ANTI-DOPING RULES

INTRODUCTION

Preface

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

These Anti-Doping Rules are sport rules governing the conditions under which sport is played. They are a World Sailing Code that has the status of a rule under the Racing Rules of Sailing. They are 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*, World Sailing shall be responsible for conducting all aspects of *Doping Control*. Any aspect of *Doping Control* or anti-doping *Education* may be delegated by World Sailing to a *Delegated Third Party*, such as the International Testing Agency (ITA), however, World Sailing shall require the *Delegated Third Party* to perform such aspects in compliance with the *Code*, *International Standards*, and these Anti-Doping Rules. World Sailing has delegated its adjudication responsibilities and *Results Management* to the *CAS* Anti-Doping Division.

When World Sailing has delegated its responsibilities to implement part or all of *Doping Control* to the *Delegated Third Party,* any reference to World Sailing in these *Rules* should be intended as a reference to that *Delegated Third Party*, where applicable and within the context of the aforementioned delegation. World Sailing shall always remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*.

Italicized terms in these Anti-Doping Rules are defined terms in Appendix 1.

Unless otherwise specified, references to Regulations are references to Regulations in these Anti-Doping Rules.

Fundamental Rationale for the *Code* and World Sailing'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.

Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to:

(a) World Sailing, including:

(i) all *Persons* within World Sailing who are subject to its Regulations being:

a. members of the World Sailing Board;

b. members of the World Sailing Council (including any Alternates), committees, commissions or working parties;

c. World Sailing Race Officials and World Sailing Representatives; and

d. any *Person*, official or body which has agreed on an individual basis to be bound to the World Sailing Constitution or Regulations, and

(ii) *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*;

(b) each of its *Member National Authorities*, including all *Persons* within *Member National Authorities* who are subject to World Sailing's Regulations, 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*:

(iii) all *Athletes* and *Athlete Support Personnel* who are members of any *Member National Authority*, or of any member or affiliated club or organization of any *Member National Authority*;

(iv) all *Athletes* and *Athlete Support Personnel* who participate in such capacity in *Events*, *Competitions* and other activities organized, convened, authorized or recognized by World Sailing, or any *Member National Authority*, or by any member or affiliated club or organization of any *Member National Authority*, wherever held;

(v) any other *Athlete* or *Athlete Support Personnel* or other *Person* who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the authority of World Sailing, or of any *Member National Authority*, or of any member or affiliated club or organization of any *Member National Authority*, for purposes of anti-doping; and

(vi) *Athletes* who are not regular members of World Sailing or of one of its *Member National Authority* but who want to be eligible to compete in a particular *International Event* or an *Event* which has been specifically sanctioned by World Sailing as a World Sailing Special Event.

Each of the abovementioned *Persons* is deemed, as a condition of his or her participation or involvement in the sport, to have agreed to and be bound by these Anti-Doping Rules, and to have submitted to the authority of World Sailing 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 of the Code to hear and determine cases and appeals brought under these Anti-Doping Rules.[1]

International-Level Athletes

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 *International-Level Athletes* for the purposes of these Anti-Doping Rules, and, therefore, the specific provisions in these Anti-Doping Rules applicable to *International-Level Athletes* (e.g., *Testing*, *TUEs*, whereabouts, and *Results Management*) shall apply to such *Athletes*:

(a) *Athletes* who are part of World Sailing *Registered Testing Pool* or World Sailing *Testing Pool* (if any)*;*

(b) *Athletes* who participate in the following *International Events*:

- Olympic & Paralympic Games
- Sailing World Championships
- World Cup Final
- Youth Sailing World Championships
- Para World Sailing Championship

and any other *Events* that World Sailing adds to the recognized *International Events* on the World Sailing Anti-Doping microsite found at https://www.sailing.org/sailors/antidoping/international_events.php

(A) DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Regulation 1 through to Regulation 108.6 of these Anti-Doping Rules.

(B) ANTI-DOPING RULE VIOLATIONS

The purpose of Regulation B 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:

1. Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*

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

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[1] *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 Regulations 5 (Tampering), 7 (Trafficking), 8 (Administration), 9 (Complicity), 10 (Prohibited Association) and 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.*

World Sailing shall ensure that, as per Regulation S 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 the World Sailing's authority to solve anti-doping cases.

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 of the Code. [2]

1.2 Sufficient proof of an anti-doping rule violation under Regulation 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*.[3]

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.

1.4 As an exception to the general rule of Regulation 1, the *Prohibited List*, *International Standards* or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

2. *Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method* [4]

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 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.[5]

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[2] *Comment to Regulation 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 Regulation J. This principle has consistently been upheld by CAS.*

[3] *Comment to Regulation 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.*

[4] *Comment to Regulation 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 Regulation 13, unlike the proof required to establish an anti-doping rule violation under Regulation 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 Regulation 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.

[5] *Comment to Regulation 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 Regulation 1 and violations of Regulation 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

3. Evading, Refusing or Failing to Submit to *Sample* Collection by an *Athlete*

3.1 Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.[6]

4. Whereabouts Failures by an *Athlete*

4.1. 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.*

5. *Tampering* or *Attempted Tampering* with any Part of *Doping Control* by an *Athlete* or Other *Person*

6. *Possession* of a *Prohibited Substance* or a *Prohibited Method* by an *Athlete* or *Athlete Support Person*

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 Regulation 17 or other acceptable justification.

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 Regulation 17 or other acceptable justification. [7]

7. *Trafficking* or *Attempted Trafficking* in any *Prohibited Substance* or *Prohibited Method* by an *Athlete* or Other *Person.*

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*.

9. Complicity or *Attempted Complicity* by an *Athlete* or Other *Persons*

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or its Metabolites or Markers in a Sample collected In-Competition is a violation of Regulation 1 regardless of when that Substance might have been administered.)

[6] *Comment to Regulation 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.*

[7] *Comment to Regulations 6.1 and 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 Regulation 6.1 and 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.

9.1. 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 Regulation 58.1 by another *Person*.[8]

10. Prohibited Association by an *Athlete* or Other *Person*

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:

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

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

10.1.3. Is serving as a front or intermediary for an individual described in Regulations 10.1.1 or 10.1.2.

10.2. To establish a violation of Regulation 10, an *Anti-Doping Organization* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person*'s disqualifying status.

