



الوكالة الكويتية لمكافحة المنشطات
Kuwait Anti-Doping Agency

KUWAIT ANTI-DOPING AGENCY **(KADA) ANTI-DOPING RULES**

Based on the World Anti-Doping Code 2021
Revised National Organizations Model September 2021

First Edition
2022



Kuwait- 22 November 2021

To: Emiliano Simonelli
Chief of Compliance
WADA

Dear Mr. Simonelli,

We are pleased to inform you that Kuwait Anti-Doping Agency acting as NADO has approved and adopted the 2021 Anti-Doping Rules in compliance to the 2021 World Anti-Doping Code, that will enter into force on January 1st 2021.

Please find attached to this email the adopted 2021 Anti-Doping Rules.

This Anti-Doping Rules will be made public and informed to all National Federations and Sport community.

Sincerely yours,

Ms. Hanaa AL Buti

General Director

Kuwait Anti-Doping Agency



Montreal, 26 November 2021

Ms. Hanaa Al Butti
General Director
Kuwait Anti-Doping Agency

Via email: h.m.albutti@gmail.com

Subject: Compliance with the World Anti-Doping Code

Dear Ms. Al Butti,

Thank you for submitting, on 22 November 2021, a copy of the adopted rules of your Organization.

We are pleased to confirm that the Kuwait Anti-Doping Agency has successfully incorporated all mandatory articles of the 2021 World Anti-Doping Code into its rules. This correspondence therefore constitutes your assurance that your Organization's rules appear to be in line with the 2021 World Anti-Doping Code.

While monitoring the enforcement of the 2021 rules of the Kuwait Anti-Doping Agency, WADA might recommend amendments based on the practical application of these rules in the future if necessary.

We thank you for your commitment to clean sport and remain available should you have any questions or concerns.

Yours sincerely,

Emiliano Simonelli
Head of the Compliance Unit

CC: Mr. Kazuhiro Hayashi, Director, WADA Asia/Oceania Office (kazuhiro.hayashi@wada-ama.org)

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Preface

These Anti-Doping Rules are adopted and implemented in accordance with KADA's responsibilities under the Code, and in furtherance of KADA's continuing efforts to eradicate doping in sport in Kuwait.

These Anti-Doping Rules are sport rules governing the conditions under which sport is played. Aimed at enforcing anti-doping rules in a global and harmonized manner, they are distinct in nature from criminal and civil laws. They are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules, which implement the Code, and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

As provided in the Code, KADA shall be responsible for conducting all aspects of Doping Control. Any aspect of Doping Control or anti-doping Education may be delegated by KADA to a Delegated Third Party, however, KADA shall require the Delegated Third Party to perform such aspects in compliance with the Code, International Standards, and these Anti-Doping Rules. KADA shall always remain fully responsible for ensuring that any delegated aspects are performed in compliance with the Code.

Italicized terms used in these Anti-Doping Rules are defined terms in Appendix.

Unless otherwise specified, references to Articles are references to Articles of these Anti-Doping Rules.

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

Anti-doping programs are founded on the intrinsic value of sport. This intrinsic value is often referred to as "the spirit of sport": the ethical pursuit of human excellence through the dedicated perfection of each Athlete's natural talents.

Anti-doping programs seek to protect the health of Athletes and to provide the opportunity for Athletes to pursue human excellence without the Use of Prohibited Substances and Prohibited Methods.

Anti-doping programs seek to maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field, and the value of clean sport to the world.

The spirit of sport is the celebration of the human spirit, body and mind. It is the essence of Olympism and is reflected in the values we find in and through sport, including:

- Health
- Ethics, fair play and honesty
- Athletes' rights as set forth in the Code
- 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

The spirit of sport is expressed in how we play true. Doping is fundamentally contrary to the spirit of sport.

Definition of Kuwait Anti-Doping Agency

It is a public entity with legal personality and an independent budget supervised by the competent minister and enjoys complete independence in exercising its functions and achieving its objectives in accordance with the code, international standards, and technical documents of the World Anti-Doping Agency. It is the only body recognized and authorized by the World Anti-Doping Agency. It is responsible for managing, organizing, supervising and operating all anti-doping programs locally, regionally and internationally that are held in Kuwait in accordance with Law No. (82) of 2018. Testing authority for the events held in Kuwait the ruling bodies of which are international organizations is determined in accordance with the code and these rules.

The National Anti-Doping Program

KADA was established with the objective of acting as the National Anti-Doping Organization for Kuwait. As such, and in accordance with Article 20.5.1 of the Code, KADA notably has the necessary authority and responsibility to be independent in its operational decisions and activities from sport and government. Without limitation, this includes the prohibition of any involvement in its operational decisions or activities by any Person who is at the same time involved in the management or operations of any International Federation, National Federation, Major Event Organization, National Olympic Committee, National Paralympic Committee, or government department with responsibility for sport or anti-doping.

Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to:

- a. KADA, including its board members, directors, officers and specified employees, and Delegated Third Parties and their employees, who are involved in any aspect of Doping Control;
- b. National Federations of Kuwait, including their board members, directors, officers and specified employees, and Delegated Third Parties and their employees, who are involved in any aspect of Doping Control;
- c. the following Athletes, Athlete Support Personnel and other Persons (including Protected Persons), in each case, whether or not such Person is a national or resident of Kuwait:
 - i. all Athletes and Athlete Support Personnel who are members or license-holders of any National Federation in Kuwait, or of any member or affiliate organization of any National Federation in Kuwait (including any clubs, teams, associations, or leagues);
 - ii. all Athletes and Athlete Support Personnel who participate in such capacity in Events, Competitions, and other activities organized, convened, authorized or recognized by any National Federation in Kuwait, or by any member or affiliate organization of any National Federation in Kuwait (including any clubs, teams, associations or leagues), wherever held;
 - iii. any other Athlete or Athlete Support Person or other Person who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the authority of any National Federation in Kuwait, or of any member or affiliate organization of any National Federation in Kuwait (including any clubs, teams, associations or leagues), for purposes of anti-doping; and
 - iv. all Athletes and Athlete Support Personnel who participate in any capacity in any activity organized, held, convened or authorized by the organizer of a National Event or of a national league that is not affiliated with a National Federation.¹
 - v. Recreational Athletes, i.e. those Persons who engage or participate in sport or fitness activities for recreational purposes but who would not otherwise compete in Competitions or Events organized, recognized, or hosted by a National Federation, or by any affiliated or non-affiliated association, organization, club, team, or league and

1- [Comment to point (iv): These organizing bodies shall be incorporated into the national anti-doping program.]

who, within the five (5) years prior to committing any anti-doping rule violation, has not been an International-Level Athlete (as defined by each International Federation consistent with the International Standard for Testing and Investigations) or National-Level Athlete (as defined by KADA or other National Anti-Doping Organization consistent with the International Standard for Testing and Investigations); has not represented Kuwait or any other country in an International Event in an open category²; or has not been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation, KADA or other National Anti-Doping Organization.

- vi. all other Persons over whom the Code gives KADA authority, including all Athletes who are nationals or residents of Kuwait, and all Athletes who are present in Kuwait, whether to compete or to train or otherwise.

Each of the abovementioned Persons is deemed, as a condition of his or her participation or involvement in sport in Kuwait, to have agreed to and be bound by these Anti-Doping Rules, and to have submitted to the authority of KADA to enforce these Anti-Doping Rules, including any Consequences for the breach thereof, and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Anti-Doping Rules.³

Within the overall pool of Athletes set out above who are bound by and required to comply with these Anti-Doping Rules, the following Athletes shall be considered to be National-Level Athletes for the purposes of these Anti-Doping Rules, and, therefore, the specific provisions in these Anti-Doping Rules applicable to National-Level Athletes (e.g., Testing, TUEs, whereabouts, and Results Management) shall apply to such Athletes:

- a. Athletes who are members or license holders of any National Federation in Kuwait or any other organization affiliated with a National Federation including associations, clubs, teams or leagues.
- b. Athletes who participate or compete at any Competition, Event, or activity, which is organized, recognized, or hosted by a National Federation,

2- [Comment to Recreational Athletes: The term “open category” is meant to exclude competition that is limited to junior or age group categories.]

3- [Comment: Where the Code requires a Person other than an Athlete or Athlete Support Person to be bound by the Code, such Person would of course not be subject to Sample collection or Testing, and would not be charged with an anti-doping rule violation under the Code for Use or Possession of a Prohibited Substance or Prohibited Method. Rather, such Person would only be subject to discipline for a violation of Code Articles 2.5 (Tampering), 2.7 (Trafficking), 2.8 (Administration), 2.9 (Complicity), 2.10 (Prohibited Association) and 2.11 (Retaliation). Furthermore, such Person would be subject to the additional roles and responsibilities according to Code Article 21.3. Also, the obligation to require an employee to be bound by the Code is subject to applicable law.

KADA shall ensure that, as per Article 19 of these Anti-Doping Rules, any arrangements with their board members, directors, officers, and specified employees, as well as with the Delegated Third Parties and their employees – either employment, contractual or otherwise – have explicit provisions incorporated according to which such Persons are bound by, agree to comply with these Anti-Doping Rules, and agree on KADA’s authority to solve anti-doping cases.]

by any affiliated association, organization, club, team, or league or by the Government in Kuwait.

- c. Any other Athlete who by virtue of an accreditation, a license or any other contractual arrangement, falls within the competence of a National Federation in Kuwait or any affiliated association, organization, club, team, or league in Kuwait for the purposes of fighting doping in sport in Kuwait.
- d. Athletes who participate in any activity organized, recognized, or hosted by a National Event organizer or any other national league and which is not otherwise affiliated with a National Federation.

However, if any such Athletes are classified by their respective International Federations as International-Level Athletes then they shall be considered to be International-Level Athletes (and not National-Level Athletes) for purposes of these Anti-Doping Rules.

ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.11 of these Anti-Doping Rules.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

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

The following constitute anti-doping rule violations:

2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample

- 2.1.1 It is the Athletes' personal duty to ensure that no Prohibited Substance enters their bodies. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.⁴

⁴ [Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]

- 2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any 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; or, where the Athlete's A or B Sample is split into two (2) parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the split Sample or the Athlete waives analysis of the confirmation part of the split Sample.⁵
- 2.1.3 Excepting those substances for which a Decision Limit is specifically identified in the Prohibited List or a Technical Document, the presence of any reported quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.
- 2.1.4 As an exception to the general rule of Article 2.1, the Prohibited List, International Standards, or Technical Documents may establish special criteria for reporting or the evaluation of certain Prohibited Substances.

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method ⁶

- 2.2.1 It is the Athletes' personal duty to ensure that no Prohibited Substance enters their bodies and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.
- 2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used

⁵ [Comment to Article 2.1.2: The Anti-Doping Organization with Results Management responsibility may, at its discretion, choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]

⁶ [Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1.

For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]

for an anti-doping rule violation to be committed.⁷

2.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete

Evading Sample collection; or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorized Person.⁸

2.4 Whereabouts Failures by an Athlete

Any combination of three (3) missed tests and/or filing failures, as defined in the International Standard for Results Management, within a twelve-month period by an Athlete in a Registered Testing Pool.

2.5 Tampering or Attempted Tampering with any Part of Doping Control by an Athlete or Other Person

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

- 2.6.1 Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a Therapeutic Use Exemption (“TUE”) granted in accordance with Article 4.4 or other acceptable justification.

7 [Comment to Article 2.2.2: Demonstrating the “Attempted Use” of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete’s part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method.

An Athlete’s Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Athlete’s Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that substance might have been administered.)]

8 [Comment to Article 2.3: For example, it would be an anti-doping rule violation of “evading Sample collection” if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of “failing to submit to Sample collection” may be based on either intentional or negligent conduct of the Athlete, while “evading” or “refusing” Sample collection contemplates intentional conduct by the Athlete.]

2.6.2 Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4.4 or other acceptable justification.⁹

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

2.8 Administration or Attempted Administration by an Athlete or Other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is Prohibited Out-of-Competition

2.9 Complicity or Attempted Complicity by an Athlete or Other Person

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or Attempted complicity involving an anti-doping rule violation, Attempted anti-doping rule violation or violation of Article 10.14.1 by another Person.¹⁰

2.10 Prohibited Association by an Athlete or Other Person

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

2.10.1.1 If subject to the authority of an Anti-Doping Organization, is serving a period of Ineligibility; or

2.10.1.2 If not subject to the authority of an Anti-Doping Organization, and where Ineligibility has not been addressed in a Results Management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in con-

9 [Comment to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.]

[Comment to Article 2.6.1 and 2.6.2: Acceptable justification may include, for example, (a) an Athlete or a team doctor carrying Prohibited Substances or Prohibited Methods for dealing with acute and emergency situations (e.g., an epinephrine auto-injector), or (b) an Athlete Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a TUE.]

10 [Comment to Article 2.9: Complicity or Attempted Complicity may include either physical or psychological assistance.]

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

2.10.1.3 Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

2.10.2 To establish a violation of Article 2.10, an Anti-Doping Organization must establish that the Athlete or other Person knew of the Athlete Support Person's disqualifying status.

The burden shall be on the Athlete or other Person to establish that any association with an Athlete Support Person described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

Anti-Doping Organizations that are aware of Athlete Support Personnel who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to WADA.¹¹

2.11 Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities

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

2.11.1 Any act which threatens or seeks to intimidate another Person with the intent of discouraging the Person from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the Code to WADA, an Anti-Doping Organization, law enforcement, regulatory or professional disciplinary body, hearing body or Person conducting an investigation for WADA or an Anti-Doping Organization.

