

21. ANTI-DOPING CODE

INTRODUCTION

Preface

At the ISAF Annual Conference held in November 2008, the International Sailing Federation (ISAF) accepted the revised (2009) World Anti-Doping Code (the "Code"). These Anti-Doping Rules are adopted and implemented in conformance with ISAF's responsibilities under the "Code", and are in furtherance of ISAF's continuing efforts to eradicate doping in the sport of sailing.

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

Fundamental Rationale for the "Code" and ISAF's Anti-Doping Rules

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

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

Doping is fundamentally contrary to the spirit of sport.

Scope

These Anti-Doping Rules shall apply to ISAF, each *Member National Authority (MNA)* of ISAF, and each *participant* in the activities of ISAF or any of its *MNAs* by virtue of the *participant's* membership, accreditation, or participation in ISAF, its *MNAs*, or their activities or *events*. Any *person* who is not a member of a *MNA* and who fulfills the requirements to be part of the ISAF *registered testing pool*, must become a member of the *person's MNA*, and must make himself or herself available for *testing*, at least twelve months before participating in *international events* or *events* of his/her *MNA*.

It is the responsibility of each *MNA* to ensure that all national-level *testing* on the *MNAs athletes* complies with these Anti-Doping Rules. In some countries, the *MNA* will be conducting the *doping control* described in these Anti-Doping Rules. In other countries, many of the *doping*

control responsibilities of the MNA have been delegated or assigned by statute or agreement to a *National Anti-Doping Organization*. In those countries, references in these Anti-Doping Rules to the MNA shall apply, as appropriate, to the MNAs *National Anti-Doping Organization*. These Anti-Doping Rules shall apply to all *doping controls* over which ISAF and its MNAs have jurisdiction.

Doping control is administered in order to uphold the requirement of RRS Fundamental Rule 5.

DEFINITIONS

Adverse analytical finding

A report from a laboratory or other approved *testing* entity that identifies in a *sample* the presence of a *prohibited substance* or its *metabolites* or *markers* (including elevated quantities of endogenous substances) or evidence of the *use* of a *prohibited method*.

Anti-Doping Organization

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

Athlete

Any *person* who participates in sport at the *international-level* (as defined by each International Federation), the national level (as defined by each *National Anti-Doping Organization*, including but not limited to those *persons* in its *registered testing pool*), and any other competitor in sport who is otherwise subject to the jurisdiction of any *signatory* or other sports organization accepting the *Code*. All provisions of the *Code*, including, for example, *testing*, and *TUE*'s must be applied to international and national-level competitors. Some *National Anti-Doping Organizations* may elect to test and apply anti-doping rules to recreational-level or masters competitors who are not current or potential national caliber competitors. *National Anti-Doping Organizations* are not required, however, to apply all aspects of the *Code* to such *persons*. Specific national rules may be established for *Doping Control* for non-international-level or national-level competitors without being in conflict with the *Code*. Thus, a country could elect to test recreational-level competitors but not require *TUE*'s or whereabouts information. In the same manner, a *Major Event Organization* holding an *event* only for masters-level competitors could elect to test the competitors but not require advance *TUE* or whereabouts information. For purposes of Regulation 21.2.7 (Administration or *Attempted Administration*) and for purposes of anti-doping information and education, any *person* who participates in sport under the authority of any *signatory*, government, or other sports organization accepting the "*Code*".

Athlete Support Personnel

Any 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

Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *attempt* to commit a violation if the *person* renounces the *attempt* prior to it being discovered by a third party not involved in the *attempt*.

Atypical Finding

A report from a laboratory or other WADA-approved entity which requires further investigation as provided by the *International Standard* for Laboratories or related Technical Documents prior to the determination of an *adverse analytical finding*.

CAS

The Court of Arbitration for Sport.

"Code"

The World Anti-Doping Code.

Competition

A single race, match, game or singular athletic contest. For example, a basketball game or the finals of the Olympic 100-metre dash in athletics. For stage races and other athletic 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 rules of the applicable International Federation.

Consequences of Anti-Doping Rules Violations

An *athlete's* or other *person's* violation of an anti-doping rule may result in one or more of the following: (a) disqualification means the *athlete's* results in a particular *competition* or *event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) ineligibility means the *athlete* or other *person* is barred for a specified period of time from participating in any *competition* or other activity or funding as provided in Regulation 21.10.9 (Status During *Ineligibility*); and (c) provisional suspension means the *athlete* or other *person* is barred temporarily from participating in any *competition* prior to the final decision at a hearing conducted under Regulation 21.8 (Right to a Fair Hearing).

Disqualification

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

Doping Control

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

Event

A series of individual *competitions* conducted together under one ruling body (e.g., the Olympic Games, ISAF World Championships, or Pan American Games).

Event Period

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

In-Competition

For purposes of differentiating between *In-Competition* and *Out-of-Competition testing*, *In-Competition* is defined as that period of time between the scheduled time of the warning signal of the first race of the *event*, up to the closure of protest time following the final race of the *event*.

Independent Observer Programme

A team of observers, under the supervision of *WADA*, who observe and may provide guidance on the *doping control* process at certain *events* and report on their observations.

Individual Sport

Any sport that is not a *team sport*.

Ineligibility

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

International Event

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

International-Level Athlete

Athletes designated by one or more International Federations as being within the *registered testing pool* for an International Federation.

International Standard

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 Organizations

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

Marker

A compound, group of compounds or biological parameter(s) that indicates the *use* of a *prohibited substance* or *prohibited method*.

Metabolite

Any substance produced by a biotransformation process.

Minor

A natural *person* who has not reached the age of majority as established by the applicable laws of his or her country of residence.

National Anti-Doping Organization

The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *samples*, the management of test results, and the conduct of hearings, all at the national level. This includes an entity which may be designated by multiple countries to serve as regional *Anti-Doping Organization* for such countries. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

National Event

A sport *event* involving international or national-level *athletes* that is not an *international event*.

Member National Authority (MNA)

A national entity which is a member of or is recognized by ISAF as the entity governing the ISAF's sport in that nation or country. As per ISAF Article 1

National Olympic Committee

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

No Advance Notice

A *doping control* which takes place with no advance warning to the *athlete* and where the *athlete* is continuously chaperoned from the moment of notification through *sample* provision.

No Fault or Negligence

The *athlete's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *used* or been administered the *prohibited substance* or *prohibited method*.

No Significant Fault or Negligence

The *athlete's* establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *no fault or negligence*, was not significant in relationship to the anti-doping rule violation.

Out-of-Competition

Any *doping control* which is not *In-Competition*. When a *doping control* is conducted on the day of a *competition* in which the affected competitor has competed or is entered or expected to compete, the test shall be considered as *In-Competition*. All other unannounced *doping control* shall be deemed to be *Out-of-Competition* (OOCT).

Participant

Any *athlete* or *athlete support personnel*.

Person

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

Possession

The actual, physical *possession*, or the constructive *possession* (which shall be found only if the *person* has exclusive control over the *prohibited substance/method* or the premises in which a *prohibited substance/method* exists); provided, however, that if the *person* does not have exclusive control over the *prohibited substance/method* or the premises in which a *prohibited substance/method* exists, constructive *possession* shall only be found if the *person* knew about the presence of the *prohibited substance/method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *possession* if, prior to receiving notification of any kind that the *person* has committed an anti-doping rule violation, the *person* has taken concrete action demonstrating that the *person* never intended to have *possession* and has renounced *possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *prohibited substance* or *prohibited method* constitutes *possession* by the *person* who makes the purchase.

Prohibited List

The List identifying the *prohibited substances* and *prohibited methods* published and from time to time revised by WADA as described in Article 4.1 of the "Code".

The 2008 *Prohibited List* is available online at:
www.wada-ama.org/rtecontent/document/2008_List_En.pdf

Prohibited Method

Any method so described on the *Prohibited List*.

Prohibited Substance

Any substance so described on the *Prohibited List*.

Provisional Hearing

For purposes of Article 7.6 of the "Code", an expedited abbreviated hearing occurring prior to a hearing under Regulation 21.8 (Right to a Fair Hearing) that provides the *athlete* with notice and an opportunity to be heard in either written or oral form.

