person establishes a departure from one of the specific International Standard provisions listed below, and further establishes that that departure could reasonably have caused an Anti-Doping Rule Violation based on an Adverse Analytical Finding or a Whereabouts Failure, UKAD shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding or the Whereabouts Failure:
- (a) a departure from the ISTI provisions relating to Sample collection or Sample handling which could reasonably have caused the Adverse Analytical Finding based on which the Anti-Doping Rule Violation is asserted, in which case UKAD shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;
 - (b) a departure from the ISRM or ISTI provisions relating to an Adverse Passport Finding which could reasonably have caused the Anti-Doping Rule Violation asserted, in which case UKAD shall have the burden to establish that such departure did not cause the Anti-Doping Rule Violation;
 - (c) a departure from the ISRM provisions relating to the requirement to provide notice to the Athlete of the B Sample opening which could reasonably have caused the Adverse Analytical Finding based on which the Anti-Doping Rule Violation is asserted, in which case UKAD shall have the burden to establish that such departure did not cause the Adverse Analytical Finding; or
 - (d) a departure from the ISRM provisions relating to Athlete notification which could reasonably have caused a Whereabouts Failure based on which the Anti-Doping Rule Violation is asserted, in which case UKAD shall have the burden to establish that such departure did not cause the Whereabouts Failure.

- 8.4.7 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 Athlete or other Person to whom the decision pertained of those facts, unless the Athlete or other Person establishes that the decision violated principles of natural justice.
- 8.4.8 Where an Athlete or other Person who is asserted to have committed an Anti-Doping Rule Violation refuses, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or as otherwise directed by the hearing panel) and to answer questions put by the hearing panel or UKAD, the hearing panel may draw an inference adverse to that Athlete or other Person from that refusal.

8.5 Publication of Decisions

- 8.5.1 Where the hearing panel determines that an Anti-Doping Rule Violation has been committed, the decision may be Publicly Reported immediately. If the decision is not appealed, or is upheld on appeal, the decision (if not previously Publicly Reported) shall be Publicly Reported within twenty (20) days of the expiry of the appeal deadline or the appeal decision (as applicable). However, this mandatory Public Reporting requirement shall not apply where the Athlete or other Person who has been found to have committed an Anti-Doping Rule Violation is a Protected Person, Minor or a Recreational Athlete. Any optional Public Reporting in a case involving a Protected Person, Minor or a Recreational Athlete shall be proportionate to the facts and circumstances of the case.
- 8.5.2 Where the hearing panel has determined that an Anti-Doping Rule Violation has not been committed, the decision shall not be Publicly Disclosed unless the Athlete or other Person consents to such disclosure. Where the Athlete or other Person 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 Athlete or other Person.
- 8.5.3 Publication shall be accomplished at a minimum by placing the required information on UKAD's website and leaving the information up for the longer of (a) one (1) month; and (b) the duration of any period of Ineligibility.

8.6 Single Hearing before CAS

With the consent of the Athlete, or other Person, UKAD and WADA, an assertion that the Athlete or other Person has committed one or more Anti-Doping Rule Violations may be heard directly by CAS, with no requirement for a prior hearing.

Article 9: **Automatic 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 in Individual Sports in connection with or arising out of an In-Competition test automatically leads to Disqualification of the results obtained 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 the IPC (as applicable) or in the applicable Event or Competition rules.

Article 10: **Ineligibility Sanctions for Individuals**

10.1 Disqualification of results in the Event during which an Anti-Doping Rule Violation occurs

10.1.1 Except as provided in 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 may (upon the decision of the ruling body of the Event or the NADP hearing panel) lead 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. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the seriousness of the Athlete's Anti-Doping Rule Violation and whether the Athlete tested negative in the other Competitions.

10.1.2 If the Athlete establishes that they bear 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 UKAD 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 a Prohibited Substance and/or a Prohibited Method

The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Athlete's or other Person's first anti-doping offence shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.6, 10.7 or 10.7:

- 10.2.1 Save where Article 10.2.4(a) applies, the period of Ineligibility shall be four (4) years where:
- (a) The Anti-Doping Rule Violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the Anti-Doping Rule Violation was not intentional.
 - (b) The Anti-Doping Rule Violation involves a Specified Substance or a Specified Method and UKAD can establish that the Anti-Doping Rule Violation was intentional.
- 10.2.2 If Article 10.2.1 does not apply, then (subject to Article 10.2.4(a)) the period of Ineligibility shall be two (2) years.
- 10.2.3 As used in Article 10.2, the term "intentional" is meant to identify those Athletes or other Persons who engage in conduct which they know constitutes an Anti-Doping Rule Violation or they know that there is a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and they manifestly disregard that risk.¹
- (a) An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a Prohibited Substance or a Prohibited Method which is only prohibited In-Competition shall be rebuttably presumed to be not "intentional" if the Prohibited Substance is a Specified Substance or the Prohibited Method is a Specified Method and the Athlete can establish that the Prohibited Substance or Prohibited Method was Used Out-of-Competition.
 - (b) An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a Prohibited Substance or a Prohibited Method which is only prohibited In-Competition shall not be considered "intentional" if the Prohibited Substance is not a Specified Substance or the Prohibited Method is not a Specified Method and the Athlete can establish that the Prohibited Substance or Prohibited Method was Used Out-of-Competition in a context unrelated to sport performance.
- 10.2.4 Notwithstanding any other provision in Article 10.2, where the Anti-Doping Rule Violation involves a Substance of Abuse:
- (a) If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, the period of Ineligibility shall be three (3) months; provided that it may be further reduced to one (1) month if the Athlete satisfactorily completes a Substance of Abuse treatment program approved by UKAD. The period of Ineligibility established in this Article 10.2.4(a) is not subject to any reduction pursuant to Article 10.6.

¹ Outside Article 10.2, the term "intentional" as used in these Rules does not have the special meaning set out in Article 10.2.3; rather it means that the person intended to commit the act(s) based on which the Anti-Doping Rule Violation is asserted, regardless of whether the person knew that such act(s) constituted an Anti-Doping Rule Violation.

- (b) If the ingestion, Use or Possession occurred In-Competition, and the Athlete can establish that the context of the ingestion, Use or Possession was unrelated to sport performance, the ingestion, Use or Possession shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of Aggravating Circumstances under Article 10.4.