¹¹ [Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. This also prohibits association with any other Athlete who is acting as a coach or Athlete Support Person while serving a period of Ineligibility. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.

While Article 2.10 does not require the Anti-Doping Organization to notify the Athlete or other Person about the Athlete Support Person's disqualifying status, such notice, if provided, would be important evidence to establish that the Athlete or other Person knew about the disqualifying status of the Athlete Support Person.]

2.11.2 Retaliation against a Person who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the Code to WADA, an Anti-Doping Organization, law enforcement, regulatory or professional disciplinary body, hearing body or Person conducting an investigation for WADA or an Anti-Doping Organization.

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such Person either because the act lacks a good faith basis or is a disproportionate response.¹²

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

KADA shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether KADA 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 Anti-Doping 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, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.¹³

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.¹⁴ The following rules of proof shall be applicable in doping cases:

3.2.1 Analytical methods or Decision Limits approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any Athlete or other Person seeking to challenge whether the conditions for such pre-

¹² [Comment to Article 2.11.2: This Article is intended to protect Persons who make good faith reports, and does not protect Persons who knowingly make false reports.]

[Comment to Article 2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting Persons, their families or associates. Retaliation would not include an Anti-Doping Organization asserting in good faith an anti-doping rule violation against the reporting Person. For purposes of Article 2.11, a report is not made in good faith where the Person making the report knows the report to be false.]

¹³ [Comment to Article 3.1: This standard of proof required to be met by KADA is comparable to the standard which is applied in most countries to cases involving professional misconduct.]

¹⁴ [Comment to Article 3.2: For example, KADA may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport.]

sumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.¹⁵

3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then KADA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.¹⁶

3.2.3 Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation;¹⁷ provided, however, if the Athlete or other Person establishes that a de-

¹⁵ [Comment to Article 3.2.1: For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the laboratory's estimated concentration of such Prohibited Substance in a Sample may only be an estimate. In no event shall the possibility that the exact concentration of the Prohibited Substance in the Sample may be below the Minimum Reporting Level constitute a defense to an anti-doping rule violation based on the presence of that Prohibited Substance in the Sample.]

¹⁶ [Comment to Article 3.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. Thus, once the Athlete or other Person establishes the departure by a balance of probability, the Athlete or other Person's burden on causation is the somewhat lower standard of proof— "could reasonably have caused." If the Athlete or other Person satisfies these standards, the burden shifts to KADA to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

¹⁷ [Comment to Article 3.2.3: Departures from an International Standard or other rule unrelated to Sample collection or handling, Adverse Passport Finding, or Athlete notification relating to whereabouts failure or B Sample opening – e.g., the International Standard for Education, International Standard for the Protection of Privacy and Personal Information or International Standard for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defense in an anti-doping rule violation proceeding and are not relevant on the issue of whether the Athlete committed an anti-doping rule violation. Similarly, KADA's violation of the document referenced in Article 20.7.7 of the Code shall not constitute a defense to an anti-doping rule violation.]

departure from one of the specific International Standard provisions listed below could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or whereabouts failure, then KADA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the whereabouts failure:

- i. a departure from the International Standard for Testing and Investigations related to Sample collection or Sample handling which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case KADA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;
- ii. a departure from the International Standard for Results Management or International Standard for Testing and Investigations related to an Adverse Passport Finding which could reasonably have caused an anti-doping rule violation, in which case KADA shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- iii. a departure from the International Standard for Results Management related to the requirement to provide notice to the Athlete of the B Sample opening which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case KADA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;¹⁸
- iv. a departure from the International Standard for Results Management related to Athlete notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case KADA shall have the burden to establish that such departure did not cause the whereabouts failure.

3.2.4 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.

3.2.5 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

¹⁸ [Comment to Article 3.2.3 (iii): KADA would meet its burden to establish that such departure did not cause the Adverse Analytical Finding by showing that, for example, the B Sample opening and analysis were observed by an independent witness and no irregularities were observed.]

other Person's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or KADA.

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the Prohibited List

These Anti-Doping Rules incorporate the Prohibited List which is published and revised by WADA as described in Article 4.1 of the Code.

Unless provided otherwise in the Prohibited List or a revision, the Prohibited List and revisions shall go into effect under these Anti-Doping Rules three (3) months after publication by WADA without requiring any further action by KADA. All Athletes and other Persons shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all Athletes and other Persons to familiarize themselves with the most up-to-date version of the Prohibited List and all revisions thereto.¹⁹

4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

4.2.1 Prohibited Substances and Prohibited Methods

The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future Competitions or their masking potential, and those substances and methods which are prohibited In-Competition only. The Prohibited List may be expanded by WADA for a particular sport. Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.²⁰

¹⁹ [Comment to Article 4.1: The current Prohibited List is available on WADA's website at <https://www.wada-ama.org>. The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made.]

²⁰ [Comment to Article 4.2.1: Out-of-Competition Use of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]

4.2.2 Specified Substances or Specified Methods

For purposes of the application of Article 10, all Prohibited Substances shall be Specified Substances except as identified on the Prohibited List. No Prohibited Method shall be a Specified Method unless it is specifically identified as a Specified Method on the Prohibited List.²¹

4.2.3 Substances of Abuse

For purposes of applying Article 10, Substances of Abuse shall include those Prohibited Substances which are specifically identified as Substances of Abuse on the Prohibited List because they are frequently abused in society outside of the context of sport.

4.3 WADA's Determination of the Prohibited List

WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List, the classification of substances into categories on the Prohibited List, the classification of a substance as prohibited at all times or In-Competition only, the classification of a substance or method as a Specified Substance, Specified Method or Substance of Abuse is final and shall not be subject to any challenge by an Athlete or other Person including, but not limited to, any challenge 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.

4.4 Therapeutic Use Exemptions ("TUEs")

4.4.1 The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method shall not be considered an anti-doping rule violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.2 TUE Application Process

4.4.2.1 Any Athlete who is not an International-Level Athlete shall apply to KADA for a TUE as soon as possible, save where Articles 4.1 or 4.3 of the International Standard for Therapeutic Use Exemptions apply. The application shall be made in accordance with Article 6 of the

²¹ [Comment to Article 4.2.2: The Specified Substances and Specified Methods identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances or methods. Rather, they are simply substances and methods which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance.]

International Standard for Therapeutic Use Exemptions as posted on KADA's website.

4.4.2.2 KADA shall appoint a Therapeutic Use Exemption Committee ("TUEC") to consider applications for the grant or recognition of TUEs in accordance with Article 4.4.2.2(a)-(d) below:

- a. The TUEC should consist of a chairman and six (6) members with experience in the care and treatment of Athletes and who have sound knowledge of clinical, sports and exercise medicine. Each appointed member shall serve a term of (4) four years .
- b. Before serving as a member of the TUEC, each member must sign a conflict of interest and confidentiality declaration. The appointed members shall not be employees of KADA.
- c. When an application to KADA for the grant of a TUE is made, the Chair of the TUEC shall appoint three (3) members (which may include the Chair) to consider the application.
- d. Before considering a TUE application, each member shall disclose to the Chair any circumstances likely to affect their impartiality with respect to the Athlete making the application. If a member appointed by the Chair to consider an application is unwilling or unable to assess the Athlete's TUE application, for any reason, the Chair may appoint a replacement or appoint a new TUEC (e.g., from the pre-established pool of candidates). The Chair cannot serve as a member of the TUEC if there are any circumstances which are likely to affect the impartiality of the TUE decision.

4.4.2.3 The TUEC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to an Event, the TUEC must use its best endeavors to issue its decision before the start of the Event.

4.4.2.4 The TUEC decision shall be the final decision of KADA and may be appealed in accordance with Article 4.4.6. KADA TUEC decision shall be notified in writing to the Athlete, and to WADA and other Anti-Doping Organizations in accordance with the International Standard for Therapeutic Use Exemptions. It shall also promptly be reported into ADAMS.²²

4.4.3 Retroactive TUE Applications

If KADA chooses to test an Athlete who is not an International-Level or a National-Level Athlete, KADA must permit that Athlete to apply for a retroactive TUE for any Prohibited Substance or Prohibited Method that he or she is Using for therapeutic reasons.

4.4.4 TUE Recognition

A TUE granted by KADA is valid at any national level in any country and does not need to be formally recognized by any other National Anti-Doping Organization.

However, it is not automatically valid if the Athlete becomes an International-Level Athlete or competes in an International Event, unless it is recognized by the relevant International Federation or Major Event Organization in accordance with the International Standard for Therapeutic Use Exemptions as follows:

4.4.4.1 Where the Athlete already has a TUE granted by KADA for the substance or method in question, unless their TUE will be automatically recognized by the International Federation or Major Event Organization, the Athlete shall apply to their International Federation or to the Major Event Organization to recognize that TUE. If that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the International Federation or Major Event Organization must recognize it.

22 [Comment to Article 4.4.2: In accordance with Article 5.1 of the International Standard for Therapeutic Use Exemptions, KADA may decline to consider advance applications for TUEs from National-Level Athletes in sports that are not prioritized by KADA in its test distribution planning. In that case it must permit any such Athlete who is subsequently tested to apply for a retroactive TUE. Additionally, KADA shall publicize such a policy on its website for the benefit of affected Athletes.]

The submission of falsified documents to a TUEC or KADA, offering or accepting a bribe to a Person to perform or fail to perform an act, procuring false testimony from any witness, or committing any other fraudulent act or any other similar intentional interference or Attempted interference with any aspect of the TUE process shall result in a charge of Tampering or Attempted Tampering under Article 2.5.

An Athlete should not assume that their application for the grant of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.]

If the International Federation or Major Event Organization considers that the TUE granted by KADA does not meet those criteria and so refuses to recognize it, the International Federation shall promptly notify the Athlete and KADA with reasons. The Athlete and/or KADA shall have twenty-one (21) days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6.

If the matter is referred to WADA for review in accordance with Article 4.4.6, the TUE granted by KADA remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition) pending WADA's decision.

If the matter is not referred to WADA for review within the twenty-one (21) day deadline, KADA must determine whether the original TUE that it granted should nevertheless remain valid for national-level Competition and Out-of-Competition Testing (provided that the Athlete ceases to be an International-Level Athlete and does not participate in international-level Competition). Pending KADA's decision, the TUE remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition).²³

- 4.4.4.2 If the Athlete does not already have a TUE granted by KADA for the substance or method in question, the Athlete must apply directly to the International Federation for a TUE in accordance with the process set out in the International Standard for Therapeutic Use Exemptions as soon as the need arises.

If the International Federation denies the Athlete's application, it shall notify the Athlete promptly, with reasons.

If the International Federation grants the Athlete's application, it shall notify the Athlete and KADA. If KADA considers that the TUE granted by the International Federation does not meet the criteria set out in the International Standard for Therapeutic Use Exemp-

²³ [Comment to Article 4.4.4.1: Further to Articles 5.7 and 7.1 of the International Standard for Therapeutic Use Exemptions, an International Federation must publish and keep updated a notice on its website that sets out clearly (1) which Athletes under its authority are required to apply to it for a TUE, (2) which TUE decisions of other Anti-Doping Organizations it will automatically recognize in lieu of such application and (3) which TUE decisions of other Anti-Doping Organizations will have to be submitted to it for recognition. If an Athlete's TUE falls into a category of automatically recognized TUEs, then the Athlete does not need to apply to his/her International Federation for recognition of that TUE.

In accordance with the requirements of the International Standard for Therapeutic Use Exemptions, KADA will help Athletes determine when they need to submit TUEs granted by KADA to an International Federation or Major Event Organization for recognition and will guide and support those Athletes through the recognition process.

If an International Federation refuses to recognize a TUE granted by KADA only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation.]

tions, it has twenty-one (21) days from such notification to refer the matter to WADA for review.

If KADA refers the matter to WADA for review, the TUE granted by the International Federation remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision.

If KADA does not refer the matter to WADA for review, the TUE granted by the International Federation becomes valid for national-level Competition as well when the twenty-one (21) day review deadline expires.²⁴

4.4.5 Expiration, Withdrawal or Reversal of a TUE

4.4.5.1 A TUE granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) will be withdrawn if the Athlete does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the TUE; (c) may be withdrawn by the TUEC if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.

4.4.5.2 In such event, the Athlete shall not be subject to any Consequences based on their Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, withdrawal, or reversal of the TUE. The review pursuant to Article 5.1.1.1 of the International Standard for Results Management of an Adverse Analytical Finding, reported shortly after the TUE expiry, withdrawal, or reversal, shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.6 Reviews and Appeals of TUE Decisions

4.4.6.1 If KADA denies an application for a TUE, the Athlete may appeal exclusively to the appellate body described in Article 13.2.2.

²⁴ [Comment to Article 4.4.4.2: The International Federation and KADA may agree that KADA will consider TUE applications on behalf of the International Federation.]

- 4.4.6.2 WADA must review an International Federation's decision not to recognize a TUE granted by KADA that is referred to WADA by the Athlete or KADA. In addition, WADA must review an International Federation's decision to grant a TUE that is referred to WADA by KADA. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.²⁵
- 4.4.6.3 Any TUE decision by an International Federation (or by KADA where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or KADA, exclusively to CAS.²⁶
- 4.4.6.4 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, KADA and/or the International Federation affected, exclusively to CAS.
- 4.4.6.5 A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a TUE or for review of a TUE decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of Testing and Investigations²⁷

- 5.1.1 Testing and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations.
- 5.1.2 Testing shall be undertaken to obtain analytical evidence as to whether the Athlete has violated Article 2.1 (Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample) or Article 2.2 (Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method).

