

L.N. 281 of 2011

**SPORTS ACT
(CAP. 455)**

Anti-Doping Regulations, 2011

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

1. The title of these regulations is the Anti-Doping Regulations, 2011. Citation.

2. In these regulations, unless the context otherwise requires: Definitions.

"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. 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;

"adverse analytical finding" means a report from a laboratory or other approved Testing entity that identifies in a sample the presence of a prohibited substance or its metabolites or markers, including elevated quantities of endogenous substances, or evidence of the use of a prohibited method;

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

"athlete" means any person who participates in sport at the international level as defined by each international federation, at the national level as defined by each national anti-doping organisation, including but not limited to those persons in its registered testing pool, and any other competitor in sport who is otherwise subject to the jurisdiction of any signatory or other sports organisation accepting the Code. All provisions of the Code including testing, and therapeutic use exemptions must be applied to international and

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national-level competitors. Some national anti-doping organisations may elect to test and apply anti-doping regulations to recreational-level or masters-competitors who are not current or potential national calibre competitors. National anti-doping organisations are not required, however, to apply all aspects of the Code to such persons. Specific national regulations may be established for doping control for non-international-level or national-level competitors without being in conflict with the Code. Thus, a country could elect to test recreational-level competitors but not require therapeutic use exemptions or whereabouts information. In the same manner, a major event organisation holding an event only for masters-level competitors could elect to test the competitors but not require advance therapeutic use exemptions or whereabouts information. For the purposes of administration or attempted administration, 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 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 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; so 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 laboratory or other WADA-approved entity which requires further investigation as provided by the international standard for laboratories or related technical documents prior to the determination of an adverse analytical finding;

"CAS" means the Court of Arbitration of Sport;

"the 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 athletic contest. For stage races and other athletic contests where prizes are awarded on a daily or other interim basis the distinction

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

between a competition and an event will be as provided in the regulations of the applicable International Federation;

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

"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 provision of whereabouts information, sample collection and handling, laboratory analysis, therapeutic use exemptions, results management and hearings;

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

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

"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 other relevant anti-doping organisation;

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

"ineligibility" means the athlete or other person is barred for a

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specified period of time from participating in any competition or another activity or funding as provided in the Code under 'Status during Ineligibility';

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

"international event" means an event 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 designated by one or more international federations as being within the registered testing pool for an international federation;

"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 parameter or parameters 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 majority as established by the applicable laws of the person's country of residence;

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

"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, all at the national level. For the purposes of these regulations, the Council is the designated entity;

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

"national-level athlete" means an athlete other than an international-level athlete who is designated by the national anti-doping organisation as being within the national anti-doping organisation registered testing pool;

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

"no advance notice" means a doping control which takes place with no advance warning to the athlete and where the athlete is continuously chaperoned from the moment of notification through sample provision;

"no fault or negligence" means the athlete'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;

"no significant fault or negligence" means the athlete'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;

"out of competition" means any doping control 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 over the prohibited substance or over the prohibited method or the premises in which a prohibited substance or prohibited

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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 so described on the prohibited list;

"provisional hearing" means an expedited abbreviated hearing occurring prior to a hearing under regulation 8 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 prior to the final decision at a hearing conducted under the principle of the 'Right to a Fair Hearing';

"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 top level athletes established separately by each international federation and national anti-doping organisation subject to both in-competition and out-of-competition testing as part of that international federation's or national anti-doping organisation's test distribution plan;

"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 and WADA;

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

"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; or providing fraudulent information to an anti-doping organisation;

"target testing" means the selection of athletes for testing where specific athletes or groups of athletes are selected on a non-random basis for testing at a specified time;

"team sport" 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 a prohibited substance or prohibited method either physically or by any electronic or other means by an athlete, athlete support personnel or any other person subject to the

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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;

"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;

"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.

Responsibilities
of athletes and
persons.

3. (1) Athletes or persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included in the prohibited list.

(2) It is each athlete's personal duty to ensure that no prohibited substance enters his body. Athletes are responsible for any prohibited substance or its metabolites or markers found to be present in their samples. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the athlete's part be demonstrated in order to establish an anti-doping violation under this sub-regulation and sub-regulations (3) to (6).