10.2.1. The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Regulation 10.1.1 or 10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

10.2.2. *Anti-Doping Organizations* that are aware of *Athlete Support Personnel* who meet the criteria described in Regulations 10.1.1, 10.1.2, or 10.1.3 shall submit that information to *WADA*.[9]

11. Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting to Authorities

11.1. Where such conduct does not otherwise constitute a violation of Regulation 5:

11.1.1. 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,

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[8] *Comment to Regulation 9: Complicity or Attempted Complicity may include either physical or psychological assistance.*

[9] *Comment to Regulation 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 Regulation 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.

hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organization*.

11.1.2. 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*.

11.1.3. For purposes of Regulation 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.[10]

(C) PROOF OF DOPING

12. Burdens and Standards of Proof

12.1. World Sailing shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether World Sailing 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 Regulations 13.1.2, 13.1.3 and 13.1.4, the standard of proof shall be by a balance of probability.[11]

13. Methods of Establishing Facts and Presumptions

13.1. Facts related to anti-doping rule violations may be established by any reliable means, including admissions.[12] The following rules of proof shall be applicable in doping cases:

13.1.1. 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 presumption 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

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[10] *Comment to Regulation 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 Regulation 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 Regulation 11, a report is not made in good faith where the Person making the report knows the report to be false.

[11] *Comment to Regulation 12: This standard of proof required to be met by World Sailing is comparable to the standard which is applied in most countries to cases involving professional misconduct.*

[12] *Comment to Regulation 13: For example, World Sailing may establish an anti-doping rule violation under Regulation 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 Regulation 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*

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.[13]

13.1.2. *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*.

13.1.3. 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 World Sailing shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.[14]

13.1.4. 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 defence to an anti-doping rule violation;[15] provided, however, if the *Athlete* or other *Person* establishes that a 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 World Sailing shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

a) 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 World Sailing shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

b) 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 World Sailing shall have the burden to establish that such departure did not cause the anti-doping rule violation;

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[13] *Comment to Regulation 13.1.1: 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.*

[14] *Comment to Regulation 13.1.2 and 13.1.3: 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 World Sailing to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.*

[15] *Comment to Regulation 13.1.4: 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, World Sailing's violation of the document referenced in Regulation 92.7 of the Code shall not constitute a defense to an anti-doping rule violation.*

c) 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 World Sailing shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;[16]

d) 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 World Sailing shall have the burden to establish that such departure did not cause the whereabouts failure.

13.2. 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.

13.3. The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or World Sailing.

(D) THE *PROHIBITED LIST*

14. Incorporation of the *Prohibited List*

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

14.2. 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 World Sailing or its *Member National Authorities.* 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.

14.3. World Sailing shall provide its *Member National Authorities* with the most recent version of the *Prohibited List*. Each *Member National Authorities* shall in turn ensure that its members, and the constituents of its members, are also provided with the most recent version of the *Prohibited List*.[17]

15. *Prohibited Substances* and *Prohibited Methods* Identified on the *Prohibited List*

15.1. *Prohibited Substances* and *Prohibited Methods*

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[16] *Comment to Regulation 13.1.4(c): World Sailing 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.*

[17] *Comment to Regulation 14: The current Prohibited List is available on WADA's website https://www.wada-ama.org/en/resources/world-anti-doping-program/prohibited-list. 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.*

15.1.1. 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 Substance*s 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.[18]

15.2. *Specified Substances* or *Specified Methods*

15.2.1. For purposes of the application of Regulation J, 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*.[19]

15.3. *Substances of Abuse*

15.3.1. For purposes of applying Regulation J, *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.

16. *WADA's* Determination of the *Prohibited List*

16.1. *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.

17. *Therapeutic Use Exemptions* ("*TUEs*")

17.1. 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*.

17.2. *TUE* Applications

17.2.1. *Athletes* who are not *International-Level Athletes* shall apply to their *National Anti-Doping Organization* for a *TUE*. If the *National Anti-Doping Organization* denies the

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[18] *Comment to Regulation 14: 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.*

[19] *Comment to Regulation 15.2: The Specified Substances and Specified Methods identified in Regulation 15.2 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.*

application, the *Athlete* may appeal exclusively to the appellate body described in Article 13.2.2 of the Code.

17.2.2. *Athletes* who are *International-Level Athletes* shall apply to World Sailing.

17.3. *TUE* Recognition[20]

17.3.1. Where the *Athlete* already has a *TUE* granted by their *National Anti-Doping Organization* pursuant to Regulation 17.2.1 for the substance or method in question, and provided that such *TUE* has been reported in accordance with Article 21.5.5 of the *International Standard* for *Therapeutic Use Exemptions*, World Sailing will automatically recognize it for purposes of international-level *Competition* without the need to review the relevant clinical information.

17.3.2. If World Sailing chooses to test an *Athlete* who is not an *International-Level Athlete*, World Sailing must recognize a *TUE* granted to that *Athlete* by their *National Anti-Doping Organization* unless the *Athlete* is required to apply for recognition of the *TUE* pursuant to Articles 5.8 and 7.0 of the *International Standard* for *Therapeutic Use Exemptions*.

17.4. *TUE* Application Process [21]

17.4.1. If the *Athlete* does not already have a *TUE* granted by their *National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to World Sailing.

17.4.2. An application to World Sailing for grant or recognition of a *TUE* must be made as soon as possible, save where Articles 14 or 16 of the *International Standard* for *Therapeutic Use Exemptions* apply. The application shall be made in accordance with Article 6 of the *International Standard* for *Therapeutic Use Exemptions* as posted on World Sailing's website.

17.4.3. The World Sailing Medical Commission exercises the functions of the *Therapeutic Use Exemption* Committee ("TUEC") to consider applications for the grant or recognition of *TUEs* in accordance with Regulations 17.4.3 (a) - (d) below:

a) Before serving as a member of the Commission, each member must sign a conflict of interest and confidentiality declaration. No member of the Commission may be an employee or director of World Sailing.

b) When an application to World Sailing for the grant or recognition of a *TUE* is made, the Chair of the Commission shall appoint three (3) members (which may include the Chair) to consider the application. The Chair may delegate their authority to appoint the TUEC to the World Sailing Executive Office to be exercised in accordance with their, or the Commission's, instructions.

c) Before considering a *TUE* application, each member shall disclose to the Chair and the World Sailing Executive Office any circumstances likely to affect their impartiality with respect to the *Athlete* making the application. If a member appointed by the

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[20] *Comment to Regulation 17.3: If World Sailing refuses to recognize a TUE granted by a National Anti-Doping Organization only because medical records or other information are missing that are needed to demonstrate satisfaction with 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 World Sailing.*

Comment to Regulation 17.3: World Sailing may agree with a National Anti-Doping Organization that the National Anti-Doping Organization will consider TUE applications on behalf of World Sailing.