²⁵ [Comment to Article 4.4.6.2: WADA shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]

²⁶ [Comment to Article 4.4.6.3: In such cases, the decision being appealed is the International Federation's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

²⁷ [Comment to Article 5.1: Where Testing is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the Anti-Doping Organization's rules. See, e.g., Comment to Article 23.2.2 of the Code.]

5.2 Authority to Test

- 5.2.1 Subject to the limitations for Event Testing set out in Article 5.3, KADA shall have In-Competition and Out-of-Competition Testing authority over all Athletes specified in the Introduction to these Anti-Doping Rules (Section “Scope of these Anti-Doping Rules”).
- 5.2.2 KADA may require any Athlete over whom it has Testing authority (including any Athlete serving a period of Ineligibility) to provide a Sample at any time and at any place.²⁸
- 5.2.3 WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.10 of the Code.
- 5.2.4 If an International Federation or Major Event Organization delegates or contracts any part of Testing to KADA directly or through a National Federation, KADA may collect additional Samples or direct the laboratory to perform additional types of analysis at KADA’s expense. If additional Samples are collected or additional types of analysis are performed, the International Federation or Major Event Organization shall be notified.

5.3 Event Testing

- 5.3.1 Except as otherwise provided below, only a single organization shall have authority to conduct Testing at Event Venues during an Event Period. At International Events held in Kuwait, the international organization which is the ruling body for the Event shall have authority to conduct Testing. At National Events held in Kuwait, KADA shall have authority to conduct Testing. At the request of the ruling body for an Event, any Testing conducted during the Event Period outside of the Event Venues shall be coordinated with the ruling body of the Event.
- 5.3.2 If an Anti-Doping Organization, which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event, desires to conduct Testing of Athletes at the Event Venues during the Event Period, the Anti-Doping Organization shall first confer with the ruling body of the Event to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organization is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organization

²⁸ [Comment to Article 5.2.2: KADA may obtain additional authority to conduct Testing by means of bilateral or multilateral agreements with other Signatories. Unless the Athlete has identified a sixty-minute Testing window between the hours of 11:00 p.m. and 6:00 a.m., or has otherwise consented to Testing during that period, KADA will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether KADA had sufficient suspicion for Testing during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

may, in accordance with procedures described in the International Standard for Testing and Investigations, ask WADA for permission to conduct Testing and to determine how to coordinate such Testing. WADA shall not grant approval for such Testing before consulting with and informing the ruling body for the Event. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct Testing, such tests shall be considered Out-of-Competition tests. Results Management for any such test shall be the responsibility of the Anti-Doping Organization initiating the test unless provided otherwise in the rules of the ruling body of the Event.²⁹

5.4 Testing Requirements

- 5.4.1 KADA shall conduct test distribution planning and Testing as required by the International Standard for Testing and Investigations.
- 5.4.2 Where reasonably feasible, Testing shall be coordinated through ADAMS in order to maximize the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.

5.5 Athlete Whereabouts Information

- 5.5.1 KADA may establish a Registered Testing Pool of those Athletes who are required to provide whereabouts information in the manner specified in the International Standard for Testing and Investigations and who shall be subject to Consequences for Article 2.4 violations as provided in Article 10.3.2. KADA shall coordinate with International Federations to identify such Athletes and to collect their whereabouts information.
- 5.5.2 KADA shall make available through ADAMS a list which identifies those Athletes included in its Registered Testing Pool by name. KADA shall regularly review and update as necessary its criteria for including Athletes in its Registered Testing Pool, and shall periodically (but not less than quarterly) review the list of Athletes in its Registered Testing Pool to ensure that each listed Athlete continues to meet the relevant criteria. Athletes shall be notified before they are included in the Registered Testing Pool and when they are removed from that pool. The notification shall contain the information set out in the International Standard for Testing and Investigations.

²⁹ [Comment to Article 5.3.2: Before giving approval to KADA to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with KADA. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with a Delegated Third Party to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]

- 5.5.3 Where an Athlete is included in an international Registered Testing Pool by their International Federation and in a national Registered Testing Pool by KADA, KADA and the International Federation shall agree between themselves which of them shall accept that Athlete's whereabouts filings; in no case shall an Athlete be required to make whereabouts filings to more than one of them.
- 5.5.4 In accordance with the International Standard for Testing and Investigations, each Athlete in the Registered Testing Pool shall do the following: (a) advise KADA of his/her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make himself or herself available for Testing at such whereabouts.
- 5.5.5 For purposes of Article 2.4, an Athlete's failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a filing failure or a missed test, as defined in Annex B of the International Standard for Results Management, where the conditions set forth in Annex B are met.
- 5.5.6 An Athlete in KADA's Registered Testing Pool shall continue to be subject to the obligation to comply with the whereabouts requirements set in the International Standard for Testing and Investigations unless and until (a) the Athlete gives written notice to KADA that he or she has retired or (b) KADA has informed him or her that he or she no longer satisfies the criteria for inclusion in KADA's Registered Testing Pool.
- 5.5.7 Whereabouts information provided by an Athlete while in the Registered Testing Pool will be accessible through ADAMS to WADA and to other Anti-Doping Organizations having authority to test that Athlete as provided in Article 5.2. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the International Standard for the Protection of Privacy and Personal Information.
- 5.5.8 In accordance with the International Standard for Testing and Investigations, KADA has established a Testing Pool, which includes Athletes who are subject to less stringent whereabouts requirements than Athletes included in KADA's Registered Testing Pool.

5.5.9 KADA shall notify Athletes before they are included in the Testing Pool and when they are removed. Such notification shall include the whereabouts requirements and the consequences that apply in case of non-compliance, as indicated in Articles 5.5.10 and 5.5.11.

5.5.10 Athletes included in the Testing Pool shall provide KADA with the following whereabouts information so that they may be located and subjected to Testing:

- a. An overnight address;
- b. Competition / Event schedule; and
- c. Regular training activities.

Such whereabouts information shall be filed in ADAMS to enable better Testing coordination with other Anti-Doping Organizations.

5.5.11 An Athlete's failure to provide whereabouts information on or before the date required by KADA or the Athlete's failure to provide accurate whereabouts information shall result in KADA elevating the Athlete to KADA's Registered Testing Pool and/or issuing a fine to the Athlete and/or restricting the Athlete's access to finding and/or his/her ability to be selected for a team.

5.5.12 KADA may, in accordance with the International Standard for Testing and Investigations, collect whereabouts information from Athletes who are not included within a Registered Testing Pool or Testing Pool. If it chooses to do so, an Athlete's failure to provide requested whereabouts information on or before the date required by KADA or the Athlete's failure to provide accurate whereabouts information shall result in KADA elevating the Athlete to KADA's Registered Testing Pool and/or issuing a fine to the Athlete and/or restricting the Athlete's access to finding and/or his/her ability to be selected for a team.

5.6 Retired Athletes Returning to Competition

5.6.1 If an International-Level Athlete or National-Level Athlete in KADA's Registered Testing Pool retires and then wishes to return to active participation in sport, the Athlete shall not compete in International Events or National Events until the Athlete has made himself or herself available for Testing, by giving six-months prior written notice to their International Federation and KADA.

WADA, in consultation with KADA and the Athlete's International Federation, may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to the Athlete. This decision may be appealed under Article 13.

Any competitive results obtained in violation of this Article 5.6.1 shall be Disqualified unless the Athlete can establish that he or she could not have reasonably known that this was an International Event or a National Event.

- 5.6.2 If an Athlete retires from sport while subject to a period of Ineligibility, the Athlete must notify the Anti-Doping Organization that imposed the period of Ineligibility in writing of such retirement. If the Athlete then wishes to return to active competition in sport, the Athlete shall not compete in International Events or National Events until the Athlete has made himself or herself available for Testing by giving six-months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six (6) months) to KADA and to their International Federation.

5.7 Independent Observer Program

KADA and any organizing committees for National Events in Kuwait, shall authorize and facilitate the Independent Observer Program at such Events.

ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited, Approved Laboratories and Other Laboratories

- 6.1.1 For purposes of directly establishing an Adverse Analytical Finding under Article 2.1, Samples shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the Sample analysis shall be determined exclusively by KADA.³⁰

- 6.1.2 As provided in Article 3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

³⁰ [Comment to Article 6.1.1: Violations of Article 2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]

6.2 Purpose of Analysis of Samples and Data

Samples and related analytical data or Doping Control information shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to the monitoring program described in Article 4.5 of the Code, or to assist KADA in profiling relevant parameters in an Athlete's urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.³¹

6.3 Research on Samples and Data

Samples, related analytical data and Doping Control information may be used for anti-doping research purposes, although no Sample may be used for research without the Athlete's written consent. Samples and related analytical data or Doping Control information used for research purposes shall first be processed in such a manner as to prevent Samples and related analytical data or Doping Control information being traced back to a particular Athlete. Any research involving Samples and related analytical data or Doping Control information shall adhere to the principles set out in Article 19 of the Code.³²

6.4 Standards for Sample Analysis and Reporting

In accordance with Article 6.4 of the Code, KADA shall ask laboratories to analyze Samples in conformity with the International Standard for Laboratories and Article 4.7 of the International Standard for Testing and Investigations.

Laboratories at their own initiative and expense may analyze Samples for Prohibited Substances or Prohibited Methods not included on the standard Sample analysis menu, or as requested by KADA. Results from any such analysis shall be reported to KADA and have the same validity and Consequences as any other analytical result.³³

31 [Comment to Article 6.2: For example, relevant Doping Control-related information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]

32 [Comment to Article 6.3: As is the case in most medical or scientific contexts, use of Samples and related information for quality assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. Samples and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular Athlete, having due regard to the principles set out in Article 19 of the Code, as well as the requirements of the International Standard for Laboratories and International Standard for the Protection of Privacy and Personal Information.]

33 [Comment to Article 6.4: The objective of this Article is to extend the principle of "Intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analyzed.]

6.5 Further Analysis of a Sample Prior to or During Results Management

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a Sample prior to the time KADA notifies an Athlete that the Sample is the basis for an Article 2.1 anti-doping rule violation charge. If after such notification KADA wishes to conduct additional analysis on that Sample, it may do so with the consent of the Athlete or approval from a hearing body.

6.6 Further Analysis of a Sample After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge

After a laboratory has reported a Sample as negative, or the Sample has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of either the Anti-Doping Organization that initiated and directed Sample collection or WADA. Any other Anti-Doping Organization with authority to test the Athlete that wishes to conduct further analysis on a stored Sample may do so with the permission of the Anti-Doping Organization that initiated and directed Sample collection or WADA, and shall be responsible for any follow-up Results Management. Any Sample storage or further analysis initiated by WADA or another Anti-Doping Organization shall be at WADA's or that organization's expense. Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories.

6.7 Split of A or B Sample

Where WADA, an Anti-Doping Organization with Results Management authority, and/or a WADA-accredited laboratory (with approval from WADA or the Anti-Doping Organization with Results Management authority) wishes to split an A or B Sample for the purpose of using the first part of the split Sample for an A Sample analysis and the second part of the split Sample for confirmation, then the procedures set forth in the International Standard for Laboratories shall be followed.

6.8 WADA's Right to Take Possession of Samples and Data

WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any Sample and related analytical data or information in the possession of a laboratory or Anti-Doping Organization. Upon request by WADA, the laboratory or Anti-Doping Organization in possession of the Sample or data shall immediately grant access to and enable WADA to take physical possession of the Sample or data. If WADA has not provided prior notice to the laboratory or Anti-Doping Organization before taking possession of a Sample or data, it shall provide such notice to the laboratory and each Anti-Doping Organization whose Samples or data have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized Sample or data, WADA may direct another Anti-Doping Organization with au-

thority to test the Athlete to assume Results Management responsibility for the Sample or data if a potential anti-doping rule violation is discovered.³⁴

ARTICLE 7 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS

Results Management under these Anti-Doping Rules establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

7.1 Responsibility for Conducting Results Management

- 7.1.1 Except as otherwise provided in Articles 6.6, 6.8 and Code Article 7.1, Results Management shall be the responsibility of, and shall be governed by, the procedural rules of the Anti-Doping Organization that initiated and directed Sample collection (or, if no Sample collection is involved, the Anti-Doping Organization which first provides notice to an Athlete or other Person of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation).
- 7.1.2 In circumstances where the rules of a National Anti-Doping Organization do not give the National Anti-Doping Organization authority over an Athlete or other Person who is not a national, resident, license holder, or member of a sport organization of that country, or the National Anti-Doping Organization declines to exercise such authority, Results Management shall be conducted by the applicable International Federation or by a third party with authority over the Athlete or other Person as directed by the rules of the applicable International Federation.
- 7.1.3 Results Management in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by the International Federation or KADA with whom the Athlete in question files whereabouts information, as provided in the International Standard for Results Management. If KADA determines a filing failure or a missed test, it shall submit that information to WADA through ADAMS, where it will be made available to other relevant Anti-Doping Organizations.

³⁴ [Comment to Article 6.8: Resistance or refusal to WADA taking physical possession of Samples or data could constitute Tampering, Complicity or an act of non-compliance as provided in the International Standard for Code Compliance by Signatories, and could also constitute a violation of the International Standard for Laboratories. Where necessary, the laboratory and/or the Anti-Doping Organization shall assist WADA in ensuring that the seized Sample or data are not delayed in exiting the applicable country.]

