

L.N. 17 of 2015**SPORTS ACT
(CAP. 455)****Anti-Doping Regulations, 2015**

IN exercise of the powers conferred by article 6(1)(n) and 53 of the Sports Act, the Minister of Education and Employment, after consultation with the Kunsill Malti *ghall-Isport*, has made the following regulations:-

Citation and coming into force.

1. (1) The title of these regulations is the Anti-Doping Regulations, 2015.

(2) These regulations shall come into force on 1st January, 2015.

Definitions.

2. In these regulations, unless otherwise specified in the Code or required by the context:

Cap. 455/

"Act" means the Sports Act;

"ADAMS" means the anti-doping administration and management system maintained by WADA;

"ADC" means the Anti-Doping Commission appointed by the Minister responsible for Sports to oversee all aspects of the NADO's Anti-Doping Programme in accordance with the International Standard for Testing and Investigations. The Anti-Doping Commission is to consist of a chairperson and a minimum of three and a maximum of five other members with expertise in the field of anti-doping;

"administration" means 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" means a report from a WADA-accredited laboratory or other WADA-approved laboratory that,

consistent with the international standard for laboratories and related technical documents, identifies in a sample the presence of a prohibited substance or its metabolites or *markers*, including elevated quantities of endogenous substances, or evidence of the use of a prohibited method;

"adverse passport finding" means a report identified in an adverse passport finding as described in the applicable international standards;

"anti-doping organisation" means a signatory that is responsible for adopting regulations for initiating, implementing or enforcing any part of the control process;

"athlete" means any person who competes in sport at the international level as defined by each international federation or at the national level as defined by each national anti-doping organisation. The ADC has discretion to apply anti-doping regulations to an athlete who is neither an international-level nor a national-level athlete, and thus to bring them within the definition of "Athlete." In relation to athletes who are neither international-level nor national-level athletes, the ADC may elect to: conduct limited testing or no testing at all; analyse samples for less than the full menu of prohibited substances; require limited or no whereabouts information; or not require advance TUEs. However, if an anti-doping rule violation under regulations 3(2)(a), (c), or (e) is committed by any athlete over whom the ADC has authority who competes below the international or national level, then the consequences set forth in these regulations must be applied. For the purposes of regulations 3(2)(i) and (j) (except regulation 15(7)), and for the purposes of anti-doping information and education, any person who participates in sport under the authority of any signatory, government, or other sports organisation accepting the Code, is an athlete;

"athlete biological passport" means the program and methods of gathering and collating data as described in the International Standard for Testing and Investigations and international standard for laboratories.

"athlete support personnel" means coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other person working with, treating or assisting an athlete participating in or preparing for sports competition;

"attempt" means purposely engaging in conduct that constitutes a substantial step in a course of conduct which could or did 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 person renounces the attempt prior to it being discovered by a third party not involved in the attempt;

"atypical finding" means a report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the international standard for laboratories or related technical documents prior to the determination of an adverse analytical finding;

"CAS" means the Court of Arbitration of Sport;

"Code" means the World Anti-Doping Code first adopted by WADA on 5 March, 2003, and any other subsequent amendments*;

"competition" means a single race, match, game or singular sport contest. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a competition and an event will be as provided in the regulations of the applicable International Federation;

"consequences of anti-doping regulations violations" or "consequences" means an athlete's or other person's violation of an anti-doping rule that may result in any of disqualification, ineligibility, provisional suspension, financial consequences or public disclosure;

"contaminated product" means a product that contains a prohibited substance that is not disclosed on the product label or in information available in a reasonable Internet search.

"the Council" means the Kunsill Malti *għall-Isport* established according to article 4 of the Act;

"disqualification" means the athlete's results in a particular competition or event are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes;

"doping" means the occurrence of one or more of the anti-doping rule violations mentioned in regulation 3;

"doping control" means all steps and processes from test distribution planning to ultimate disposition of any appeal including where applicable all steps and processes in between, including

* <http://www.wada-ama.org/>

provision of whereabouts information, sample collection and handling, laboratory analysis, TUEs, results management and hearings;

"event" means a series of individual competitions conducted together under one ruling body;

"event venues" means those venues so designated by the ruling body for the event;

"event period" means the time between the beginning and end of an event, as established by the ruling body of the event;

"fault" means 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, the athlete's or other person's experience, whether the athlete or other person is a minor, special considerations such as impairment, the degree of risk that should have been perceived by the athlete and the level of care and investigation exercised by the athlete in relation to what should have been the perceived level of risk. In assessing the athlete's or other person's degree of fault, the circumstances considered must be specific and relevant to explain the athlete's or other person's departure from the expected standard of behaviour;

"financial consequences" means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation;

"illicit use" means the utilisation, application, ingestion, injection or consumption by any means whatsoever of any prohibited substance or prohibited method;

"in-competition" means the period commencing twelve hours before a competition in which the athlete is scheduled to participate through the end of such competition and the sample collection process related to such competition unless provided otherwise in the regulations of an international federation or the ruling body of the event in question;

"independent observer program" means a team of observers, under the supervision of WADA, who observe and provide guidance on the doping control process at certain events and report on their observations;

"individual sport" means any sport that is not a team sport;

"ineligibility" means the athlete or other person is barred on

account of an anti-doping rule violation for a specified period of time from participating in any competition or another activity or funding as provided under regulation 11(20). Such athlete or person may not train, take part in exhibitions or competition, organised by his or her national association, a club which is a member of the national association, the international federation in which his or her national association is a member, or a foreign national association or their clubs. Furthermore, such athlete or person may not during a period of ineligibility serve as an official, director, officer, employee, or volunteer of the organisations described in this paragraph, and may not engage in any other sporting discipline;

"international event" means an event or competition where an international sport organisation is the ruling body for the event or appoints the technical officials for the event;

"international-level athlete" means an athlete who compete in sport at the international level, as defined by each international federation, consistent with the International Standard for Testing and Investigations;

"international standard" means a standard adopted by WADA in support of the Code. Compliance with an international standard as opposed to another alternative standard, practice or procedure shall be sufficient to conclude that the procedures addressed by the international standard were performed properly. International standards shall include any technical documents issued pursuant to the international standard;

"major event organisations" means 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" means a compound, group of compounds, or biological variables that indicate the use of a prohibited substance or of a prohibited method;

"metabolite" means any substance produced by a bio-transformation process;

"minor" means a natural person who has not reached the age of eighteen years;

"national anti-doping appeal panel" means the panel appointed by the government or by the Council to adjudicate on appeals from decisions of the national anti-doping disciplinary panel;

"national anti-doping disciplinary panel" means the panel appointed by government or by the Council to adjudicate on alleged violations of these regulations, unless the CAS is preferred;

"national anti-doping organisation" means the entity or entities designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping regulations, direct the collection of samples, the management of test results, and the conduct of hearings, at the national level. For the purposes of these regulations, the ADC is the designated entity;

"national association" means a national entity which is registered and recognised by the Council as the entity governing sport in Malta;

"national event" means a sport event or competition involving international or national-level athletes that is not an international event;

"national-level athlete" means an athlete who competes in sport at the national level, as defined by each national anti-doping organization, consistent with the International Standard for Testing and Investigations;

"National Olympic Committee" means the organisation recognised by the International Olympic Committee;

"no fault or negligence" means the athlete's or other person's establishing that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had illicitly used or been administered the prohibited substance or a prohibited method or otherwise violated an anti-doping rule. Except in the case of a minor, for any violation under regulation 3(2)(a), the athlete must also establish how the prohibited substance entered his system;

"no significant fault or negligence" means the athlete's or other person's establishing that his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for no fault or negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a minor, for any violation under regulation 3(2)(a), the athlete must also establish how the prohibited substance entered his system;

"out of competition" means any period which is not in-competition;

"participant" means any athlete or athlete-support personnel;

"person" means a natural person or an organisation or other entity;

"possession" means 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 over the prohibited method or the premises in which a prohibited substance or prohibited method exists:

Provided that if the person does not have exclusive control over the prohibited substance or over the 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 further that 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 the National Anti-Doping Organisation:

Provided also that 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" means the WADA list identifying the prohibited substances and the prohibited methods as adjourned from time to time;

"prohibited method" means any method so described on the prohibited list;

"prohibited substance" means any substance, or class of substances, so described on the prohibited list;

"provisional hearing" means an expedited abbreviated hearing occurring prior to a hearing under regulation 9 that provides the athlete with notice and an opportunity to be heard in either written or oral form;

"provisional suspension" means the athlete or other person being barred temporarily from participating in any competition or

activity prior to the final decision at a hearing conducted under regulation 9;

"publicly disclose" or "publicly report" means to disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with the relevant provisions of the Code;

"registered testing pool" means the pool of highest-priority athletes established separately at the international level by international federations and at the national level by national anti-doping organisations, 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 regulation 6(18) and the International Standard for Testing and Investigations;

"sample" or "specimen" means any biological material for the purposes of doping control;

"signatories" means those entities signing the Code and agreeing to comply with the Code;

"specified substance" shall have the same meaning as that given under regulation 5(3);

"strict liability" means the rule which provides that under regulations 3(2)(a) and (b), it is not necessary that intent, fault, negligence, or knowing use on the athlete's part be demonstrated by the anti-doping organisation in order to establish an anti-doping rule violation.