(3) Sufficient proof of an anti-doping rule violation under sub-regulation (2), this sub-regulation and sub-regulations (4) to (6) is established by either of the following:

(a) 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

(b) 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.

(4) The National Anti-Doping Organisation may furthermore, and in its discretion, choose to have the B sample analysed even if the athlete does not request the analysis of the B sample.

(5) Apart from 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.

(6) As an exception to the general rule of sub-regulations (2) to (5), the prohibited list or international standards may establish special criteria for the evaluation of prohibited substances that can also be produced endogenously.

(7) The success or failure of the use or attempted use of a prohibited substance or prohibited method is irrelevant. 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.

(8) Refusing, or failing without compelling justification, to submit to sample collection after notification as authorised in these regulations or otherwise evading sample collection shall be prohibited conduct whether such violation of refusing or failing to submit to sample collection results from intentional conduct of the athlete or negligent conduct of the athlete. In the case of evasion by the athlete to submitting himself to sample collection shall be deemed to be intentional conduct by the athlete.

(9) Violation of applicable requirements regarding athlete availability for out-of-competition testing set out in the international standard for testing including failure to provide one's whereabouts information in accordance with article 11.3 of the International Standard for Testing, providing for a 'Filing Failure', and failure to be available for testing at the declared whereabouts in accordance with article 11.4 of the International Standard for Testing, providing for a 'Missed Test'. Any combination of three missed tests and, or filing failures committed within an eighteen-month period, as declared by the Council, shall constitute an anti-doping rule violation.

(10) Possession by an athlete in-competition of any prohibited method or any prohibited substance, or possession by an athlete out-of-competition of any prohibited method or any prohibited substance which is prohibited in out-of-competition testing unless the athlete

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establishes that the possession is pursuant to a TUE granted in accordance with regulations 5(5) to (8) or other acceptable justification.

(11) Possession by an athlete support personnel in-competition of any prohibited method or any prohibited substance, or possession by athlete support personnel out-of-competition of any prohibited method or any prohibited substance which is prohibited in out-of-competition testing, in connection with an athlete, competition or training, unless the athlete support personnel establishes that the possession is pursuant to a TUE granted to an athlete in accordance with regulations 5(5) to (8) or other acceptable justification.

(12) Trafficking or attempted trafficking in any prohibited substance or prohibited method.

(13) Administration or attempted administration to any athlete in-competition of any prohibited method or prohibited substance or administration or attempted administration to any athlete out-of-competition of any prohibited method, or any prohibited substance that is prohibited in out-of-competition testing or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted anti-doping rule violation.

Responsibility
of ADC s and
national
associations to
establish
breaches.

4. (1) The ADC and, or, the national associations are entrusted with the responsibility of establishing whether an anti-doping rule violation has occurred. The Council 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 Council and, or national association can prove to the 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, except as provided in articles 10.4 and 10.6 of the Code where the athlete is bound to satisfy a higher burden of proof.

(2) Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following regulations of proof shall be applicable in doping cases:

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

(b) departures from any other international standard or other anti-doping rule or policy which did not cause an adverse analytical finding or other anti-doping rule violation shall not invalidate such results. If the athlete or other person establishes that a departure from another international standard or other anti-doping rule or policy which could reasonably have caused the adverse analytical finding or other anti-doping rule violation occurred, then the ADC or the national association shall have the burden to establish that such a departure did not cause the adverse analytical finding or the factual basis for the anti-doping rule violation;

(c) 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

(d) 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 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 tribunal, and to answer questions either from the tribunal or from the ADC or national association asserting the anti-doping rule violation.

5. (1) These anti-doping regulations incorporate the prohibited list which is published and revised by WADA as described in article 4.1 of the Code. The Council or its delegated authority will publish such revised lists in the Government Gazette and further

Prohibited List.

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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 that shall go into effect under these regulations three months after publication of the prohibited list by WADA without requiring any further action by the Council. The Council shall also publish the prohibited list and, or revision and, or updates in the Government Gazette.