10.3 Imposition of a period of Ineligibility for other Anti-Doping Rule Violations

The period of Ineligibility for Anti-Doping Rule Violations other than those addressed in Article 10.2 shall be as follows, unless Articles 10.6 or 10.7 are applicable:

- 10.3.1 For an Anti-Doping Rule Violation under Article 2.3 or Article 2.5 that is the Athlete's or other Person's first doping offence, the period of Ineligibility shall be four (4) years except:
 - (a) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the Anti-Doping Rule Violation was not intentional, the period of Ineligibility shall be two (2) years;
 - (b) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from two (2) years to four (4) years, depending on the Athlete's or other Person's degree of Fault; or
 - (c) in a case involving a Protected Person or Recreational Athlete, the period of Ineligibility shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person's or Recreational Athlete's degree of Fault.
- 10.3.2 For an Article 2.4 Anti-Doping Rule Violation that is the Athlete's first anti-doping offence, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Athlete's degree of Fault. The flexibility between two (2) years and one (1) year of Ineligibility in this Article is not available where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being available for Testing.
- 10.3.3 For an Article 2.7 or 2.8 Anti-Doping Rule Violation that is the Athlete's or other Person's first doping offence, the period of Ineligibility shall be a minimum of four (4) years up to lifetime Ineligibility, depending on the seriousness of the violation, provided that:
 - (a) An Article 2.7 or 2.8 Anti-Doping Rule Violation involving a Protected Person shall be considered a particularly serious offence and, if committed by Athlete Support Personnel in relation to violations not solely involving Specified Substances or Specified Methods, shall result in lifetime Ineligibility for such Athlete Support Personnel.

- (b) Significant Article 2.7 or 2.8 Anti-Doping Rule Violations that may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.
- 10.3.4 For an Article 2.9 Anti-Doping Rule Violation that is the Athlete's or other Person's first doping offence, the period of Ineligibility imposed shall be a minimum of two (2) years, up to lifetime Ineligibility, depending on the seriousness of the violation.
 - 10.3.5 For an Article 2.7 or 2.8 Anti-Doping Rule Violation that is the Athlete's or other Person's first doping offence, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Athlete's or other Person's degree of Fault and other circumstances of the case.
 - 10.3.6 For an Article 2.11 Anti-Doping Rule Violation, the period of Ineligibility shall be a minimum of two (2) years, up to lifetime Ineligibility, depending on the seriousness of the violation.

10.4 Aggravating Circumstances which may increase the period of Ineligibility

If UKAD establishes, in an individual case involving an Anti-Doping Rule Violation under Article 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 or 2.10, that Aggravating Circumstances are present that justify the imposition of a period of Ineligibility greater than the standard sanction otherwise applicable in accordance with Article 10.2 or 10.3, the period of Ineligibility otherwise applicable shall be increased by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that they did not knowingly commit the Anti-Doping Rule Violation.

10.5 Elimination of the period of Ineligibility where there is No Fault or Negligence

If an Athlete or other Person establishes in an individual case that they bear No Fault or Negligence for the Anti-Doping Rule Violation, the otherwise applicable period of Ineligibility shall be eliminated.

10.6 Reduction of the period of Ineligibility based on No Significant Fault or Negligence

- 10.6.1 Reduction of Sanctions in particular circumstances for Anti-Doping Rule Violations under Article 2.1, 2.2 or 2.6:

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

- (a) Specified Substances or Specified Methods

Where the Anti-Doping Rule Violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Athlete or other Person can establish that they bear No Significant Fault or Negligence for the violation, the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2)

years of Ineligibility, depending on the Athlete's or other Person's degree of Fault.

(b) Contaminated Products

In cases involving a Prohibited Substance that is not a Substance of Abuse, where the Athlete or other Person can establish both that they bear No Significant Fault or Negligence for the violation and that the Prohibited Substance came from a Contaminated Product, the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Athlete's or other Person's degree of Fault.

(c) Protected Persons or Recreational Athletes

Except for Anti-Doping Rule Violations involving Substances of Abuse, where the Anti-Doping Rule Violation is committed by a Protected Person or Recreational Athlete and they can establish that they bear No Significant Fault or Negligence for the violation, the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Protected Person's or Recreational Athlete's degree of Fault.

10.6.2 Application of No Significant Fault or Negligence beyond Article 10.6.1:

In an individual case where Article 10.6.1 is not applicable, if an Athlete or other Person establishes that they bear No Significant Fault or Negligence for the Anti-Doping Rule Violation asserted against them, then (subject to further reduction or elimination as provided in Article 10.7) the otherwise applicable period of Ineligibility may be reduced based on the Athlete's or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period may be no less than eight (8) years.

10.7 Elimination, reduction, or suspension of the period of Ineligibility and/or other Consequences for reasons unrelated to Fault

10.7.1 Substantial Assistance in Discovering or Establishing Code Violations:

- (a) Prior to an appellate decision under Article 13 or the expiration of the time to appeal, UKAD may suspend a part of the Consequences (other than Disqualification and mandatory Public Disclosure) imposed in an individual case where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organisation, criminal authority or professional disciplinary body;
 - (i) which results in the Anti-Doping Organisation discovering or bringing forward an Anti-Doping Rule Violation by another Person;
 - (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or a breach of

professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to UKAD or another Anti-Doping Organisation with Results Management responsibility;

- (iii) which results in WADA initiating a proceeding against a Signatory, WADA-accredited laboratory, or Athlete Passport Management Unit (as defined in the ISL) for non-compliance with the Code or an International Standard or Technical Document; or
- (iv) (with the approval by WADA) which results in a criminal or disciplinary body bringing forward a criminal offence or a breach of professional or sport rules arising out of a sport integrity violation other than doping.

After an appellate decision under Article 13 or the expiration of time to appeal, UKAD may only suspend a part of the otherwise applicable Consequences (other than Disqualification and mandatory Public Disclosure) with the approval of WADA and the applicable International Federation.

- (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 Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport, non-compliance with the Code, and/or sport integrity violations. No more than three quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. For the purposes of this paragraph, the otherwise applicable period of Ineligibility shall not include any period of Ineligibility that could be added under Article 10.9.4(b).

Where requested by an Athlete or other Person, UKAD shall allow the Athlete or other Person to provide Substantial Assistance to it subject to a Without Prejudice Agreement.

If the Athlete or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the Consequences was based, UKAD shall reinstate the original Consequences. A decision by UKAD to reinstate or not to reinstate suspended Consequences may be appealed pursuant to Article 13.

- (c) To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of UKAD or at the request of the Athlete or other Person who has, or has been asserted to have, committed an Anti-Doping Rule Violation, or other violation of the Code, WADA may agree at any stage of the Results Management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other

Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even to no period of Ineligibility, no mandatory Public Disclosure, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of Consequences as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed.