"substantial assistance" means a person providing assistance that fully discloses in a signed written statement all information such person possesses in relation to anti-doping violations and fully cooperates with the investigation and adjudication of any case related to that information, and shall include the presenting of testimony at a hearing if so requested by an anti-doping organisation or a hearing panel. The information provided shall be credible and shall comprise an important part of any case which is initiated or, if no case is initiated, shall have provided a sufficient basis on which a case could have been brought;

"tampering" means altering for an improper purpose or in an improper way, bringing improper influence to bear, interfering improperly, obstructing, misleading or engaging in any fraudulent

conduct to alter results or prevent normal procedures from occurring;

"target testing" means the selection of specific athletes for testing based on criteria set forth in the International Standard for Testing and Investigations;

"team sport" means a sport in which the substitution of players is permitted during a competition;

"testing" means the parts of the doping control process involving test distribution planning, sample collection, sample handling, and sample transport to the laboratory;

"trafficking" means selling, giving, transporting, sending, delivering or distributing, or possessing for any such purpose, a prohibited substance or prohibited method either physically or by any electronic or other means by an athlete, athlete support person or any other person subject to the jurisdiction of an anti-doping organisation to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a prohibited substance used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving prohibited substances which are not prohibited in out-of-competition testing unless the circumstances as a whole demonstrate such prohibited substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance;

"TUE" means therapeutic use exemption;

"UNESCO Convention" means the International Convention against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on 19 October, 2005 including all the amendments adopted by the State Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport;

"use" means the utilization, application, ingestion, injection, or consumption by any means whatsoever of any prohibited substance or prohibited method;

"WADA" means the World Anti-Doping Agency, being a foundation constituted under the Swiss Civil Code in Lausanne on 10 November, 1999 and any National Anti-Doping Organisation contracted by WADA.

3. (1) Hearings in doping cases will proceed based on the assertion that one or more of the specific rules in this regulation have

been violated. Athletes or other persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.

(2) The following constitute anti-doping rule violations:

(a) the presence of a prohibited substance or its metabolites or *markers* in an athlete's sample:

(i) it is each athlete's personal duty to ensure that no prohibited substance enters his or her body. Athletes are responsible for any prohibited substance or its metabolites or *markers* found to be present in their samples. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under sub-regulation (2)(a);

(ii) sufficient proof of an anti-doping rule violation under sub-regulation (2)(a) is established by any of the following:

(aa) presence of a prohibited substance or its metabolites or *markers* in the athlete's A sample where the athlete waives analysis of the B sample and the B sample is not analysed; or

(bb) where the athlete's B sample is analysed and the analysis of the athlete's B sample confirms the presence of the prohibited substance or its metabolites or *markers* found in the athlete's A sample; or

(cc) where the athlete's B sample is split into two bottles and the analysis of the second bottle confirms the presence of the prohibited substance or its metabolites or *markers* found in the first bottle;

(iii) the ADC may furthermore, in its discretion, choose to have the B sample analysed even if the athlete does not request the analysis of the B sample;

(iv) excepting those substances for which a quantitative threshold is specifically identified in the prohibited list, the presence of any quantity of a prohibited substance or its metabolites or *markers* in an athlete's

sample shall constitute an anti-doping rule violation;

(v) as an exception to the general rule of sub-regulations (2)(a)(i) to (iv) the prohibited list or international standards may establish special criteria for the evaluation of prohibited substances that can also be produced endogenously;

(b) the use or attempted use by an athlete of a prohibited substance or a prohibited method:

(i) it is each athlete's personal duty to ensure that no prohibited substance enters his or her body and that no prohibited method is used. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the athlete's part be demonstrated in order to establish an anti-doping rule violation for use of a prohibited substance or a prohibited method;

(ii) the success or failure of the use or attempted use of a prohibited substance or prohibited method is not material. It is sufficient that the prohibited substance or prohibited method was used or attempted to be used for an anti-doping rule violation to be committed;

(iii) the use or attempted use by an athlete of a prohibited substance under this sub-regulation may be established by reliable means such as admissions by the athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the athlete biological passport, or other analytical information which does not otherwise satisfy the requirements to establish the presence of a prohibited substance under sub-regulation 2(a);

(c) evading sample collection, or without compelling justification, refusing or failing to submit to sample collection after notification as authorised in these regulations:

Provided that, 'evading sample collection' shall also be achieved if it is established that an athlete was deliberately avoiding a doping control official to evade notification or testing;

(d) any combination of three missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by an athlete in a

registered testing pool;

(e) tampering or attempted tampering with any part of doping control, being conduct which subverts the doping control process but which would not otherwise be included in the definition of prohibited methods. 'Tampering' shall include, without limitation, intentionally interfering or attempting to interfere with a doping control official, providing fraudulent information to the ADC or any other anti-doping organisation or intimidating or attempting to intimidate a potential witness;

(f) possession by an athlete in-competition of any prohibited substance or any prohibited method, or possession by an athlete out-of-competition of any prohibited substance or any prohibited method which is prohibited out-of-competition unless the athlete establishes that the possession is consistent with a TUE granted in accordance with regulation 5(5) *et sequitur* or other acceptable justification;

(g) possession by an athlete support person in-competition of any prohibited substance or any prohibited method, or possession by an athlete support person out-of-competition of any prohibited substance or any prohibited method which is prohibited out-of-competition in connection with an athlete, competition or training, unless the athlete support person establishes that the possession is consistent with a TUE granted to an athlete in accordance with regulation 5(5) *et sequitur* or other acceptable justification;

(h) trafficking or attempted trafficking in any prohibited substance or prohibited method;

(i) administration or attempted administration to any athlete in-competition of any prohibited substance or prohibited method, or administration or attempted administration to any athlete out-of-competition of any prohibited substance or any prohibited method that is prohibited out-of-competition;

(j) assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, attempted anti-doping rule violation or violation of regulation 11(20) by another person;

(k) association by an athlete or other person subject to the authority of the ADC or any anti-doping organisation in a professional or sport-related capacity with any athlete support

B 142

person who:

(i) if subject to the authority of the ADC or any anti-doping organisation, is serving a period of ineligibility; or

(ii) if not subject to the authority of the ADC or any anti-doping organisation, and where ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such person. The disqualifying status of such person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

(iii) is serving as a front or intermediary for an individual described in sub-regulations (k)(i) and (ii):

Provided that it is necessary that the athlete or other person has previously been advised in writing by the ADC, or by WADA, of the athlete support person's disqualifying status and the potential consequence of prohibited association and that the athlete or other person can reasonably avoid the association;

(iv) the ADC shall use reasonable efforts to advise the athlete support person who is the subject of the notice to the athlete or other person that the athlete support person may, within 15 days, come forward to the ADC to explain that the criteria described in sub-regulations (k)(i) and (ii) do not apply to him or her;

(v) notwithstanding the provisions of regulation 17, this regulation applies even when the athlete support person's disqualifying conduct occurred prior to the first of January 2015;

(vi) the burden shall be on the athlete or other person to establish that any association with athlete support personnel described in sub-regulations (k)(i) and (ii) is not in a professional or sport related capacity;

(vii) The ADC shall be bound to submit

information relating to athlete support personnel who meet the criteria described in sub-regulations (k)(i) to (iii) to WADA.

4. (1) The ADC and, or, the national associations shall have the burden of establishing whether an anti-doping rule violation has occurred. The ADC shall have its own disciplinary tribunal for the determination of such violation, which national associations may avail themselves of if the latter do not have their own disciplinary tribunal. A violation of these regulations shall be established if the ADC and, or, national association can prove to the comfortable satisfaction of the disciplinary tribunal, bearing in mind the seriousness of the allegation that is made, that any one of the provisions of regulation 3 has been violated. This degree of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these regulations place the burden of proof upon the athlete or other person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the degree of proof shall be by a balance of probability. Proof of doping.