[21] *Comment to Regulation 17.4: The submission of falsified documents to a TUEC or World Sailing, 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 Regulation 5.*

An Athlete should not assume that their application for the grant or recognition 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.]

Chair to consider an application is unwilling or unable to assess the *Athlete*'s *TUE* application, for any reason, a replacement shall be appointed.

d) No member of the TUEC may consider an application from an *Athlete* from their own country.

17.4.4. 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 endeavours to issue its decision before the start of the *Event*.

17.4.5. The TUEC decision shall be the final decision of World Sailing and may be appealed in accordance with Regulation 18.3. The World Sailing 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*.

17.4.6. If World Sailing (or the *National Anti-Doping Organization*, where it has agreed to consider the application on behalf of World Sailing) denies the *Athlete's* application, it must notify the *Athlete* promptly, with reasons. If World Sailing grants the *Athlete's* application, it must notify not only the *Athlete* but also their *National Anti-Doping Organization*. If the *National Anti-Doping Organization* considers that the *TUE* granted by World Sailing does not meet the criteria set out in the *International Standard* for *Therapeutic Use Exemptions*, it has twenty-one (21) days from such notification to refer the matter to *WADA* for review in accordance with Regulation 18.3.

17.4.7. If the *National Anti-Doping Organization* refers the matter to *WADA* for review, the *TUE* granted by World Sailing remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA's* decision. If the *National Anti-Doping Organization* does not refer the matter to *WADA* for review, the *TUE* granted by World Sailing becomes valid for national-level *Competition* as well when the twenty-one (21) day review deadline expires.

17.5. Retroactive *TUE* Applications

17.5.1. If World Sailing chooses to collect a *Sample* from an *Athlete* who is not an *International-Level Athlete* or a *National-Level Athlete*, and that *Athlete* is *Using* a *Prohibited Substance* or *Prohibited Method* for therapeutic reasons, World Sailing must permit that *Athlete* to apply for a retroactive *TUE*.

18. Expiration, Withdrawal or Reversal of a *TUE*

18.1. A *TUE* granted pursuant to these Anti-Doping Rules:

18.1.1. shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;

18.1.2. will be withdrawn if the *Athlete* does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the *TUE*;

18.1.3. 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

18.1.4. may be reversed on review by *WADA* or on appeal.

18.2. 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 19 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.

18.3. Reviews and Appeals of *TUE* Decisions

18.3.1. *WADA* must review World Sailing's decision not to recognize a *TUE* granted by the *National Anti-Doping Organization* that is referred *to WADA* by the *Athlete* or the *Athlete's National Anti-Doping Organization.* In addition, *WADA* must review World Sailing's decision to grant a *TUE* that is referred *to WADA* by the *Athlete's National Anti-Doping Organization*. *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.[22]

18.3.2. Any *TUE* decision by World Sailing (or by a *National Anti-Doping Organization* where it has agreed to consider the application on behalf of World Sailing) that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organization,* exclusively to *CAS*.[23]

18.3.3. A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete,* the *National Anti-Doping Organization* and/or World Sailing, exclusively to *CAS*.

18.3.4. 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.

18.4. Offshore and Emergency Situations

18.4.1. In offshore races of more than 50 nautical miles, the use of any *Prohibited Substance* or *Prohibited Method* for emergency medical treatment shall be recorded and notified to World Sailing as soon as reasonably practicable and the *Athlete* shall apply for a retroactive *TUE*. The TUEC may grant a retroactive *TUE* for the *Use, Administration* and/or *Possession* provided that it is satisfied that the conditions described in the *International Standard* for *Therapeutic Use Exemptions* for such a grant are satisfied.

18.4.2. With the written approval of the World Sailing TUEC, a team doctor or a doctor who is responsible for sailing competitors, officials and others in the care of that doctor, is permitted to carry medications that contain a *Prohibited Substance* or that constitute a *Prohibited Method* in case they are needed for urgent or emergency circumstances, provided that they are only used in such circumstances and in the proper discharge of the Hippocratic oath. The *Use* of a *Prohibited Substance* or a *Prohibited Method* in such

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[22] *Comment to Regulation 18.3.1: 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 4.4.7 of the Code; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.*

[23] *Comment to Regulation 18.3.2: In such cases, the decision being appealed is the World Sailing'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.*

circumstances must satisfy the conditions for the grant of a retroactive *TUE* in accordance with the *International Standard* for *Therapeutic Use Exemptions*.

(E) *TESTING* AND INVESTIGATIONS

19. Purpose of *Testing* and Investigations[24]

19.1. *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 and any specific protocols of World Sailing supplementing that *International Standard*.

19.2. *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Regulation 1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete*'s *Sample*) or Regulation 2 (*Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*).

20. Authority to Test

20.1. Subject to the limitations for *Event Testing* set out in Regulation 21, World Sailing 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").

20.2. World Sailing 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.[25]

20.3. *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.10 of the *Code*.

20.4. If World Sailing delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* directly or through a *Member National Authority*, that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense. If additional *Samples* are collected or additional types of analysis are performed, World Sailing shall be notified.

21. *Event Testing*

21.1. 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*, World Sailing (or other international organization which is the ruling body for an *Event*) shall have authority to conduct *Testing*. At *National Events*, the *National Anti-Doping Organization* of that country shall have authority to conduct *Testing*. At the request of World Sailing (or other international organization which is the ruling body for an *Event*), any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with World Sailing (or the relevant ruling body of the *Event*).

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[24] *Comment to Regulation 19: 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.*

[25] *Comment to Regulation 20.2: World Sailing 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, World Sailing 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 World Sailing 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.*

21.2. 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 consult with World Sailing (or other international organization which is the ruling body of the *Event*) to obtain permission to conduct and coordinate such *Testing*.

21.3. If the *Anti-Doping Organization* is not satisfied with the response from World Sailing (or other international organization which is the ruling body of the *Event*), the *Anti-Doping Organization* may, in accordance with the 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 World Sailing (or other international organization which is the ruling body for the *Event*). *WADA's* decision shall be final and not subject to appeal.

21.4. 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*.[26]

22. *Testing* Requirements

22.1. World Sailing shall conduct test distribution planning and *Testing* as required by the *International Standard* for *Testing and Investigations*.