(3) For the 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 such stimulants and hormone antagonists and modulators so identified on the prohibited list. Prohibited methods shall not be specified substances:

Provided that in the case 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 and the classification of substances into categories on the prohibited list is final and shall not be subject to challenge by an athlete or another 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) Athletes with a documented medical condition requiring the use of a prohibited substance or a prohibited method must first obtain a TUE. The presence of a prohibited substance or its metabolites or markers according to article 2.1 of the Code, use or attempted use of a prohibited substance or a prohibited method according to article 2.2 of the Code, possession of prohibited substances or prohibited methods according to article 2.6 of the Code or administration of a prohibited substance or prohibited method according to article 2.8 of the Code consistent with the provisions of an applicable TUE issued pursuant to the international standard for TUEs shall not be considered an anti-doping rule violation.

(6) Athletes included by the ADC in its registered testing pool

and other athletes participating in any national event must obtain a TUE granted or recognised by the Council or its delegated authority. 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 Panel". Upon the Council's receipt of a TUE request, the Chairman of the TUE Panel shall appoint one or more members of the TUE Panel, which may include the Chairman, to consider such request. Any TUE Panel 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 Council or its delegated authority.

(8) WADA, at the request of an athlete or on its own initiation, may review the granting or denial of any TUE to an international level athlete or a national level athlete that is included in a registered testing pool. If WADA determines that the granting or denial of a TUE did not comply with the international standard for TUEs in force at the time, WADA may reverse that decision. Decisions on TUEs are subject to further appeal as provided in regulation 14.

6. (1) 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 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 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, the international olympic committee during the olympic games, and the international paralympic committee during paralympic games.

(2) Tests requested by the ADC will be funded by the Council itself. Other tests carried out in Malta by an international federation or 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.

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(3) At international events, the collection of the doping control samples shall be initiated and directed by the international organisation that is the ruling body for the event. If the international organisation decides not to conduct any effective testing at such an event, the ADC may, in coordination with and with the approval of the international organisation or WADA, initiate and conduct such testing. At national events, the collection of the doping control samples shall be initiated and directed by the ADC.

(4) The ADC as authorised by the Council, shall be responsible for drawing up a test distribution plan in accordance with article 4 of the international standard for testing, and for the implementation of that plan, including overseeing all testing conducted by the Council. Testing may be conducted by members of the ADC or by other qualified persons so authorised by the Council.

(5) Testing conducted by the ADC shall be in substantial conformity with the international standard for testing in force at the time of testing.

(6) 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.

(7) The ADC shall report completed tests through the WADA clearinghouse within fourteen working days to avoid unnecessary duplication in testing.

(8) The ADC shall maintain a national level registered testing pool of those athletes who are required to comply with the whereabouts requirements of the international standard for testing, and shall publish the criteria for athletes to be included in this registered testing pool as well as a list of the 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, and shall revise the membership of 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) advice the ADC of his whereabouts on a quarterly

basis, in the manner set out in article 11.3 of the International Standard for Testing;

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

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

(9) An athlete's failure to advise the ADC of his whereabouts shall be deemed a filing failure for purposes of article 2.4 of the Code where the conditions of article 11.3.5 of the International Standard for Testing are met.

(10) An athlete's failure to be available for testing at his declared whereabouts shall be deemed a missed test for purposes of article 2.4 of the Code where the conditions of article 11.4.3 of the International Standard for Testing are met.

(11) 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 shall also apply.

(12) Whereabouts information provided pursuant to sub-regulations (8) and (11) 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, including the strict condition that it be used only for doping control purposes.

(13) An athlete who has been identified by ADC for inclusion in the Council'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, 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.

(14) An athlete who has given notice of retirement to ADC may not compete again unless he or she 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

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standard for testing at any time during the period before actual return to competition.

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

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

(17) 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.

(18) In addition to the selection procedures set forth in sub-regulations (16) and (17), 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.

(19) The ADC shall select athletes for out-of-competition testing. This process will substantially comply with the international standard for testing in force at the time of selection.

(20) National associations and the organising committees for national association events shall provide access to independent observers at events as directed by the ADC.

Analysis of drug
control samples.