(2) Facts related to anti-doping rule violations may be established by any reliable means, including admissions, the credible testimony of third persons, reliable documentary evidence, reliable analytical data from either an A or B sample, or conclusions drawn from the profile of a series of the athlete's blood or urine samples, such as data from the athlete biological passport. The following rules of proof shall be applicable in doping cases:

(a) analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any athlete or other person seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify the ADC and WADA of the challenge and the basis of the challenge. CAS, on its own initiative, may also inform the ADC or WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within ten days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear *amicus curiae* or otherwise provide evidence in such proceeding. If the ADC has been notified before WADA of such challenge then the ADC shall be bound to notify WADA immediately. Any pending disciplinary proceedings against any athlete or other person who challenges the presumption of scientific validity,

initiated by the ADC shall be suspended until CAS decides on such challenge;

(b) WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted sample analysis and custodial procedures in accordance with the international standard for laboratories. The athlete or other person may rebut this presumption by establishing that a departure from the international standard for laboratories occurred which could reasonably have caused the adverse analytical finding. If the athlete or other person rebuts the preceding presumption by showing that a departure from the international standard for laboratories occurred which could reasonably have caused the adverse analytical finding, then the ADC shall have the burden to establish that such departure did not cause the adverse analytical finding;

(c) departures from any other international standard or other anti-doping rule or policy set forth in the Code or in these regulations which did not cause an adverse analytical finding or other anti-doping rule violation shall not invalidate such evidence or results. If the athlete or other person establishes a departure from another international standard or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an adverse analytical Finding or other anti-doping rule violation, then the ADC shall have the burden to establish that such departure did not cause the adverse analytical finding or the factual basis for the anti-doping rule violation;

(d) the facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the athlete or other person to whom the decision pertained of those facts unless the athlete or other person establishes that the decision violated principles of natural justice; and

(e) the hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the athlete or other person who is asserted to have committed an anti-doping rule violation based on the athlete's or other person's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing, either in person or telephonically as directed by the hearing panel, and to answer questions from the hearing panel or the ADC or national association asserting the anti-doping rule violation.

5. (1) These anti-doping regulations incorporate the prohibited list which is published by WADA as described in article 4.1 of the Code. The ADC will publish such revised lists in the Government Gazette and further make the current prohibited list available to each national association, and each national association shall ensure that the current prohibited list is available to its registered members.

(2) Unless provided otherwise in the prohibited list, and, or a revision, the prohibited list and revisions shall go into effect under these regulations three months after publication of the prohibited list by WADA without requiring any further action by the ADC. The ADC shall also publish the prohibited list and, or, revision and, or updates in the Government Gazette.

(3) For purposes of the application of sanctions on individuals, all prohibited substances shall be specified substances except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the prohibited list. The category of specified substances shall not include prohibited methods.

Provided that in the event WADA expands the prohibited list by adding a new class of prohibited substances in accordance with article 4.1 of the Code, WADA's executive committee shall determine whether any or all prohibited substances within the new class of prohibited substances shall be considered specified substances under article 4.2.2 of the Code.

(4) As provided in article 4.3.3 of the Code, WADA's determination of the prohibited substances and prohibited methods that will be included on the prohibited list, the classification of substances into categories on the prohibited list, and the classification of a substance as prohibited at all times or in-competition only, is final and shall not be subject to challenge by an athlete or other person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

(5) The presence of a prohibited substance or its metabolites or *markers*, and/or the use or attempted use, possession or administration or attempted administration of a prohibited substance or prohibited method shall not be considered an anti-doping rule violation if it is consistent with the provisions of a TUE granted in accordance with the international standard for therapeutic use exemptions.

(6) An athlete who is not an international-level athlete must obtain a TUE granted or recognised by the ADC. The application for a TUE must be made as soon as possible, in the case of an athlete in the registered testing pool this would be when such athlete is first notified of being included in the pool, and in any event, save in emergency situations, no later than thirty days before the athlete's participation in the event.

(7) The ADC shall delegate such authority to a panel of specialists to consider requests for TUEs, hereinafter the "TUE Committee". Upon the ADC's receipt of a TUE request, the Chairman of the TUE Committee shall appoint one or more members of the TUE Committee, which may include the Chairman, to consider such request. Any TUE Committee member so designated shall promptly evaluate such request in accordance with the international standard for TUEs and forward a decision on such requests, which shall be the final decision of the ADC. If the ADC denies the application, the athlete may appeal exclusively to the national anti-doping appeals panel.

(8) An athlete who is an international-level athlete shall apply to his or her international federation for a TUE.

Provided that:

(a) Where the athlete already has a TUE granted by the ADC for the substance or method in question, if that TUE meets the criteria set out in the international standard for TUE, then such TUE shall be recognised by the athlete's international federation. If the international federation considers that the TUE does not meet those criteria and so refuses to recognise it, it must notify the athlete and the ADC promptly, with reasons. The Athlete or the ADC shall have twenty-one days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review, the TUE granted by the ADC 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, the TUE becomes invalid for any purpose when the 21-day review deadline expires;

(b) if the athlete does not already have a TUE granted by the ADC for the substance or method in question, the athlete must apply directly to his or her international federation for a TUE as soon as the need arises. If the international federation, or the ADC, where it has agreed to consider the application on behalf of the international federation, denies the athlete's

application, it must notify the athlete promptly, with reasons. If the international federation grants the athlete's application, it must notify not only the athlete but also the ADC, and if the ADC considers that the TUE does not meet the criteria set out in the international standard for TUEs, it has twenty-one days from such notification to refer the matter to WADA for review. If the ADC refers the matter to WADA for review, the TUE granted by the international federation remains valid for international-level competition and out-of-competition testing, but is not valid for national-level Competition pending WADA's decision. If the ADC does not refer the matter to WADA for review, the TUE granted by the international federation becomes valid for national-level competition as well when the 21-day review deadline expires.

(9) The ADC shall have the right to collect a sample from a person who is not an international-level or national-level athlete. Should that person be using a prohibited substance or prohibited method for therapeutic reasons, the ADC shall permit him or her to apply for a retroactive TUE.

(10) The ADC shall have the right to ask WADA to review an international federation's decision to grant a TUE. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision does not meet the criteria set out in the international standard for TUEs in force at the time, WADA may reverse that decision.

(11) Any TUE decision by an international federation, or by the ADC where it has agreed to consider the application on behalf of 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 the ADC, exclusively to CAS.

(12) A decision by WADA to reverse a TUE decision may be appealed by the Athlete, the ADC and, or the international federation affected, exclusively to CAS.

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

6. (1) Testing and investigations shall only be undertaken for anti-doping purposes. Testing and investigations.

(2) Testing shall be undertaken to obtain analytical evidence

as to the athlete's compliance, or non-compliance, with the strict Code prohibition on the presence or use of a prohibited substance or prohibited method.

(3) Investigations shall be undertaken:

(a) in relation to atypical findings and adverse passport findings, in accordance with regulations 6(4) and 6(5) respectively, gathering intelligence or evidence, including, in particular, analytical evidence in order to determine whether an anti-doping rule violation has occurred under regulations 3(2)(a) and, or 3(2)(b); and

(b) in relation to other indications of potential anti-doping rule violations, in accordance with regulations 6(6) and 6(7), gathering intelligence or evidence, including, in particular, non-analytical evidence, in order to determine whether an anti-doping rule violation has occurred under any of regulations 3(2)(b) to (k).

(4) Any athlete may be required to provide a sample at any time and at any place by any anti-doping organisation with testing authority over him or her. Subject to the jurisdictional limitations for event testing set out in sub-regulation (6).

(5) All athletes affiliated with a national association shall be subject to in-competition testing by the athlete's national association, international federation, the ADC, national organisations, major event organisations for their events, including the International Olympic Committee and the International Paralympic Committee and any other anti-doping organisation responsible for testing at a competition or event in which they participate. All athletes affiliated with a national association, including athletes, who have not retired, or are serving to a period of ineligibility or a provisional suspension, shall also be subject to out-of-competition testing at any time or place, with or without advance notice, by the athlete's national association, international federation, WADA, the ADC, the national-anti-doping organisation of any country where the athlete is national, resident, licence-holder, or member of sport organisation, major event organisations for their future events, including the international Olympic committee during the olympic games, and the international paralympic committee during the paralympic games.

(6) The ADC, or national association, shall also carry out testing, or collect samples, if it has been delegated, or has been contracted, to do so by an international federation or major event organisation, at its own expense. The ADC shall notify the

responsible international federation or major event organisation of such testing or sample collection. The ADC, or national association, may be conferred additional authority to conduct testing by means of bilateral or multilateral agreements with other signatories of the Code:

Provided that unless the athlete has identified a sixty (60) minute testing window, or otherwise consented to testing, between the hours of 11:00 p.m. and 06:00 a.m., the ADC may not carry out testing during this time period unless it has serious and specific suspicion that the athlete may be engaged in doping. However, notwithstanding this proviso, a challenge to whether the ADC had sufficient suspicion for testing during this time period shall not be a defence to an anti-doping rule violation based on such test or attempted test.

(7) Except as otherwise provided below, only a single organisation should be responsible for initiating and directing testing at event venues during an event period. At international events, the collection of samples shall be initiated and directed by the international organisation which is the ruling body for the event. At national events, the collection of samples shall be initiated and directed, either by the ADC, or the national association, which is the ruling body for the event. Any testing during the event period outside of the event venues shall be coordinated with that ruling body.

(8) If the ADC desires to conduct testing of athletes at the event venues during the event period, the anti-doping organisation shall inform the ruling body of the event that it will conduct and coordinate such testing.

(9) The ADC shall be responsible to develop and implement a test distribution plan that prioritises appropriately between sports disciplines, categories of athletes, types of testing, types of samples collected, and types of sample analysis, in compliance with the International Standard for Testing and Investigations. The test distribution plan shall help WADA establish, by means of a risk assessment, which prohibited substances and, or prohibited methods are most likely to be abused in particular sports and sport disciplines. The ADC shall provide WADA with its current test distribution plan whenever requested to do so by WADA. Testing may be conducted by members of the ADC or by other qualified persons so authorised by the ADC.