[Provisional Suspension. See Consequences above.]

Publicly Disclose or Publicly Report

To disseminate or distribute information to the general public or *persons* beyond those *persons* entitled to earlier notification in accordance with Regulation 21.14 (*MNAs Incorporation of ISAF Rules, Reporting and Recognition*).

Registered Testing Pool

The pool of top level *athletes* established separately by each International Federation and National *Anti-Doping Organization* who are subject to both In- *competition* and *Out-of-Competition testing* as part of that International Federation's or Organization's test distribution plan. The purpose of the ISAF *registered testing pool* is to identify top-level *international athletes* who ISAF requires to provide whereabouts information to facilitate OOCT by ISAF and WADA

Retroactive TUE

As defined in the *International Standard* for Therapeutic Use Exemptions.

Sample

Any biological material collected for the purposes of *doping control*.

Signatories

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

Specified Substances

As defined in Regulation 21.4.1(b).

Substantial Assistance

For purposes of Regulation 21.10.4(c), a *person* providing *substantial assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Tampering

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

Target Testing

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

Team Sport

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

Testing

The parts of the *doping control* process involving test distribution planning, *sample* collection, *sample* handling, and *sample* transport to the laboratory.

Trafficking

Selling, giving, transporting, sending, delivering or distributing a *prohibited substance* or *prohibited method* (either physically or by any electronic or other means) by an *athlete*, *athlete support personnel* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a *prohibited substance* used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *prohibited substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *prohibited substances* are not intended for genuine and legal therapeutic purposes.

TUE

As defined in Regulation 21.2.5(a).

TUE Panel

As defined in Regulation 21.4.3(d).

UNESCO Convention

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

Use

The utilization, application, ingestion, injection or consumption by any means whatsoever of any *prohibited substance* or *prohibited method*.

WADA

The World Anti-Doping Agency.

Definition of Doping

21.1 Doping is defined as the occurrence of one or more of the anti-doping rule violations as detailed in Regulation 21.2 of these Anti-Doping Rules.

Anti-Doping Rule Violations

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

The following constitute anti-doping rule violations:

- 21.2 The presence of a *prohibited substance* or its *metabolites* or *markers* in an *athlete's sample*
- (a) 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 violation under Regulation 21.2.
 - (b) Sufficient proof of an anti-doping rule violation under Regulation 21.2 is established by either of the following: 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 analyzed; or, where the *athlete's* B *sample* is analyzed 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*.
 - (c) 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.

- (d) As an exception to the general rule of Regulation 21.2, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *prohibited substances* that can also be produced endogenously.
- 21.2.1 *Use or attempted use by an athlete of a prohibited substance or a prohibited method*
- (a) It is each *athlete's* personal duty to ensure that no *prohibited substance* enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing *use* on the *athlete's* part be demonstrated in order to establish an anti-doping rule violation for *use* of a *prohibited substance* or a *prohibited method*.
 - (b) The success or failure of the *use* of a *prohibited substance* or *prohibited method* is not material. It is sufficient that the *prohibited substance* or *prohibited method* was used or *attempted* to be used for an anti-doping rule violation to be committed.
- 21.2.2 Refusing, or failing without compelling justification, to submit to *sample* collection after notification as authorized in these Anti-Doping Rules or otherwise evading *sample* collection.
- 21.2.3 Violation of applicable requirements regarding *athlete* availability for *Out-of-Competition Testing* (OOCT) set out in the *International Standard* for Testing, including failure to file required whereabouts information in accordance with Article 11.3 of the *International Standard for Testing* (a 'filing failure') and failure to be available for *testing* at the declared whereabouts in accordance with Article 11.4 of the *International Standard for Testing* (a 'missed test'). Any combination of three missed tests and/or filing failures committed within an eighteen-month period, as declared by ISAF or any other Anti-Doping Organization with jurisdiction over an *athlete*, shall constitute an anti-doping rule violation.
- 21.2.4 *Tampering* or *attempted tampering* with any part of *doping control*.
- 21.2.5 *Possession of prohibited substances* and methods.
- (a) *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 OOCT unless the *athlete* establishes that the *possession* is pursuant to a therapeutic use exemption ('*TUE*') granted in accordance with Regulation 21.4.3 (Therapeutic Use) or other acceptable justification.
 - (b) *Possession* by *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 *Out-of-Competition*, 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 Regulation 21.4.3 (Therapeutic Use) or other acceptable justification.
- 21.2.6. *Trafficking* or *attempted trafficking* in any *prohibited substance* or *prohibited method*.
- 21.2.7 Administration or *attempted administration* to any *athlete*, *In-Competition* or 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 *Out-of-Competition*, 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.

Proof of Doping

- 21.3 Burdens and Standards of Proof

ISAF and its *MNAs* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether ISAF or its *MNA* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Rules 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 standard of proof shall be by a balance of probability, except as provided in Regulation 21.10.3 and 21.10.5, where the *athlete* must satisfy a higher burden of proof.

21.3.1 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules 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 Laboratories*. The *athlete* or other *person* may rebut this presumption by establishing that a departure from the *International Standard* 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* occurred which could reasonably have caused the *adverse analytical finding*, then ISAF or its *MNA* shall have the burden to establish that such departure did not cause the *adverse analytical finding*.

- (i) 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 ISAF or its *MNA* 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.
- (ii) 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.

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 tribunal) and to answer questions either from the hearing panel or from the *Anti-Doping Organization* asserting the anti-doping rule violation.

The Prohibited List

21.4 Incorporation of the *Prohibited List*

These Anti-Doping Rules incorporate the *Prohibited List*. ISAF will make the current *Prohibited List* available to each *MNA*, and each *MNA* shall ensure that the current *Prohibited List* is available to its members and constituents.

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

- (a) *Prohibited Substances* and *Prohibited Methods*

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication of the *prohibited list* by WADA without requiring any further action by ISAF. As described in Article 4.2 of the "Code", ISAF may request that WADA expand the *Prohibited List* for the sport of sailing, or certain disciplines within the sport of sailing. ISAF may also request that WADA include additional substances or methods, which have the potential for abuse in the sport of sailing, in the monitoring programme described in Article 4.5 of the "Code". As provided in the "Code", WADA shall make the final decision on such requests by ISAF.

(b) *Specified Substances*

For purposes of the application of Regulation 21.10 (Sanctions on individuals), all *prohibited substances* shall be '*specified substances*' except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. *Prohibited methods* shall not be *specified substances*.

(c) *New Classes of Prohibited Substances*

In the event WADA expands the *Prohibited List* by adding a new class of *prohibited substances* in accordance with Article 4.1 of the Code, WADA's Executive Committee shall determine whether any or all *prohibited substances* within the new class of *prohibited substances* shall be considered *specified substances* under Regulation 21.4.1 (b).

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

As provided in Article 4.3.3 of the "Code", WADA's determination of the *prohibited substances* and *prohibited methods* that will be included on the *Prohibited List* and the classification of substances into categories on the *Prohibited List* is final and shall not be subject to challenge by 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.

21.4.3 *Therapeutic Use*

- (a) *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* (Regulation 21.2), use or attempted use of a *prohibited substance* or a *prohibited method* (Regulation 21.2.1), possession of *prohibited substances* or *prohibited methods* (Regulation 21.2.5) or administration of a *prohibited substance* or *prohibited method* (Regulation 21.2.7) consistent with the provisions of an applicable TUE issued pursuant to the *International Standard* for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.
- (b) Subject to Regulation 21.4.3(c), *athletes* included by ISAF in its *registered testing pool* and other *athletes* participating in any *international event* must obtain a TUE from ISAF (regardless of whether the *athlete* previously has received a TUE at the national level). 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 he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 21 days before the *athlete's* participation in the event. TUEs granted by ISAF shall be reported to the *athlete's* MNA and to WADA. Other *athletes* subject to testing who need to use a *prohibited substance* or a *prohibited method* for therapeutic reasons must obtain a TUE from their *National Anti-Doping Organization* or other body designated by their MNA, as required under the rules of the *National Anti-Doping Organization*/other body. MNAs shall promptly report any such TUEs to ISAF and WADA.