7. Doping control samples collected under these regulations shall be analyzed in accordance with the following principles:

(a) for the purposes of article 2.1 of the Code, the ADC shall send doping control samples for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory, or other laboratory or method approved by WADA, used for the sample analysis shall be determined exclusively by the ADC;

(b) doping control samples shall be analyzed to detect prohibited substances and prohibited methods identified on the prohibited list and other substances as may be directed by WADA pursuant to the monitoring program described in article 4.5 of the Code or to assist the ADC in profiling relevant parameters in an athlete's urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes;

(c) no sample may be used for any purpose other than the detection of substances, or classes of substances, or methods on the prohibited list, other than as described in article 6.2 of the Code without the athlete's written consent. Samples used, with the athlete's consent, for purposes other than article 6.2 of the Code shall have any means of identification removed such that they cannot be traced back to a particular athlete;

(d) laboratories shall analyse doping control samples and report results in conformity with the international standard for laboratory analysis; and

(e) a sample may be reanalysed for the purposes described in article 6.2 of the Code at any time exclusively at the directive of a national anti-doping organisation or WADA. The circumstances and conditions for retesting samples shall conform with the requirements of the international standard for laboratories.

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 authorized 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 A sample adverse analytical finding, the ADC shall conduct a review to determine whether:

(i) an applicable therapeutic use exemption has been granted; or

(ii) there is any apparent departure from the international standards for testing or laboratory analysis that undermines the validity of the adverse analytical finding;

(c) if the initial review under sub-regulation (1)(b) does not reveal an applicable therapeutic use exemption or departure from the international standard for testing or the international standard for laboratory analysis in force at the time of testing or analysis that undermines the validity of the adverse analytical finding, ADC shall promptly notify the athlete and his national association of:

(i) the adverse analytical finding;

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(ii) the anti-doping rule violated, or, in a case under sub-regulations (1)(h) or (1)(i), 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) 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;

(e) 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;

(f) 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;

(g) 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;

(h) the ADC shall conduct any follow-up investigation

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

(i) 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.

(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 article 8 of the Code.

(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 Council determines, following the athlete's submission, that there has been no

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anti-doping rule violation, then the provisional suspension shall be rescinded immediately.

(7) If the Council declares that there has been no anti-doping rule violation, it shall immediately inform the athlete's international federation, national association, national anti-doping organisation and WADA.

(8) 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.

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 a disciplinary panel of the ADC or of the athlete or other person's national association for a hearing to adjudicate whether a violation of these regulations occurred and if so what consequences should be imposed. Such hearing process shall respect the following principles:

- (a) a decision within a reasonable time;
 - (b) a fair and impartial tribunal;
 - (c) the right to be assisted or represented by counsel which expenses are to be incurred by the athlete;
 - (d) the right to be informed within a reasonable time of the alleged anti-doping rule violation;
 - (e) the right of reply to the alleged anti-doping rule violation;
 - (f) the right of each party to present evidence, including the right to call and examine witnesses, subject to the tribunal's discretion to accept testimony by telephony or written submission;
 - (g) the athlete's right to an interpreter at the hearing;
- and
- (h) a decision which clearly identifies the basis on

which the conclusion was reached.

(2) The ADC disciplinary panel has 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) When it appears, following the results management process described in regulation 8, that these regulations may have been violated, the ADC shall refer the matter to the disciplinary panel for adjudication as to whether a violation of these regulations has occurred and, if so, what consequences should be imposed.

(4) 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.

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.

Disqualification
from
competition.

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, except as provided in articles 10.1.1. and 10.1.2 of the Code. Nonetheless, if the athlete establishes that he bears no fault or negligence for the violation, the athlete's individual results in the other competition shall not be disqualified unless the athlete's results in competition 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 imposed for a violation of articles 2.1 2.2 and 2.6 of the Code shall be as follows, unless the conditions for eliminating or reducing the period of ineligibility, as provided in sub-regulations (4) and (5), or the conditions for increasing the period of ineligibility, as provided in sub-regulation (6), are met, for a first violation two years ineligibility.

(3) The period of ineligibility for violations of these anti-doping regulations shall be:

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(a) for violations of articles 2.3 or 2.5 of the Code, the ineligibility period shall be two years unless the conditions provided in sub-regulation (5), or the conditions provided in article 10.6 of the Code, are met;

(b) for violations of articles 2.7 or 2.8 of the Code, the period of ineligibility imposed shall be a minimum of four years up to lifetime ineligibility unless conditions provided in sub-regulation (5) are met. An anti-doping rule violation involving a minor shall be considered a particularly serious violation, and, if committed by athlete support personnel for specified substances referenced in regulation 5(3), shall result in lifetime ineligibility for such athlete support personnel. In addition, significant violations of such articles, which also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities;

(c) for violations of article 2.4 of the Code, the period of ineligibility shall be for a first violation a minimum of one year to a maximum of two years ineligibility based on the athlete's degree of fault.