(10) Tests requested by the ADC will be funded by the Council. Other tests carried out in Malta by a national association are to be notified to the ADC within forty-eight hours prior to such tests being

carried out and further to notify the ADC with the results of such tests within seven days from receipt in writing.

(11) Where reasonably feasible, testing conducted by the ADC shall be coordinated through ADAMS or another system approved by WADA.

(12) Testing conducted by the ADC shall be conducted in conformity with the International Standard for Testing and Investigations.

(13) Blood or other non-urine samples may be used either to detect prohibited substances or prohibited methods or for screening procedure purposes or for longitudinal haematological profiling, also known as "the passport". If the blood is collected for screening only, it will have no other consequences for the athlete other than to identify such athlete for a urine test under these regulations. In these circumstances, the ADC may decide at its own discretion which blood parameters are to be measured in the screening sample and what levels of those parameters will be used to indicate that an athlete should be selected for a urine test.

(14) The ADC shall maintain a national level registered testing pool of those athletes who are required to comply with the whereabouts requirements in the International Standard for Testing and Investigations, and shall publish the criteria for athletes to be included in this registered testing pool as well as a list of athletes meeting those criteria for the period in question. The ADC shall review and update as necessary its criteria for including athletes in its registered testing pool from time to time as appropriate in accordance with the set criteria. Each athlete in the registered testing pool shall:

(a) advise the ADC of his whereabouts on a quarterly basis, in the manner set out in article 11.3 of the International Standard for Testing and Investigations;

(b) shall update that information as necessary, in accordance with article 11.4.2 of the International Standard for Testing and Investigations, so that it remains accurate and complete at all times;

(c) shall make himself available for Testing at such whereabouts, in accordance with article 11.4 of the International Standard for Testing and Investigations; and

(d) An athlete's failure to advise the ADC of his whereabouts shall be deemed a filing failure for purposes of

regulation 3(2)(d) where the conditions of article 11.3.5 of the International Standard for Testing and Investigations are met.

(15) An athlete's failure to be available for testing at his declared whereabouts shall be deemed a missed test for purposes of regulation 3(2)(d) where the conditions of article 11.4.3 of the International Standard for Testing and Investigations are met.

(16) Each national association shall also assist the ADC in establishing a national level registered testing pool of top level national athletes to whom the whereabouts requirements of the International Standard for Testing and Investigations shall also apply.

(17) Whereabouts information provided pursuant to sub-regulations (14) and (16) shall be shared with WADA and other anti-doping organisations having jurisdiction to test an athlete in accordance with articles 11.7.1(d) and 11.7.3(d) of the International Standard for Testing and Investigations, including the strict condition that it be used only for doping control purposes.

(18) Athletes who have been included in a registered testing pool by their international federation and, or the ADC shall provide whereabouts information in the manner specified in the International Standard for Testing and Investigations. The international federations and ADC shall coordinate the identification of such athletes and the collection of their whereabouts information. Each international federation and the ADC shall make available, through ADAMS or another system approved by WADA, a list which identifies those athletes included in its registered testing pool either by name or by clearly defined, specific criteria.

(19) The ADC shall notify an athlete prior to being registered in the registered testing pool and when they are removed from that pool. The whereabouts information provided by the athlete while in the registered testing pool will be accessible through ADAMS or another system approved by WADA, to WADA and to other anti-doping organisations having authority to test the athlete as provided in sub-regulation (5). This information shall be maintained in strict confidence at all times, shall be used exclusively for purposes of planning, coordinating or conducting doping control, providing information relevant to the athlete biological passport or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the international standard for the protection of privacy and personal information.

(20) An athlete who has been identified by ADC for inclusion in the ADC's registered testing pool shall continue to be subject to these regulations, including the obligation to comply with the whereabouts requirements of the International Standard for Testing and Investigations, unless and until the athlete gives written notice to ADC that he has retired or until he no longer satisfies the criteria for inclusion in the ADCs registered testing pool and has been so informed by ADC.

(21) An athlete who has given notice of retirement to the ADC may not compete again unless he notifies ADC at least six months before he expects to return to competition and is available for unannounced out-of-competition testing, including, if requested, complying with the whereabouts requirements of the International Standard for Testing and Investigations at any time during the period before actual return to competition. WADA, in consultation with the ADC, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an athlete. This decision may be appealed by the ADC under regulation 14. Any competitive results obtained in violation of this sub-regulation shall be disqualified.

(22) An athlete who has given notice of retirement to the ADC while subject to a period of ineligibility, may not compete again unless he notifies the ADC at least six months before he expects to return to competition, or for the period of ineligibility remaining, if that period is longer than six months, and is available for unannounced out-of-competition testing, including, if requested, complying with the whereabouts requirements of the International Standard for Testing and Investigations at any time during the period before actual return to competition.

(23) International federations and the national associations may establish similar requirements for retirement and returning to competition for athletes in the international registered testing pool.

(24) At international events in Malta, the international federation shall determine the number of finishing placement tests, random tests and target tests to be performed.

(25) In national events, the ADC shall determine the number of athletes selected for testing in each competition and the procedures for selecting the athletes for testing and shall include any athlete who establishes or breaks a world regional or national record.

(26) In addition to the selection procedures set forth in sub-regulations (24) and (25), the international federation anti-doping

commission at international events, and the ADC at national events, may also select athletes or teams for target testing so long as such target testing is not used for any purpose other than legitimate doping control purposes.

(27) The ADC shall select athletes for out-of-competition testing. This process will substantially comply with the International Standard for Testing and Investigations in force at the time of selection.

(28) The ADC shall ensure that it is able to do each of the following, as applicable and in accordance with the International Standard for Testing and Investigations:

(a) obtain, assess and process anti-doping intelligence from all available sources to inform the development of an effective, intelligent and proportionate test distribution plan, to plan target testing, and/or to form the basis of an investigation into possible anti-doping rule violations; and

(b) investigate atypical findings and adverse passport findings, in accordance with regulations 8(4) and (5) respectively; and

(c) investigate any other analytical or non-analytical information or intelligence that indicates possible anti-doping rule violations, in accordance with regulations 8(6) and (7), in order either to rule out the possible violation or to develop evidence that would support the initiation of an anti-doping rule violation proceeding.

7. (1) Samples shall be analysed in accordance with the following principles: Testing and investigations.

(a) for the purposes of regulation 3(2), the ADC shall send samples for analysis only to WADA-accredited or WADA approved laboratories;

(b) samples shall be analysed to detect prohibited substances and prohibited methods identified on the prohibited list and other substances as may be directed by WADA pursuant to article 4.5 of the Code, or to assist the ADC in profiling relevant parameters in an athlete's urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose. The ADC may collect and store samples for future analysis;

(c) no sample may be used for research without the

athlete's written consent. Samples used for purposes other than regulation 7(1)(b) shall have any means of identification removed such that they cannot be traced back to a particular athlete;

(d) laboratories shall analyse samples and report results in conformity with the international standard for laboratories. To ensure effective testing, the technical document referenced at article 5.4.1 of the Code will establish risk assessment-based sample analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyse samples in conformity with those menus, except as follows:

(i) the ADC may request that laboratories analyse its samples using more extensive menus than those described in the technical document;

(ii) The ADC may request that laboratories analyse its samples using less extensive menus than those described in the technical document only if it satisfies WADA that, because of the particular circumstances of their country or sport, as set out in their test distribution plan, less extensive analysis would be appropriate;

(iii) as provided in the international standard for laboratories, laboratories at their own initiative and expense may analyse samples for prohibited substances or prohibited methods not included on the sample analysis menu described in the technical document or specified by the testing authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result;

(e) any sample may be subject to further analysis by the ADC at any time before both the A and B sample analytical results, or A Sample result where B sample analysis has been waived or will not be performed, have been communicated by the ADC to the athlete as the asserted basis for a violation of regulation 3(2)(a).

Samples may be stored and subjected to further analyses for the purpose of regulation 7(1)(b) at any time exclusively at the direction of the anti-doping organisation that initiated and directed sample collection or WADA. Further analysis of samples shall conform with the requirements of the international standard for laboratories and the International

Standard for Testing and Investigations.

8. (1) Results management for tests initiated by the ADC, including tests performed by WADA pursuant to agreement with the ADC, shall proceed as set forth below: Results management.