- (c) The only exception to Regulation 21.4.3(b) is that, in accordance with Article 7.13 of the *International Standard for Therapeutic Use Exemptions*, *athletes* not in ISAF's *registered testing pool* who inhale Glucocorticosteroids and/or formoterol, salbutamol, salmeterol or terbutaline to treat asthma or one of its clinical variants do not need a *TUE* in advance of participating in an *International event* unless so specified by ISAF. Instead, if necessary, any such *athlete* may apply for a *retroactive TUE* after the *event* in accordance with Article 7.13 of the *International Standard for Therapeutic Use Exemptions* and Regulation 21.7(c) of these Anti-Doping Rules.
- (d) The ISAF Executive Committee shall appoint a panel of physicians to consider requests for *TUEs* (the "*TUE Panel*" - which shall consist of the current members of the ISAF Medical Commission). Upon ISAF's receipt of a *TUE* request, the Chair of the *TUE Panel* shall appoint one or more members of the *TUE Panel* (which may include the Chair) to consider such request. The *TUE Panel* member(s) so designated shall promptly evaluate such request in accordance with the *International Standard for Therapeutic Use Exemptions* and render a decision on such request, which shall be the final decision of ISAF.
 - (i) In offshore races of more than 50 nautical miles, the use of any *prohibited substance* or *prohibited methods* for emergency medical treatment shall be recorded. The ISAF Medical Commission may retroactively approve such *use* and *possession* of such medications as might be reasonably required if the acute situation or exceptional circumstances are confirmed to the satisfaction of the Medical Commission.
 - (ii) If any *prohibited substances* carried on board are used, an explanation will need to be provided and the process for *retroactive TUE* will take place.
 - (iii) With the approval of the ISAF or a Member National Authority or *National Olympic Committee* (NOC), a Team Doctor or a Doctor who is responsible for sailing competitors, officials and others in the care of that Doctor, may carry and employ such medications as the circumstances may require and as might be properly used in the undertaking of the Hippocratic oath. The ISAF Medical Commission may retroactively approve such *use*.
- (e) WADA, at the request of an *athlete* or on its own initiation, may review the granting or denial of any *TUE* by ISAF. If WADA determines that the granting or denial of a *TUE* did not comply with the *International Standard for Therapeutic Use Exemptions* in force at the time then WADA may reverse that decision. Decisions on *TUEs* are subject to further appeal as provided in Regulation 21.13 (Appeals).

Testing

21.5 Authority to Test

All *athletes* under the jurisdiction of a *MNA* shall be subject to *In-Competition testing* (ICT) by ISAF, the *athlete's MNA*, and any other *Anti-Doping Organization* responsible for *testing* at a *competition* or *event* in which they participate. All *athletes* under the jurisdiction of a *MNA* including *athletes* serving a period of ineligibility or a *provisional suspension*, shall also be subject to OOCT at any time or place, with or without advance notice, by ISAF, WADA, the *athlete's MNA*, the *National Anti-Doping Organization* of any country where the *athlete* is present, the IOC during the Olympic Games, and the IPC during Paralympic Games. *Target testing* will be made a priority.

21.5.1 Responsibility for ISAF Testing

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

21.5.2 Testing Standards

Testing conducted by ISAF and its MNAs shall be in substantial conformity with the *International Standard for Testing* in force at the time of testing.

- (a) Blood (or other non-urine) *samples* may be used to detect *prohibited substances* or *prohibited methods* for screening procedure purposes or for longitudinal hematological profiling (“the passport”). If the *sample* is collected for screening only, it will have no consequences for the *athlete* other than to identify him/her for a urine test under these anti-doping rules. In these circumstances, ISAF 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. If however, the *sample* is collected for longitudinal hematological profiling (“the passport”), it may be used for anti-doping purposes in accordance with Article 2.2 of the *Code*.

21.5.3 Co-ordination of Testing

ISAF and MNAs shall promptly report completed tests through the WADA clearinghouse to avoid unnecessary duplication in testing.

21.5.4 Athlete Whereabouts Requirements

- (a) ISAF has identified a *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. ISAF 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* (a) shall advise ISAF of his/her whereabouts on a semi-annual basis in the manner set out in Article 11.3 of the *International Standard for Testing*; (b) shall update this information as necessary, in accordance with Article 11.4.2 of the *International Standard for Testing*, so that it remains accurate and complete at all times; and (c) shall make him/herself available for testing at such whereabouts, in accordance with Article 11.4 of the *International Standard for Testing*.

- (b) An *athlete's* failure to advise ISAF of his/her whereabouts shall be deemed a filing failure for purposes of Regulation 21.2.3 where the conditions of Article 11.3.5 of the *International Standard for Testing* are met.
- (c) An *athlete's* failure to be available for testing at his/her declared whereabouts shall be deemed a missed test for purposes of Regulation 21.2.3 where the conditions of Article 11.4.3 of the *International Standard for Testing* are met.
- (d) Each *MNA* shall also assist its *National Anti-Doping Organization* 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. Where those *athletes* are also in ISAF's *registered testing pool*, ISAF and the *National Anti-Doping Organization* will agree (with the assistance of WADA if required) on which of them will take responsibility for receiving whereabouts filings from the *athlete* and sharing it with the other (and with other *Anti-Doping Organizations*) in accordance with Regulation 21.5.4(e).
- (e) Whereabouts information provided pursuant to Regulation 21.5.4(a) and (e) shall be shared with WADA and other *Anti-Doping Organizations* 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.

21.5.5 Retirement and Return to *Competition*

- (a) An *athlete* who has been identified by ISAF for inclusion in ISAF's *registered testing pool* shall continue to be subject to these Anti-Doping Rules, including the obligation to comply with the whereabouts requirements of the *International Standard for Testing* unless and until the *athlete* gives written notice to ISAF that he or she has retired or until he or she no longer satisfies the criteria for inclusion in the ISAF's *registered testing pool* and has been so informed by ISAF.
- (b) An *athlete* who has given notice of retirement to ISAF may not resume competing unless he or she notifies ISAF at least six months before he or she expects to return to *competition* and makes him/herself available for unannounced *Out-of-Competition testing*, including (if requested) complying with the whereabouts requirements of the *International Standard for Testing*, at any time during the period before actual return to *competition*.
- (c) *MNAs/National Anti-Doping Organizations* may establish similar requirements for retirement and returning to *competition* for *athletes* in the national *registered testing pool*.

21.5.6 Selection of *athletes* to be Tested

- (a) At *international events*, ISAF shall determine the number of finishing placement tests, random tests and target tests to be performed.

The following *athletes* shall be tested for each *competition* at an *international event*.

- (i) For events competed with single handed boats: Each *athlete* finishing in one of the top three placements in the *competition*, plus one other *athlete* in the *competition* selected at random.
- (ii) For all other events: One *athlete* selected at random from each of the top three finishing teams, plus one *athlete* selected at random from any of the other teams in the *competition*.
- (b) At *National Events*, each *MNA* shall determine the number of *athletes* selected for *testing* in each *competition* and the procedures for selecting the *athletes* for *testing*.
- (c) In addition to the selection procedures set forth in Regulation 21.5.6(a) and 21.5.76(b) above, ISAF at *International events*, and the *MNA* 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.
- (d) *Athletes* shall be selected for *Out-of-Competition testing* by ISAF and by *MNAs* through a process that substantially complies with the *International Standard for Testing* in force at the time of selection.

21.5.7 *MNAs* and the organizing committees for *MNA events* shall provide access to *independent observers* at *events* as directed by ISAF.

Analysis of Samples

Doping control samples collected under these Anti-Doping Rules shall be analyzed in accordance with the following principles:

21.6 Use of Approved Laboratories

ISAF 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 ISAF.