[Comment to Article 6.8: WADA would not, of course, unilaterally take possession of Samples or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defense against an anti-doping rule violation or its Consequences.]

7.1.4 Other circumstances in which KADA shall take responsibility for conducting Results Management in respect of anti-doping rule violations involving Athletes and other Persons under its authority shall be determined by reference to and in accordance with Article 7 of the Code.

7.1.5 WADA may direct KADA to conduct Results Management in particular circumstances. If KADA refuses to conduct Results Management within a reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another Anti-Doping Organization with authority over the Athlete or other Person, that is willing to do so, to take Results Management responsibility in place of KADA or, if there is no such Anti-Doping Organization, any other Anti-Doping Organization that is willing to do so. In such case, KADA shall reimburse the costs and attorney's fees of conducting Results Management to the other Anti-Doping Organization designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations

KADA shall carry out the review and notification with respect to any potential anti-doping rule violation in accordance with the International Standard for Results Management.

7.3 Identification of Prior Anti-Doping Rule Violations

Before giving an Athlete or other Person notice of a potential anti-doping rule violation as provided above, KADA shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists.

7.4 Provisional Suspensions³⁵

7.4.1 Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding

If KADA receives an Adverse Analytical Finding or an Adverse Passport Finding (upon completion of the Adverse Passport Finding review process) for a Prohibited Substance or a Prohibited Method that is not a Specified Substance or a Specified Method, it shall impose a Provisional Suspension on the Athlete promptly upon or after the review and notification required by Article 7.2.

³⁵ [Comment to Article 7.4: Before a Provisional Suspension can be unilaterally imposed by KADA, the internal review specified in these Anti-Doping Rules and the International Standard for Results Management must first be completed.]

A mandatory Provisional Suspension may be eliminated if: (i) the Athlete demonstrates to the Anti-Doping Hearing Panel appointed by KADA that the violation is likely to have involved a Contaminated Product, or (ii) the violation involves a Substance of Abuse and the Athlete establishes entitlement to a reduced period of Ineligibility under Article 10.2.4.1.

The decision of the Anti-Doping Hearing Panel appointed by KADA not to eliminate a mandatory Provisional Suspension on account of the Athlete's assertion regarding a Contaminated Product shall not be appealable.

7.4.2 Optional Provisional Suspension Based on an Adverse Analytical Finding for Specified Substances, Specified Methods, Contaminated Products, or Other Anti-Doping Rule Violations

KADA may impose a Provisional Suspension for anti-doping rule violations not covered by Article 7.4.1 prior to the analysis of the Athlete's B Sample or final hearing as described in Article 8.

An optional Provisional Suspension may be lifted at the discretion of KADA at any time prior to the appointed Anti-Doping Hearing Panel's decision under Article 8, unless provided otherwise in the International Standard for Results Management.

7.4.3 Opportunity for Hearing or Appeal

Notwithstanding Articles 7.4.1 and 7.4.2, a Provisional Suspension may not be imposed unless the Athlete or other Person is given: (a) an opportunity for a Provisional Hearing, either before or on a timely basis after the imposition of the Provisional Suspension; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after the imposition of the Provisional Suspension.

The imposition of a Provisional Suspension, or the decision not to impose a Provisional Suspension, may be appealed in an expedited process in accordance with Article 13.2.

7.4.4 Voluntary Acceptance of Provisional Suspension

Athletes on their own initiative may voluntarily accept a Provisional Suspension if done so prior to the later of: (i) the expiration of ten (10) days from the report of the B Sample (or waiver of the B Sample) or ten (10) days from the notice of any other anti-doping rule violation, or (ii) the date on which the Athlete first competes after such report or notice.

Other Persons on their own initiative may voluntarily accept a Provisional Suspension if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the Provisional Suspension shall have the full effect and be treated in the same manner as if the Provisional Suspension had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a Provisional Suspension, the Athlete or other Person may withdraw such acceptance, in which event the Athlete or other Person shall not receive any credit for time previously served during the Provisional Suspension.

- 7.4.5 If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Athlete or KADA) 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. In circumstances where the Athlete or the Athlete's team has been removed from an Event based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, then, if it is still possible for the Athlete or team to be reinserted, without otherwise affecting the Event, the Athlete or team may continue to take part in the Event.

7.5 Results Management Decisions

Results Management decisions or adjudications by KADA must not purport to be limited to a particular geographic area or sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation was committed or a Provisional Suspension should be imposed, the factual basis for such determination, and the specific Articles that have been violated, and (ii) all Consequences flowing from the anti-doping rule violation(s), including applicable Disqualifications under Articles 9 and 10.10, any forfeiture of medals or prizes, any period of Ineligibility (and the date it begins to run) and any Financial Consequences.³⁶

³⁶ [Comment to Article 7.5: Results Management decisions include Provisional Suspensions.]

Each decision by KADA should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Article 10.1 (which is left to the ruling body for an Event). Pursuant to Article 15, such decision and its imposition of Consequences shall have automatic effect in every sport in every country. For example, for a determination that an Athlete committed an anti-doping rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the Athlete's results obtained in the Competition would be Disqualified under Article 9 and all other competitive results obtained by the Athlete from the date the Sample was collected through the duration of the period of Ineligibility are also Disqualified under Article 10.10; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organization's responsibility to decide whether the Athlete's other individual results in the Event prior to Sample collection are also Disqualified under Article 10.1.]

7.6 Notification of Results Management Decisions

KADA shall notify Athletes, other Persons, Signatories and WADA of Results Management decisions as provided in Article 14 and in the International Standard for Results Management.

7.7 Retirement from Sport³⁷

If an Athlete or other Person retires while the KADA's Results Management process is underway, KADA retains authority to complete its Results Management process. If an Athlete or other Person retires before any Results Management process has begun, and KADA would have had Results Management authority over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping rule violation, KADA has authority to conduct Results Management.

ARTICLE 8 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION

For any Person who is asserted to have committed an anti-doping rule violation, KADA shall provide a fair hearing within a reasonable time by a fair, impartial and Operationally Independent Anti-Doping Hearing Panel in compliance with the Code and the International Standard for Results Management.

7.1 Fair Hearings

8.1.1 Fair, Impartial and Operationally Independent Hearing Panel

8.1.1.1 KADA shall appoint an Anti-Doping Hearing Panel which has jurisdiction to hear and determine whether an Athlete or other Person, subject to these Anti-Doping Rules, has committed an anti-doping rule violation and, if applicable, to impose relevant Consequences.

8.1.1.2 KADA shall ensure that the appointed Anti-Doping Hearing Panel is free of conflict of interest and that its composition, professional experience, Operational Independence and adequate financing comply with the requirements of the International Standard for Results Management.

³⁷ [Comment to Article 7.7: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the authority of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]

- 8.1.1.3 Board members, staff members, commission members, consultants and officials of KADA or its bodies, as well as any Person involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of the appointed Anti-Doping Hearing Panel. In particular, no member shall have previously considered any TUE application, Results Management decision, or appeals in the same given case.
- 8.1.1.4 The appointed Anti-Doping Hearing Panel shall consist of independent Chair and six (6) independent members.
- 8.1.1.5 Each member shall be appointed by taking into consideration their requisite anti-doping experience including their legal, sports, medical and/or scientific expertise. Each member shall serve for 3 years and can be renewable once.
- 8.1.1.6 The appointed Anti-Doping Hearing Panel shall be in a position to conduct the hearing and decision-making process without interference from KADA or any third party.

8.1.2 Hearing Process

- 8.1.2.1 When KADA sends a notice to an Athlete or other Person notifying them of a potential anti-doping rule violation, and the Athlete or other Person does not waive a hearing in accordance with Article 8.3.1 or Article 8.3.2, then the case shall be referred to the appointed Anti-Doping Hearing Panel for hearing and adjudication, which shall be conducted in accordance with the principles described in Articles 8 and 9 of the International Standard for Results Management.
- 8.1.2.2 The Chair shall appoint three (3) members (which may include the Chair) to hear that case. When hearing a case, one (1) panel member shall be a qualified lawyer, with no less than three (3) years of relevant legal experience, and one (1) panel member shall be a qualified medical practitioner, with no less than three (3) years of relevant medical experience.
- 8.1.2.3 Upon appointment as a member of the appointed Anti-Doping Hearing Panel, each member must sign a declaration provided by KADA that there are no facts or circumstances known to him or her which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

- 8.1.2.4 Hearings held in connection with Events in respect to Athletes and other Persons who are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the appointed Anti-Doping Hearing Panel.³⁸
- 8.1.2.5 WADA, the International Federation, and the National Federation of the Athlete or other Person may attend the hearing as observers. In any event, KADA shall keep them fully apprised as to the status of pending cases and the result of all hearings.

8.2 Notice of Decisions

- 8.2.1 At the end of the hearing, or promptly thereafter, the appointed Anti-Doping Hearing Panel shall issue a written decision that conforms with Article 9 of the International Standard for Results Management and which includes the full reasons for the decision, the period of Ineligibility imposed, the Disqualification of results under Article 10.10 and, if applicable, a justification for why the greatest potential Consequences were not imposed.
- 8.2.2 KADA shall notify that decision to the Athlete or other Person and to other Anti-Doping Organizations with a right to appeal under Article 13.2.3, and shall promptly report it into ADAMS. The decision may be appealed as provided in Article 13.

8.3 Waiver of Hearing

- 8.3.1 An Athlete or other Person against whom an anti-doping rule violation is asserted may waive a hearing expressly and agree with the Consequences proposed by KADA.
- 8.3.2 However, if the Athlete or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within twenty (20) days or the deadline otherwise specified in the notice sent by the KADA asserting the violation, then they shall be deemed to have waived a hearing, to have admitted the violation, and to have accepted the proposed Consequences.
- 8.3.3 In cases where Article 8.3.1 or 8.3.2 applies, a hearing shall not be required. Instead KADA shall promptly issue a written decision that conforms with Article 9 of the International Standard for Results Management and which includes the full reasons for the decision, the period of Ineligibility

³⁸ [Comment to Article 8.1.2.4: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]

imposed, the Disqualification of results under Article 10.10 and, if applicable, a justification for why the greatest potential Consequences were not imposed.

- 8.3.4 KADA shall notify that decision to the Athlete or other Person and to other Anti-Doping Organizations with a right to appeal under Article 13.2.3, and shall promptly report it into ADAMS. KADA shall Publicly Disclose that decision in accordance with Article 14.3.2.

8.4 Single Hearing Before CAS

Anti-doping rule violations asserted against International-Level Athletes, National-Level Athletes or other Persons may, with the consent of the Athlete or other Person, KADA (where it has Results Management responsibility in accordance with Article 7) and WADA, be heard in a single hearing directly at CAS.³⁹

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes.⁴⁰

ARTICLE 10 SANCTIONS ON INDIVIDUALS

10.1 Disqualification of Results in the Event during which an Anti-Doping Rule Violation Occurs

- 10.1.1 An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.2.
Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the seriousness of the Athlete's

³⁹ [Comment to Article 8.4: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two (2) hearings. An Anti-Doping Organization may participate in the CAS hearing as an observer. Nothing set out in Article 8.4 precludes the Athlete or other Person and KADA (where it has Results Management responsibility) to waive their right to appeal by agreement. Such waiver, however, only binds the parties to such agreement and not any other entity with a right of appeal under the Code.]

⁴⁰ [Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.]

anti-doping rule violation and whether the Athlete tested negative in the other Competitions.⁴¹

10.1.2 If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's individual results in the other Competitions shall not be Disqualified, unless the Athlete's results in Competitions other than the Competition in which the anti-doping rule violation occurred were likely to have been affected by the Athlete's anti-doping rule violation.

10.2 Ineligibility for Presence, Use or Attempted Use or Possession of a Prohibited Substance or Prohibited Method

The period of Ineligibility for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:

10.2.1 The period of Ineligibility, subject to Article 10.2.4, shall be four (4) years where:

10.2.1.1 The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.⁴²

10.2.1.2 The anti-doping rule violation involves a Specified Substance or a Specified Method and KADA can establish that the anti-doping rule violation was intentional.

10.2.2 If Article 10.2.1 does not apply, subject to Article 10.2.4.1, the period of Ineligibility shall be two (2) years.

10.2.3 As used in Article 10.2, the term "intentional" is meant to identify those Athletes or other Persons who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not "inten-

⁴¹ [Comment to Article 10.1.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the swimming World Championships).]

⁴² [Comment to Article 10.2.1.1: While it is theoretically possible for an Athlete or other Person to establish that the anti-doping rule violation was not intentional without showing how the Prohibited Substance entered one's system, it is highly unlikely that in a doping case under Article 2.1 an Athlete will be successful in proving that the Athlete acted unintentionally without establishing the source of the Prohibited Substance.]

tional” if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered “intentional” if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.⁴³

10.2.4 Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves a Substance of Abuse:

10.2.4.1 If the Athlete can establish that any ingestion or Use occurred Out-of-Competition and was unrelated to sport performance, then the period of Ineligibility shall be three (3) months Ineligibility.