(a) the results from all analyses must be sent to the ADC in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in such a way that the results of the analysis are confidential;

(b) upon receipt of an adverse analytical finding, the ADC shall conduct a review to determine whether:

(i) an applicable TUE has been granted or will be granted as provided in the international standard for TUEs; or

(ii) there is any apparent departure from the international standards for testing and investigation or international laboratory analysis that caused the adverse analytical finding;

(c) if the review under sub-regulation (1)(b) does not reveal an applicable TUE or entitlement to a TUE as provided in the international standard for TUEs, or departure that caused the adverse analytical finding, the ADC shall promptly notify the athlete and his national association, in the manner set out in regulation 15(3) of:

(i) the adverse analytical finding;

(ii) the anti-doping rule violated, or, in a case under sub-regulations (1)(i) or (1)(j), a description of the additional investigation to be conducted as to whether there is an anti-doping rule violation;

(iii) the athlete's right to promptly request the analysis of the B sample or, failing such request, that the B sample analysis may be deemed waived;

(iv) the scheduled date, time and place for the B sample analysis if the athlete chooses to request an analysis of the B sample;

(v) the opportunity for the athlete or the athlete's representative to attend the B sample opening an analysis

within the time period specified in the international standard for laboratories if such analysis is requested; and

(vi) the athlete's right to request copies of the A and B sample laboratory documentation package which includes information as required by the international standard for laboratories;

(d) where the athlete has been notified of an anti-doping rule violation that does not result in a mandatory provisional suspension under sub-regulation (3), the athlete shall be offered the opportunity to accept a provisional suspension pending the resolution of the matter;

(e) arrangements shall be made for testing the B sample within three weeks of the notification described in sub-regulation (1)(c). An athlete may accept the A sample analytical results by waiving the requirement for B sample analysis. The ADC may nonetheless elect to proceed with the B sample analysis;

(f) the athlete or his representative have the right to be present at the analysis of the B sample at their own cost. A representative of the athlete's national association as well as a representative of the ADC shall also be allowed to be present but again at their own cost. The athlete shall be informed of the laboratory, date and time when the B sample shall be analysed;

(g) if the B sample proves negative, the entire test shall be considered negative and the athlete, his national association, and ADC shall be so informed and the investigation and all procedures closed;

(h) if a prohibited substance or the use of a prohibited method is identified, the findings shall be reported to the athlete, to the athlete's national association, ADC, and to WADA;

(i) the ADC shall conduct any follow-up investigations as may be required by the prohibited list. Upon completion of such follow-up investigation, the ADC shall promptly notify the athlete regarding the results of the follow-up investigation and whether or not the ADC asserts that an anti-doping rule was violated; and

(j) for apparent anti-doping rule violations that do not involve adverse analytical findings, the ADC shall conduct any necessary follow-up investigations and shall then promptly

notify the athlete of the anti-doping rule which appears to have been violated, and the basis of the violation. The national association shall conduct any investigation within a thirty day period;

(k) upon receipt of an atypical finding, the ADC shall conduct a review to determine whether:

(i) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions; or

(ii) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the atypical finding;

(l) if the review under sub-regulation (1)(k) does not reveal an applicable TUE or departure that caused the atypical finding, the ADC shall conduct the required investigation. After the investigation is completed, the athlete and other anti-doping organisations identified in regulation 15(3) shall be notified whether or not the atypical finding will be brought forward as an adverse analytical finding. The athlete shall be notified as provided in sub-regulation (1)(c);

(m) the ADC shall not provide notice of an atypical finding until it has completed its investigation and decided whether it will bring the atypical finding forward as an adverse analytical finding unless one of the following circumstances exists:

(i) if the ADC determines the B Sample should be analysed prior to the conclusion of its investigation under sub-regulation 1(k), the ADC may conduct the B Sample analysis after notifying the athlete, with such notice to include a description of the atypical finding and the information described in sub-regulations (1)(b)(iv), (v) and (vi);

(ii) if the ADC receives a request, either from a major event organisation shortly before one of its international events or a request from a sport organisation responsible for meeting an imminent deadline for selecting team members for an international event, to disclose whether any athlete identified on a list provided by the major event organisation or sport organisation has a

pending atypical finding, the ADC shall so identify any such athlete after first providing notice of the atypical finding to the athlete;

(n) review of atypical passport findings and adverse passport findings shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as the ADC is satisfied that an anti-doping rule violation has occurred, it shall promptly give the athlete notice, according to the procedure set out in regulation (1)(c), of the anti-doping rule violated, and the basis of the violation. Other anti-doping organizations shall be notified as provided in regulation 15(3);

(o) review of potential filing failures and missed tests shall take place as provided in the International Standard for Testing and Investigations. At such time as the international federation or the ADC is satisfied that an anti-doping rule violation under regulation 3(2)(d) has occurred, it shall promptly give the athlete notice, in the manner set out in these regulations, that it is asserting a violation of regulation 3(2)(d) and the basis of that assertion. Other anti-doping organisations shall be notified as provided in regulation 15(3);

(p) the ADC shall conduct any follow-up investigation into a possible anti-doping rule violation as may be required under applicable anti-doping policies and these regulations or which the ADC otherwise considers appropriate. At such time as the ADC is satisfied that an anti-doping rule violation has occurred, it shall promptly give the athlete or other person notice, in the manner set out in these regulations, of the anti-doping rule violated, and the basis of the violation. Other anti-doping organisations shall be notified as provided in regulation 15(3).

(2) Results management and the conduct of hearings from a test by the major event organisation shall be managed by the international federation, apart from sanctions beyond disqualification from the event or the results of the event.

(3) The national association, after consultation with the ADC, shall temporarily suspend an athlete prior to the opportunity for a full hearing based on an adverse analytical finding from the athlete's A sample or A and B samples and the review described in sub-regulation (1). In the eventuality of a negative result after B sample testing, the suspension shall be automatically lifted and the athlete allowed to compete forthwith.

(4) Where a provisional suspension is imposed on an athlete, the athlete shall be given either:

(a) a provisional hearing prior to the imposition of the provisional suspension; or

(b) a provisional hearing as soon as possible, within ten days, after the imposition of the provisional suspension. Extensions may be granted upon written notification; or

(c) an expedited hearing as soon as possible after the imposition of the provisional suspension.

(5) All provisional hearings must be conducted in accordance with the procedure set out in regulation 9.

(6) Where a Provisional Suspension has been imposed in relation to a doping control officer report or related documentation showing a possible anti-doping rule violation and the ADC determines, following the athlete's submission, that there has been no anti-doping rule violation, then the provisional suspension shall be rescinded immediately.

(7) A provisional suspension may be lifted if the athlete demonstrates during the provisional hearing that the violation is likely to have involved a contaminated product. A decision by the panel not to eliminate a provisional suspension on account of the athlete's assertion regarding a contaminated product shall not be appealable.

(8) If the ADC has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a provisional suspension, or agreed with an athlete or other person to the imposition of a sanction without a hearing, the ADC shall immediately inform the athlete's international federation, national association, other national anti-doping organisations and WADA.

(9) If an athlete or other person retires while a results management process is underway, the anti-doping organisation conducting the results management process retains competence to complete its results management process. If an athlete or other person retires before any results management process has begun, the anti-doping organisation which would have had results management competence over the athlete or other person at the time the athlete or other person committed an anti-doping rule violation, shall have competence to conduct results management.

Right to a fair hearing and notice of hearing decision.

9. (1) When it appears, following the results management process described in regulation 8, that these regulations have been violated, the athlete or other person involved shall be brought before the disciplinary panel of the ADC or of the athlete or other person's national association for a disciplinary hearing to adjudicate whether a violation of these regulations occurred and if so what sanctions should be imposed.

(2) The ADC disciplinary panel shall have the power to hear and determine all issues arising from any matter which is referred to it pursuant to these regulations. In particular, the ADC disciplinary panel has the power to determine the consequences of anti-doping rule violations to be imposed pursuant to these regulations.

(3) The ADC disciplinary panel shall, at a minimum, provide the athlete or other person with a fair hearing within a reasonable time. The hearing shall be held summarily and the ADC disciplinary panel shall only hold more than one hearing for exceptional reasons.

(4) After the hearing the ADC disciplinary panel shall, by not later than twenty-one days following the hearing, give a reasoned decision, specifically including an explanation of the reasons for any period of ineligibility, which shall be publicly disclosed as provided in regulation 15(6).

(5) The appointed members of the panel shall have had no minor involvement in the case. Each member, upon appointment, shall disclose to the chair any circumstances likely to affect their impartiality with respect to any of the parties.

(6) The athlete's or other person's right to a hearing may be waived either expressly or by the athlete's or other person's failure to challenge the ADC's or the relevant national association's assertion that an anti-doping rule violation has occurred within the specific time period provided in these regulations.

(7) The reasoned hearing decision, or in cases where the hearing has been waived, a reasoned decision explaining the action taken, shall be provided by the ADC to the athlete and to other anti-doping organisations with a right to appeal under article 13.2.3 of the Code as provided in regulation 15(4).

(8) Anti-doping rule violations asserted against international-level athletes or national-level athletes may, with the consent of the athlete, the ADC, WADA, and any other anti-doping organisation that would have had a right to appeal a first instance hearing decision to CAS, be heard directly at CAS, with no requirement for a prior

hearing.

10. A violation of these regulations in individual sports in connection with an in-competition test automatically leads to disqualification of the result obtained in that competition with all resulting consequences, including forfeiture of any medals, points and prizes.

Automatic
disqualification
of individual
results.