- 21.6.1 Purpose of Collection and Analysis of *Samples*
Samples shall be analyzed to detect *prohibited substances* and *prohibited methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to the Monitoring Programme described in Article 4.5 of the "Code" or to assist ISAF in profiling relevant parameters in an *athlete's* urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.
- 21.6.2 Research on *Samples*
No *sample* may be used for any purpose other than as described in Regulation 21.6.1 without the *athlete's* written consent. *Samples* used (with the *athlete's* consent) for purposes other than Regulation 21.6.1 shall have any means of identification removed such that they cannot be traced back to a particular *athlete*.
- 21.6.3 Standards for *Sample* Analysis and Reporting
Laboratories shall analyze *doping control samples* and report results in conformity with the *International Standard* for Laboratories.
- 21.6.5 Retesting *Samples*
A *sample* may be reanalyzed for the purposes described in Regulation 21.6.1 at any time exclusively at the direction of ISAF or WADA. The circumstances and conditions for retesting *samples* shall conform with the requirements of the *International Standard* for Laboratories.

Results Management

- 21.7 Results Management for Tests Initiated by ISAF
Results management for tests initiated by ISAF (including tests performed by WADA pursuant to agreement with ISAF) shall proceed as set forth below:
- (a) The results from all analyses must be sent to ISAF in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted in confidentiality and in conformity with ADAMS, a database management tool developed by WADA ADAMS is consistent with data privacy statutes and norms applicable to WADA and other organizations using it.
 - (b) Upon receipt of an *A sample adverse analytical finding*, the ISAF Anti-Doping Administrator shall conduct a review to determine whether: (a) the *adverse analytical finding* is consistent with an applicable TUE or (b) there is any apparent departure from the *International Standard* for Testing or *International Standard* for Laboratories that caused the *adverse analytical finding*.
 - (c) In the following circumstances:
 - (i) The *adverse analytical finding* is for a Glucocorticosteroid, formoterol, salbutamol, salmeterol or terbutaline; and
 - (ii) The *sample* in question was provided by an *athlete* who is not in ISAF's *registered testing pool*, during his/her participation in an *International event* for which (in accordance with Article 7.13 of the *International Standard* for Therapeutic Use Exemptions and Regulation 21.4.3(c) of these Anti-Doping Rules ISAF does not require a TUE for asthma medication in advance;

then, before the matter is referred to ISAF under Regulation 21.7, the *athlete* shall be given an opportunity to apply to the TUE Committee for a *retroactive TUE* in accordance with Article 7.13 of the *International Standard* for Therapeutic Use Exemptions. The result of that application shall be forwarded to ISAF for consideration in its review of the *adverse analytical finding* under Regulation 21.7(b).

- (d) If the initial review of an *adverse analytical finding* under Regulation 21.7(b) does not reveal an applicable *TUE* or departure from the *International Standard* for Testing or the *International Standard* for Laboratories that caused the *adverse analytical finding*, ISAF shall promptly notify the *athlete* of: (a) the *adverse analytical finding*; (b) the anti-doping rule violated, (c) 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; (d) the scheduled date, time and place for the *B sample* analysis (which shall be within the time period specified in the *International Standard* for Laboratories) if the *athlete* or ISAF chooses to request an analysis of the *B sample*; (e) the opportunity for the *athlete* and/or the *athlete's* representative to attend the *B sample* opening and analysis at the scheduled date, time and place if such analysis is requested; and (f) 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. ISAF shall also notify the *athlete's National Anti-Doping Organization* and *WADA*. If ISAF decides not to bring forward the *adverse analytical finding* as an anti-doping rule violation, it shall so notify the *athlete*, the *athlete's National Anti-Doping Organization* and *WADA*.
- (e) Where requested by the *athlete* or ISAF, arrangements shall be made for *testing* the *B sample* within the time period specified in the *International Standard* for Testing. An *athlete* may accept the *A sample* analytical results by waiving the requirement for *B sample* analysis. ISAF may nonetheless elect to proceed with the *B sample* analysis.
- (f) The *athlete* and/or his representative shall be allowed to be present at the analysis of the *B sample* within the time period specified in the *International Standard* for Laboratories. Also a representative of the *athlete's MNA* as well as a representative of ISAF shall be allowed to be present.
- (g) If the *B sample* proves negative, then (unless ISAF takes the case forward as an anti-doping rule violation under Regulation 21.2.1) the entire test shall be considered negative and the *athlete*, his *MNA*, and ISAF shall be so informed.
- (h) If a *prohibited substance* or the *use of a prohibited method* is identified, the findings shall be reported to the *athlete*, his *MNA*, ISAF, and to *WADA*.
- (i) For apparent anti-doping rule violations that do not involve *adverse analytical findings*, ISAF shall conduct any necessary follow-up investigation and, at such time as it is satisfied that an anti-doping rule violation has occurred, it shall then promptly notify the *athlete* of the anti-doping rule which appears to have been violated, and the basis of the violation.

21.7.1 Results Management for *Atypical Findings*

- (a) As provided in the *International Standards*, in certain circumstances laboratories are directed to report the presence of *prohibited substances* that may also be produced endogenously as *atypical findings* that should be investigated further.
- (b) If a laboratory reports an *atypical finding* in respect of a *sample* collected from an *athlete* by or on behalf of ISAF, the ISAF Anti-Doping Administrator shall conduct a review to determine whether: (a) the *atypical finding* is consistent with an applicable *TUE* that has been granted as provided in the *International Standard* for Therapeutic Use Exemptions, or (b) there is any apparent departure from the *International Standard* for Testing or *International Standard* for Laboratories that caused the atypical analytical finding.
- (c) If the initial review of an *atypical finding* under Regulation 21.7.1(b) reveals an applicable *TUE* or departure from the *International Standard* for Testing or the *International Standard* for Laboratories that caused the *atypical finding*, the entire

test shall be considered negative [and the *athlete*, his *MNA*, and ISAF shall be so informed].

- (d) If the initial review of an *atypical finding* under Regulation 21.7.1(b) does not reveal an applicable *TUE* or departure from the *International Standard* for Testing or the *International Standard* for Laboratories that caused the *atypical finding*, ISAF shall conduct the follow-up investigation required by the *International Standards*. If, once that investigation is completed, it is concluded that the *atypical finding* should be considered an *adverse analytical finding*, ISAF shall pursue the matter in accordance with Regulation 21.7(c).
- (e) ISAF will not provide notice of an *atypical finding* until it has completed its investigation and has decided whether it will bring the *atypical finding* forward as an *adverse analytical finding* unless one of the following circumstances exists:
- (f) If ISAF determines the *B sample* should be analyzed prior to the conclusion of its follow-up investigation, it may conduct the *B sample* analysis after notifying the *athlete*, with such notice to include a description of the *atypical finding* and the information described in Regulation 21.7(d), (c) to (f).
- (g) If ISAF receives a request, either from a Major Event Organization shortly before one of its *International events* or from a sports organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *athlete* identified on a list provided but the Major Event Organization or sports organization has a pending *atypical finding*, ISAF shall so identify any such *athlete* after first providing notice of the *atypical finding* to the *athlete*.

21.7.2 Results Management for Tests Initiated During Other *International events*
Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or a *major event organization*, shall be managed, as far as sanctions beyond *disqualification* from the event or the results of the event, by ISAF.

21.7.3 Results Management for Tests initiated by *MNAs*

- (a) Results management conducted by *MNAs* shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in Regulation 21.7. Results of all *doping controls* shall be reported to ISAF and to *WADA* within 14 days of the conclusion of the *MNAs* results management process. Any apparent anti-doping rule violation by an *athlete* who is a member of that *MNA* shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the *MNA* or national law. Apparent anti-doping rule violations by *athletes* who are members of another *MNA* shall be referred to the *athlete's MNA* for hearing.

21.7.4 Results Management for Whereabouts Violations

- (a) Results management in respect of an apparent *filing failure* by an *athlete* in ISAF's *registered testing pool* shall be conducted by ISAF in accordance with Article 11.6.2 of the *International Standard* for Testing (unless it has been agreed in accordance with Regulation 21.5.4(d) that the *MNA* or *National Anti-Doping Organization* shall take such responsibility).
- (b) Results management in respect of an apparent missed test by an *athlete* in ISAF's *registered testing pool* as a result of an *attempt* to test the *athlete* by or on behalf of ISAF shall be conducted by ISAF in accordance with Article 11.6.3 of the *International Standard* for Testing. Results management in respect of an apparent missed test by such *athlete* as a result of an *attempt* to test the *athlete* by or on behalf of another *Anti-Doping Organization* shall be conducted by that other *Anti-Doping Organization* in accordance with Article 11.7.6(c) of the *International Standard* for Testing

- (c) Where, in any eighteen-month period, an *athlete* in ISAF's *registered testing pool* is declared to have three filing failures, or three missed tests, or any combination of filing failures or missed tests adding up to three in total, whether under these Anti-Doping Rules or under the rules of any other *Anti-Doping Organization*, ISAF shall bring them forward as an apparent anti-doping rule violation.