- (d) If UKAD suspends any part of an otherwise applicable Consequence because of Substantial Assistance, notice providing justification for the decision shall be provided to each Interested Party. In unique circumstances where WADA determines that it would be in the best interests of anti-doping, WADA may authorise UKAD to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.
- (e) Where UKAD declines to exercise the discretion conferred on it by this Article 10.7.1, 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 10.7.1(a) are satisfied and the hearing panel/appeal panel sees fit. Alternatively, the hearing panel/appeal panel may consider a submission that UKAD, in exercising its discretion under this Article 10.7.1 should have suspended a greater part of the Consequences.

10.7.2 Admission of an Anti-Doping Rule Violation in the absence of other evidence:

Where an Athlete or other Person voluntarily admits the commission of an Anti-Doping Rule Violation before receiving either (a) notification of a Sample collection that could establish the Anti-Doping Rule Violation (in the case of an Article 2.1 Anti-Doping Rule Violation), or (b) a Notice (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, the otherwise applicable period of Ineligibility may be reduced by up to but not by more than one half.

10.7.3 Application of multiple grounds for reduction of a sanction:

Where an Athlete or other Person establishes entitlement to a reduction in sanction under more than one provision of Article 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, and 10.6. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.7, the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

10.8 Results Management agreements

- 10.8.1 One (1) year reduction for certain Anti-Doping Rule Violations based on early admission and acceptance of sanction:

Where UKAD sends an Athlete or other Person a Charge Letter for an Anti-Doping Rule Violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), if the Athlete or other Person admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving the Charge Letter, they shall receive a one (1) year reduction in the period of Ineligibility asserted by UKAD. Where the Athlete or other Person receives the one (1) year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.

- 10.8.2 Case resolution agreements:

Where the Athlete or other Person admits an Anti-Doping Rule Violation after being confronted with it by UKAD and agrees to Consequences acceptable to UKAD and WADA, at their sole discretion:

- (a) the Athlete or other Person may receive a reduction in the period of Ineligibility based on an assessment by UKAD and WADA of the application of Articles 10.1 through 10.7 to the asserted Anti-Doping Rule Violation, the seriousness of the violation, the Athlete's or other Person's degree of Fault, and how promptly the Athlete or other Person admitted the violation; and
- (b) the period of Ineligibility may start as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred.

In each case, however, where this Article is applied, the Athlete or other Person shall serve at least one-half of the agreed-upon period of Ineligibility going forward from the earlier of (1) the date the Athlete or other Person accepted the imposition of a period of Ineligibility; and (2) the date the Athlete or other Person accepted a Provisional Suspension which was subsequently respected by the Athlete or other Person. The decision by WADA and UKAD to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of, the period of Ineligibility agreed, are not matters that may be determined or reviewed by a hearing panel and are not subject to appeal under Article 13.

If so requested by an Athlete or other Person who seeks to enter into a case resolution agreement under this Article, UKAD shall allow the Athlete or other Person to discuss the potential admission of the Anti-Doping Rule Violation with it subject to a Without Prejudice Agreement.

10.9 Multiple Violations

- 10.9.1 Second Anti-Doping Violation

For an Athlete's or other Person's second Anti-Doping Rule Violation, the period of Ineligibility shall be the greater of:

- (a) A six (6) month period of Ineligibility; and
- (b) A period of Ineligibility in the range between:
 - (i) the sum of the period of Ineligibility imposed for the first Anti-Doping Rule Violation plus the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation; and
 - (ii) twice the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation.

The period of Ineligibility within this range shall be determined based on the entirety of the circumstances and the Athlete's or other Person's degree of Fault with respect to the second violation.

The period of Ineligibility established in this Article 10.9.1 may then be further reduced by the application of Article 10.7.

10.9.2 Third Anti-Doping Violation:

A third Anti-Doping Rule Violation will always result in a lifetime period of Ineligibility, unless it fulfils the conditions for reduction of the period of Ineligibility under Article 10.6, or involves a violation of Article 2.4. In these particular cases, the period of Ineligibility shall be from eight (8) years to lifetime Ineligibility.

The period of Ineligibility established in this Article 10.9.2 may then be further reduced by the application of Article 10.7.

10.9.3 The following shall not be considered a violation for purposes of this Article 10.9:

- (a) An Anti-Doping Rule Violation for which the Athlete or other Person in question has established they bore No Fault or Negligence.
- (b) An Anti-Doping Rule Violation sanctioned under Article 10.2.4(a).

10.9.4 Additional rules for certain potential multiple offences:

- (a) For the purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.4(b) and 10.9.4(c) an Anti-Doping Rule Violation will only be considered a second (or third, as applicable) Anti-Doping Rule Violation if UKAD can establish that the Athlete or other Person committed the additional Anti-Doping Rule Violation after they received notice, or after UKAD or its designee made a reasonable attempt to give notice, of the first (or second, as applicable) Anti-Doping Rule Violation. Otherwise, the first and second Anti-Doping Rule Violations (or the second and third Anti-

Doping Rule Violations, as applicable) 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, including the application of Aggravating Circumstances. Results in all Competitions dating back to the earlier Anti-Doping Rule Violation will be Disqualified as provided in Article 10.10.

- (b) If UKAD establishes that an Athlete or other Person committed an additional Anti-Doping Rule Violation prior to notification of the first Anti-Doping Rule Violation, and that the additional violation occurred twelve (12) months or more before or after the first-notified violation, the period of Ineligibility for the additional violation shall be calculated as if it were a stand-alone first violation, and this period of Ineligibility will be served consecutively to, rather than concurrently with, the period of Ineligibility imposed for the first-notified violation. Where this Article 10.9.4(b) applies, the violations taken together shall constitute a single violation for purposes of Articles 10.9.1 and 10.9.2.
- (c) If UKAD establishes that an Athlete or other Person committed an Article 2.5 Anti-Doping Rule Violation in connection with the Doping Control process relating to another asserted Anti-Doping Rule Violation, the Article 2.5 Anti-Doping Rule Violation shall be treated as a stand-alone first violation and the period of Ineligibility for such violation shall be served consecutively to, rather than concurrently with, the period of Ineligibility (if any) imposed for the underlying Anti-Doping Rule Violation. Where this Article 10.9.4 (c) is applied, the violations taken together shall constitute a single violation for purposes of Articles 10.9.1 and 10.9.2.
- (d) If UKAD establishes that an Athlete or other Person has committed a second or third Anti-Doping Rule Violation during a period of Ineligibility, the periods of Ineligibility for the multiple violations shall run consecutively, rather than concurrently.