In addition, the period of Ineligibility calculated under this Article 10.2.4.1 may be reduced to one (1) month if the Athlete or other Person satisfactorily completes a Substance of Abuse treatment program approved by KADA. The period of Ineligibility established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.⁴⁴

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

10.3 Ineligibility for Other Anti-Doping Rule Violations

The period of Ineligibility for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Article 10.6 or 10.7 are applicable:

10.3.1 For violations of Article 2.3 or 2.5, the period of Ineligibility shall be four (4) years except: (i) in the case of failing to submit to Sample collection, if the Athlete can establish that the commission of the anti-doping

⁴³ [Comment to Article 10.2.3: Article 10.2.3 provides a special definition of “intentional” which is to be applied solely for purposes of Article 10.2.]

⁴⁴ [Comment to Article 10.2.4.1: The determinations as to whether the treatment program is approved and whether the Athlete or other Person has satisfactorily completed the program shall be made in the sole discretion of KADA. This Article is intended to give KADA the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to “sham”, treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs.]

rule violation was not intentional, the period of Ineligibility shall be two (2) years; (ii) in all other cases, if the Athlete or other Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from two (2) years to four (4) years depending on the Athlete or other Person's degree of Fault; or (iii) in a case involving a Protected Person or Recreational Athlete, the period of Ineligibility shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault.

- 10.3.2 For violations of Article 2.4, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Athlete's degree of Fault. The flexibility between two (2) years and one (1) year of Ineligibility in this Article is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being available for Testing.
- 10.3.3 For violations of Article 2.7 or 2.8, the period of Ineligibility shall be a minimum of four (4) years up to lifetime Ineligibility, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a Protected Person shall be considered a particularly serious violation and, if committed by Athlete Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for Athlete Support Personnel. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.⁴⁵
- 10.3.4 For violations of Article 2.9, the period of Ineligibility imposed shall be a minimum of two (2) years, up to lifetime Ineligibility, depending on the seriousness of the violation.
- 10.3.5 For violations of Article 2.10, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Athlete or other Person's degree of Fault and other circumstances of the case.⁴⁶

⁴⁵ [Comment to Article 10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

⁴⁶ [Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.]

10.3.6 For violations of Article 2.11, the period of Ineligibility shall be a minimum of two (2) years, up to lifetime Ineligibility, depending on the seriousness of the violation by the Athlete or other Person.⁴⁷

10.4 Aggravating Circumstances which may Increase the Period of Ineligibility

If KADA establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity or Attempted Complicity) or 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting) 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 by an additional period of Ineligibility of up to two (2) years depending on the seriousness of the violation and the nature of the Aggravating Circumstances, unless the Athlete or other Person can establish that he or she did not knowingly commit the anti-doping rule violation.⁴⁸

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

If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated.⁴⁹

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

47 [Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (Tampering) and Article 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) shall be sanctioned based on the violation that carries the more severe sanction.]

48 [Comment to Article 10.4: Violations under Articles 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity or Attempted Complicity) and 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any Aggravating Circumstance.]

49 [Comment to Article 10.5: This Article and Article 10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on No Significant Fault or Negligence.]

10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.

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

10.6.1.1 Specified Substances or Specified Methods

Where the anti-doping rule violation involves a Specified Substance (other than a Substance of Abuse) or Specified Method, and the Athlete or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years of Ineligibility, depending on the Athlete's or other Person's degree of Fault.

10.6.1.2 Contaminated Products

In cases where the Athlete or other Person can establish both No Significant Fault or Negligence and that the detected Prohibited Substance (other than a Substance of Abuse) came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Athlete or other Person's degree of Fault.⁵⁰

10.6.1.3 Protected Persons or Recreational Athletes

Where the anti-doping rule violation not involving a Substance of Abuse is committed by a Protected Person or Recreational Athlete, and the Protected Person or Recreational Athlete can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Protected Person or Recreational Athlete's degree of Fault.

⁵⁰ [Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the Athlete or other Person must establish not only that the detected Prohibited Substance came from a Contaminated Product, but must also separately establish No Significant Fault or Negligence. It should be further noted that Athletes are on notice that they take nutritional supplements at their own risk. The sanction reduction based on No Significant Fault or Negligence has rarely been applied in Contaminated Product cases unless the Athlete has exercised a high level of caution before taking the Contaminated Product. In assessing whether the Athlete can establish the source of the Prohibited Substance, it would, for example, be significant for purposes of establishing whether the Athlete actually Used the Contaminated Product, whether the Athlete had declared the product which was subsequently determined to be contaminated on the Doping Control form.

This Article should not be extended beyond products that have gone through some process of manufacturing. Where an Adverse Analytical Finding results from environment contamination of a "non-product" such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be No Fault or Negligence under Article 10.5.]

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

If an Athlete or other Person establishes in an individual case where Article 10.6.1 is not applicable, that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of Ineligibility may be reduced based on the Athlete or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight (8) years.⁵¹

10.7 Elimination, Reduction, or Suspension of Period of Ineligibility or Other Consequences for Reasons Other than Fault

10.7.1 Substantial Assistance in Discovering or Establishing Code Violations⁵²

10.7.1.1 KADA may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the Consequences (other than Disqualification and mandatory Public Disclosure) imposed in an individual case where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organization discovering or bringing forward an anti-doping rule violation by another Person; or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to KADA or other Anti-Doping Organization with Results Management responsibility; or (iii) which results in WADA initiating a proceeding against a Signatory, WADA-accredited laboratory, or Athlete passport management unit (as defined in the International Standard for Laboratories) for non-compliance with the Code, International Standard or Technical Document; or (iv) with the approval by WADA, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping. After an appellate decision un-

⁵¹ [Comment to Article 10.6.2: Article 10.6.2 may be applied to any anti-doping rule violation except, those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8,2.9 or 2.11) or an element of a particular sanction (e.g., Article 10.2.1) or a range of Ineligibility is already provided in an Article based on the Athlete or other Person's degree of Fault.]

⁵² [Comment to Article 10.7.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.]

der Article 13 or the expiration of time to appeal, KADA may only suspend a part of the otherwise applicable Consequences with the approval of WADA and the applicable International Federation.

The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport, non-compliance with the Code and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of Ineligibility shall not include any period of Ineligibility that could be added under Article 10.9.3.2 of these Anti-Doping Rules.

If so requested by an Athlete or other Person who seeks to provide Substantial Assistance, KADA shall allow the Athlete or other Person to provide the information to it subject to a Without Prejudice Agreement.

If the Athlete or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of Consequences was based, KADA shall reinstate the original Consequences. If KADA decides to reinstate suspended Consequences or decides not to reinstate suspended Consequences, that decision may be appealed by any Person entitled to appeal under Article 13.

- 10.7.1.2 To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organizations, at the request of KADA or at the request of the Athlete or other Person who has, or has been asserted to have, committed an anti-doping rule violation, or other violation of the Code, WADA may agree at any stage of the Results Management process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even no period of Ineligibility, no mandatory Public

Disclosure and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of Consequences, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article 10.7.1.2 may not be appealed.

10.7.1.3 If KADA suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organizations with a right to appeal under Article 13.2.3 as provided in Article 14.

In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize KADA to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.

10.7.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence

Where an Athlete or other Person voluntarily admits the commission of an anti-doping rule violation before 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 Article 2.1, before receiving first notice of the admitted violation pursuant to Article 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.⁵³

10.7.3 Application of Multiple Grounds for Reduction of a Sanction

Where an Athlete or other Person establishes entitlement to reduction in sanction under more than one provision of Article 10.5, 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.5, and 10.6. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.7, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

⁵³ [Comment to Article 10.7.2: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he or she not come forward voluntarily.]

10.8 Results Management Agreements

10.8.1 One-Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

Where an Athlete or other Person, after being notified by KADA of a potential anti-doping rule violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the Athlete or other Person may receive a one-year reduction in the period of Ineligibility asserted by KADA. Where the Athlete or other Person receives the one-year reduction in the asserted period of Ineligibility under this Article 10.8.1, no further reduction in the asserted period of Ineligibility shall be allowed under any other Article.⁵⁴

10.8.2 Case Resolution Agreement

Where the Athlete or other Person admits an anti-doping rule violation after being confronted with the anti-doping rule violation by KADA and agrees to Consequences acceptable to KADA and WADA, at their sole discretion, then: (a) the Athlete or other Person may receive a reduction in the period of Ineligibility based on an assessment by KADA and WADA of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the Athlete or other Person's degree of Fault and how promptly the Athlete or other Person admitted the violation; and (b) the period of Ineligibility may start as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the Athlete or other Person shall serve at least one-half of the agreed-upon period of Ineligibility going forward from the earlier of the date the Athlete or other Person accepted the imposition of a sanction or a Provisional Suspension which was subsequently respected by the Athlete or other Person. The decision by WADA and KADA to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of the period of Ineligibility, are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

⁵⁴ [Comment to Article 10.8.1: For example, if KADA alleges that an Athlete has violated Article 2.1 for Use of an anabolic steroid and asserts the applicable period of Ineligibility is four (4) years, then the Athlete may unilaterally reduce the period of Ineligibility to three (3) years by admitting the violation and accepting the three-year period of Ineligibility within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]

If so requested by an Athlete or other Person who seeks to enter into a case resolution agreement under this Article, KADA shall allow the Athlete or other Person to discuss an admission of the anti-doping rule violation with it subject to a Without Prejudice Agreement.⁵⁵

10.9 Multiple Violations

10.9.1 Second or Third Anti-Doping Rule Violation

10.9.1.1 For an Athlete or other Person's second anti-doping rule violation, the period of Ineligibility shall be the greater of:

- a. A six-month period of Ineligibility; or
- b. A period of Ineligibility in the range between:
 - i. the sum of the period of Ineligibility imposed for the first anti-doping rule violation plus the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
 - ii. twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

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

10.9.1.2 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 Article 10.5 or 10.6, or involves a violation of Article 2.4. In these particular cases, the period of Ineligibility shall be from eight (8) years to lifetime Ineligibility.

10.9.1.3 The period of Ineligibility established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7.

10.9.2 An anti-doping rule violation for which an Athlete or other Person has established No Fault or Negligence shall not be considered a violation for purposes of this Article 10.9. In addition, an anti-doping rule violation sanctioned under Article 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

⁵⁵ [Comment to Article 10.8: Any mitigating or aggravating factors set forth in this Article 10 shall be considered in arriving at the Consequences set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.]

10.9.3 Additional Rules for Certain Potential Multiple Violations

10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if KADA can establish that the Athlete or other Person committed the additional anti-doping rule violation after the Athlete or other Person received notice pursuant to Article 7, or after KADA made reasonable efforts to give notice of the first anti-doping rule violation. If KADA 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, including the application of Aggravating Circumstances. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.10.⁵⁶

10.9.3.2 If KADA establishes that an Athlete or other Person committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of Ineligibility for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of Ineligibility is served consecutively, rather than concurrently, with the period of Ineligibility imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.3 If KADA establishes that an Athlete or other Person committed a violation of Article 2.5 in connection with the Doping Control process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of Ineligibility for such violation shall be served consecutively, rather than concurrently, with the period of Ineligibility, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

⁵⁶ [Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, KADA discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., KADA shall impose a sanction based on the sanction that could have been imposed if the two (2) violations had been adjudicated at the same time, including the application of Aggravating Circumstances.]

10.9.3.4 If KADA establishes that an Athlete or other Person has committed a second or third anti-doping rule violation during a period of Ineligibility, the periods of Ineligibility for the multiple violations shall run consecutively, rather than concurrently.

10.9.4 Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of Article 10.9, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

10.10 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 Article 9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.⁵⁷

10.11 Forfeited Prize Money

If KADA recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the Athletes who would have been entitled to it had the forfeiting Athlete not competed.⁵⁸

10.12 Financial Consequences

10.12.1 Where an Athlete or other Person commits an anti-doping rule violation, KADA may, in its discretion and subject to the principle of proportionality, elect to (a) recover from the Athlete or other Person costs associated with the anti-doping rule violation, regardless of the period of Ineligibility imposed and/or (b) fine the Athlete or other Person in an amount up to 1000 KWD Kuwaiti Dinar , only in cases where the maximum period of Ineligibility otherwise applicable has already been imposed.

⁵⁷ [Comment to Article 10.10: Nothing in these Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

⁵⁸ [Comment to Article 10.11: This Article is not intended to impose an affirmative duty on KADA to take any action to collect forfeited prize money. If KADA elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the Athlete(s) who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by KADA and its Athletes.]

- 10.12.2 The imposition of a financial sanction or the KADA's recovery of costs shall not be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under these Anti-Doping Rules.

10.13 Commencement of Ineligibility Period

Where an Athlete is already serving a period of Ineligibility for an anti-doping rule violation, any new period of Ineligibility shall commence on the first day after the current period of Ineligibility has been served. Otherwise, except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed.

10.13.1 Delays Not Attributable to the Athlete or other Person

Where there have been substantial delays in the hearing process or other aspects of Doping Control, and the Athlete or other Person can establish that such delays are not attributable to the Athlete or other Person, KADA or the Anti-Doping Hearing Panel appointed by KADA, if applicable, may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified.⁵⁹

10.13.2 Credit for Provisional Suspension or Period of Ineligibility Served

10.13.2.1 If a Provisional Suspension is respected by the Athlete or other Person, then the Athlete or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If the Athlete or other Person does not respect a Provisional Suspension, then the Athlete or other Person shall receive no credit for any period of Provisional Suspension served. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.

10.13.2.2 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from KADA and thereafter respects the Provisional Suspension, the Athlete or other Person shall receive a credit for

⁵⁹ [Comment to Article 10.13.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Athlete or other Person's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.⁶⁰

10.13.2.3 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 a team.