22.2. 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*.

23. *Athlete* Whereabouts Information

23.1. World Sailing has established 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 (of the Code) violations as provided in Article 10.3.2 of the Code. World Sailing shall coordinate with *National Anti-Doping Organizations* to identify such *Athletes* and to collect their whereabouts information.

23.2. World Sailing shall make available through *ADAMS* a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. World Sailing 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.

23.3. Where an *Athlete* is included in an international *Registered Testing Pool* by World Sailing and in a national *Registered Testing Pool* by their *National Anti-Doping Organization*, the *National Anti-Doping Organization* and World Sailing shall agree between themselves which of them

[26] *Comment to Regulation 21.2 – 21.4: Before giving approval to a National Anti-Doping Organization 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 the National Anti-Doping Organization of the country where the Event takes place. 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.*

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.

23.4. In accordance with the *International Standard* for *Testing* and Investigations, each *Athlete* in the *Registered Testing Pool* shall do the following:

23.4.1. advise World Sailing of his/her whereabouts on a quarterly basis;

23.4.2. update that information as necessary so that it remains accurate and complete at all times; and

23.4.3. make himself or herself available for *Testing* at such whereabouts.

23.5. For purposes of Regulation 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 that Annex B are met.

23.6. An *Athlete* in World Sailing'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 World Sailing that he or she has retired or (b) World Sailing has informed him or her that he or she no longer satisfies the criteria for inclusion in World Sailing's *Registered Testing Pool*.

23.7. 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 Regulation 23.2. 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.

23.8. In accordance with the *International Standard* for *Testing* and Investigations, World Sailing may establish one or more Special Event *Testing Pools*, which includes *Athletes* participating in World Sailing Special Events who are subject to less stringent whereabouts requirements than *Athletes* included in World Sailing's *Registered Testing Pool*.

23.9. World Sailing shall notify *Athletes* before they are included in a Special Event *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 Regulations 23.10 and 23.11.

23.10. *Athletes* included in a Special Event *Testing Pool* may be required to provide World Sailing 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.

The periods of time when the whereabouts information must be provided will be notified by World Sailing to the *Athletes* in sufficient time to allow them to comply.

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

23.11. An *Athlete's* failure to provide whereabouts information on or before the date required by World Sailing or the *Athlete's* failure to provide accurate whereabouts information shall result in World Sailing elevating the *Athlete* to World Sailing's *Registered Testing Pool*.

23.12. World Sailing 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 a Special Event *Testing Pool*. If it chooses to do so, an *Athlete's* failure to provide requested whereabouts information on or before the date required by World Sailing or the *Athlete's* failure to provide accurate whereabouts information shall result in World Sailing elevating the *Athlete* to World Sailing's *Registered Testing Pool*.

24. Retired *Athletes* Returning to *Competition*

24.1. If an *International-Level Athlete* or *National-Level Athlete* in World Sailing's *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Event*s or *National Event*s until the *Athlete* has made himself or herself available for *Testing*, by giving six-months prior written notice to World Sailing and their *National Anti-Doping Organization*.

24.2. *WADA*, in consultation with World Sailing and the *Athlete's National Anti-Doping Organization*, 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 Regulation M.

24.3. Any competitive results obtained in violation of this Regulation 24.2 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*.

24.4. 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 World Sailing and to their *National Anti-Doping Organization*.

25. *Independent Observer Program*

25.1. World Sailing and organizing authorities for World Sailing's *Events*, as well as the *Member National Authority* and organizing authorities for *National Events,* shall authorize and facilitate the *Independent Observer Program* at *such Events*.

(F) ANALYSIS OF *SAMPLES*

Samples shall be analyzed in accordance with the following principles:

26. Use of Accredited, Approved Laboratories and Other Laboratories

26.1. For purposes of directly establishing an *Adverse Analytical Finding* under Regulation 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 World Sailing. [27]

26.2. As provided in Regulation 13, 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.

27. Purpose of Analysis of *Samples* and Data

27.1. *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 21.4.5 of the *Code*, or to assist World Sailing 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.[28]

28. Research on *Samples* and Data

28.1. *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*.[29]

29. Standards for *Sample* Analysis and Reporting

29.1. In accordance with Article 21.6.4 of the *Code*, World Sailing shall ask laboratories to analyze *Samples* in conformity with the *International Standard* for Laboratories and Article 21.4.7 of the *International Standard* for *Testing* and Investigations.

29.2. 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 World Sailing. Results from any such analysis shall be reported to World Sailing and have the same validity and *Consequences* as any other analytical result.[30]

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[27] *Comment to Regulation 26.1: Violations of Regulation 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.*

[28] *Comment to Regulation 27.1: For example, relevant Doping Control-related information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Regulation 2, or both.*

[29] *Comment to Regulation 28.1: 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.*

[30] *Comment to Regulation 29.2: 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.*

30. Further Analysis of a *Sample* Prior to or During *Results Management*

30.1. There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time World Sailing notifies an *Athlete* that the *Sample* is the basis for a Regulation 1 anti-doping rule violation charge. If after such notification World Sailing wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

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

31.1. 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 Regulation 27 at any time exclusively at the direction of either the *Anti-Doping Organization* that initiated and directed *Sample* collection or *WADA*.

31.2. 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.

32. Split of A or B *Sample*

32.1. 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.

33. *WADA*'s Right to Take Possession of *Samples* and Data

33.1. *WADA* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping 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 authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.[31]

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[31] *Comment to Regulation 33.1: 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 Regulation 33: 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.

(G) *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.

34. Responsibility for Conducting *Results Management*

34.1. Except as otherwise provided in Regulations 31, 33 and Article 7.1 of the Code, *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).

34.2. 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 *Member National Authority* of the *Athlete* or other *Person*.

34.3. In the event the *Major Event Organization* assumes only limited *Results Management* responsibility relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organization*, or an anti-doping rule violation occurring during such *Event*, the case shall be referred by the *Major Event Organization* to World Sailing for *International-Level Athletes* or otherwise to the applicable *Member National Authority* for completion of *Results Management*.

34.4. *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by World Sailing or the *National Anti-Doping Organization* with whom the *Athlete* in question files whereabouts information, as provided in the *International Standard* for *Results Management*. If World Sailing 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*.

34.5. Other circumstances in which World Sailing 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*.

34.6. *WADA* may direct World Sailing to conduct *Results Management* in particular circumstances. If World Sailing 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 World Sailing or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, World Sailing 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.