10.9.5 Multiple Anti-Doping Rule Violations during a ten-year period:

Any prior Anti-Doping Rule Violation shall only be taken into account for purposes of Article 10.9 if it took place within ten (10) years of the Anti-Doping Rule Violation now under consideration.

10.10 Disqualification of results in Competitions taking place after the commission of the Anti-Doping Rule Violation

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

10.11 Forfeited Prize Money

If UKAD recovers prize money forfeited as a result of an Anti-Doping Rule Violation, it shall take reasonable measures to allocate and distribute this prize money to the Athletes who would have been entitled to it had the forfeiting Athlete not competed.

10.12 Financial Consequences

10.12.1 Where an Athlete or other Person commits an Anti-Doping Rule Violation, upon request by UKAD the NADP hearing panel may fine the Athlete or Person a proportionate amount. A fine may only be imposed in cases where the maximum period of Ineligibility otherwise applicable has already been imposed.

10.12.2 The imposition of a fine shall not be considered a basis for reducing the period of Ineligibility or other Consequences that would otherwise be applicable under these Rules.

10.13 Commencement of Ineligibility period

Where an Athlete is already serving a period of Ineligibility for an Anti-Doping Rule Violation, any new period of Ineligibility shall start on the first day after the current period of Ineligibility has been served. Otherwise, the period of Ineligibility shall start on the date of the final decision providing for Ineligibility, or (if the hearing is waived, or there is no hearing) on the date Ineligibility is accepted or otherwise imposed, save as follows:

10.13.1 Delays not attributable to the Athlete or other Person:

Where there have been substantial delays in the hearing process or other aspects of Doping Control, and the Athlete or other Person can establish that such delays are not attributable to them, the period of Ineligibility may be deemed to have started at an earlier date, commencing as far back as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified.

10.13.2 Credit for any Provisional Suspension or period of Ineligibility served:

- (a) Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Athlete or other Person shall be credited against the total period of Ineligibility to be served. To get credit for any period of voluntary Provisional Suspension, however, the Athlete or other Person must have given written notice at the beginning of such period to UKAD (and UKAD shall copy that notice to each Interested Party). If the Athlete or other Person does not respect a Provisional Suspension in full, they shall receive no credit for any period of Provisional Suspension served. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, the Athlete or other Person shall receive credit for the served period against any period of Ineligibility which may ultimately be imposed on appeal.

- (b) No credit against a period of Ineligibility shall be given for any period before the effective date of the Provisional Suspension (whether imposed or voluntarily accepted), regardless of whether the Athlete elected not to compete or was suspended by their team.
- (c) In Team Sports, where a period of Ineligibility is imposed upon a team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility served.

10.14 Status during Ineligibility or Provisional Suspension

10.14.1 Prohibition against participation:

While serving a period of Ineligibility or Provisional Suspension, an Athlete or other Person may not participate in any capacity (or 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 by any body that is a member of, or affiliated to, or licensed by British Swimming; (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; (d) any professional league or any international- or national-level Event organisation; or (e) any elite or national-level sporting activity funded by a governmental agency.

10.14.2 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 they are still Ineligible.

10.14.3 While serving a period of Ineligibility or Provisional Suspension, an Athlete shall remain subject to Testing and must provide whereabouts information for that purpose upon demand by UKAD.

10.14.4 The only exceptions to Article 10.14.1 are as follows:

- (a) An Athlete or other Person who is subject to a period of Ineligibility longer than four (4) years may, after completing four (4) years of the period of Ineligibility, participate as an Athlete in local sport events not sanctioned or otherwise under the authority of British Swimming or any body that is a member of, or affiliated to, or licensed by British Swimming or a Signatory or member of a Signatory, but only so long as the local sports events (1) are not at a level that could otherwise qualify such Athlete or other Person directly or indirectly to compete in (or accumulate points towards) a national championship or International Event, and (2) do not involve the Athlete or other Person working in any capacity with Protected Persons; and

- (b) an Athlete may return to train with a team or to use the facilities of a club or other member organisation of British Swimming or a Signatory's member organisation during the shorter of: (1) the last two (2) months of the period of Ineligibility; and (2) the last one-quarter of the period of Ineligibility.

10.14.5 In addition, save where the Anti-Doping Rule Violation involved a reduced sanction further to Article 10.5 or 10.6, some or all financial support or benefits (if any) that might have otherwise been provided to the Athlete or other Person shall be withheld by British Swimming, Signatories, Signatories' member organisations, and governments or government agencies.

10.14.6 If an Athlete or other Person violates the prohibition against participation set out in Article 10.14.1, any results they obtain during such participation shall be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, points and prizes, and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Athlete's or other Person's degree of Fault and other circumstances of the case (and so may include a reprimand and no period of Ineligibility). The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether the new period of Ineligibility should be adjusted, shall be made by the Anti-Doping Organisation which brought the case that led to the initial period of Ineligibility. If the Athlete or other Person does not accept the new period of Ineligibility (or, if applicable, reprimand) proposed by the Anti-Doping Organisation, the matter shall proceed to a hearing in accordance with ISRM Article 11.1. The hearing panel's decision may be appealed pursuant to Article 13.

An Athlete or other Person who violates the prohibition against participation during a Provisional Suspension set out in Article 10.14.1 shall receive no credit for any period of Provisional Suspension served and any results they obtain during such participation shall be Disqualified, with all resulting consequences, including forfeiture of all medals, titles, points and prizes.

10.14.7 Where an Athlete Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, UKAD (or the Anti-Doping Organisation with jurisdiction over such Athlete Support Person or other Person) shall pursue the matter as a potential Article 2.9 Anti-Doping Rule Violation in accordance with Article 7.7.

10.15 Automatic publication of Consequences

A mandatory Consequence in every case where an Anti-Doping Rule Violation has been committed shall be automatic publication, as provided in Articles 8.5 and 13.8.

10.16 Reinstatement

10.16.1 Once a period of Ineligibility has expired, provided the Athlete or other Person has (a) respected Article 10.14.3, (b) respected Article 10.14.5, and (c) satisfied in full all forfeiture penalties due under these Rules and any

costs order made against them by an NADP tribunal and/or CAS, the Athlete or other Person will become automatically re-eligible to compete (unless the Athlete or other Person is otherwise ineligible for reasons not related to the Anti-Doping Rule Violation for which the expired period of Ineligibility was imposed) without further formality.

- 10.16.2 Where fairness requires, UKAD or the hearing panel may 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.