21.7.5 *Provisional Suspensions*

- (a) If analysis of an *A sample* has resulted in an *adverse analytical finding* for a *prohibited substance* that is not a Specified Substance, and a review in accordance with Regulation 21.7(b) does not reveal an applicable *TUE* or departure from the *International Standard* for Testing or the *International Standard* for Laboratories that caused the *adverse analytical finding*, ISAF shall *Provisionally Suspend* the *athlete* pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.
- (b) In any case not covered by Regulation 21.7.4(a) where ISAF decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Regulation 21.7, the ISAF Executive, after consultation with the ISAF Anti-Doping Administrator, may provisionally suspend the *athlete* pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.
- (c) Where a *provisional suspension* is imposed, whether pursuant to Regulation 21.7.5(a) or Regulation 21.7.5(b), the *athlete* shall be given either (a) an opportunity for a *provisional hearing* before imposition of the *provisional suspension* or on a timely basis after imposition of the *provisional suspension*; or (b) an opportunity for an expedited hearing in accordance with Regulation 21.8 (Right to a Fair Hearing) on a timely basis after imposition of a *provisional suspension*. *MNAs* shall impose *provisional suspensions* in accordance with the principles set forth in this Regulation 21.7.5.
- (d) If a *provisional suspension* is imposed based on an *adverse analytical finding* in respect of an *A sample*, and any subsequent analysis of the *B sample* analysis does not confirm the *A sample* analysis, then the *athlete* shall not be subject to any further *provisional suspension* on account of a violation of Article 2.1 of the *Code* (Presence of a *prohibited substance* or its *metabolites* or *markers*). In circumstances where the *athlete* (or the *athlete's* team as provided in the rules of ISAF) has been removed from a *competition* based on a violation of Regulation 21.2 and the subsequent *B sample* analysis does not confirm the *A sample* finding, if, without otherwise affecting the *competition*, it is still possible for the *athlete* or team to be reinserted, the *athlete* or team may continue to take part in the *competition*.

21.7.6 Retirement from Sport

If an *athlete* or other *person* retires while a results management process is underway, ISAF retains jurisdiction to complete its results management process. If an *athlete* or other *person* retires before any results management process has begun and ISAF would have had results management jurisdiction over the *athlete* or other *person* at the time the *athlete* or other *person* committed an anti-doping rule violation, ISAF has jurisdiction to conduct results management.

Right to a Fair Hearing

- 21.8 When it appears, following the results management process described in Regulation 21.7 (Results Management), that these Anti-Doping Rules have been violated, the *athlete* or other *person* involved shall be brought before a disciplinary panel of the *athlete* or other *person's MNA* for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what *consequences* should be imposed. The hearing process shall respect the following principles:

- (a) a timely hearing;
- (b) fair and impartial hearing panel;
- (c) the right to be represented by counsel at the *person's* own expense;
- (d) the right to be informed in a fair and timely manner of the asserted anti-doping rule violation;
- (e) the right to respond to the asserted anti-doping rule violation and resulting *consequences*;
- (f) the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone or written submission);
- (g) the *person's* right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for the cost of the interpreter; and
- (h) a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of *Ineligibility*.

- 21.8.1 Hearings pursuant to this Regulation shall be completed expeditiously and in all cases within three months of the completion of the Results Management process described in Regulation 21.7 (Results Management). Hearings held in connection with *events* may be conducted by an expedited process. If the completion of the hearing is delayed beyond three months, ISAF may elect, if the *athlete* is an *international-level athlete*, to bring the case directly to a single arbitrator from the Court of Arbitration for Sport. The case before the Court of Arbitration for Sport shall be handled in accordance with the Court of Arbitration for Sport appeal procedure without reference to any time limit for appeal. If the completion of the hearing is delayed beyond three months, and the *athlete* is not an *international-level athlete*, ISAF may elect to bring the case directly to the national level appellate body referenced in Regulation 21.13.1(b). In either case, the hearing shall proceed at the responsibility of and the expense of the *MNA*. In either case the appeal from such decision shall be to the Court of Arbitration for Sport.
- 21.8.2 *MNAs* shall keep ISAF fully informed as to the status of pending cases and the results of all hearings.
- 21.8.3 ISAF shall have the right to attend hearings as an observer.
- 21.8.4 The *athlete* or other *person* may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting *consequences* consistent with Regulations 21.9 - (Automatic *Disqualification* of Individual Results), and 21.10 (Sanctions on Individuals) as proposed by the *MNA*. The right to a hearing may be waived either expressly or by the *athlete's* or other *person's* failure to challenge the *MNA's* assertion that an anti-doping rule violation has occurred within 30 days. Where no hearing occurs, the *MNA* shall submit to the persons described in Regulation 21.13.1(c) a reasoned decision explaining the action taken.
- 21.8.5 Decisions by *MNAs*, whether as the result of a hearing or the *athlete* or other *person's* acceptance of *consequences*, may be appealed as provided in Regulation 21.13 (Appeals).
- 21.8.6 Hearing decisions by the *MNA* shall not be subject to further administrative review at the national level except as provided in Regulations 21.13 (Appeals) or as required by applicable national law.

Automatic Disqualification of Individual Results

- 21.9 A violation of these Anti-Doping Rules in *individual sports* in connection with an ICT automatically leads to *disqualification* of the result obtained in that *competition* with all resulting consequences, including forfeiture of any medals, points and prizes.

Sanctions on Individuals

21.10 *Disqualification of Results in Event* During which an Anti-Doping Rule Violation Occurs
An Anti-Doping Rule violation occurring during or in connection with an *event* may 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 Regulation 21.10(a).

- (a) If the *athlete* establishes that he or she 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 a *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.

21.10.1 *Ineligibility for Presence, Use or Attempted Use, or Possession of prohibited substances and prohibited methods*

The period of *ineligibility* imposed for a violation of Regulation 21.2 (presence of *prohibited substance* or its *metabolites* or *markers*), Regulation 21.2.1 (*use or attempted use of prohibited substance or prohibited method*) or Regulation 21.2.5 (*possession of prohibited substances and methods*) shall be as follows, unless the conditions for eliminating or reducing the period of *Ineligibility*, as provided in Regulation 21.10.3 and 21.10.4, or the conditions for increasing the period of *ineligibility*, as provided in Regulation 21.10.5, are met:

First violation: Two (2) years' *ineligibility*.

21.10.2 *Ineligibility for Other Anti-Doping Rule Violations*

The period of *ineligibility* for violations of these Anti-Doping Rules other than as provided in Regulation 21.10.1 shall be as follows:

- (a) For violations of Regulation 21.2.2 (refusing or failing to submit to *sample collection*) or Regulation 21.2.4 (*tampering with doping control*), the *ineligibility* period shall be two (2) years unless the conditions provided in Regulation 21.10.4, or the conditions provided in Regulation 21.10.5, are met.
- (b) For violations of Regulation 21.2.6 (*trafficking*) or Regulation 21.2.7 (*administration of prohibited substance or prohibited method*), the period of *ineligibility* imposed shall be a minimum of four (4) years up to lifetime *ineligibility* unless the conditions provided in Regulation 21.10.4 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 violations other than *specified substances*, shall result in lifetime *ineligibility* for such *athlete support personnel*. In addition, significant violations of such Regulations which also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.
- (c) For violations of Regulation 21.2.3 (filing failures and/or missed tests), the period of *ineligibility* shall be at a minimum one (1) year and at a maximum two (2) years based on the *athlete's* degree of fault:

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

Where an *athlete* or other *person* can establish how a specified substance entered his or her body or came into his or her *possession* and that such specified substance was not intended to enhance the *athlete's* sport performance or mask the *use* of a performance-enhancing substance, the period of *ineligibility* found in Regulation 21.10.1 shall be replaced with the following:

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

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

21.10.4 Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances

(a) *No Fault or Negligence*

If an *athlete* establishes in an individual case that he or she bears *no fault or negligence*, the otherwise applicable period of *ineligibility* shall be eliminated. When a *prohibited substance* or its *markers* or *metabolites* is detected in an *athlete's sample* in violation of Regulation 21.2 (Presence of *prohibited substance*), the *athlete* must also establish how the *prohibited substance* entered his or her system in order to have the period of *ineligibility* eliminated. In the event this Regulation 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 Regulation 21.10.6.