(4) (a) Where an athlete or other person can establish how a specified substance entered his body or came into his possession and that such specified substance was not intended to enhance the athlete's sport performance or mask the use of a performance-enhancing substance, the period of ineligibility found in sub-regulation (2) shall be replaced with at a minimum, a reprimand and no period of ineligibility from future events and, at a maximum, two years ineligibility for a first violation;

(b) In order to justify any elimination or reduction, the athlete or other person shall produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the use of a performance enhancing substance. The athlete or other person's degree of fault shall be the criteria considered in assessing any reduction of the period of ineligibility.

(5) Based on exceptional circumstances the following may eliminate or reduce the period of ineligibility:

(a) if an athlete establishes in an individual case that he bears no fault or negligence, the otherwise applicable period of ineligibility shall be eliminated. When a prohibited substance or its markers or metabolites is detected in an athlete's sample in

violation of article 2.1 of the Code, the athlete must also establish how the prohibited substance entered his system in order to have the period of ineligibility eliminated. In the event this paragraph is applied and the period of ineligibility otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of ineligibility for multiple violations under article 10.7 of the Code;

(b) if an athlete or other person establishes in an individual case that he bears no significant fault or negligence, then the period of ineligibility may be reduced, but the reduced period of ineligibility may not be less than one-half of the period of ineligibility otherwise applicable. If the otherwise applicable period of ineligibility is a lifetime, the reduced period under this paragraph may be no less than eight years. When a prohibited substance or its markers or metabolites is detected in an athlete's sample in violation of article 2.1 of the Code, the athlete shall also establish how the prohibited substance entered his system in order to have the period of ineligibility reduced;

(c) the national association's tribunal 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 the anti-doping organisation discovering or establishing an anti-doping rule violation by another person or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional regulations by another person. After a final appellate decision under regulation 14 or the expiration of time to appeal, the national level reviewing body may only suspend a part of the 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 section must be no less than eight years. If the

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national level reviewing body suspends any part of the period of ineligibility under this paragraph, it shall promptly provide a written justification for its decision to each anti-doping organisation having a right to appeal the decision. If the national level reviewing body subsequently reinstates any part of the suspended period of ineligibility because the athlete or other person has failed to provide the substantial assistance which was anticipated, the athlete or other person may appeal the reinstatement pursuant to regulations 14(3) to (7);

(d) 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 regulations 3(1) to (6), 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;

(e) before applying any reductions under regulations 11 (5)(b), (c) or (d), the otherwise applicable period of ineligibility shall be determined in accordance with regulations 11 (2) to (4) and 11(6). If the athlete or other person establishes entitlement to a reduction or suspension of the period of ineligibility under two or more of regulations 11 (5)(b) to (d), then the period of ineligibility may be reduced or suspended, but not below one-quarter of the otherwise applicable period of ineligibility.

(6) If the national level reviewing body establishes in an individual case involving an anti-doping rule violation other than violations under regulations 3(13) and (14) that aggravating circumstances are present which justify the imposition of a period of ineligibility greater than the standard sanction, then the period of ineligibility otherwise applicable shall be increased up to a maximum of four years unless the athlete or other person can prove to the comfortable satisfaction of the hearing panel that he did not knowingly commit the anti-doping rule violation. An athlete or other person can avoid the application of this sub-regulation by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by the national level reviewing body.

(7) For an athlete or other person's first anti-doping rule violation, the period of ineligibility is set forth in regulations 11(2)

and (3), subject to elimination, reduction or suspension under regulations 11(4) and (5), or to an increase under regulation 11(6). For a second anti-doping rule violation the period of ineligibility shall be within the range set forth in the table below:

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

For the purposes of the second anti-doping rule violation table:

"RS" means reduced sanction for specified substance under regulation 11(4). The anti-doping rule violation was or should be sanctioned by a reduced sanction under regulation 11(4) because it involved a specified substance and the other conditions under regulation 11(4) were met;