Article 11: **Consequences To Teams**

11.1 Testing of Team Sports or a sport in which awards are given to teams

Where more than one (1) 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 Consequences for Team Sports or a sport in which awards are given to teams

11.2.1 Where an Anti-Doping Rule Violation has been committed in relation to a Competition by a member of a relay in swimming, or team in open water swimming, or a duet or team in artistic swimming or diving, the relay, duet or team shall be Disqualified from the Competition in connection with the Anti-Doping Rule Violation with all resulting Consequences including forfeiture of any medals, points or prizes.

11.2.2 A water polo team, in which more than one (1) player has committed an Anti-Doping Rule Violation in connection with an Event, 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 actual goal score was greater.

11.2.3 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 Event or Competition in question.

Article 12: **Sanctions against Sporting Bodies**

Where UKAD becomes aware that British Swimming or any other sporting body in the United Kingdom that is bound by the UK National Anti-Doping Policy has failed to comply with, implement, uphold, or enforce these Rules within that body's area of competence, UKAD may take action against that body as set out in the UK National Anti-Doping Policy.

Article 13: **Results Management: Appeals**

13.1 Appeals

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

13.2 Appeals from TUE Decisions

- 13.2.1 In the event that the TUE application of an Athlete who is not an International-Level Athlete is denied by the UK TUE Committee, the Athlete may appeal the decision, in whole or in part, exclusively to the UK TUE Appeal Panel, in accordance with the procedures laid down from time to time by UKAD.
- 13.2.2 Decisions of the UK TUE Appeal Panel shall be final and binding and are not subject to appeal (but for the avoidance of doubt, they may still be reviewed by WADA at any time in accordance with Article 4.6.1).
- 13.2.3 Any TUE decision by an International Federation that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or UKAD exclusively to CAS.
- 13.2.4 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, UKAD and/or the International Federation affected exclusively to CAS.

13.3 Appeals against the imposition (or non-lifting) of Provisional Suspensions

- 13.3.1 Subject to Article 13.3.2, if the NADP tribunal rejects an application by an Athlete or other Person pursuant to Article 7.10.3 and therefore imposes (or does not lift) the Provisional Suspension, only the Athlete or other Person upon whom the Provisional Suspension is imposed shall have a right to appeal that decision. They shall have the right to an expedited appeal in accordance with Articles 13.4 and 13.7. The Provisional Suspension shall remain in effect pending the appeal.
- 13.3.2 Notwithstanding Article 13.3.1, there shall be no right to appeal a decision imposing (or not lifting) a Provisional Suspension on the ground that the violation is likely to have involved a Contaminated Product.

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 (or not imposing) Consequences for an Anti-Doping Rule Violation (other than as provided for in Article 13.3); a decision that a case cannot go forward for procedural reasons (e.g., because of prescription); a decision by WADA to grant or not to grant an exception to the six (6) month notice requirement for a retired Athlete to return to competition under Article 1.4.4(a); a decision by UKAD not to grant an exception to the six (6) month notice requirement for a retired Athlete to return to competition under Article 1.4.4(b); a decision by WADA assigning Results Management responsibility under Code Article 7.1; a decision not to

bring forward an Adverse Analytical Finding or an Atypical Finding or an Adverse Passport Finding as an Anti-Doping Rule Violation, or a decision not to assert an Anti-Doping Rule Violation after an investigation in accordance with the ISRM; a failure by UKAD to comply with Article 7.10.1; a decision by the NADP tribunal not to impose (or a decision by the NADP tribunal to lift) a Provisional Suspension; a decision on an application made pursuant to Article 1.6.2(e); a decision that UKAD or a hearing panel lacks authority to deal with an alleged Anti-Doping Rule Violation or its Consequences; a decision made pursuant to Article 10.7.1 in relation to suspension or reinstatement of Consequences; a failure to comply with Article 7.1.4 and 7.1.5 of the Code; a failure to comply with Article 10.8.1; a decision under Article 10.14.6; a decision not to implement a decision of another Anti-Doping Organisation in accordance with Code Article 15.1 (this appeal shall be expedited) -- may be appealed by any of the following parties exclusively as provided in this Article 13:

- (a) the Athlete or other Person who is the subject of the decision being appealed;
- (b) British Swimming;
- (c) UKAD and any other party to the case in which the decision was rendered;
- (d) the relevant International Federation;
- (e) the National Anti-Doping Organisation(s) of the Athlete's or other Person's country of residence, country of nationality, and country where they are licensed to participate in sport (if different from UKAD);
- (f) 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
- (g) 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 exclusively to CAS, following the procedures set out in CAS Code of Sports-related Arbitration and in Article 13.7.
- (b) In all other cases, the appeal shall be made to an NADP appeal tribunal, in accordance with the ISRM and following the procedures set out in the NADP Rules and in Article 13.7, unless the parties to the appeal all agree that the appeal should be heard by CAS.

13.5 Appeals by WADA

- 13.5.1 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) appeal to an NADP appeal tribunal.
- 13.5.2 Where, in a particular case, UKAD fails to render a decision with respect to whether an Anti-Doping Rule Violation was committed within a reasonable deadline set by WADA, WADA shall have a right of appeal to CAS as if UKAD 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, WADA's costs and attorney fees in pursuing the appeal shall be reimbursed to WADA by UKAD.

13.6 Appeals from NADP appeal tribunal decisions

- 13.6.1 Decisions of an NADP appeal tribunal in cases brought under Article 13.4.2(b) may be challenged by appeal to CAS only by WADA, the relevant International Federation, and (where the decision may have an effect in relation to the Olympic Games or Paralympic Games) by the International Olympic Committee or International Paralympic Committee (as applicable). Subject thereto, decisions of the NADP appeal tribunal shall be the full, final and complete disposition of the case and will be binding on all of the Persons identified in Article 13.4.1.
- 13.6.2 Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the NADP, and the information shall be provided if CAS so directs.

13.7 Appeal procedure

- 13.7.1 The time to file an appeal to the NADP appeal tribunal or to CAS (as applicable) shall be twenty-one (21) days from the date of receipt by the appealing party of the decision being appealed; save that:
- (a) Within fifteen (15) 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. All parties to the appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

- 13.7.3 Cross appeals and other subsequent appeals by any respondent named in appeals brought before the NADP or CAS under these Rules or the Code are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with its answer to the original appeal.
- 13.7.4 The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances as were raised or addressed in the first instance hearing.
- 13.7.5 In making its decision, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.
- 13.7.6 UKAD (or any other Anti-Doping Organisation that is a party to an appeal) shall promptly provide the appeal decision to the Athlete or other Person and to the Interested Parties. Any Interested Party may, within fifteen (15) days of receipt of a decision pursuant this Article 13.7.6, request a copy of the full case file pertaining to the decision.