(b) *No Significant Fault or Negligence*

If an *athlete* or other *person* establishes in an individual case that he or she bears *no significant fault or negligence*, then the period of *ineligibility* may be reduced, but the reduced period of *ineligibility* may not be less than one-half of the period of *ineligibility* otherwise applicable. If the otherwise applicable period of *ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years. When a *prohibited substance* or its *markers* or *metabolites* is detected in an *athlete's sample* in violation of Regulation 21.2 (Presence of *prohibited substance* or its *metabolites* or *markers*), the *athlete* must also establish how the *prohibited substance* entered his or her system in order to have the period of *ineligibility* reduced.

(c) *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations

The ISAF Executive Committee may, prior to a final appellate decision under Regulation 21.13 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 Organization*, criminal authority or professional disciplinary body which results the *Anti-Doping Organization* discovering or establishing an anti-doping rule violation by another *person* or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another *person*. After a final appellate decision under Regulation 21.13 or the expiration of time to appeal, ISAF may only suspend a part of the applicable period of *ineligibility* with the approval of *WADA*. The extent to which the otherwise applicable period of *ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *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 8 years. If ISAF suspends any part of the period of *ineligibility* under this Regulation, it shall promptly provide a written justification for its decision to each *Anti-Doping Organization* having a

right to appeal the decision. If ISAF 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 Regulation 21.13.1.

(d) Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence

Where an *athlete* or other *person* voluntarily admits the commission of an anti-doping rule violation before 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 Regulation 21.2, before receiving first notice of the admitted violation pursuant to Regulation 21.7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *ineligibility* may be reduced, but not below one-half of the period of *ineligibility* otherwise applicable.

(e) Where an *athlete* or Other *Person* Establishes Entitlement to Reduction in Sanction under More than One Provision of this Article

Before applying any reductions under Regulation 21.10.4(b), 21.10.4(c) or 21.10.4(d), the otherwise applicable period of *ineligibility* shall be determined in accordance with Regulation 21.10.1, 21.10.2, 21.10.3 and 21.10.5. If the *athlete* or other *person* establishes entitlement to a reduction or suspension of the period of *ineligibility* under two or more of Regulation 21.10.4(b), 21.10.4(c) or 21.10.4(d), then the period of *ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *ineligibility*.

21.10.5 Aggravating Circumstances Which May Increase the Period of *Ineligibility*

If ISAF establishes in an individual case involving an anti-doping rule violation other than violations under Regulation 21.2.6 (*trafficking*) and 21.2.7 (Administration) that aggravating circumstances are present which justify the imposition of a period of *ineligibility* greater than the standard sanction, then the period of *ineligibility* otherwise applicable shall be increased up to a maximum of four years unless the *athlete* or other *person* can prove to the comfortable satisfaction of the hearing panel that he did not knowingly violate the anti-doping rule.

An *athlete* or other *person* can avoid the application of this Regulation by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by ISAF.

21.10.6 Multiple Violations

(a) Second Anti-Doping Rule Violation

For an *athlete's* or other *person's* first anti-doping rule violation, the period of *ineligibility* is set forth in Regulation 21.10.1 and 21.10.2 (subject to elimination, reduction or suspension under Regulation 21.10.3 or 21.10.4, or to an increase under Regulation 21.10.5). 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-life
FFMT	1-4	4-8	4-8	6-8	10-life	life
NSF	1-4	4-8	4-8	6-8	10-life	life
St	2-4	6-8	6-8	8-life	life	life
AS	4-5	10-life	10-life	life	life	life
TRA	8-life	life	life	life	life	life

Definitions for purposes of the second anti-doping rule violation table:

RS (reduced sanction for specified substance under Regulation 21.10.3): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Regulation 21.10.3 because it involved a specified substance and the other conditions under Regulation 21.10.3 were met.

FFMT (filing failures and/or missed tests): The anti-doping rule violation was or should be sanctioned under Regulation 21.10.2(c)(filing failures and/or missed tests).

NSF (reduced sanction for *no significant fault* or *negligence*): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Regulation 21.10.4(b) because *no significant fault* or *negligence* under Regulation 21.10.4(b) was proved by the *athlete*.

St (standard sanction under Regulation 21.10.1 or 21.10.2(a)): The anti-doping rule violation was or should be sanctioned by the standard sanction of two years under Regulation 21.10.1 or 21.10.2(a).

AS (aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Regulation 21.10.5 because the *Anti-Doping Organization* established the conditions set forth under Regulation 21.10.5.

TRA (*trafficking* or *attempted trafficking* and administration or *attempted* administration): The anti-doping rule violation was or should be sanctioned by a sanction under Regulation 21.10.2(b).

- (b) Application of Regulation 21.10.4(c) and 21.10.4(d) to second Anti-Doping Rule Violation

Where an *athlete* or other *person* who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of *ineligibility* under Regulation 21.10.4(c) or Regulation 21.10.4(d), the hearing panel shall first determine the otherwise applicable period of *ineligibility* within the range established in the table in Regulation 21.10.6(a), 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 Regulation 21.10.4(c) and 21.10.4(d), must be at least one-fourth of the otherwise applicable period of *ineligibility*.

- (c) Third Anti-Doping Rule Violation

A third anti-doping rule violation will always result in a lifetime period of *ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *ineligibility* under Regulation 21.10.3 or involves a violation of Regulation 21.2.3 (filing failures and/or missed tests). In these particular cases, the period of *ineligibility* shall be from eight (8) years to life ban.

- (d) Additional Rules for Certain Potential Multiple Violations
- (i) For purposes of imposing sanctions under Regulation 21.10.6, an anti-doping rule violation will only be considered a second violation if ISAF (or its *MNA*) 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 21.7 (Results Management), or after ISAF (or its *MNA*) made reasonable efforts to give notice, of the first anti-doping rule violation; if ISAF (or its *MNA*) 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 (Regulation 21.10.5).
 - (ii) If, after the resolution of a first anti-doping rule violation, ISAF discovers facts involving an anti-doping rule violation by the *athlete* or other *person* which occurred prior to notification regarding the first violation, then ISAF 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 Regulation 21.10.7. To avoid the possibility of a finding of aggravating circumstances (Regulation 21.10.5) on account of the earlier-in-time 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 ISAF discovers facts involving another prior violation after the resolution of a second anti-doping rule violation
- (e) Multiple Anti-Doping Rule Violations during an Eight-Year Period
- For purposes of Regulation 21.10.6, each anti-doping rule violation must take place within the same eight (8) year period in order to be considered multiple violations.

21.10.7 *Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation*

In addition to the automatic *disqualification* of the results in the *competition* which produced the positive *sample* under Regulation 21.9 - (*Automatic Disqualification of Individual Results*), all other competitive results obtained from the date a positive *sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *provisional suspension* or *ineligibility* period, shall, unless fairness requires otherwise, be *disqualified* with all of the resulting consequences including forfeiture of any medals, points and prizes.

- (a) 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.

Forfeited prize money shall be allocated first to reimburse the collection expenses incurred by the Anti-Doping Organization in order to perform the necessary steps to collect the prize money back, then to reimburse the expenses incurred by the Anti-Doping Organization in order to conduct results management in the case, with the balance, if any, allocated in accordance with ISAF's specific rules.

21.10.8 Commencement of *Ineligibility* Period

Except as provided below, 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.

(a) Delays Not Attributable to the *athlete* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *doping control* not attributable to the *athlete* or other *person*, ISAF or the *Anti-Doping Organization* imposing the sanction may start the period of *ineligibility* at an earlier date commencing as early as the date of *sample* collection or the date on which another anti-doping rule violation last occurred.