"FFMT" means filing failures or missed tests. The anti-doping rule violation was or should be sanctioned under regulation 11(3)(c) providing for filing failures and, or, missed tests;

"NSF" means a reduced sanction for no significant fault or negligence. The anti-doping rule violation was or should be sanctioned by a reduced sanction under regulation 11(5)(b) because no significant fault or negligence under regulation 11(5)(b) was proved by the athlete;

"St" means a standard sanction under regulations 11(2) or 11(3)(a). The anti-doping rule violation was or should be sanctioned by the standard sanction of two years under regulations 11(2) or 11(3)(a);

"AS" means an aggravated sanction. The anti-doping rule violation was or should be sanctioned by an aggravated sanction under regulation 11(6) because the anti-doping organisation established the conditions set forth under regulation 11(6);

"TRA" means trafficking and administration. The anti-doping rule violation was or should be sanctioned by a sanction under regulation 11(3)(b) for trafficking or administration.

(9) Where an athlete or other person who commits a second

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anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of ineligibility under sub-regulation (5)(c) or (d), the national level reviewing body shall first determine the otherwise applicable period of ineligibility within the range established in the table in sub-regulation (8), and then apply the appropriate suspension or reduction of the period of ineligibility. The remaining period of ineligibility, after applying any suspension or reduction under sub-regulations (5)(c) and (d), must be at least one-fourth of the otherwise applicable period of ineligibility.

(10) 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-regulation (4) or involves a violation of regulation 3(9). In these particular cases, the period of ineligibility shall be from eight years to a life ban.

(11) For purposes of imposing sanctions under sub-regulations (7) to (10), a second anti-doping rule violation shall 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 the national association made reasonable efforts to give notice, of the first anti-doping rule violation; if the ADC or the 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 however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances.

(12) If, after the resolution of 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 would have been adjudicated at the same time. Results in all competitions dating back to the earlier anti-doping rule violation will be disqualified as provided in sub-regulations (14) to (16). To avoid the possibility of a finding of aggravating circumstances on account of the earlier but later discovered violation, the athlete or other person must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when the ADC discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.

(13) For the purposes sub-regulations (7) to (10) each anti-doping rule violation must take place within the same eight year period in order to be considered multiple violations.

(14) In addition to the automatic disqualification of the results in the competition which produced the positive sample under regulation 10, all other competitive results obtained from the date a positive sample was collected, whether in-competition or out-of-competition, or other doping 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.

(15) As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the athlete must first repay all prize money forfeited under this regulation.

(16) Unless the regulations of the international federation provide that forfeited prize money shall be reallocated to other athletes, it shall be allocated first to reimburse the collection expenses of the anti-doping organisation that performed the necessary steps to collect the prize money back, then to reimburse the expenses of the anti-doping organisation that conducted results management in the case, with the balance, if any, allocated in accordance with the regulations of the international federation.

(17) The period of ineligibility shall start on the date of the hearing decision providing for ineligibility or, if the hearing is waived, on the date ineligibility is accepted or otherwise imposed. Any period of provisional suspension, whether imposed or voluntarily accepted, shall be credited against the total period of ineligibility to be served. 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.

(18) Where the athlete promptly, which in all events means before the athlete competes again, admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the council, 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

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one-half of the period of ineligibility going forward from the date the athlete or other person accepted the imposition of a sanction or the date of a hearing decision imposing a sanction:

Provided that this article shall not apply where the period of ineligibility already has been reduced under sub-regulation (5)(d).

(19) If a provisional suspension is imposed and respected by the athlete, then the athlete shall receive a credit for such period of provisional suspension against any period of ineligibility which may be ultimately imposed.

(20) If an athlete voluntarily accepts a provisional suspension in writing from the ADC and thereafter refrains from competing, the athlete shall receive a credit for such period of ineligibility which may be ultimately be imposed. A copy of the athlete's voluntary acceptance of a provisional suspension shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under article 14.1 of the Code.

(21) An athlete's voluntary acceptance of a provisional suspension is not an admission by the athlete and shall not be used in any way as to draw an adverse inference against the athlete.

(22) 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.