13.8 Publication of Decisions

- 13.8.1 A decision on appeal that an Anti-Doping Rule Violation has been committed may be Publicly Reported immediately, and shall be Publicly Reported within twenty (20) days of the date of the decision. However, this mandatory Public Reporting requirement shall not apply where the Athlete or other Person who has been found to have committed an Anti-Doping Rule Violation is a Minor, a Protected Person, or a Recreational Athlete. Any optional Public Reporting in a case involving a Minor, a Protected Person, or a Recreational Athlete shall be proportionate to the facts and circumstances of the case.
- 13.8.2 A decision on appeal that an Anti-Doping Rule Violation has not been committed shall not be Publicly Disclosed unless the Athlete or other Person who is the subject of the decision consents to such disclosure. Where they do not so consent, the fact of the appeal and/or a summary of the decision may be Publicly Disclosed, provided that what is disclosed does not enable the public to identify the Athlete or other Person.

Article 14: Confidentiality and Reporting

14.1 Reporting of pending cases

- 14.1.1 Notice given to Interested Parties of an Anti-Doping Rule Violation shall include the Athlete's or other Person's name, country, sport and discipline within the sport, the Athlete's competitive level, (in Article 2.1

Anti-Doping Rule Violation cases) whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory and other information as required by the International Standard for Results Management, or (for Anti-Doping Rule Violations other than under Article 2.1) the rule violated and the basis of the asserted Anti-Doping Rule Violation.

- 14.1.2 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.
- 14.1.3 The identity of an Athlete or other Person asserted to have committed an Anti-Doping Rule Violation shall not be Publicly Disclosed except in accordance with Article 7.10.7, Article 7.11.5, Article 8.5 and/or Article 13.8. Where such Public Disclosure is permitted under those Articles, the identity of the Athlete or other Person shall be Publicly Disclosed, including on UKAD's website.
- 14.1.4 UKAD will not comment publicly on the specific facts of a pending case (as opposed to providing a general description of process and science) except in response to public comments attributed to, or based on information provided by, the Athlete or other Person or their entourage or other representatives.
- 14.1.5 UKAD 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, Testing conducted pursuant to these Rules shall be reported by UKAD on ADAMS as soon as possible after such Testing is complete, in accordance with Code Article 14. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete, the Athlete's International Federation, and any other Anti-Doping Organisation with Testing authority over the Athlete.

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 UKAD on no less than a quarterly basis.

Article 15: **Implementation of Decisions**

15.1 Automatic binding effect of decisions by Signatory Anti-Doping Organisations

- 15.1.1 A decision in relation to an Anti-Doping Rule Violation or in relation to a violation of the prohibition against participation during Ineligibility that is made by an Anti-Doping Organisation, or by a hearing panel (pursuant to Article 8) or, if appealed, by an appellate body (pursuant to Article 13.4.2(b)) or CAS shall, after the parties to the proceeding have been notified, be binding automatically beyond the parties to the proceeding

on UKAD, British Swimming and any other National Federation in the United Kingdom, as well as every Signatory in every sport, with the effects described below.

- (a) A decision by any of the above-described bodies imposing a Provisional Suspension (after a Provisional Hearing has occurred or the Athlete or other Person has either accepted the Provisional Suspension or has waived the right to a Provisional Hearing, expedited hearing or expedited appeal offered in accordance with Article 13.3.1) automatically prohibits the Athlete or other Person from participation (as described in Article 10.14.1) in all sports within the authority of any Signatory during the Provisional Suspension.
- (b) A decision by any of the above-described bodies imposing a period of Ineligibility (after a hearing has occurred or been waived) automatically prohibits the Athlete or other Person from participation (as described in Article 10.14.1) in all sports within the authority of any Signatory during the period of Ineligibility.
- (c) A decision by any of the above-described bodies accepting an Anti-Doping Rule Violation automatically binds all Signatories.
- (d) A decision by any of the above-described bodies to Disqualify results under Article 10.10 for a specified period automatically Disqualifies all results obtained within the authority of any Signatory during the specified period.

15.1.2 Each of UKAD and British Swimming shall recognise and implement a decision and its effects as required by Article 15.1.1 on the date that it receives actual notice of the decision.

15.1.3 A decision by an Anti-Doping Organisation, an appellate body or CAS to suspend or lift Consequences shall be binding upon UKAD and British Swimming on the date that it receives actual notice of the decision.

15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision in relation to an Anti-Doping Rule Violation made by a Major Event Organisation in an expedited process during an Event shall not be binding on UKAD or British Swimming unless the rules of the Major Event Organisation provide the Athlete or other Person with an opportunity to appeal under non-expedited procedures.

15.2 Implementation of other decisions made by Signatories

UKAD may implement decisions rendered by Anti-Doping Organisations that are not listed in Article 15.1, such as a Provisional Suspension prior to a Provisional Hearing or acceptance by the Athlete or other Person.

15.3 Decisions made by non-Signatories

A decision by a body that is not a Signatory shall be implemented by UKAD and British Swimming if UKAD determines that the decision appears to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the Code.

Article 16: Challenges to a Decision or these Rules

16.1 Governing Law and Jurisdiction

- 16.1.1 Subject to Article 1.5.3, these Rules and all matters and proceedings arising in connection with the Rules shall be governed by the laws of England & Wales.
- 16.1.2 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.
- 16.1.3 To the greatest extent allowable under applicable law:
- (a) 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
 - (b) all Athletes and other Persons 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.
- 16.1.4 Subject strictly to Article 16.1.2 and 16.1.3, 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, UKAD, any Delegated Third Party or any of their respective members, directors, officers, employees, agents, representatives and other Persons involved in any way in the administration of the Rules or Doping Control conducted under the Rules shall be liable to any Person in any way, in relation to any lawful acts or omissions committed in the honest application, administration, and/or enforcement of the 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

UKAD may collect, store, process, and disclose personal information relating to Athletes and other Persons where necessary and appropriate to conduct its Anti-Doping Activities, in compliance with the Code and International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information) and with applicable data protection and privacy laws.