35. Review and Notification Regarding Potential Anti-Doping Rule Violations

35.1. World Sailing 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*.

36. Identification of Prior Anti-Doping Rule Violations

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

37. *Provisional Suspensions* [32]

37.1. Mandatory *Provisional Suspension* after an *Adverse Analytical Finding* or *Adverse Passport Finding*

37.1.1. If World Sailing 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 Regulation 35.

37.1.2. A mandatory *Provisional Suspension* may be eliminated if:

a) the *Athlete* demonstrates to CAS ADD that the violation is likely to have involved a *Contaminated Product,* or

b) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Regulation 46.1.4(a).

37.1.3. The CAS ADD's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

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

37.3. World Sailing may impose a *Provisional Suspension* for anti-doping rule violations not covered by Regulation 37.1 prior to the analysis of the *Athlete's* B *Sample* or final hearing as described in Regulation H.

37.4. An optional *Provisional Suspension* may be lifted at the discretion of World Sailing at any time prior to the CAS ADD's decision under Regulation 41.2, unless provided otherwise in the *International Standard* for *Results Management*.

37.5. Opportunity for Hearing or Appeal

Notwithstanding Regulations 37.1 and 37.2, a *Provisional Suspension* may not be imposed unless the *Athlete* or other *Person* is given:

37.5.1. an opportunity for a *Provisional Hearing*, either before or on a timely basis after the imposition of the *Provisional Suspension*; or

37.5.2. an opportunity for an expedited hearing in accordance with Regulation 64 on a timely basis after the imposition of the *Provisional Suspension.*

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[32] *Comment to Regulation 37: Before a Provisional Suspension can be unilaterally imposed by World Sailing, the internal review specified in these Anti-Doping Rules and the International Standard* for *Results Management must first be completed.*

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 Regulation 64.

37.6. Voluntary Acceptance of *Provisional Suspension*

37.6.1. *Athletes* on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of:

a) 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

b) the date on which the *Athlete* first competes after such report or notice.

37.6.2. 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.

37.6.3. 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 Regulations 37.1 or 37.2; 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*.

37.7. 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 World Sailing) does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 of the Code.

37.8. In circumstances where the *Athlete* (or the *Athlete's* team) has been removed from an *Event* based on a violation of Article 2.1 of the Code 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*.

38. *Results Management* Decisions

38.1. *Results Management* decisions or adjudications by World Sailing must not purport to be limited to a particular geographic area or World Sailing's sport and shall address and determine without limitation the following issues:

38.1.1. 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

38.1.2. all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Regulations I and 54, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.[33]

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[33] *Comment to Regulation 38.1.2: Results Management decisions include Provisional Suspensions.*

Each decision by World Sailing should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Regulation 45 (which is left to the ruling body for an Event). Pursuant to Regulation O, 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 Regulation I 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 Regulation 54; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organization's responsibility to decide

39. Notification of *Results Management* Decisions

39.1. World Sailing shall notify *Athletes*, other *Persons*, *Signatories* and *WADA* of *Results Management* decisions as provided in Regulation N and in the *International Standard* for *Results Management*.

40. Retirement from Sport[34]

40.1. If an *Athlete* or other *Person* retires while the World Sailing's *Results Management* process is underway, World Sailing retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and World Sailing 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, World Sailing has authority to conduct *Results Management*.

(H) *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, World Sailing shall provide a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *Code* and the *International Standard* for *Results Management*.

41. Fair Hearings

41.1. Fair, Impartial and *Operationally Independent* Hearing Panel

World Sailing has delegated its Regulation H responsibilities (first instance hearings, waiver of hearings and decisions) to the *CAS* Anti-Doping Division (CAS ADD). The procedural rules of CAS ADD pertaining to the hearing of first instance shall apply. CAS ADD must always ensure that the *Athlete* or other *Person* is provided with a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *Code* and the *International Standard* for *Results Management*.

41.2. Hearing Process

41.2.1. When World Sailing 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 Regulation 43.1 or Regulation 43.2, then the case shall be referred to the CAS ADD for hearing and adjudication, which shall be conducted in

whether the Athlete's other individual results in the Event prior to Sample collection are also Disqualified under Regulation 45.

[34] *Comment to Regulation 40: 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.*

accordance with the principles described in Articles 8 and 9 of the *International Standard* for *Results Management*.

41.2.2. 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 CAS ADD.[35]

41.2.3. *WADA,* the *Member National Authority* and the *National Anti-Doping Organization* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, World Sailing shall keep them fully apprised as to the status of pending cases and the result of all hearings.

42. Notice of Decisions

42.1. At the end of the hearing, or promptly thereafter, the CAS ADD shall issue a written decision that conforms with Regulation 21.9 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 Regulation 54 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

42.2. World Sailing shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Regulation 64.4 and shall promptly report it into *ADAMS*. The decision may be appealed as provided in Regulation M.

43. Waiver of Hearing

43.1. 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 World Sailing.

43.2. However, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by the World Sailing asserting the violation (which shall not be less than 14 days), then they shall be deemed upon expiry of the deadline to have waived a hearing, to have admitted the violation, and to have accepted the proposed *Consequences*.

43.3. In cases where Regulation 43.1 or 43.2 applies, a hearing before CAS ADD shall not be required. Instead World Sailing shall promptly issue a written decision that conforms with Regulation 21.9 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 Regulation 54 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

43.4. World Sailing shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Regulation 64.4 and shall promptly report it into *ADAMS*. World Sailing shall *Publicly Disclose* that decision in accordance with Regulation 72.2.

44. Single Hearing Before *CAS*

[35] *Comment to Regulation 41.2.2: 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.*

44.1. 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*, World Sailing (where it has *Results Management* responsibility in accordance with Regulation 7) and *WADA*, be heard in a single hearing directly at *CAS*.[36]

(I) 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.[37]

(J) SANCTIONS ON INDIVIDUALS

45. *Disqualification* of Results in the *Event* during which an Anti-Doping Rule Violation Occurs

45.1. 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 Regulation 49.
Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.[38]

45.2. 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.