10.13.2.4 In Team Sports, where a period of Ineligibility is imposed upon a team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.

10.14 Status During Ineligibility or Provisional Suspension

10.14.1 Prohibition Against Participation During Ineligibility or Provisional Suspension

No Athlete or other Person who has been declared Ineligible or is subject to a Provisional Suspension may, during a period of Ineligibility or Provisional Suspension, participate in any capacity in a Competition or activity (other than authorized anti-doping Education or rehabilitation programs) authorized or organized by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization, or in Competitions authorized or organized by any professional league or any international- or national-level Event organization or any elite or national-level sporting activity funded by a governmental agency.

An Athlete or other Person subject to a period of Ineligibility longer than four (4) years may, after completing four (4) years of the period of Ineligibility, participate as an Athlete in local sport events not sanctioned or otherwise under the authority of a Code Signatory or member of a Code Signatory, but only so long as the local sport event is not at a level that could otherwise qualify such Athlete or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or International Event, and does not involve the Athlete or other Person working in any capacity with Protected Persons.

⁶⁰ [Comment to Article 10.13.2.2: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]

An Athlete or other Person subject to a period of Ineligibility shall remain subject to Testing and any requirement by KADA to provide whereabouts information.⁶¹

10.14.2 Return to Training

As an exception to Article 10.14.1, an Athlete may return to train with a team or to use the facilities of a club or other member organization of KADA's or other Signatory's member organization during the shorter of: (1) the last two months of the Athlete's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.⁶²

10.14.3 Violation of the Prohibition of Participation During Ineligibility or Provisional Suspension

Where an Athlete or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Article 10.14.1, the results of such participation shall be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility, including a reprimand and no period of Ineligibility, may be adjusted based on the Athlete or other Person's degree of Fault and other circumstances of the case. The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organization whose Results Management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Article 13.

An Athlete or other Person who violates the prohibition against participation during a Provisional Suspension described in Article 10.14.1 shall receive no credit for any period of Provisional Suspension served and the results of such participation shall be Disqualified.

⁶¹ [Comment to Article 10.14.1: For example, subject to Article 10.14.2 below, Ineligible Athletes cannot participate in a training camp, exhibition or practice organized by their National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level Event organization without triggering the Consequences set forth in Article 10.14.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Automatic Binding Effect of Decisions). An Athlete or other Person serving a period of Ineligibility is prohibited from coaching or serving as an Athlete Support Person in any other capacity at any time during the period of Ineligibility, and doing so could also result in a violation of Article 2.10 by another Athlete. Any performance standard accomplished during a period of Ineligibility shall not be recognized by KADA or National Federations in Kuwait for any purpose.]

⁶² [Comment to Article 10.14.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), Athletes cannot effectively train on their own so as to be ready to compete at the end of the Athlete's period of Ineligibility. During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.14.1 other than training.]

Where an Athlete Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility or a Provisional Suspension, KADA shall impose sanctions for a violation of Article 2.9 for such assistance.

10.14.4 Withholding of Financial Support during Ineligibility

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by KADA, the Government of Kuwait, the National Olympic Committee of Kuwait, the National Paralympic Committee of Kuwait and the National Federations.

10.15 Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 Testing of Team Sports

Where more than one (1) member of a team in a Team Sport has been notified of an anti-doping rule violation under Article 7 in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of the team during the Event Period.

11.2 Consequences for Team Sports

If more than two (2) members of a team in a Team Sport are found to have committed an anti-doping rule violation during an Event Period, the ruling body of the Event shall impose an appropriate sanction on the team (e.g., loss of points, Disqualification from a Competition or Event, or other sanction) in addition to any Consequences imposed upon the individual Athletes committing the anti-doping rule violation.

11.3 Event Ruling Body may Establish Stricter Consequences for Team Sports

The ruling body for an Event may elect to establish rules for the Event which impose Consequences for Team Sports stricter than those in Article 11.2 for purposes of the Event.⁶³

63 [Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.]

ARTICLE 12 SANCTIONS BY KADA AGAINST OTHER SPORTING BODIES

When KADA becomes aware that a National Federation in Kuwait or any other sporting body in Kuwait over which it has authority has failed to comply with, implement, uphold, and enforce these Anti-Doping Rules within that organization's or body's area of competence, KADA may elect to request the National Olympic Committee of Kuwait, the Government of Kuwait or International Federations to take the following additional disciplinary actions, or, where it has the authority, may itself take the following additional disciplinary actions:

12.1 Exclude all, or some group of, members of that organization or body from specified future Events or all Events conducted within a specified period of time.

12.2 Take additional disciplinary actions with respect to that organization's or body's recognition, the eligibility of their members to participate in the KADA's activities, and/or fine that organization or body based on the following:

- 12.2.1 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by Athletes or other Persons affiliated with that organization or body during a twelve (12) month period. In such event: (a) all or some group of members of that organization or body may be banned from participation in any KADA activities for a period of up to two (2) years and/or (b) that organization or body may be fined in an amount up to 4000 Kuwaiti Dinars.
- 12.2.2 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed in addition to the violations described in Article 12.2.1 by Athletes or other Persons affiliated with that organization or body during a twelve (12) month period. In such event, that organization or body may be suspended for a period of up to four (4) years.
- 12.2.3 More than one Athlete or other Person affiliated with that organization or body commits an anti-doping rule violation during an International Event. In such event, that organization or body may be fined in an amount up to 8000 Kuwaiti Dinar.
- 12.2.4 That organization or body has failed to make diligent efforts to keep KADA informed about an Athlete's whereabouts after receiving a request for that information from KADA. In such event, that organization or body may be fined in an amount up to 1000 Kuwaiti Dinar per Athlete, in addition to reimbursement of all of the KADA costs incurred in Testing that organization's or body's Athletes.

12.3 Withhold some or all funding or other financial and non-financial support to that organization or body.

12.4 Oblige that organization or body to reimburse KADA for all costs (including but not limited to laboratory fees, hearing expenses, and travel) related to a violation of these Anti-Doping Rules committed by an Athlete or other Person affiliated with that organization or body.

ARTICLE 13 RESULTS MANAGEMENT: APPEALS ⁶⁴

13.1 Decisions Subject to Appeal

Decisions made under the Code or these Anti-Doping Rules may be appealed as set forth below in Articles 13.2 through 13.7 or as otherwise provided in these Anti-Doping Rules, the Code or the International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.⁶⁵

13.1.2 CAS Shall Not Defer to the Findings Being Appealed

In making its decision, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.⁶⁶

13.1.3 WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Article 13 and no other party

⁶⁴ [Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their National Federations, who might benefit from having another competitor Disqualified.]

⁶⁵ [Comment to Article 13.1.1: The revised language is not intended to make a substantive change to the 2015 Code, but rather for clarification. For example, where an Athlete was charged in the first instance hearing only with Tampering but the same conduct could also constitute Complicity, an appealing party could pursue both Tampering and Complicity charges against the Athlete in the appeal.]

⁶⁶ [Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]

has appealed a final decision within KADA's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in KADA's process.⁶⁷

13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Implementation of Decisions and Authority

A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six-months notice requirement for a retired Athlete to return to competition under Article 5.6.1; a decision by WADA assigning Results Management under Article 7.1 of the Code; a decision by KADA not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the International Standard for Results Management; a decision to impose, or lift, a Provisional Suspension as a result of a Provisional Hearing; KADA's failure to comply with Article 7.4; a decision that KADA lacks authority to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, Consequences or to reinstate, or not reinstate, Consequences under Article 10.7.1; failure to comply with Articles 7.1.4 and 7.1.5 of the Code; failure to comply with Article 10.8.1; a decision under Article 10.14.3; a decision by KADA not to implement another Anti-Doping Organization's decision under Article 15; and a decision under Article 27.3 of the Code may be appealed exclusively as provided in this Article 13.2.

13.2.1 Appeals Involving International-Level Athletes or International Events

In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS.⁶⁸

13.2.2 Appeals Involving Other Athletes or Other Persons

In cases where Article 13.2.1 is not applicable, the decision may be appealed to the National Sports Arbitration Tribunal (NSAT) which acts as the Anti-Doping Appeal Panel. The appeal process shall be carried out in accordance with the International Standard for Results Management.

⁶⁷ [Comment to Article 13.1.3: Where a decision has been rendered before the final stage of KADA's process (for example, a first hearing) and no party elects to appeal that decision to the next level of KADA's process, then WADA may bypass the remaining steps in KADA's internal process and appeal directly to CAS.]

⁶⁸ [Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]

13.2.2.1 Hearings before the Anti-Doping Appeal Panel

For the purpose of Article (13-2-2), the National Sports Arbitration Tribunal shall be responsible for adjudicating and settling any dispute related to sports including appeals related to anti-doping cases. It is an independent and neutral authority with legal personality, financial independency and administrative autonomy established pursuant to chapter Nine of the law (87/2017 acts as an appeal body.

13.2.2.2 The settlement of appeals on anti-doping cases shall be conducted according to these rules, the International Standard for Results Management and the statute and procedural rules of the NSAT which is posted on its website :www.nsat.org.kw.

13.2.2.3 As for the administrative and financial fees of appeal and arbitration are concerned, they shall be based on the pricing list of the arbitration and the arbitrators which is detailed in the NSAT's rules which is posted on its website : www.nsat.org.kw.

13.2.3 Persons Entitled to Appeal

13.2.3.1 Appeals Involving International-Level Athletes or International Events

In cases under Article 13.2.1, 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) the relevant International Federation; (d) KADA and (if different) the National Anti-Doping Organization of the Person's country of residence or countries where the Person is a national or license holder; (e) 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 (f) WADA.

13.2.3.2 Appeals Involving Other Athletes or Other Persons

In cases under Article 13.2.2, the following parties shall have the right to appeal: (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) the relevant International Federation; (d) KADA and (if different) the National Anti-Doping Organization of

the Person's country of residence or countries where the Person is a national or license holder; (e) 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 (f) WADA.

For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the Anti-Doping Appeal Panel (NSAT).

Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organization whose decision is being appealed and the information shall be provided if CAS so directs.

13.2.3.3 Duty to Notify

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

13.2.3.4 Appeal from Imposition of Provisional Suspension

Notwithstanding any other provision herein, the only Person who may appeal from the imposition of a Provisional Suspension is the Athlete or other Person upon whom the Provisional Suspension is imposed.

13.2.3.5 Appeal from Decisions under Article 12

Decisions by KADA pursuant to Article 12 may be appealed exclusively to CAS by the National Federation or other body.

13.2.4 Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the Code are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.⁶⁹

⁶⁹ [Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]

13.3 Failure to Render a Timely Decision by KADA

Where, in a particular case, KADA fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if KADA had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by KADA.⁷⁰

13.4 Appeals Relating to TUEs

TUE decisions may be appealed exclusively as provided in Article 4.4.

13.5 Notification of Appeal Decisions

KADA shall promptly provide the appeal decision to the Athlete or other Person and to the other Anti-Doping Organizations that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.

13.6 Time for Filing Appeals⁷¹

13.6.1 Appeals to CAS

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 following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- a. Within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the Anti-Doping Organization that had Results Management authority;
- b. If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

⁷⁰ [Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and Results Management process, it is not feasible to establish a fixed time period for KADA to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with KADA and give KADA an opportunity to explain why it has not yet rendered a decision.]

⁷¹ [Comment to Article 13.6: Whether governed by CAS rules or these Anti-Doping Rules, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]

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

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

13.6.2 Appeals Under Article 13.2.2

The time to file an appeal to the NSAT shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the decision subject to appeal:

- a. Within fifteen (15) days from notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the Anti-Doping Organization that had Results Management authority;
- b. If such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to the NAST.

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

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

ARTICLE 14 CONFIDENTIALITY AND REPORTING

14.1 Information Concerning Adverse Analytical Findings, Atypical Findings, and Other Asserted Anti-Doping Rule Violations

14.1.1 Notice of Anti-Doping Rule Violations to Athletes and other Persons

Notice to Athletes or other Persons of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 14.

If at any point during Results Management up until the anti-doping rule violation charge, KADA decides not to move forward with a matter, it must notify the Athlete or other Person (provided that the Athlete or other Person had been already informed of the ongoing Results Management).

14.1.2 Notice of Anti-Doping Rule Violations to National Anti-Doping Organizations, International Federations and WADA

Notice of the assertion of an anti-doping rule violation to the Athlete's or other Person's National Anti-Doping Organization, if different from KADA, International Federation and WADA shall occur as provided under Articles 7 and 14, simultaneously with the notice to the Athlete or other Person.

If at any point during Results Management up until the anti-doping rule violation charge, KADA decides not to move forward with a matter, it must give notice (with reasons) to the Anti-Doping Organizations with a right of appeal under Article 13.2.3.

14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation shall include: the Athlete's or other Person's name, country, sport and discipline within the sport, the Athlete's competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory and other information as required by the International Standard for Results Management.

Notification of anti-doping rule violations other than under Article 2.1 shall also include the rule violated and the basis of the asserted violation.

14.1.4 Status Reports

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Article 14.1.1, the Athlete's or other Person's National Anti-Doping Organization, if different from KADA, International Federation and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 Confidentiality

The recipient organizations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, National Federation, and team in a Team Sport) until KADA has made Public Disclosure as permitted by Article 14.3.