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 Testing Pool shall provide British Swimming and UKAD 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 UKAD with proper details of the new address.
- 17.2.3 Notice to an Athlete in the National Registered Testing Pool or Domestic Testing Pool shall be delivered by first class 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 by first class 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 UKAD may, at its discretion, as an alternative to, or in conjunction with notice by first class post, use any other method of secure and confidential communication available, including but not limited to registered post, 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 UKAD given or made under or referred to in these Rules shall be accomplished by hand delivery or by first class post or by facsimile to British Swimming or UKAD 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 UKAD on the day of delivery (if delivered by hand or faxed before 5pm 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 post), as applicable.
- 17.2.7 An Athlete or other Person may, at their discretion, use email as an alternative to, or in conjunction with giving notice to British Swimming or UKAD by hand or by post or by facsimile, but there shall be no deemed receipt of notice delivered by email. If receipt is disputed by British Swimming or UKAD, actual receipt must be proved.

17.2.8 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 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 called upon to resolve the matter shall have discretion to do so in such manner as they see fit, provided that such resolution does not materially undermine the reliability of proceedings under these Rules or otherwise cause material injustice to the Athlete or other Person to whom the Rules are being applied.

Appendix 1: Definitions

ABP: See definition of Athlete Biological Passport.

ABP Documentation Package: The material produced by the APMU to support an Adverse Passport Finding such as, but not limited to, analytical data, Expert Panel comments, evidence of confounding factors as well as other relevant supporting information.

ABP Programme: The programme and methods of gathering and collating biological Markers on a longitudinal basis to facilitate indirect detection of the Use of Prohibited Substances and Prohibited Methods.

ABP Testing: The collection, transportation and analysis of Samples to measure individual blood variables for longitudinal profiling as part of the ABP Programme.

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

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

Adverse Analytical Finding:

A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories, establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method.

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

Aggravating Circumstances: Circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions, or committed multiple other Anti-Doping Rule Violations; a normal individual would be likely to enjoy the performance-enhancing effects of the Anti-Doping Rule Violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an Anti-Doping Rule Violation; or the Athlete or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive, and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility.

Anti-Doping Activities: Anti-doping Education and information, test distribution planning, maintenance of a Registered Testing Pool, managing Athlete Biological

Passports, conducting Testing, organising analysis of Samples, gathering of intelligence and conduct of investigations, processing of TUE applications, Results Management, monitoring and enforcing compliance with any Consequences imposed, and all other activities related to anti-doping to be carried out by or on behalf of an Anti-Doping Organisation, as set out in the Code and/or the International Standards.

Anti-Doping Organisation: WADA or 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, the International Federation, and National Anti-Doping Organisations such as UKAD.

Anti-Doping Rule Violation: One of the prohibited acts or omissions set out at Article 2.

APMU: See definition of Athlete Passport Management Unit.

Athlete: Any Person (including any Recreational Athlete) who competes at any level in the sport under the jurisdiction of British Swimming. For purposes of Article 2.8 and Article 2.9, an Athlete is any Person (including any Recreational Athlete) who participates at any level in any sport under the authority of any Signatory, government or other sports organisation accepting the Code.

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

Athlete Passport Management Unit (or APMU): See Article 5.5.2.

Athlete Support Person(nel): 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, that there shall be no Anti-Doping Rule Violation based solely on an Attempt to commit a violation if the Athlete or other Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

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

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

CAS: The Court of Arbitration for Sport in Lausanne, Switzerland.

Charge Letter: See Article 7.11.3.

Code: The World Anti-Doping Code.

Competition: A single race, match, game or other sport contest.

Consequences of Anti-Doping Rule Violations (or Consequences): An Athlete's or other Person's 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 Athlete or other Person is barred for a specified period of time from participating in any Competition, Event or other activity or funding, in accordance with Article 10.14;
- (c) **Provisional Suspension** means the Athlete or other Person is barred temporarily from participating in any Competition, Event or other activity, in accordance with Article 10.14;
- (d) **Financial Consequences** means a financial sanction imposed in accordance with Article 10.12; and
- (e) **Public Disclosure (or to Publicly Disclose)** means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with these Rules.

Teams in Team Sports or a sport in which awards are given to teams may also be subject to Consequences as provided in Article 11.

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

Decision Limit: The value of the result for a threshold substance in a Sample above which an Adverse Analytical Finding shall be reported, as defined in the International Standard for Laboratories.

Delegated Third Party: Any Person to which UKAD delegates any aspect of Doping Control or anti-doping Education programs including, but not limited to, Doping Control Personnel, as well as third parties or other Anti-Doping Organisations that conduct Sample collection or other Doping Control services or anti-doping Educational programs for UKAD. This definition does not include CAS.

Disqualification: See definition of Consequences of Anti-Doping Rule Violations.

Domestic Testing Pool: A pool of Athletes who are not in the National Registered Testing Pool but are required to provide specified whereabouts information to UKAD so that they can be located for purposes of Testing, and may be transferred to the National Registered Testing Pool if they fail to comply with those requirements. See Article 5.4.6.

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement Consequences, including all steps and processes in between, including (but not limited to) Testing investigations, whereabouts, TUEs, Sample collection and handling, laboratory analysis, Results Management, and investigations or proceedings relating to violations of Article 10.14 (Status During Ineligibility or Provisional Suspension).

Doping Control Personnel: Individuals serving as independent contractors who perform Doping Control services for UKAD (e.g., non-employee Doping Control officers or chaperones).

Education: The process of learning to instil values and develop behaviours that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

Effective Date: 1 January 2021.

Event: A series of individual Competitions conducted together under one ruling body (e.g., the Olympic Games, the World Championships of an International Federation or the Pan American Games).

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

Expert Panel: See Article 5.5.2.

Fault: Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.6.1 or 10.6.2.

Filing Failure: As defined in the ISRM.

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

In-Competition: The period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition; provided, however, that WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport. Upon such approval by WADA, the alternative definition shall be followed by all Major Event Organisations for that particular sport.

Independent Observer Program: A team of observers and/or auditors, under the supervision of WADA, who observe and provide guidance on the Doping Control process prior to or during certain Events and report on their observations as part of WADA's compliance monitoring program.

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

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

Ineligibility: See definition of Consequences of Anti-Doping Rule Violations.

Interested Party: The International Federation, WADA, British Swimming, and any other Anti-Doping Organisation that has a right to appeal the decision in question under Article 13.4.

Institutional Independence: Hearing panels on appeal shall be fully independent institutionally from the Anti-Doping Organisation responsible for Results Management, meaning that they must not in any way be administered by, connected or subject to that Anti-Doping Organisation.

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

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

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

International Registered Testing Pool: A pool of Athletes designated by an International Federation in accordance with ISTI Article 4.8.