11. (1) An anti-doping rule violation occurring during or in connection with an event may, upon the decision of the ruling body of the event, lead to disqualification of all of the athlete's individual results obtained in that event with all consequences, including forfeiture of all medals, points and prizes, after factors listed in article 10.1 of the Code have been considered. Nonetheless if the athlete establishes that he bears no fault or negligence for the violation, the athlete's individual results in the other competitions shall not be disqualified, unless the athlete's results in competitions other than the competition in which the anti-doping rule violation occurred were likely to have been affected by the athlete's anti-doping rule violation.

Anti-doping
rule violation.

(2) The period of ineligibility for a violation of regulations 3(2)(a), (b) and (f) shall be as follows, subject to potential reduction or suspension pursuant to sub-regulations (4), (5) or (6):

(a) the period of ineligibility shall be four years where:

(i) the anti-doping rule violation does not involve a specified substance, unless the athlete or other person can establish that the anti-doping rule violation was not intentional;

(ii) the anti-doping rule violation involves a specified substance and the ADC can establish that the anti-doping rule violation was intentional.

(b) the period of ineligibility shall be two years, where sub-regulation (2)(a) does not apply;

(c) as provided for in sub-regulations (2) and (3), the term "intentional" is meant to identify those athletes who cheat. The term, therefore, requires that the athlete or other person engaged in conduct which he knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an adverse analytical finding for a substance which is only prohibited in-competition shall be

rebuttably presumed to be not "intentional" if the substance is a specified substance and the athlete can establish that the prohibited substance was used out-of-competition. An anti-doping rule violation resulting from an adverse analytical finding for a substance which is only prohibited in-competition shall not be considered "intentional" if the substance is not a specified substance and the athlete can establish that the prohibited substance was used out-of-competition in a context unrelated to sport performance.

(3) The period of ineligibility for anti-doping rule violations other than as provided in sub-regulation 2 shall be as follows, unless sub-regulations (5) or (6) are applicable:

(a) for violations of regulation 3(2)(c) or regulation 3(2)(e), the period of ineligibility shall be four years unless, in the case of failing to submit to sample collection, the athlete can establish that the commission of the anti-doping rule violation was not intentional, as defined in sub-regulation (2)(c), in which case the period of ineligibility shall be two years;

(b) for violations of regulation 3(2)(d), the period of ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the athlete's degree of fault. the flexibility between two years and one year of ineligibility in this sub-regulation is not available to athletes 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;

(c) for violations of regulation 3(2)(h) or (i), the period of ineligibility shall be a minimum of four years up to lifetime ineligibility, depending on the seriousness of the violation. A violation of regulation 3(2)(h) or (i) involving a minor shall be considered a particularly serious violation and, if committed by athlete support personnel for violations other than for specified substances, shall result in lifetime ineligibility for athlete support personnel. In addition, significant violations of regulation 3(2)(h) or (i) which may also violate non-sporting laws and regulations, shall be reported to the competent public authorities;

(d) for violations of regulation 3(2)(j), the period of ineligibility imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation;

(e) for violations of regulation 3(2)(k), the period of

ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the athlete or other person's degree of fault and other circumstances of the case;

(4) The period of ineligibility for anti-doping rule violations shall be eliminated or reduced, when the following circumstances are established:

(a) when an athlete or other person establishes in an individual case that he bears no fault or negligence, then the otherwise applicable period of ineligibility shall be eliminated;

(b) period of ineligibility to be reduced for no significant fault or negligence:

(i) where the anti-doping rule violation involves a specified substance, and the athlete or other person can establish no significant fault or negligence, then the period of ineligibility shall be, at a minimum, a reprimand and no period of ineligibility, and at a maximum, two years of ineligibility, depending on the athlete's or other person's degree of fault;

(ii) in cases where the athlete or other person can establish no significant fault or negligence and that the detected prohibited substance came from a contaminated product, then the period of ineligibility shall be, at a minimum, a reprimand and no period of ineligibility, and at a maximum, two years ineligibility, depending on the athlete's or other person's degree of fault;

(iii) if an athlete or other person establishes in an individual case where sub-regulations (4)(b)(i) or (4)(ii) are not applicable, that he bears no significant fault or negligence, then, subject to further reduction or elimination of the period of ineligibility as provided in sub-regulation (4)(d), the applicable period of ineligibility may be reduced based on the athlete 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 under this sub-regulation shall be no less than eight years:

Provided that sub-regulations (4)(a) and (4)(b)(iii) shall apply only to the imposition of sanctions. They are not applicable to the determination of whether an anti-

B 164

doping rule violation has occurred and will only apply in exceptional circumstances;

(c) an athlete or other person may not plead no fault or negligence under sub-regulation (4)(a) in the following circumstances:

(i) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement;

(ii) the administration of a prohibited substance by the athlete's personal physician or trainer without disclosure to the athlete; and

(iii) sabotage of the athlete's food or drink by a spouse, coach or other person within the athlete's circle of associates:

Provided that, depending on the unique facts of a particular case, any of the circumstances mentioned in this sub-regulation could result in a reduced sanction under sub-regulation (4)(b);

(d) period of ineligibility or other consequences to be eliminated, reduced or suspended, for reasons other than fault:

(i) The ADC, or a national association, may, prior to a final appellate decision under regulation 14 or the expiration of the time to appeal, suspend a part of the period of ineligibility 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 which results in:

(aa) the anti-doping organisation discovering or bringing forward an anti-doping rule violation by another Person; or

(bb) in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another person and the information provided by the person providing substantial assistance is made available to the anti-doping organisation with results management responsibility.

After a final appellate decision under regulation 14 or the expiration of time to appeal, the ADC may only suspend a part of the otherwise applicable period of ineligibility with the approval of WADA and the applicable international federation. 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. 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 regulation must be no less than eight years. 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 period of ineligibility was based, the ADC shall reinstate the original period of ineligibility. If the ADC decides to reinstate a suspended period of ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any person entitled to appeal under regulation 14:

Provided that WADA may agree at any stage of the results management process, including after a final appellate decision under regulation 14, 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 regulation, or even no period of ineligibility, and, or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this regulation. Notwithstanding regulation 14, WADA's decisions in the context of this regulation may not be appealed by any other anti-doping organization:

Provided further that if the ADC suspends any part of an otherwise applicable sanction because of substantial assistance, then notice providing justification for the decision shall be provided to the other anti-doping organizations with a right to appeal under article 13.2.3 of the Code as provided in regulation 15(4). In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise the ADC, or any other anti-doping organisation to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the substantial assistance agreement or the nature of substantial assistance being provided;

(ii) where an athlete or other person voluntarily admits the commission of an anti-doping rule violation before having received notice of a sample collection which could establish an anti-doping rule violation, or, in the case of an anti-doping rule violation other than that envisaged in regulation 3(2)(a), before receiving first notice of the admitted violation pursuant to regulation 8 and that admission is the only reliable evidence of the violation at the time of admission, then the period of ineligibility may be reduced, but not below one-half of the period of ineligibility otherwise applicable;

(iii) an athlete or other person potentially subject to a four-year suspension under sub-regulations (2)(a) or (3)(a), for evading or refusing sample collection or tampering with sample collection, by promptly admitting the asserted anti-doping rule violation after being confronted by the ADC, or national association, and also upon the approval and at the discretion of both WADA and the ADC, or national association, may receive a reduction in the period of ineligibility down to a minimum of two years, depending on the seriousness of the violation and the athlete or other person's degree of fault;

(iv) where an athlete or other person establishes entitlement to reduction in sanction under more than one provision of sub-regulations (4)(a) to (4)(d), before applying any reduction or suspension under sub-regulation (4)(d), the otherwise applicable period of ineligibility shall be determined in accordance with sub-regulations (2), (3), (4)(a) and (4)(b). If the athlete or other person establishes entitlement to a reduction or suspension of the period of

ineligibility under sub-regulation (4)(d), then the period of ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of ineligibility.

(5) For an athlete or other person's second anti-doping rule violation, the period of ineligibility shall be the greater of:

- (a) six months;
- (b) one-half of the period of ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under sub-regulation (4)(d); or
- (c) twice the period of ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under sub-regulation (4)(d):

Provided that the period of ineligibility established above may then be further reduced by the application of sub-regulation (4)(d).

(6) A third anti-doping rule violation will always result in a lifetime period of ineligibility, except if the third violation fulfils the condition for elimination or reduction of the period of ineligibility under sub-regulations (4)(a) or (4)(b), or involves a violation of regulation 3(2)(d). In these particular cases, the period of ineligibility shall be from eight years to lifetime ineligibility.

(7) An anti-doping rule violation for which an athlete or other person has established no fault or negligence shall not be considered a prior violation for purposes of sub-regulations (5) and (6).