14.1.6 Protection of Confidential Information by an Employee or Agent of KADA

KADA shall ensure that information concerning Adverse Analytical Findings, Atypical Findings, and other asserted anti-doping rule violations remains confidential until such information is Publicly Disclosed in accordance with Article 14.3. KADA shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and Delegated Third Parties are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

14.2 Notice of Anti-Doping Rule Violation or Violations of Ineligibility or Provisional Suspension Decisions and Request for Files

14.2.1 Anti-doping rule violation decisions or decisions related to violations of Ineligibility or Provisional Suspension rendered pursuant to Article 7.6, 8.2, 10.5, 10.6, 10.7, 10.14.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, KADA shall provide an English or French summary of the decision and the supporting reasons.

14.2.2 An Anti-Doping Organization having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

14.3 Public Disclosure

14.3.1 After notice has been provided to the Athlete or other Person in accordance with the International Standard for Results Management, and to the applicable Anti-Doping Organizations in accordance with Article 14.1.2, the identity of any Athlete or other Person who is notified of a potential anti-doping rule violation, the Prohibited Substance or Prohibited Method and the nature of the violation involved, and whether the Athlete

or other Person is subject to a Provisional Suspension may be Publicly Disclosed by KADA.

14.3.2 No later than twenty (20) days after it has been determined in an appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, or a new period of Ineligibility, or reprimand, has been imposed under Article 10.14.3, KADA must Publicly Disclose the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved (if any) and the Consequences imposed. KADA must also Publicly Disclose within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above.⁷²

14.3.3 After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived, or in a hearing in accordance with Article 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, KADA may make public such determination or decision and may comment publicly on the matter.

14.3.4 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 fact that the decision has been appealed may be Publicly Disclosed. However, the decision itself and the underlying facts may not be Publicly Disclosed except with the consent of the Athlete or other Person who is the subject of the decision. KADA 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.

14.3.5 Publication shall be accomplished at a minimum by placing the required information on the KADA's website and leaving the information up for the longer of one (1) month or the duration of any period of Ineligibility. The publication will be removed immediately after the expiry of the indicated time period.

⁷² [Comment to Article 14.3.2: Where Public Disclosure as required by Article 14.3.2 would result in a breach of other applicable laws, KADA's failure to make the Public Disclosure will not result in a determination of non-compliance with Code as set forth in Article 4.2 of the International Standard for the Protection of Privacy and Personal Information.]

14.3.6 Except as provided in Articles 14.3.1 and 14.3.3, no Anti-Doping Organization, National Federation or WADA-accredited laboratory, or any official of any such body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by the Athlete, other Person or their entourage or other representatives.

14.3.7 The mandatory Public Disclosure required in Article 14.3.2 shall not be required where the Athlete or other Person who has been found to have committed an anti-doping rule violation is a Minor, Protected Person or Recreational Athlete. Any optional Public Disclosure in a case involving a Minor, Protected Person or Recreational Athlete shall be proportionate to the facts and circumstances of the case.

14.4 Statistical Reporting

KADA shall, at least annually, publish publicly a general statistical report of its Doping Control activities, with a copy provided to WADA. KADA may also publish reports showing the name of each Athlete tested and the date of each Testing.

14.5 Doping Control Information Database and Monitoring of Compliance

To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable Doping Control information among Anti-Doping Organizations, KADA shall report to WADA through ADAMS Doping Control-related information, including, in particular:

- a. Athlete Biological Passport data for International-Level Athletes and National-Level Athletes,
- b. Whereabouts information for Athletes including those in Registered Testing Pools,
- c. TUE decisions, and
- d. Results Management decisions, as required under the applicable International Standard(s).

14.5.1 To facilitate coordinated test distribution planning, avoid unnecessary duplication in Testing by various Anti-Doping Organizations, and to ensure that Athlete Biological Passport profiles are updated, KADA shall report all In-Competition and Out-of-Competition tests to WADA by entering the Doping Control forms into ADAMS in accordance with the requirements and timelines contained in the International Standard for Testing and Investigations.

- 14.5.2 To facilitate WADA's oversight and appeal rights for TUEs, KADA shall report all TUE applications, decisions and supporting documentation using ADAMS in accordance with the requirements and timelines contained in the International Standard for Therapeutic Use Exemptions.
- 14.5.3 To facilitate WADA's oversight and appeal rights for Results Management, KADA shall report the following information into ADAMS in accordance with the requirements and timelines outlined in the International Standard for Results Management: (a) notifications of anti-doping rule violations and related decisions for Adverse Analytical Findings; (b) notifications and related decisions for other anti-doping rule violations that are not Adverse Analytical Findings; (c) whereabouts failures; and (d) any decision imposing, lifting or reinstating a Provisional Suspension.
- 14.5.4 The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete, the Athlete's National Anti-Doping Organization and International Federation, and any other Anti-Doping Organizations with Testing authority over the Athlete.

14.6 Data Privacy

- 14.6.1 KADA may collect, store, process or disclose personal information relating to Athletes and other Persons where necessary and appropriate to conduct its Anti-Doping Activities under the Code, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information), these Anti-Doping Rules, and in compliance with applicable law.
- 14.6.2 Without limiting the foregoing, KADA shall:
- a. Only process personal information in accordance with a valid legal ground;
 - b. Notify any Participant or Person subject to these Anti-Doping Rules, in a manner and form that complies with applicable laws and the International Standard for the Protection of Privacy and Personal Information, that their personal information may be processed by KADA and other Persons for the purpose of the implementation of these Anti-Doping Rules;
 - c. Ensure that any third-party agents (including any Delegated Third Party) with whom KADA shares the personal information of any Participant or Person is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

ARTICLE 15 IMPLEMENTATION OF DECISIONS**15.1 Automatic Binding Effect of Decisions by Signatory Anti-Doping Organizations**

15.1.1 A decision of an anti-doping rule violation made by a Signatory Anti-Doping Organization, an appellate body (Article 13.2.2 of the Code) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon KADA and any National Federation in Kuwait, as well as every Signatory in every sport with the effects described below:

15.1.1.1 A decision by any of the above-described bodies imposing a Provisional Suspension (after a Provisional Hearing has occurred or the Athlete or other Person has either accepted the Provisional Suspension or has waived the right to a Provisional Hearing, expedited hearing or expedited appeal offered in accordance with Article 7.4.3) automatically prohibits the Athlete or other Person from participation (as described in Article 10.14.1) in all sports within the authority of any Signatory during the Provisional Suspension.

15.1.1.2 A decision by any of the above-described bodies imposing a period of Ineligibility (after a hearing has occurred or been waived) automatically prohibits the Athlete or other Person from participation (as described in Article 10.14.1) in all sports within the authority of any Signatory for the period of Ineligibility.

15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all Signatories.

15.1.1.4 A decision by any of the above-described bodies to Disqualify results under Article 10.10 for a specified period automatically Disqualifies all results obtained within the authority of any Signatory during the specified period.

15.1.2 KADA and any National Federation in Kuwait shall recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date KADA receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.3 A decision by an Anti-Doping Organization, an appellate body or CAS to suspend, or lift, Consequences shall be binding upon KADA, and any National Federation in Kuwait, without any further action required, on the earlier of the date KADA receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation by a Major Event Organization made in an expedited process during an Event shall not be binding on KADA or National Federations in Kuwait unless the rules of the Major Event Organization provide the Athlete or other Person with an opportunity to an appeal under non-expedited procedures.⁷³

15.2 Implementation of Other Decisions by Anti-Doping Organizations

KADA and any National Federation in Kuwait may decide to implement other anti-doping decisions rendered by Anti-Doping Organizations not described in Article 15.1.1 above, such as a Provisional Suspension prior to a Provisional Hearing or acceptance by the Athlete or other Person.⁷⁴

15.3 Implementation of Decisions by Body that is not a Signatory

An anti-doping decision by a body that is not a Signatory to the Code shall be implemented by KADA and any National Federation in Kuwait, if KADA finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the Code.⁷⁵

ARTICLE 16 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against an Athlete or other Person unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

⁷³ [Comment to Article 15.1.4: By way of example, where the rules of the Major Event Organization give the Athlete or other Person the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the Major Event Organization is binding on other Signatories regardless of whether the Athlete or other Person chooses the expedited appeal option.]

⁷⁴[Comment to Articles 15.1 and 15.2: Anti-Doping Organization decisions under Article 15.1 are implemented automatically by other Signatories without the requirement of any decision or further action on the Signatories' part. For example, when a National Anti-Doping Organization decides to Provisionally Suspend an Athlete, that decision is given automatic effect at the International Federation level. To be clear, the "decision" is the one made by the National Anti-Doping Organization, there is not a separate decision to be made by the International Federation. Thus, any claim by the Athlete that the Provisional Suspension was improperly imposed can only be asserted against the National Anti-Doping Organization. Implementation of Anti-Doping Organizations' decisions under Article 15.2 is subject to each Signatory's discretion. A Signatory's implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]

⁷⁵ [Comment to Article 15.3: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in the Athlete's body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed. A Signatory's implementation of a decision or its decision not to implement a decision under Article 15.3, is appealable under Article 13.]

ARTICLE 17 EDUCATION

KADA shall plan, implement, evaluate and promote Education in line with the requirements of Article 18.2 of the Code and the International Standard for Education.

ARTICLE 18 ADDITIONAL ROLES AND RESPONSIBILITIES OF NATIONAL FEDERATIONS

18.1 All National Federations of Kuwait and their members shall comply with the Code, International Standards, and these Anti-Doping Rules. All National Federations of Kuwait and other members shall include in their policies, rules and programs the provisions necessary to recognize the authority and responsibility of KADA for implementing Kuwait's National Anti-Doping Program and enforcing these Anti-Doping Rules (including carrying out Testing) directly in respect of Athletes and other Persons under their anti-doping authority as specified in the Introduction to these Anti-Doping Rules (Section "Scope of these Anti-Doping Rules").

18.2 Each National Federation of Kuwait shall accept and abide by the spirit and terms of Kuwait's National Anti-Doping Program and these Anti-Doping Rules as a condition of receiving financial and/or other assistance from the Government of Kuwait and/or the National Olympic Committee of Kuwait.⁷⁶

18.3 Each National Federation of Kuwait shall incorporate these Anti-Doping Rules either directly or by reference into its governing documents, constitution and/or rules as part of the rules of sport that bind their members so that the National Federation may enforce them itself directly in respect of Athletes and other Persons under its anti-doping authority.

18.4 By adopting these Anti-Doping Rules, and incorporating them into their governing documents and rules of sport, National Federations shall cooperate with and support KADA in that function. They shall also recognize, abide by and implement the decisions made pursuant to these Anti-Doping Rules, including the decisions imposing sanctions on Persons under their authority.

⁷⁶ [Comment to Article 18.2: KADA shall work cooperatively with its Government and National Olympic Committee to ensure that recognition of KADA and acceptance and application of these Anti-Doping Rules represents a pre-condition to a National Federation's receipt of any financial and/or other assistance from the Government and/or the National Olympic Committee.]

18.5 All National Federations of Kuwait shall take appropriate action to enforce compliance with the Code, International Standards, and these Anti-Doping Rules by inter alia:

- i. conducting Testing only under the documented authority of their International Federation and using KADA or other Sample collection authority to collect Samples in compliance with the International Standard for Testing and Investigations;
- ii. recognizing the authority of KADA in accordance with Article 5.2.1 of the Code and assisting as appropriate with KADA's implementation of the national Testing program for their sport;
- iii. analyzing all Samples collected using a WADA-accredited or WADA-approved laboratory in accordance with Article 6.1; and
- iv. ensuring that any national level anti-doping rule violation cases discovered by National Federations are adjudicated by an Operationally Independent hearing panel in accordance with Article 8.1 and the International Standard for Results Management.

18.6 All National Federations shall establish rules requiring all Athletes preparing for or participating in a Competition or activity authorized or organized by a National Federation or one of its member organizations, and all Athlete Support Personnel associated with such Athletes to agree to be bound by these Anti-Doping Rules and to submit to the Results Management authority of the Anti-Doping Organization in conformity with the Code as a condition of such participation.

18.7 All National Federations shall report any information suggesting or relating to an anti-doping rule violation to KADA and to their International Federation and shall cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct the investigation.

18.8 All National Federations shall have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes under the authority of KADA or the National Federation.

18.9 All National Federations shall conduct anti-doping Education in coordination with KADA.

ARTICLE 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF KADA

19.1 In addition to the roles and responsibilities described in Article 20.5 of the Code for National Anti-Doping Organizations, KADA shall report to WADA on KADA's compliance with the Code and International Standards in accordance with Article 24.1.2 of the Code.

19.2 Subject to applicable law, and in accordance with Article 20.5.10 of the Code, all KADA board members, directors, officers, and those employees (and those of appointed Delegated Third Parties), who are involved in any aspect of Doping Control, must sign a form provided by KADA, agreeing to be bound by these Anti-Doping Rules as Persons in conformity with the Code for direct and intentional misconduct.

19.3 Subject to applicable law, and in accordance with Article 20.5.11 of the Code, any KADA employee who is involved in Doping Control (other than authorized anti-doping Education or rehabilitation programs) must sign a statement provided by KADA confirming that they are not Provisionally Suspended or serving a period of Ineligibility and have not been directly or intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to them.

ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES

20.1 To be knowledgeable of and comply with these Anti-Doping Rules.

20.2 To be available for Sample collection at all times.⁷⁷

20.3 To take responsibility, in the context of anti-doping, for what they ingest and Use.

20.4 To inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.

20.5 To disclose to KADA and their International Federation any decision by a non-Signatory finding that the Athlete committed an anti-doping rule violation within the previous ten (10) years.