(23) No athlete or other person who has been declared ineligible may, during the period of ineligibility, participate in any capacity in a competition or activity, other than authorized anti-doping education or rehabilitation programs, authorised or organised by any signatory, signatory's member organisations, including a national association or a club or other member organisation of a signatory's member organisation, organised by any professional league or any international or national level event organisation. In addition, for any anti-doping rule violation not involving specified substances described in sub-regulation (3), the Council and, or national association may further withdraw or partially deduct its financial support for the athlete.

(24) A person subject to a period of ineligibility longer than four years may, after completing four years of the period of ineligibility, participate in local sport events in a sport other than the sport in which the person committed the anti-doping rule violation, but only so long as the local sport event is not at a level that could

otherwise qualify such person directly or indirectly to compete in, or accumulate points toward, a national event or international event. A person subject to a period of ineligibility shall remain subject to testing.

(25) Where an athlete or other person who has been declared ineligible violates the prohibition against participation during ineligibility described in sub-regulation (23), the results of such participation shall be disqualified and the period of ineligibility which was originally imposed shall start over again as of the date of the violation. The new period of ineligibility may be reduced under sub-regulation (5)(b) if the athlete or other person establishes he or she bears no significant fault or negligence for violating the prohibition against participation. The determination of whether an athlete or other person has violated the prohibition against participation, and whether a reduction under sub-regulation (5)(b) is appropriate, shall be made by the anti-doping organisation whose results management led to the imposition of the initial period of ineligibility.

(26) In addition, for any anti-doping rule violation not involving a reduced sanction for specified substances as described in sub-regulation (4), some or all sport-related financial support or other sport-related benefits received by such person will be withheld by any signatory, signatory member or members, including a national sports federation, and governments.

(27) As a condition to regaining eligibility at the end of a specified period of ineligibility, an athlete shall, during any period of provisional suspension or ineligibility, be available for out-of-competition testing by the International Federation, the ADC, and any other anti-doping organisation having testing jurisdiction, and must provide current and accurate whereabouts information as provided in regulations 6(8) to (12). If an athlete subject to a period of ineligibility retires from sport and is removed from out-of-competition testing pools and later seeks reinstatement, the athlete shall not be eligible for re-instatement until the athlete has notified ADC and the applicable national association and the athlete has been subject to out-of-competition testing for a period of time equal to the longer of the period set forth in regulations 6 (13) to (15) or the period of ineligibility remaining as of the date the athlete had retired. During such remaining period of ineligibility, a maximum of three tests may be conducted on the athlete at the athlete's expenses, with at least three months between each test. The ADC shall be responsible for conducting the necessary tests, but tests by any anti-doping organisation may be used to satisfy the requirement. In addition, immediately prior to the end of the suspension period, an athlete must undergo testing by ADC for the prohibited substances and methods

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for out-of-competition testing. Once the period of an athlete's suspension has expired, and the athlete has fulfilled the conditions of reinstatement, then the athlete shall become automatically re-eligible and no application by the athlete or by the athlete's national association will then be necessary.

Target testing of teams.

12. (1) Where more than one member of a team in a team sport has been notified of a possible anti-doping rule violation under regulation 8 in connection with an event, the ruling body for the event shall conduct appropriate target testing of a team during the event period. If more than two members of a team in a team sport are found to have committed an anti-doping rule violation during or 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 athlete or athletes committing the anti-doping rule violation.

(2) The ruling body for an event may elect to establish regulations for the event which impose consequences stricter than those in sub-regulation (1) for the purposes of the event.

Withholding of funds.

13. (1) The Council has the authority to withhold partially, or in whole, funding or other non financial support to national 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(10) 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:

If four or more violations of these regulations, other than violations involving regulations 3(10) and 11(3), are committed in addition to the violations by athletes or other persons affiliated with a national association within a twelve month period in testing conducted by international federations or anti-

doping organisations including the ADC, then the Council may suspend that national association's membership for a period of up to four 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 ADCs costs incurred in testing that national association's athletes.

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

Appeal from
decisions made
under these
regulations.

(2) Where WADA has a right to appeal under this regulation and no other party has appealed a final decision within the Council's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the Council's process.