46. *Ineligibility* for Presence, *Use* or *Attempted Use*, or *Possession* of a *Prohibited Substance* or *Prohibited Method*

46.1. The period of *Ineligibility* for a violation of Regulations 1, 2 or 6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Regulations 49, 50 or 51:

46.1.1. The period of *Ineligibility*, subject to Regulation 46.1.4, shall be four (4) years where:

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[36] *Comment to Regulation 44.1: 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 World Sailing (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.*

[37] *Comment to Regulation I: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Regulation K. 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.*

[38] *Comment to Regulation 45.2: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all races during the Event.*

a) The anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.[39]

b) The anti-doping rule violation involves a *Specified Substance* or a *Specified Method* and World Sailing can establish that the anti-doping rule violation was intentional.

46.1.2. If Regulation 46.1.1 does not apply, subject to Regulation 46.1.4(a), the period of *Ineligibility* shall be two (2) years.

46.1.3. As used in Regulation 46, 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 "intentional" if the substance is a *Specified Substance and* the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered "intentional" if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.[40]

46.1.4. Notwithstanding any other provision in Regulation 46.1.4, where the anti-doping rule violation involves a *Substance of Abuse*:

a) If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three (3) months *Ineligibility*. In addition, the period of *Ineligibility* calculated under this Regulation 46.1.4.a may be reduced to one (1) month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by World Sailing. The period of *Ineligibility* established in this Regulation 46.1.4.a is not subject to any reduction based on any provision in Regulation 50.[41]

b) If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of Regulation 46.1.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Regulation 48.1.

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[39] *Comment to Regulation 46.1.1(a): 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 Regulation 1 an Athlete will be successful in proving that the Athlete acted unintentionally without establishing the source of the Prohibited Substance.*

[40] *Comment to Regulation 46.1.3: Regulation 46.1.3 provides a special definition of "intentional" which is to be applied solely for purposes of Regulation 46*

[41] *Comment to Regulation 46.1.4(a): 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 World Sailing. This Article is intended to give World Sailing 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.*

47. *Ineligibility* for Other Anti-Doping Rule Violations

47.1. The period of *Ineligibility* for anti-doping rule violations other than as provided in Regulation 46 shall be as follows, unless Regulations 50 or 51 are applicable:

47.1.1. For violations of Regulations 3 or 5, the period of *Ineligibility* shall be four (4) years except:

a) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years;

b) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person*'s degree of *Fault*; or

c) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete*'s degree of *Fault*.

47.1.2. For violations of Regulation 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 Regulation is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

47.1.3. For violations of Regulations 7 or 8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. A Regulation 7 or 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 Regulations 7 or 8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.[42]

47.1.4. For violations of Regulation 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.

47.1.5. For violations of Regulation 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.[43]

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[42] *Comment to Regulation 47.1.3: 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.*

[43] *Comment to Regulation 47.1.5: Where the "other Person" referenced in Regulation 10 is an entity and not an individual, that entity may be disciplined as provided in Article 12 of the Code.*

47.1.6. For violations of Regulation 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*.[44]

48. *Aggravating Circumstances* which may Increase the Period of *Ineligibility*

48.1. If World Sailing establishes in an individual case involving an anti-doping rule violation other than violations under Regulations 7 (*Trafficking* or *Attempted Trafficking*), 8 (*Administration* or *Attempted Administration*), 9 (Complicity or *Attempted* Complicity) or 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.[45]

49. Elimination of the Period of *Ineligibility* where there is *No Fault or Negligence*

49.1. 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.[46]

50. Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence*

50.1. Reduction of Sanctions in Particular Circumstances for Violations of Regulations 1, 2 or 6.

50.2. All reductions under Regulation 50.1 are mutually exclusive and not cumulative.

50.3. *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*.

50.4. *Contaminated Products*

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[44] *Comment to Regulation 47.1.6: Conduct that is found to violate both Regulation 5 (Tampering) and Regulation 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.*

[45] Comment to *Regulation 48.1*: Violations under *Regulation* 7 (Trafficking or Attempted Trafficking), 8 (Administration or Attempted Administration), 9 (Complicity or Attempted Complicity) and 11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) are not included in the application of *Regulation 48* because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any Aggravating Circumstance.

[46] *Comment to Regulation 49: This Regulation and Regulation 50 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 (Regulation 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 Regulation 50 based on No Significant Fault or Negligence.*

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*.[47]

50.5. *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*.

50.6. Application of *No Significant Fault or Negligence* beyond the Application of Regulations 50.1-50.5

If an *Athlete* or other *Person* establishes in an individual case where Regulations 50.1-50.5 are not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Regulation 51, 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.[48]

51. Elimination, Reduction, or Suspension of Period of *Ineligibility* or Other *Consequences* for Reasons Other than *Fault*

51.1. *Substantial Assistance* in Discovering or Establishing *Code* Violations[49]

51.1.1. World Sailing may, prior to an appellate decision under Regulation 21.13 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:

a) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*; or

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[47] *Comment to Regulation 50.4: 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 Regulation 49.

[48] *Comment to Regulation 50.6.1: Regulation 50.6 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., Regulation 7, 8, 9 or 11) or an element of a particular sanction (e.g., Regulation 46.1.1) or a range of Ineligibility is already provided in an Article based on the Athlete or other Person's degree of Fault.*

[49] *Comment to Regulation 51.1: 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.*

b) 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 World Sailing or other *Anti-Doping Organization* with *Results Management* responsibility; or

c) 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

d) 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 under Regulation M or the expiration of time to appeal, World Sailing may only suspend a part of the otherwise applicable *Consequences* with the approval of *WADA*.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, 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 Regulation 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 Regulation 53.3.2 of these Anti-Doping Rules.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, World Sailing 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, World Sailing shall reinstate the original *Consequences*. If World Sailing decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Regulation M.

51.1.2. To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of World Sailing 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 Regulation M, 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 Regulation M, *WADA's* decisions in the context of this Regulation 51.1.6 may not be appealed.

51.1.3. If World Sailing 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 Regulation 64.4 as provided in Regulation N. In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize World Sailing to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

51.2. 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 Regulation 1, before receiving first notice of the admitted violation pursuant to Regulation 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.[50]

51.3. 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 Regulations 49, 50 or 51, before applying any reduction or suspension under Regulation 51, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Regulations 46, 47, 49, and 50. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Regulation 51, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

52. *Results Management* Agreements

53.

53.1. 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 World Sailing 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 Regulation 48), 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 World Sailing. Where the *Athlete* or other *Person* receives the one-year reduction in the asserted period of

[50] *Comment to Regulation 51.2.1: 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.*

Ineligibility under this Regulation 52.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.[51]

53.2. 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 World Sailing and agrees to *Consequences* acceptable to World Sailing 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 World Sailing and *WADA* of the application of Regulations 45 through 51 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 Regulation 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 World Sailing 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 Regulation M.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, World Sailing 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*.[52]

54. Multiple Violations

54.1. Second or Third Anti-Doping Rule Violation

54.1.1. 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.