⁷⁷ [Comment to Article 20.2: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes Use low doses of EPO during these hours so that it will be undetectable in the morning.]

20.6 To cooperate with Anti-Doping Organizations investigating anti-doping rule violations.

Failure by any Athlete to cooperate in full with Anti-Doping Organizations investigating anti-doping rule violations may result in a charge of misconduct under KADA's disciplinary rules.

20.7 To disclose the identity of their Athlete Support Personnel upon request by KADA or a National Federation, or any other Anti-Doping Organization with authority over the Athlete.

20.8 Offensive conduct towards a Doping Control official or other Person involved in Doping Control by an Athlete, which does not otherwise constitute Tampering, may result in a charge of misconduct under KADA's disciplinary rules.

ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETE SUPPORT PERSONNEL

21.1 To be knowledgeable of and comply with these Anti-Doping Rules.

21.2 To cooperate with the Athlete Testing program.

21.3 To use their influence on Athlete values and behavior to foster anti-doping attitudes.

21.4 To disclose to KADA and their International Federation any decision by a non-Signatory finding that they committed an anti-doping rule violation within the previous ten (10) years.

21.5 To cooperate with Anti-Doping Organizations investigating anti-doping rule violations.

Failure by any Athlete Support Personnel to cooperate in full with Anti-Doping Organizations investigating anti-doping rule violations may result in a charge of misconduct under KADA's disciplinary rules.

21.6 Athlete Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.

Any such Use or Possession may result in a charge of misconduct under KADA's disciplinary rules.

21.7 Offensive conduct towards a Doping Control official or other Person involved in Doping Control by Athlete Support Personnel, which does not otherwise constitute Tampering, may result in a charge of misconduct under KADA's disciplinary rules.

ARTICLE 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING RULES

22.1 To be knowledgeable of and comply with these Anti-Doping Rules.

22.2 To disclose to KADA and their International Federation any decision by a non-Signatory finding that they committed an anti-doping rule violation within the previous ten (10) years.

22.3 To cooperate with Anti-Doping Organizations investigating anti-doping rule violations.

Failure by any other Person subject to these Anti-Doping Rules to cooperate in full with Anti-Doping Organizations investigating anti-doping rule violations may result in a charge of misconduct under KADA's disciplinary rules.

22.4 Not to Use or Possess any Prohibited Substance or Prohibited Method without valid justification.

22.5 Offensive conduct towards a Doping Control official or other Person involved in Doping Control by a Person, which does not otherwise constitute Tampering, may result in a charge of misconduct under KADA's disciplinary rules.

ARTICLE 23 INTERPRETATION OF THE CODE

23.1 The official text of the Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

23.2 The comments annotating various provisions of the Code shall be used to interpret the Code.

23.3 The Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.

23.4 The headings used for the various Parts and Articles of the Code are for convenience only and shall not be deemed part of the substance of the Code or to affect in any way the language of the provisions to which they refer.

23.5 Where the term “days” is used in the Code or an International Standard, it shall mean calendar days unless otherwise specified.

23.6 The Code shall not apply retroactively to matters pending before the date the Code is accepted by a Signatory and implemented in its rules. However, pre-Code anti-doping rule violations would continue to count as “First violations” or “Second violations” for purposes of determining sanctions under Article 10 for subsequent post-Code violations.

23.7 The Purpose, Scope and Organization of the World Anti-Doping Program and the Code and Appendix 1, Definitions, shall be considered integral parts of the Code.

ARTICLE 24 FINAL PROVISIONS

24.1 Where the term “days” is used in these Anti-Doping Rules, it shall mean calendar days unless otherwise specified.

24.2 These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

24.3 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the Code and the International Standards and shall be interpreted in a manner that is consistent with applicable provisions of the Code and the International Standards. The Code and the International Standards shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.

24.4 The Introduction and Appendix 1 shall be considered integral parts of these Anti-Doping Rules.

24.5 The comments annotating various provisions of these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.

24.6 These Anti-Doping Rules shall enter into force on 1 January 2021 (the “Effective Date”). They repeal any previous version of KADA’s Anti-Doping Rules.

24.7 These Anti-Doping Rules shall not apply retroactively to matters pending before the Effective Date. However:

- 24.7.1 Anti-doping rule violations taking place prior to the Effective Date count as “first violations” or “second violations” for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.
- 24.7.2 Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Article 16 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date).
- 24.7.3 Any Article 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the International Standard for Results Management) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Results Management, but it shall be deemed to have expired twelve (12) months after it occurred.
- 24.7.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to KADA or other Anti-Doping Organization which had Results Management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these Anti-Doping Rules. Such application must be made before the period of Ineligibility has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.

24.7.5 For purposes of assessing the period of Ineligibility for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of Ineligibility which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.⁷⁸

24.7.6 Changes to the Prohibited List and Technical Documents relating to substances or methods on the Prohibited List shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a Prohibited Substance or a Prohibited Method has been removed from the Prohibited List, an Athlete or other Person currently serving a period of Ineligibility on account of the formerly Prohibited Substance or Prohibited Method may apply to KADA or other Anti-Doping Organization which had Results Management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of the removal of the substance or method from the Prohibited List.

⁷⁸ [Comment to Article 24.7.5: Other than the situation described in Article 24.7.5, where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date and the period of Ineligibility imposed has been completely served, these Anti-Doping Rules may not be used to re-characterize the prior violation.]

APPENDIX 1 DEFINITIONS ⁷⁹

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

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

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

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

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

⁷⁹ [Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]

Anti-Doping Activities: Anti-doping Education and information, test distribution planning, maintenance of a Registered Testing Pool, managing Athlete Biological Passports, conducting Testing, organizing analysis of Samples, gathering of intelligence and conduct of investigations, processing of TUE applications, Results Management, monitoring and enforcing compliance with any Consequences imposed, and all other activities related to anti-doping to be carried out by or on behalf of an Anti-Doping Organization, as set out in the Code and/or the International Standards.

Anti-Doping Organization: WADA or a Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other Major Event Organizations that conduct Testing at their Events, International Federations, and National Anti-Doping Organizations.

Athlete: Any Person who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each National Anti-Doping Organization). An Anti-Doping Organization has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of “Athlete”. In relation to Athletes who are neither International-Level nor National-Level Athletes, an Anti-Doping Organization may elect to: conduct limited Testing or no Testing at all; analyze Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organization has elected to exercise its authority to test and who competes below the international or national level, then the Consequences set forth in the Code must be applied. For purposes of Article 2.8 and Article 2.9 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 is an Athlete.⁸⁰

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

Athlete Support Personnel: 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.

80 [Comment to Athlete: Individuals who participate in sport may fall in one of five (5) categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International- or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.]

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 WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

Competition: A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a Competition and an Event will be as provided in the rules of the applicable International Federation.

Consequences of Anti-Doping Rule Violations (“Consequences”): 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 on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.14; (c) Provisional Suspension means the Athlete or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14. Teams in Team Sports may also be subject to Consequences as provided in Article 11.

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

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

Delegated Third Party: Any Person to which KADA delegates any aspect of Doping Control or anti-doping Education programs including, but not limited to, third parties or other Anti-Doping Organizations that conduct Sample collection or other Doping Control services or anti-doping Educational programs for KADA, or individuals serving as independent contractors who perform Doping Control services for KADA (e.g., non-employee Doping Control officers or chaperones). This definition does not include CAS.

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

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

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

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

Event Venues: Those venues so designated by the ruling body for the Event.

Fault: Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete's or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behavior. Thus, for example, the fact that an Athlete would lose the opportunity to earn large

sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.6.1 or 10.6.2.⁸¹

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

In-Competition: The period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all Major Event Organizations for that particular sport.⁸²

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

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

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

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

International Event: An Event or Competition 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.

⁸¹ [Comment to Fault: The criterion for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.6.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]

⁸² [Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from substances prohibited Out-of-Competition being carried over to the Competition period.]

International-Level Athlete: Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations.⁸³

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 variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

Metabolite: Any substance produced by a biotransformation process.

Minimum Reporting Level: The estimated concentration of a Prohibited Substance or its Metabolite(s) or Marker(s) in a Sample below which WADA-accredited laboratories should not report that Sample as an Adverse Analytical Finding.

Minor: A natural Person who has not reached the age of eighteen (18) years.

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

National Event: A sport Event or Competition involving International- or National-Level Athletes that is not an International Event.

National Federation: A national or regional entity in Kuwait which is a member of or is recognized by an International Federation as the entity governing the International Federation's sport in that nation or region in Kuwait.

⁸³ [Comment to International-Level Athlete: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular International Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation must publish a list of those International Events.]

National-Level Athlete: Athletes who compete in sport at the national level, as defined by each National Anti-Doping Organization, consistent with the International Standard for Testing and Investigations. In Kuwait, National-Level Athletes are defined as set out in the Introduction to these Anti-Doping Rules (Section “Scope of these Anti-Doping Rules”).

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. In Kuwait, the National Olympic Committee is Kuwait Olympic Committee.

National Sports Arbitration Tribunal (NSAT): An independent national body that is responsible for resolving all sports disputes, including appeals related to anti-doping cases, within the State of Kuwait under Chapter Nine of Law No. (87) of 2017.

No Fault or Negligence: The Athlete or other Person’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 or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete’s system.

No Significant Fault or Negligence: The Athlete or other Person’s establishing that any Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Protected Person or Recreational Athlete, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered the Athlete’s system.

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

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

Participant: Any Athlete or Athlete Support Person.

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 or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an anti-doping rule violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping 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.⁸⁴

Prohibited List: The list identifying the Prohibited Substances and Prohibited Methods.

Prohibited Method: Any method so described on the Prohibited List.

Prohibited Substance: Any substance, or class of substances, so described on the Prohibited List.

⁸⁴ [Comment to Possession: Under this definition, anabolic steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization

must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]

Protected Person: An Athlete or other natural Person who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any Registered Testing Pool and has never competed in any International Event in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.⁸⁵

Provisional Hearing: For purposes of Article 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the Athlete with notice and an opportunity to be heard in either written or oral form.⁸⁶

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

Publicly Disclose: See Consequences of Anti-Doping Rule Violations above.

Recreational Athlete: In Kuwait, Recreational Athlete is defined as set out in the Introduction to these Anti-Doping Rules (Section “Scope of these Anti-Doping Rules”).

Regional Anti-Doping Organization: A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of Samples, the management of results, the review of TUEs, the conduct of hearings, and the conduct of Educational programs at a regional level.

Registered Testing Pool: The pool of highest-priority Athletes established separately at the international level by International Federations and at the national level by National Anti-Doping Organizations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation’s or National Anti-Doping Organization’s test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 of the Code and the International Standard for Testing and Investigations. In Kuwait, KADA’s Registered Testing Pool is defined as set out in Article 5.5 of these Anti-Doping Rules.

⁸⁵ [Comment to Protected Person: The Code treats Protected Persons differently than other Athletes or Persons in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an Athlete or other Person may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the Code. This would include, for example, a Paralympic Athlete with a documented lack of legal capacity due to an intellectual impairment. The term “open category” is meant to exclude competition that is limited to junior or age group categories.]

⁸⁶ [Comment to Provisional Hearing: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an “expedited hearing”, as that term is used in Article 7.4.3, is a full hearing on the merits conducted on an expedited time schedule.]

Results Management: The process encompassing the timeframe between notification as per Article 5 of the International Standard for Results Management, or in certain cases (e.g., Atypical Finding, Athlete Biological Passport, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

Sample or Specimen: Any biological material collected for the purposes of Doping Control.⁸⁷

Signatories: Those entities accepting the Code and agreeing to implement the Code, as provided in Article 23 of the Code.

Specified Method: See Article 4.2.2.

Specified Substance: See Article 4.2.2.

Strict Liability: The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, Fault, Negligence, or knowing Use on the Athlete's part be demonstrated by the Anti-Doping Organization in order to establish an anti-doping rule violation.

Substance of Abuse: See Article 4.2.3.

Substantial Assistance: For purposes of Article 10.7.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter 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 or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

⁸⁷ [Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]

Tampering: Intentional conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organization or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organization or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference or Attempted interference with any aspect of Doping Control.⁸⁸

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

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

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

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

Testing Pool: The tier below the Registered Testing Pool which includes Athletes from whom some whereabouts information is required in order to locate and Test the Athlete Out-of-Competition.

Therapeutic Use Exemption (TUE): A Therapeutic Use Exemption allows an Athlete with a medical condition to Use a Prohibited Substance or Prohibited Method, but only if the conditions set out in Article 4.4 and the International Standard for Therapeutic Use Exemptions are met.

⁸⁸ [Comment to Tampering: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct which occurs during the Results Management process. See Article 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]

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

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.

Without Prejudice Agreement: For purposes of Articles 10.7.1.1 and 10.8.2, a written agreement between an Anti-Doping Organization and an Athlete or other Person that allows the Athlete or other Person to provide information to the Anti-Doping Organization in a defined time-limited setting with the understanding that, if an agreement for Substantial Assistance or a case resolution agreement is not finalized, the information provided by the Athlete or other Person in this particular setting may not be used by the Anti-Doping Organization against the Athlete or other Person in any Results Management proceeding under the Code, and that the information provided by the Anti-Doping Organization in this particular setting may not be used by the Athlete or other Person against the Anti-Doping Organization in any Results Management proceeding under the Code. Such an agreement shall not preclude the Anti-Doping Organization, Athlete or other Person from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