(b) Timely Admission

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 ISAF 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 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

(c) 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 ultimately be imposed.

(d) If an *athlete* voluntarily accepts a *provisional suspension* in writing from ISAF and thereafter refrains from competing, the *athlete* 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'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 Regulation 21.14.

(e) 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 or her team.

21.10.9 Status During *Ineligibility*

(a) Prohibition against Participation during *Ineligibility*

No *athlete* or other *person* who has been declared *ineligible* may, during the period of *ineligibility*, participate in any capacity in an *event* or activity (other than authorized anti-doping education or rehabilitation programmes) authorized or organized by ISAF or any *MNA*. or a club or other member organization of ISAF or any *MNA*, or in *competitions* authorized or organized by any professional league or any international or national level *event* organization. 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 in local sport *events* in a sport other than sports subject to the jurisdictions of ISAF and its *MNAs*, but only so long as the local sport *event* is not at a level that could otherwise qualify such *person* directly or indirectly to compete in (or accumulate points toward) a national championship or *international event*.

An *athlete* or other *person* subject to a period of *ineligibility* shall remain subject to *testing*.

(b) Violation of the Prohibition of Participation during *Ineligibility*

Where an *athlete* or other *person* who has been declared *ineligible* violates the prohibition against participation during *ineligibility* described in Regulation 21.10.9(a), 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 Regulation 21.10.4(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 Regulation 21.10.4(b) is appropriate, shall be made by ISAF.

(c) **Withholding of Financial Support during *Ineligibility***

In addition, for any anti-doping rule violation not involving a reduced sanction for *specified substances* as described in Regulation 21.10.3, some or all sport-related financial support or other sport-related benefits received by such *person* will be withheld by ISAF and its *MNAs*.

21.10.10 Reinstatement *Testing*

As a condition to regaining eligibility at the end of a specified period of *ineligibility*, an *athlete* must, during any period of *provisional suspension* or *ineligibility*, make him or herself available for OCCT by ISAF, the applicable *MNA*, and any other *Anti-Doping Organization* having *testing* jurisdiction, and must comply with the whereabouts requirements of Article 11 of the *International Standard for Testing*. If an *athlete* subject to a period of *ineligibility* retires from sport and is removed from OCCT pools and later seeks reinstatement, the *athlete* shall not be eligible for reinstatement until the *athlete* has notified ISAF and the applicable *MNA* and has been subject to OCCT for a period of time equal to the longer of (a) the period set forth in Regulation 21.5.5(a) - (c) and (b) period of *ineligibility* remaining as of the date the *athlete* had retired. During such remaining period of *ineligibility*, a minimum of 2 tests must be conducted on the *athlete* with at least three months between each test. The *MNA* shall be responsible for conducting the necessary tests, but tests by any *Anti-Doping Organization* may be used to satisfy the requirement. The results of such tests shall be reported to ISAF. In addition, immediately prior to the end of the period of *ineligibility*, an *athlete* must undergo *testing* by ISAF for the *prohibited substances* and methods that are prohibited in OCCT. Once the period of an *athlete's ineligibility* has expired, and the *athlete* has fulfilled the conditions of reinstatement, then the *athlete* will become automatically re-eligible and no application by the *athlete* or by the *athlete's MNA* will then be necessary.

Consequences to Teams

- 21.11 If more than one crewmember of a boat has been notified of a possible adverse analytical finding under these Anti-Doping Rules in connection with an event, the crew of the boat shall be subject to target testing for that event.
- 21.11.1 If a crewmember of a boat, having a crew of more than three crewmembers on board, is found to have committed a violation of these Anti-Doping Rules during an event, the boat may be subject to such disciplinary action by the Protest Committee or Jury as it deems appropriate, provided that the boat shall not be subject to any disqualifications or any other form of competitive penalty in such event, unless there have been breaches of this Anti-Doping Code by more than one crewmember during such event and the Protest Committee or Jury is satisfied there has been a resulting material advantage to such boat in breach of Racing Rule of Sailing 2 (Fair Sailing), or such breaches have been organized or condoned by other crewmembers or those charged with managing the boat and/or its crewmembers.

Sanctions and Costs Assessed Against Member National Authorities

- 21.12 The ISAF Executive Committee has the authority to withhold some or all funding or other non financial support to *MNAs* that are not in compliance with these Anti-Doping Rules.

Appeals

21.13 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Regulation 21.13.1 through 21.13.3 or as otherwise provided in these Anti-Doping Rules. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorized in these rules must be exhausted (except as provided in Regulation 21.13(a)).

(a) WADA Not Required to Exhaust Internal Remedies

Where *WADA* has a right to appeal under Regulation 21.13 and no other party has appealed a final decision within the ISAF or its *MNA's* process, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies in the ISAF or its *MNA's* process.

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

A decision that an anti-doping rule violation was committed, a decision imposing *consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Regulation 21.10.9(b) (prohibition of participation during *ineligibility*); a decision that ISAF or its *MNA* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *consequences*; a decision by any *MNA* not to bring forward an *adverse analytical 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 21.7.3; and a decision to impose a *provisional suspension* as a result of a *provisional hearing* or otherwise in violation of Regulation 21.7.3 may be appealed exclusively as provided in this Regulation 21.13.1. 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.

(a) Appeals Involving *International-Level Athletes*

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

(b) Appeals Involving National-Level *Athletes*

In cases involving *athletes* who do not have a right to appeal under Regulation 21.13.1(a), each *MNA* shall have in place an appeal procedure that respects the following principles: a timely hearing, a fair and impartial hearing panel; the right to be represented by a counsel at the person's expense; and a timely, written, reasoned decision. ISAF's rights of appeal with respect to these cases are set forth in Regulation 21.13.1(c) below.

(c) *Persons* Entitled to Appeal

In cases under Regulation 21.13.1(a), the following parties shall have the right to appeal to *CAS*: (a) the *athlete* or other *person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) ISAF and any other *Anti-Doping Organization* under whose rules a sanction could have been imposed; (d) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including

decisions affecting eligibility for the Olympic Games or Paralympic Games; and (e) *WADA*. In cases under Regulation 21.13.1(b), the parties having the right to appeal to the national-level reviewing body shall be as provided in the *MNAs* rules but, at a minimum, shall include the following parties: (a) the *athlete* or other *person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) ISAF; and (d) *WADA*. For cases under Regulation 21.13.1(b), *WADA* and ISAF shall also have the right to appeal to *CAS* with respect to the decision of the national-level reviewing body.

21.13.2 Failure to Render a Timely Decision by ISAF and its *MNA*'s

Where, in a particular case, ISAF or its *MNA*'s fail to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to *CAS* as if ISAF or its *MNA* 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 ISAF or its *MNA*'s.

21.13.3 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

Decisions by *WADA* reversing the grant or denial of a *TUE* may be appealed exclusively to *CAS* by the *athlete*, ISAF, or *National Anti-Doping Organization* or other body designated by a *MNA* which granted or denied the exemption. Decisions to deny *TUE*'s, and which are not reversed by *WADA*, may be appealed by *international-level athletes* to *CAS* and by other *athletes* to the national level reviewing body described in Regulation 21.13.1(b). If the national level reviewing body reverses the decision to deny a *TUE*, that decision may be appealed to *CAS* by *WADA*.

When ISAF, *National Anti-Doping Organizations* or other bodies designated by *MNA*'s fail to take action on a properly submitted *TUE* application within a reasonable time, their failure to decide may be considered a denial for purposes of the appeal rights provided in this Regulation.

21.13.4 Appeal from Decisions Pursuant to Regulation 21.12 (Sanctions and Cost assessed against *MNAs*)

Decisions by ISAF pursuant to Regulation 21.12 may be appealed exclusively to *CAS* by the *MNA*.

21.13.6 Time for Filing Appeals

The time to file an appeal to *CAS* shall be twenty-one (21) days from the date of receipt of the decision by the appealing party.