(3) A decision that an anti-doping rule violation was committed, a decision imposing consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed, a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons; a decision under regulations 11(23) to (26); a decision that an anti-doping organisation lacks jurisdiction to rule on an alleged anti-doping rule violation or its consequences, a decision by any national federation not to bring forward an adverse analytical finding or an atypical finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under article 7.4 of the Code; and a decision to impose a provisional suspension as a result of a provisional hearing or otherwise in violation of regulations 8(3) to (7) may be appealed exclusively as provided in sub-regulations (3) to (7). Notwithstanding any other provision herein, the only person that may appeal from a provisional suspension is the athlete or other person upon whom the provisional suspension is imposed.

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(4) In cases arising from competition in an international event or in cases involving international-level athletes, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.

(5) In cases involving national-level athletes that do not have a right to appeal under sub-regulation (4), the ADC or the national association shall have in place an appeal procedure that respects the principles outlined in regulation 9. The international federation's right of appeal with respect to these cases are set forth in sub-regulation (6).

(6) In cases under sub-regulation (4), 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 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, including decisions affecting eligibility for the olympic games or paralympic Games; and WADA are the parties having the right to appeal to the CAS.

(7) In cases under sub-regulation (5), the parties having the right to appeal to the national-level reviewing body shall be as provided in the national association's 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 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; and WADA:

Provided that for cases under sub-regulation (5), WADA and the international federation shall also have the right to appeal to the CAS with respect to the decision of the national-level reviewing body.

(8) Where, in a particular case, the Council 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 Council had rendered a decision finding no anti-doping rule violation. If the CAS panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorneys fees in prosecuting the appeal shall be

reimbursed to WADA by the Council.

(9) Decisions by the Council denying TUEs, which are not reversed by WADA, may be appealed exclusively to CAS by the international-level athlete or to the national anti-doping appeal panel where the athlete is not an international-level athlete. If the national anti-doping appeal panel reverses the decision to deny a TUE, that decision may be appealed to CAS by WADA. The national anti-doping appeal panel considering an appeal under this sub-regulation will not include members of the TUE Committee.

(10) Decisions by WADA reversing the grant or denial of a TUE may, subject to the regulations of CAS, be appealed exclusively to CAS by the athlete or the Council.

(11) When the Council fails to take action on a properly submitted TUE application within a reasonable time, its failure to decide may be considered a denial for purposes of the appeal rights provided in this sub-regulation.

(12) Decisions by the Council pursuant to regulation 13 may be appealed exclusively to CAS by the national association.

(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.

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

Compliance
with
regulations.

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procedural regulations necessary to effectively implement these anti-doping regulations. Each national association shall obtain the written acknowledgement and agreement, in the form attached as Schedule 1, 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.

(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 Council 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 adverse analytical finding on one of its athletes it shall report the following information to the international federation and WADA within fourteen days of the process described in regulations 8 (1)(b) and (c): 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 and the analytical result reported by the laboratory. 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)(i), with respect to other violations of these regulations. In any case in which the period of ineligibility is eliminated under regulation 11(5)(a) or reduced under regulation 11(5)(b), the ADC, the international federation and WADA shall be provided with a written reasoned decision explaining the basis for the elimination or reduction. 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) The Council shall promptly report any TUE granted to an athlete, except those athletes not in the registered testing pool, to the applicable international federation, to the athlete's national sports federation and to WADA.

(5) The Council shall submit to WADA current athlete whereabouts information. WADA shall make this information accessible to other anti-doping organisations having authority to test the athlete.

(6) The Council shall report all in-competition and out-of-competition tests to WADA as soon as possible after such tests have been conducted.

(7) This information 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.

(8) The ADC and national associations shall not publicly identify athletes whose samples have resulted in adverse analytical findings, or who were alleged to have violated other articles of these regulations until it has been determined in a hearing in accordance with regulation 9 that an anti-doping regulation violations has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged or the athlete has been provisionally suspended. Once a violation of these regulations has been established, it shall be publicly reported within twenty days.

(9) 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.

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

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

Recognition of testing etc.

17. No action may be commenced under these regulations against an athlete or other person for a violation of an anti-doping rule contained in these regulations unless such action is commenced within eight years from the date the violation occurred.

Prescriptive period.

18. The ADC will report to WADA on the Council's

Biannual report.

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compliance with the Code every alternate year and shall explain reasons for any non-compliance.

Miscellaneous
provisions.

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

(2) Schedule 1 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.

SCHEDULE 1

(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 Rules 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

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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