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[52] *Comment to Regulation 52.2.3: Any mitigating or aggravating factors set forth in this Regulation J 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.*

54.1.2. 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 Regulations 49 or 50, or involves a violation of Regulation 4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

54.1.3. The period of *Ineligibility* established in Regulations 53.1.1 and 53.1.2 may then be further reduced by the application of Regulation 51.

54.2. 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 Regulations 53.2. In addition, an anti-doping rule violation sanctioned under Article 10.2.4.1 of the Code shall not be considered a violation for purposes of Article 10.9 of the Code.

54.3. Additional Rules for Certain Potential Multiple Violations

54.3.1. For purposes of imposing sanctions under Regulations 53, except as provided in Regulations 53.3.2 and 53.3.3, an anti-doping rule violation will only be considered a second violation if World Sailing 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 Regulation G, or after World Sailing made reasonable efforts to give notice of the first anti-doping rule violation. If World Sailing 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 Regulations 54.[53]

54.3.2. If World Sailing 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 Regulations 53.3.2 applies, the violations taken together shall constitute a single violation for purposes of Regulation 53.1.

54.3.3. If World Sailing establishes that an *Athlete* or other *Person* committed a violation of Regulation 5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Regulation 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 Regulation 53.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Regulations 53.1.

54.3.4. If World Sailing 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.

54.4. Multiple Anti-Doping Rule Violations during Ten-Year Period

[53] *Comment to Regulation 53.3.1: The same rule applies where, after the imposition of a sanction, World Sailing discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., World Sailing 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.*

For purposes of Regulation 53, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

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

55.1. In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Regulation I, 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.[54]

55.2. For the purposes of the Racing Rules of Sailing, this Regulation 55 shall supersede RRS 63.1, 90.3(e) and A5 and, upon notification of the relevant decision, the organizing authorities affected by the decision shall correct the scores of their *Events* accordingly.

56. Forfeited Prize Money

56.1. If World Sailing 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.[55]

57. *Financial Consequences*

57.1. Where an Athlete or other Person commits an anti-doping rule violation, 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 a maximum of £1000_only in cases where the maximum period of Ineligibility otherwise applicable has already been imposed.

57.2. The imposition of a financial sanction or the World Sailing'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.

58. Commencement of *Ineligibility* Period

58.1. 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.

58.2. Delays Not Attributable to the *Athlete* or other *Person*

58.2.1. 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*, World Sailing or CAS ADD, if applicable, may

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[54] *Comment to Regulation 54.1: 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.*

[55] *Comment to Regulation 55.1: This Article is not intended to impose an affirmative duty on World Sailing to take any action to collect forfeited prize money. If World Sailing 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 World Sailing and its Athletes.*

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*.[56]

58.3. Credit for *Provisional Suspension* or Period of *Ineligibility* Served

58.3.1. 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.

58.3.2. If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from World Sailing and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Regulation 70.[57]

58.3.3. 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.

58.3.4. 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.

59. Status During *Ineligibility* or *Provisional Suspension*

59.1. Prohibition Against Participation During *Ineligibility* or *Provisional Suspension*

59.1.1. 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.

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[56] *Comment to Regulation 57.2.1: In cases of anti-doping rule violations other than under Regulation 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.*

[57] *Comment to Regulation 57.3.2: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way to draw an adverse inference against the Athlete.*

59.1.2. 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*.

59.1.3. An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by World Sailing to provide whereabouts information.[58]

59.2. Return to Training

As an exception to Regulation 59.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of World Sailing's or other *Signatory's* member organization during the shorter of:

(a) the last two months of the *Athlete's* period of *Ineligibility*, or

(b) the last one-quarter of the period of *Ineligibility* imposed.[59]

59.3. Violation of the Prohibition of Participation During *Ineligibility* or *Provisional Suspension*

59.3.1. Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Regulation 58.1, 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 Regulation M.

59.3.2. An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Regulation 58.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

59.3.3. Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, World Sailing shall impose sanctions for a violation of Regulation 9 for such assistance.

59.4. Withholding of Financial Support during *Ineligibility*

59.4.1. In addition, for any anti-doping rule violation not involving a reduced sanction as described in Regulations 5 or 6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by World Sailing and its *National Federations*.

60. Automatic Publication of Sanction

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[59] *Comment to Regulation 58.2.1: In many Team Sports and some individual sports 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 Regulation 58.1 other than training.*

60.1. A mandatory part of each sanction shall include automatic publication, as provided in Regulation 73.

(K) *CONSEQUENCES* TO *SAILING TEAMS*

61. *Testing* of *Sailing Teams*

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

62. *Consequences* for *Team Sports*

62.1. If:

(a) one (1) member of a *Sailing Team* consisting of two (2) members, or
(b) two (2) or more members of a *Sailing Team* consisting of three (3) or more members,

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 *Sailing 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.

(L) SANCTIONS BY WORLD SAILING AGAINST OTHER BODIES

63. When World Sailing becomes aware that a *Member National Authority* or any other sporting body 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, World Sailing has the authority and may take the following additional disciplinary actions:

63.1. 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.

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

63.2.1. Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4 of the Code) 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 World Sailing activities for a period of up to two (2) years and/or (b) that organization or body, if a member of World Sailing, may be fined an amount up to five (5) times greater than its annual subscriptions to World Sailing.

63.2.2. Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4 of the Code) are committed in addition to the violations described in Article 12.2.1 of the Code 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 from membership from World Sailing on the grounds of failing to comply, and ensure compliance with, this Anti-Doping Rules under the procedures governing the suspension of membership in the World Sailing Constitution and Regulations.

63.2.3. 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 Ten Thousand British Pounds (£10,000).

63.2.4. That organization or body has failed to make diligent efforts to keep World Sailing informed about an *Athlete's* whereabouts after receiving a request for that information from World Sailing. In such event, that organization or body may be fined in an amount up to One Thousand British Pounds (£1,000) per *Athlete*, in addition to reimbursement of all of the World Sailing costs incurred in *Testing* that organization's or body's *Athletes*.