(8) For purposes of imposing sanctions under sub-regulations (5) and (6), an anti-doping rule violation will only be considered a second violation if the ADC, or national association, can establish that the athlete or other person committed the second anti-doping rule violation after the athlete or other person received notice pursuant to regulation 8, or after the ADC, or national association, made reasonable efforts to give notice of the first anti-doping rule violation. If the ADC, or national association, cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

(9) If, after the imposition of a sanction for a first anti-doping

rule violation, the ADC discovers facts involving an anti-doping rule violation by the athlete or other person which occurred prior to notification regarding the first violation, then the ADC shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all competitions dating back to the earlier anti-doping rule violation will be disqualified as provided in sub-regulation (11).

(10) For purposes of sub-regulations (5) and (6), each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

(11) In addition to the automatic disqualification of the results in the competition which produced the positive sample under regulation 10, all other competitive results of the athlete obtained from the date a positive sample was collected, whether in-competition or out-of-competition, or other anti-doping rule violation occurred, through the commencement of any provisional suspension or ineligibility period, shall, unless fairness requires otherwise, be disqualified with all of the resulting consequences including forfeiture of any medals, points and prizes.

(12) The priority for repayment of CAS cost awards and forfeited prize money shall be in the following order:

- (a) payment of costs awarded by CAS;
- (b) reallocation of forfeited prize money to other athletes if provided for in the rules of the applicable international federation; and
- (c) reimbursement of the expenses of the anti-doping organisation that conducted results management in the case.

(13) The ADC's disciplinary panel, or the national association, may order an athlete or other person to pay the ADC, or national association, for all costs incurred in a case. The panels may also impose a fine on an athlete or other person, for anti-doping violations. Provided that such financial sanctions may only be imposed in cases where the maximum period of ineligibility otherwise applicable has already been imposed. Financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the ineligibility or other sanction which would otherwise be applicable under these regulations.

(14) The period of ineligibility shall start on the date of the final

hearing decision providing for ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed. Where there have been substantial delays in the hearing process or other aspects of doping control not attributable to the athlete or other person, the ADC disciplinary panel, or the national association imposing the sanction, may start the period of ineligibility at an earlier date commencing as early as the date of sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of ineligibility, including retroactive ineligibility, shall be disqualified.

(15) Where the athlete or other person promptly, which, in all events, for an athlete means before the athlete competes again, admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the ADC, or national association, 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 sub-regulation is applied, the athlete or other person shall serve at least one-half of the period of ineligibility going forward from the date the athlete or other person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed:

Provided that this sub-regulation shall not apply where the period of ineligibility already has been reduced under sub-regulation (4)(d)(iii).

(16) If a provisional suspension is imposed and respected by the athlete or other person, then the athlete or other person shall receive a credit for such period of provisional suspension against any period of ineligibility which may ultimately be imposed. If a period of ineligibility is served pursuant to a decision that is subsequently appealed, then the athlete or other person shall receive a credit for such period of ineligibility served against any period of ineligibility which may ultimately be imposed on appeal.

(17) If an athlete or other person voluntarily accepts a provisional suspension in writing from the ADC, or national association, and thereafter respects the provisional suspension, the athlete or other person shall receive a credit for such period of voluntary provisional suspension against any period of ineligibility which may ultimately be imposed. A copy of the athlete or other person's voluntary acceptance of a provisional suspension shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under regulation 15(3).

(18) No credit against a period of ineligibility shall be given for any time period before the effective date of the provisional suspension or voluntary provisional suspension regardless of whether the athlete elected not to compete or was suspended by his team.

(19) 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 hearing 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 to be served.

(20) No athlete or other person who has been declared ineligible may, during the period of ineligibility, participate in any capacity in a competition or activity, other than authorised anti-doping education or rehabilitation programmes, authorised or organised by the Council, ADC, Maltese Olympic Committee, national associations or clubs or other member organisations of national associations, or competitions authorised or organised by any professional league or any international or national level event organisation or any elite or national-level sporting activity funded by the government.

(21) An athlete or other person subject to a period of ineligibility longer than four years may, after completing four years of the period of ineligibility, participate as an athlete in local sport events not sanctioned or otherwise under the jurisdiction of the Council or sports organisation registered with the Council, but only so long as the local sport event is not at a level that could otherwise qualify such athlete or other person directly or indirectly to compete in, or accumulate points toward, a national championship or international event, and does not involve the athlete or other person working in any capacity with minors. An athlete or other person subject to a period of ineligibility shall remain subject to testing.

(22) As an exception to sub-regulation (21), an athlete may return to train with a team or to use the facilities of a club or other member organisation of a sports organisation registered with the Council during the shorter of:

- (a) the last two months of the athlete's period of ineligibility; or
- (b) the last one-quarter of the period of Ineligibility imposed.

(23) Where an athlete or other person who has been declared ineligible violates the prohibition against participation during ineligibility described in sub-regulation (21), the results of such participation shall be disqualified 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 or other person's degree of fault and other circumstances of the case. The determination of whether an athlete or other person has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the ADC. This decision may be appealed under regulation 14.

(24) Where an athlete support person or other person assists a person in violating the prohibition against participation during ineligibility, the ADC shall impose sanctions for a violation of regulation 3(2)(j) for such assistance.

(25) In addition, for any anti-doping rule violation not involving a reduced sanction as described in sub-regulations (4)(a) and (4)(b), some or all sport-related financial support or other sport-related benefits received by such person will be withheld by the Council, sport organisations registered with the Council, and any other public entity.

(26) A mandatory part of each sanction shall include automatic publication, as provided in regulation 15(6).

12. (1) Where more than one member of a team in a team sport has been notified of an anti-doping rule violation under regulation 8 in connection with an event, the ruling body for the event shall conduct appropriate target testing of the team during the event period. Target testing of teams.

(2) If more than two members of a team in a team sport are found to have committed an anti-doping rule violation during an event period, the ruling body of the event shall impose an appropriate sanction on the team, including but not exclusively sanctions such as loss of points, disqualification from a Competition or event, in addition to any consequences imposed upon the individual athletes committing the anti-doping rule violation.

(3) The ruling body for an event may elect to establish rules for the event which impose consequences for team sports stricter than those in sub-regulation (2) for purposes of the event.

13. (1) The Council has the authority to withhold partially, or in whole, funding or other non-financial support to national Withholding of funds.

associations and any other sporting bodies over which it has authority that do not endorse and comply with these regulations.

(2) The Council may elect to take additional disciplinary action against national associations with respect to recognition, the eligibility of its officials and athletes to participate in national events and fines based on the following:

(a) four or more violations of these regulations, other than violations involving regulations 3(2)(f) and 11(2) and 11(3), are committed by athletes or other persons affiliated with a national association within a twelve month period in testing conducted by the international federation or by the anti-doping organisations including the ADC. In such event the Council may at its discretion elect to ban all officials from that national association from participation in any international federation activities for a period of up to two years;

(b) more than one athlete or other person from a national association commits an anti-doping rule violation during an international event. In such event the Council at its discretion may withhold any assistance proposed or already committed to the national association involved; and

(c) a national association has failed to make diligent efforts to keep the ADC informed about an athlete's whereabouts after receiving a request for that information from the ADC. In such event the Council at its discretion may withhold any assistance proposed or already committed to the national association involved, in addition to all of the ADC's costs incurred in testing that national association's athletes.

Appeals from
decision made
under these
regulations.

14. (1) Decisions made under these regulations may be appealed as set forth in this regulation or as otherwise provided in the Code or international standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is filed, any disciplinary proceedings outlined in regulation 9 must be exhausted.

(2) 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 ADC's or national association's disciplinary panel.

(3) Any appeal brought in front of CAS shall be dealt with as a new case. In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.

(4) Where WADA has a right to appeal under this regulation

and no other party has appealed a final decision within the ADC's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the ADCs process.

(5) A decision that an anti-doping rule violation was committed, a decision imposing consequences or not imposing consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed, a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons, a decision by WADA not to grant an exception to the six months notice requirement for a retired athlete to return to competition under regulation 6(21); a decision by WADA assigning results management under article 7.1 of the Code; a decision by a national association not to bring forward an adverse analytical finding or an atypical finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under regulation 8(1)(p); a decision to impose a provisional suspension as a result of a provisional hearing; the ADC's or national association's failure to comply with article 7.9 of the Code; a decision that the ADC or a national association lacks jurisdiction to rule on an alleged anti-doping rule violation or its consequences; a decision to suspend, or not suspend, a period of ineligibility or to reinstate, or not reinstate, a suspended period of ineligibility under regulation 11(4)(d)(i); a decision under regulation 11(23); and a decision by the ADC not to recognize another anti-doping organisation's decision under regulation 16 may be appealed exclusively as provided in this sub-regulation.

(6) In cases arising from participation in an international event or in cases involving international-level athletes, the decision may be appealed exclusively to CAS.

(7) In cases where sub-regulation (6) is not applicable, the decision may be appealed to an independent and impartial appeals body to be put in place by the ADC or the national association, within twenty-one days from the notification of the decision of the national anti-doping disciplinary panel. The procedure in front of this appeals body shall respect the principles of, a timely hearing, a fair and impartial hearing panel, the right to be represented by counsel at the person's own expense; and a written and reasoned decision not later than twenty-one days after the last hearing.