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

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

Member National Authorities Incorporation of ISAF Rules, Reporting and Recognition

21.14 Incorporation of ISAF Anti-Doping Rules

All *MNAs* shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each *MNAs* Rules. All *MNAs* shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules. Each *MNA* shall obtain the written acknowledgement and agreement, in the form attached as Appendix 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 Rules of each *MNA* shall specifically provide that all

athletes, athlete support personnel and other *persons* under the jurisdiction of the *MNA* shall be bound by these Anti-Doping Rules.

21.14.2 **Statistical Reporting**

ISAF shall publish annually a general statistical report of its *doping control* activities during the calendar year with a copy provided to *WADA*.

21.14.1 *Doping Control* Information Clearinghouse

When an *MNA* has received an *adverse analytical finding* on one of its *athletes* it shall report the following information to ISAF and *WADA* within fourteen (14) days of the process described in Regulation 21.7(b) and 21.7(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 *MNA* shall also regularly update ISAF and *WADA* on the status and findings of any review or proceedings conducted pursuant to in Regulation 21.7 (Results Management), Regulation 21.8 (Right to a Fair Hearing) or Regulation 21.13 (Appeals), and comparable information shall be provided to ISAF and *WADA* within 14 days of the notification described in Regulation 21.7(i), with respect to other violations of these Anti-Doping Rules. In any case in which the period of *ineligibility* is eliminated under Regulation 21.10.4(a) (*no fault or negligence*) or reduced under Regulation 21.10.4(b) (*No Significant Fault or Negligence*), ISAF and *WADA* shall be provided with a written reasoned decision explaining the basis for the elimination or reduction. Neither ISAF nor *WADA* shall disclose this information beyond those *persons* within their organizations with a need to know until the *MNA* has made public disclosure or has failed to make public disclosure as required in Regulation 21.14.2 below.

21.14.2 Public Disclosure

- (a) Neither ISAF nor its *MNA* shall publicly identify *athletes* whose *samples* have resulted in *adverse analytical findings*, or who were alleged to have violated other Regulations of these Anti-Doping Rules until it has been determined in a hearing in accordance with Regulation 21.8 (Right to a Fair Hearing) that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged or the *athlete* has been *provisionally suspended*. Once a violation of these Anti-Doping Rules has been established, it shall be publicly reported within 20 days. ISAF or its *MNA's* must also report within 20 days appeal decisions on an anti-doping rule violation. ISAF or its *MNA's* shall also, within the time period for publication, send all hearing and appeal decisions to *WADA*.
- (b) 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 disclosed publicly only with the consent of the *athlete* or other *person* who is the subject of the decision. ISAF or its *MNA* 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.
- (c) Neither ISAF nor its *MNA's* or *WADA* accredited laboratory, or official of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the *athlete*, other *person* or their representatives.

21.14.3 Recognition of Decisions by ISAF and *MNAs*

Any decision of ISAF or a *MNA* regarding a violation of these Anti-Doping Rules shall be recognized by all *MNAs*, which shall take all necessary action to render such results effective.

Recognition of Decisions by Other Organizations

- 21.15 Subject to the right to appeal provided in Regulation 21.13 (Appeals), the *testing, TUEs* and hearing results or other final adjudications of any signatory to the "*Code*" which are

consistent with the "Code" and are within the signatory's authority, shall be recognized and respected by ISAF and its *MNAs*. ISAF and its *MNAs* may recognize the same actions of other bodies which have not accepted the "Code" if the rules of those bodies are otherwise consistent with the "Code".

Statute of Limitations

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

ISAF Compliance Reports to WADA

- 21.17 ISAF will report to WADA on ISAF's compliance with the 'Code' every second year and shall explain reasons for any non-compliance.

Amendment and Interpretation of Anti-Doping Rules

- 21.18 These Anti-Doping Rules may be amended from time to time by the ISAF Executive Committee.
- 21.18.1 Except as provided in Regulation 21.17.4, these Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 21.18.2 The headings used for the various Parts and Regulations of these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.
- 21.18.3 The INTRODUCTION and the DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.
- 21.18.4 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the "Code" and shall be interpreted in a manner that is consistent with applicable provisions of the "Code". The comments annotating various provisions of the "Code" may, where applicable, assist in the understanding and interpretation of these Anti-Doping Rules.
- 21.18.5 Notice to an *athlete* or other *person* who is a member of a *MNA* may be accomplished by delivery of the notice to the *MNA*.
- 21.18.6 These Anti-Doping Rules shall come into full force and effect on 1 January 2009 (the "effective date"). They shall not apply retrospectively to matters pending before the effective date; provided, however that:
- (a) Any case pending prior to the effective date, or brought after the effective date based on an anti-doping rule violation that occurred prior to the effective date, shall be governed by the predecessor to these anti-doping rules in force at the time of the anti-doping rule violation, subject to any application of the principle of *lex mitior* by the hearing panel determining the case.
 - (b) Any Regulation 21.2.3 whereabouts violation (whether a filing failure or a missed test) declared by ISAF under rules in force prior to the effective date that has not expired prior to the effective date and that would qualify as a whereabouts violation under Article 11 of the *International Standard* for Testing shall be carried forward and may be relied upon, prior to expiry, as one of the three filing failures and/or missed tests giving rise to an anti-doping rule violation under Regulation 21.2.3 of these Anti-Doping Rules. Unless otherwise stated by ISAF, however:
 - (i) a filing failure that is carried forward in this manner may only be combined with (post-effective date) filing failures;

- (ii) a missed test that is carried forward in this manner may only be combined with (post-effective date) missed tests; and
 - (iii) a filing failure or missed test declared by any Anti-Doping Organization other than ISAF and a *MNA* prior to the effective date may not be combined with any filing failure or missed test declared under these Anti-Doping Rules.
- (c) Where a period of *ineligibility* imposed by ISAF under rules in force prior to the effective date has not yet expired as of the effective date, the *person* who is *ineligible* may apply to ISAF for a reduction in the period of *ineligibility* in light of the amendments made to the *Code* as from the effective date. To be valid, such application must be made before the period of *ineligibility* has expired.
- (d) Subject always to Regulation 21.10.6(e), anti-doping rule violations committed under rules in force prior to the effective date shall be taken into account as prior offences for purposes of determining sanctions under Regulation 21.10.6. Where such pre-effective date anti-doping rule violation involved a substance that would be treated as a *specified substance* under these Anti-Doping Rules, for which a period of *ineligibility* of less than two years was imposed, such violation shall be considered a *reduced sanction* violation for purposes of Regulation 21.10.6(a).

APPENDIX 1 - Acknowledgment and Agreement

I, as a member of [National Club] affiliated to [MNA] and/or a participant in a [MNA or ISAF] authorized or recognized event, hereby acknowledge and agree as follows:

1. I have received and had an opportunity to review the International Sailing Federation Anti-Doping Rules.
2. I consent and agree to comply with and be bound by all of the provisions of the International Sailing Federation Anti-Doping Rules, including but not limited to, all amendments to the Anti-Doping Rules and all *International Standards* incorporated in the Anti-Doping Rules.
3. I acknowledge and agree that MNAs and the International Sailing Federation have jurisdiction to impose sanctions as provided in the International Sailing Federation Anti-Doping Rules.
4. I also acknowledge and agree that any dispute arising out of a decision made pursuant to the International Sailing Federation Anti-Doping Rules, after exhaustion of the process expressly provided for in the International Sailing Federation Anti-Doping Rules, may be appealed exclusively as provided in Regulation 21.13 (Appeals) of the International Sailing Federation Anti-Doping Rules to an appellate body for final and binding arbitration, which in the case of *international-level athletes* is the Court of Arbitration for Sport.
5. I acknowledge and agree that the decisions of the arbitral appellate body referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.
6. I have read and understand this Acknowledgement and Agreement.

Date

Print Name (Last Name, First Name)

Date of Birth
(Day/Month/Year)

Signature (or, if a *minor*, signature of
legal guardian)

Note: *The World Anti-Doping Code Prohibited List of Substances and Methods is normally updated every year. The 2008 Prohibited List is available online at: www.wada-ama.org/rtecontent/document/2008_List_En.pdf*

Please always check the ISAF website - www.sailing.org/medical - in case there have been any emergency changes and to ensure you have the most recent information. This information is also available on the WADA website - www.wada-ama.org