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.

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

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

International Standard for the Protection of Privacy and Personal Information (ISPPPI): The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (wada-ama.org).

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

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

International Standard for Therapeutic Use Exemptions (ISTUE): The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website (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 variable(s) that indicate(s) the Use of a Prohibited Substance or Prohibited Method.

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural Person under the age of 18.

Missed Test: As defined in the ISRM.

NADP: See definition of 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.

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, manage test results, and conduct Results Management at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee or its designee. The National Anti-Doping Organisation for the UK is UKAD.

National Anti-Doping Panel (NADP): The panel of arbitrators administered by Sport Resolutions (UK) or its successor to whom matters may be referred under Article 8 and Article 13.

National Event: An Event or Competition held in Great Britain involving International-Level or National-Level Athletes that does not qualify as an International Event.

National-Level Athlete: An Athlete that falls into any of the following categories: An Athlete in UKAD's National Registered Testing Pool or Domestic Testing Pool.

- An Athlete in UKAD's National TUE Pool.
- An Athlete supported through UK Sport's World Class Programme funding, or in direct receipt of a UK Sport or Home Country Sports Council Athlete Performance Award.
- An Athlete who is in or who in the last six (6) months has been in a squad representing Great Britain, England, Scotland, Wales or Northern Ireland (a) at senior level; or (b) at junior levels that are published on UKAD's website.

- An Athlete competing at an International Event in an open senior category but who is not defined as an International-Level Athlete by the relevant International Federation.
- An Athlete who does not fall within any of the above categories but who meets objective criteria that are specific to the sport in which the Athlete competes (e.g., based on the level of competition at which the Athlete competes, such as the national championships) and are published on British Swimming's and/or UKAD's website.

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.

National TUE Pool: See Article 4.3.2(b).

No Fault or Negligence: The Athlete or other Person establishing that they did not know or suspect, and could not reasonably have known or suspected, even with the exercise of utmost caution, that they had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.

No Significant Fault or Negligence: The Athlete or other Person's establishing that any 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. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete's system.

Notice: See Article 7.8.1.

Operational Independence: This means that (1) board members, staff members, commission members, consultants and officials of the Anti-Doping Organisation with responsibility for Results Management or its affiliates (e.g., member federation or confederation), as well as any Person involved in the investigation and pre-adjudication of the matter may not be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels; and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the Anti-Doping Organisation or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

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

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

Possession: The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the

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

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, or class of substances, so described on the Prohibited List.

Protected Person: An Athlete or other natural Person who at the time of the Anti-Doping Rule Violation: (i) has not reached the age of sixteen (16) years; or (ii) has not reached the age of eighteen (18) years and is not included in any Registered Testing Pool and has never competed in any International Event in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national law.

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

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

Public Disclosure or Public Reporting (or to Publicly Disclose or Publicly Report): See definition of Consequences of Anti-Doping Rule Violations.

Recreational Athlete: An Athlete who is under the jurisdiction of the NGB and who, within the five (5) years prior to committing any Anti-Doping Rule Violation, (A) has not been an International-Level Athlete (as defined by each International Federation consistent with the International Standard for Testing and Investigations) or a National-Level Athlete (as defined by UKAD in these Rules); (B) has not represented Great Britain or any other country in an International Event in an open category; and (C) has not been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation or National Anti-Doping Organisation.

Registered Testing Pool: The pool of highest-priority Athletes established separately at the international level by International Federations and at the national level by the National Anti-Doping Organisation (in the United Kingdom, by UKAD), who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or National Anti-Doping Organisation's test distribution plan and therefore are required to provide whereabouts information as provided in the ISTI.

Results Management: The process encompassing the timeframe between notification as per Article 5 of the International Standard for Results Management, or in certain cases (e.g., Atypical Finding, Adverse Passport Findings, Whereabouts Failures), such pre-

notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the sending of the Charge Letter and until the final resolution of the matter, including the end of the hearing process at first instance and on appeal (if an appeal was lodged).

Rules: See Article 1.1.1.

Sample: Any biological material collected for the purposes of Doping Control. Biological material collected for other purposes (e.g. DNA collected as part of an investigation for identification purposes) shall not be considered a 'Sample' (and so shall not be subject to Article 6 for purposes of these Rules).

Signatories: Those entities signing the Code and agreeing to implement the Code and the International Standards, as provided in Code Article 23.

Specified Method: See Article 3.2.2.

Specified Substance: See Article 3.2.2.

Substance of Abuse: See Article 3.2.3.

Substantial Assistance: For purposes of Article 10.7.110.7.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement or recorded interview all information that they possess in relation to Anti-Doping Rule Violations or other proceeding described in Article 10.7.1(a), and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including (for example) by testifying at a hearing if requested to do so by UKAD or the hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding that is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis upon which such a case or proceeding could have been brought.

Tampering: Intentional conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organisation or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organisation or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference or Attempted interference with any aspect of Doping Control.

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

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

Technical Document: A document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set out in an International Standard.

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

Therapeutic Use Exemption (TUE): A Therapeutic Use Exemption allows an Athlete with a medical condition to use a Prohibited Substance or Prohibited Method, but only if the conditions set out in the International Standard for Therapeutic Use Exemptions are met.

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by an Athlete, Athlete Support Person or any other Person subject to the authority of an Anti-Doping Organisation 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 or are intended to enhance sport performance.

UKAD: United Kingdom Anti-Doping Limited.

UK 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 United Kingdom.

UKTUE Appeal Panel: The panel established by UKAD to hear an appeal regarding a denial or conditional grant of a TUE.

UK TUE Committee: The committee established by UKAD to review TUE applications in accordance with the ISTUE.

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.

Whereabouts Failure: A Filing Failure or a Missed Test, as those terms are defined in the International Standard for Results Management.

Without Prejudice Agreement: For purposes of Articles 10.7.1(b) and 10.8.2, a written agreement between an Anti-Doping Organisation and an Athlete or other Person that allows the Athlete or other Person to provide information to the Anti-Doping Organisation in a defined time-limited setting with the understanding that if an agreement for Substantial Assistance or a case resolution agreement is not finalised, the information provided by the Athlete or other Person in this particular setting may not be used by the Anti-Doping Organisation against the Athlete or other Person in any Results Management proceeding under the Code, and that the information provided by the Anti-Doping Organisation may not be used by the Athlete or other Person against the Anti-Doping Organisation in any Results Management proceeding under the Code. Such an agreement shall not preclude the Anti-Doping Organisation, Athlete or other Person from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.