(8) In cases under sub-regulation (6), the athlete or other person who is the subject of the decision being appealed; the other party to the case in which the decision was rendered, the ADC, the relevant international federation; the national anti-doping organisation of the person's country of residence or countries where

the person is a national or license holder; 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 WADA are the parties having the right to appeal to CAS.

(9) In cases under sub-regulation (7), the parties having the right to appeal to the national-level appeal body shall be as provided in the national associations regulations but, at a minimum, shall include the athlete or other person who is the subject of the decision being appealed; the other party to the case in which the decision was rendered; the ADC and the relevant international federation; the national anti-doping organisation of the person's country of residence; 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 WADA:

Provided that for cases under sub-regulation (7), WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant international federation shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body.

(10) Where, in a particular case, the ADC fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if the ADC had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by the ADC.

(11) TUE decisions may be appealed exclusively as provided in regulations 5(5) to (13).

(12) If the ADC, or national association, is a party to an appeal, it shall promptly provide the appeal decision to the athlete or other person and to the other anti-doping organisations that would have been entitled to appeal under sub-regulation (9) as provided under regulation 15(4).

(13) The time to file an appeal to CAS shall be twenty-one days from the date of receipt of the decision by the appealing party.

Nonetheless the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the decision subject to appeal:

(a) within ten days from notice of the decision, such party or parties shall have the right to request from the body having issued the decision a copy of the file on which such body relied; and

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

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

15. (1) All national sport associations shall comply with these regulations. These regulations shall also be incorporated either directly or by reference into each national association's regulations. All national associations shall include in their regulations the procedural regulations necessary to effectively implement these anti-doping regulations. Each national association shall obtain the written acknowledgement and agreement, in the form attached in the Schedule, of all athletes subject to doping control and athlete support personnel for such athletes. Notwithstanding whether or not the required form has been signed, the regulations of each national association shall specifically provide that all athletes, athlete support personnel and other persons under the jurisdiction of the national association shall be bound by these regulations.

Compliance
with
regulations.

(2) As a condition of receiving financial or other assistance from the government of Malta and, or the Council, national associations shall accept and abide by the spirit and terms of the national anti-doping programme and these regulations, including the application of its sanctions to individuals, and shall respect the authority of, and co-operate with the ADC and the hearing bodies in all anti-doping matters which are not governed by the regulations of the relevant international federation in accordance with the Code.

(3) When a national association has received an asserted anti-doping rule violation on one of its athletes it shall report the following information to the ADC, the international federation and WADA within fourteen days of the process described in regulation 8(1), in respect of adverse analytical findings and atypical findings :

the athlete's name, country, sport and discipline within the sport, whether the test was in-competition or out-of-competition, the date of sample collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations, or, for anti-doping rule violations other than regulation 3(2)(a), the rule violated and the basis of the asserted violation. The national association shall also regularly update the ADC, the international federation and WADA on the status and findings of any review or proceedings conducted pursuant to regulations 8, 9 or 14, and comparable information shall be provided to the ADC, the international federation and WADA within fourteen days of the notification described in regulation 8(1), with respect to other violations of these regulations. Neither the ADC, the international federation, nor WADA shall disclose this information beyond those persons within their organisations with a need to know, until the national association has made public disclosure or has failed to make public disclosure as required in sub-regulation (8).

(4) Anti-doping rule violation decisions rendered pursuant to regulations 8(8), 9(7), 11(4)(a), 11(4)(d), 11(23) and 14(12) shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. An anti-doping organisation having a right to appeal a decision received pursuant this sub-regulation may, within 15 days of receipt, request a copy of the full case file pertaining to the decision.

(5) All information provided by the ADC or national associations to international federations, other anti-doping organisations, and WADA under these regulations shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, co-ordinating or conducting testing and shall be destroyed after it is no longer relevant for these purposes.

(6) The identity of any athlete or other person who is asserted by the ADC or a national association to have committed an anti-doping rule violation, may be publicly disclosed by the ADC or the national association only after notice has been provided to the athlete or other person in accordance with regulations 8(1)(c), (k), (n), (o), and (p), and to the applicable anti-doping organisations in accordance with regulation 15(3).

(7) No later than twenty days after it has been determined in a final appellate decision under regulations 14(6) or 14(7), or such appeal has been waived, or a hearing in accordance with regulation 9 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, the ADC or national association shall publicly report the disposition of the anti-doping

matter including the sport, the anti-doping rule violated, the name of the athlete or other person committing the violation, the prohibited substance or prohibited method involved and the consequences imposed. The ADC or national association must also publicly report within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

(8) In any case where it is determined, after a hearing or appeal, that the athlete or other person did not commit an anti-doping rule violation, the decision may be publicly disclosed only with the consent of the athlete or other person who is the subject of the decision. The ADC or national association shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the athlete or other person may approve.

(9) For the purpose of these regulations, the placement of the required information, under sub-regulations (7) and (8), on the ADC's or national association's website shall be considered sufficient public disclosure provided that such information remains up for the longer of one month or the duration of any period of ineligibility.

(10) The ADC, national associations and WADA-accredited officials, shall not publicly comment on the specific facts of any pending case, as opposed to general description of process and science, except in response to public comments attributed to the athlete, other person or their representatives.

(11) The mandatory public reporting required under sub-regulation (7) shall not be required where the athlete or other person who has been found to have committed an anti-doping rule violation is a minor. Any optional public reporting in a case involving a Minor shall be proportionate to the facts and circumstances of the case.

(12) Any decision by the international federation or a national association regarding a violation of these regulations shall be recognized by all national associations, which shall take all necessary action to render such results effective.

(13) The ADC shall publish annually, a general statistical report of its doping control activities during the calendar year with a copy provided to WADA.

(14) The ADC may collect, store, process or disclose personal information relating to athletes and other persons where necessary and appropriate to conduct its anti-doping activities under the Code,

B 178

these regulations and international standards, and in compliance with the law.

Recognition of testing etc.

16. Subject to the right to appeal provided in regulation 14, testing, hearing results or other final adjudications of any signatory to the Code which are consistent with the Code and are within that Signatory's authority, shall be applicable worldwide and shall be recognised and respected by the ADC and national associations. The ADC and national associations shall recognise the measures taken by other bodies which have not accepted the Code if the regulations of those bodies are otherwise consistent with the Code.

Prescription.

17. No anti-doping rule violation proceeding may be commenced under these regulations against an athlete or other person unless he has been notified of the anti-doping rule violation as provided in regulation 8, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

Compliance Report.

18. The ADC will report to WADA on the ADC's compliance with the Code as required by the WADA Foundation Board and shall explain reasons for any non-compliance.

Miscellaneous provisions.

19. (1) The ADC may from time to time issue commentaries and guidelines referring to these regulations.

(2) The Schedule shall be considered integral parts of these regulations.

(3) These regulations have been adopted pursuant to the applicable provisions of the Code and shall be interpreted in a manner that is consistent with applicable provisions of the Code. The comments annotating various provisions of the Code shall be used to, where applicable, assist in the understanding and interpretation of these regulations.

(4) These regulations shall not apply retrospectively to matters pending before the date these regulations came into effect.

Repeal of the Anti-Doping Regulations
S.L. 455.08.

20. The Anti-Doping Regulations, are hereby repealed.

SCHEDULE
(Regulation 15)

ATHLETE SUPPORT PERSONNEL ANTI-DOPING

ACKNOWLEDGMENT AND AGREEMENT

I, as a member of the _____ Association
hereby acknowledge and agree as follows:

(a) I fully understand the National-Anti-Doping Regulations
and its provisions and consequences of doping.

(b) I consent and agree to comply with and be bound by all the
provisions of the National Anti-Doping Regulations.

(c) I acknowledge and agree that the National Anti-Doping
Organisation has jurisdiction to impose sanctions as provided in the
National Anti-Doping Regulations.

(d) I have read and understand this Acknowledgment and
Agreement.

Name in Full

Signature

Identification Number

Date

ATHLETE'S CONSENT FORM

(a) I hereby acknowledge that I fully understand the National Anti-Doping Regulations and its provisions and consequences of doping.

(b) I understand that I should make myself available for testing both In-Competition and Out-of-Competition in accordance with the procedures adopted by the National Anti-Doping Organisation (NADO).

(c) I further understand that failure or refusal to provide a sample may constitute an anti-doping violation.

(d) I am aware that my Doping Control data will be used in anti-doping programmes for the detection, deterrence and prevention of doping.

(e) I understand that withdrawal of my consent to the processing of my Doping Control data will be construed as a refusal to participate in anti-doping control procedures mandated by the National Anti-Doping Regulations and may result in disciplinary and other sanctions being imposed on me.

(f) By signing this form, I hereby declare that I agree to abide by the National Anti-Doping Regulations and that I expressly consent to provide samples for testing as well as consent to the processing of my Doping Control related data.

Athlete's Name in Full

Signature

Parent/Guardian's Name in Full
(athletes under 18 years of age)

Signature

Date of Birth of Athlete

Sport Association

Date