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

63.4. Oblige that organization or body to reimburse World Sailing 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.

(M) *RESULTS MANAGEMENT*: APPEALS [60]

64. Decisions Subject to Appeal

64.1. Decisions made under the *Code* or these Anti-Doping Rules may be appealed as set forth below in Regulations 64 through 69 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.

64.1.1. 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.[61]

64.1.2. *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.[62]

64.1.3. *WADA* Not Required to Exhaust Internal Remedies

[60] *Comment to Regulation M: 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 Regulation N. 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 Regulation M does not include Athletes, or their National federations, who might benefit from having another competitor Disqualified.*

[62] *Comment to Regulation 63.3.1: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.*

Where *WADA* has a right to appeal under Regulation M and no other party has appealed a final decision within World Sailing's process, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies in World Sailing's process.[63]

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

65.1. 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 Regulation 24.1 – 24.3; a decision by *WADA* assigning *Results Management* under Regulation 34 of the *Code*; a decision by World Sailing 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*; World Sailing's failure to comply with Regulation 37; a decision that World Sailing 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 Regulation 51.1; failure to comply with Articles 7.1.4 and 7.1.5 of the *Code*; failure to comply with Regulation 52.1; a decision under Regulation 58.3; a decision by World Sailing not to implement another *Anti-Doping Organization's* decision under Regulation O; and a decision under Article 27.3 of the *Code* may be appealed exclusively as provided in this Regulation 64.1.

65.2. Appeals Involving *International-Level Athletes* or *International Events*

65.2.1. In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to *CAS*.[64]

65.3. Appeals Involving Other *Athletes* or Other *Persons*

65.3.1. In cases where Article 13.2.1 is not applicable, the decision may be appealed to an appellate body, in accordance with rules adopted by the *National Anti-Doping Organization* having authority over the *Athlete* or other *Person*.

65.3.2. The rules for such appeal shall respect the following principles: a timely hearing; a fair, impartial, *Operationally Independent* and *Institutionally Independent* hearing panel; the right to be represented by counsel at the *Person's* own expense; and a timely, written, reasoned decision.

65.3.3. If no such body as described above is in place and available at the time of the appeal, the decision may be appealed to *CAS* in accordance with the applicable procedural rules.

65.4. *Persons* Entitled to Appeal

65.4.1. Appeals Involving *International-Level Athletes* or *International Events*

65.4.2. In cases under Regulation 64.2, 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;

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[63] *Comment to Regulation 63.4.1: Where a decision has been rendered before the final stage of World Sailing's process (for example, a first hearing) and no party elects to appeal that decision to the next level of World Sailing's process. then WADA may bypass the remaining steps in World Sailing's internal process and appeal directly to CAS.*

[64] *Comment to Regulation 64.2: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.*

b) the other party to the case in which the decision was rendered;

c) World Sailing;

d) 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*.

65.4.3. Appeals Involving Other *Athletes* or Other *Persons*

65.4.4. In cases under Regulations 64.3, the parties having the right to appeal to the appellate body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties:

a) the *Athlete* or other *Person* who is the subject of the decision being appealed;

b) the other party to the case in which the decision was rendered;

c) World Sailing;

d) 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*.

65.4.5. For cases under Regulation 64.3, *WADA*, the International Olympic Committee, the International Paralympic Committee, and World Sailing shall also have the right to appeal to *CAS* with respect to the decision of the appellate body.

65.4.6. 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.

65.4.7. 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.

65.4.8. 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.

65.4.9. Appeal from Decisions under Regulation L: Decisions by World Sailing pursuant to Regulation L may be appealed exclusively to the World Sailing Judicial Board by the *Member National Authority* or other body.

65.4.10. 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 Regulation L must file a cross appeal or subsequent appeal at the latest with the party's answer.[65]

66. Failure to Render a Timely Decision by World Sailing

66.1. Where, in a particular case, World Sailing 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 World Sailing had rendered a decision finding no anti-doping rule violation. If the *CAS* hearing panel determines that an anti-doping rule violation

[65] *Comment to Regulation 64.4.10: 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.*

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 World Sailing.[66]

67. Failure to Render a Timely Decision by Other Bodies

67.1. Where, in a particular case, a *Member National Authority* or other body subject to World Sailing's jurisdiction, fails to render a decision as required by this Regulation 66 within a reasonable deadline set by World Sailing, World Sailing may:

67.1.1. take over carriage of the file and assert an anti-doping rule violation against the *Athlete* or other *Person* in accordance with Regulation 8, which shall then apply in their entirety to the matter; and

67.1.2. require the defaulting body to pay all of World Sailing's reasonable costs, expenses and attorney's fees incurred as a result of the default.

68. Appeals Relating to *TUEs*

68.1. *TUE* decisions may be appealed exclusively as provided in Regulation 17.

69. Notification of Appeal Decisions

69.1. World Sailing 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 Regulation 64.4 as provided under Regulation N.

70. Time for Filing Appeals[67]

70.1. Appeals to *CAS*

70.1.1. 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*.

70.1.2. 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

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[66] *Comment to Regulation 65.1: 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 World Sailing to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with World Sailing and give World Sailing an opportunity to explain why it has not yet rendered a decision.*

[67] *Comment to Regulation 69: 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.*

b) Twenty-one (21) days after *WADA's* receipt of the complete file relating to the decision.

70.2. Appeals Under Regulation 64.3

70.2.1. The time to file an appeal to an independent and impartial body in accordance with rules established by the *National Anti-Doping Organization* shall be indicated by the same rules of the *National Anti-Doping Organization*.

70.2.2. 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.

(N) *CONFIDENTIALITY* AND REPORTING

71. Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and Other Asserted Anti-Doping Rule Violations

71.1. Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons*

71.1.1. Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Regulations G and N.

71.1.2. If at any point during *Results Management* up until the anti-doping rule violation charge, World Sailing 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*).

71.1.3. Any document or notice required under this Regulation 70 may be delivered to the *Athlete* or other *Person* by sending it to:

a) any email address which the sending party has reasonable grounds to believe is used by the *Athlete* or other *Person*; or

b) by first class international post (or equivalent) to any physical address which the sending party has reasonable grounds to believe is used by the *Athlete* or other *Person*,

71.1.4. For the avoidance of doubt, it shall always be reasonable to use any email address or physical address which the *Athlete* or other *Person* has given to World Sailing as part of a current WS Sailor ID registration or has supplied to an organizing authority for the purposes of entering an *Event*.

71.2. Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations* and *WADA*

71.2.1. Notice of the assertion of an anti-doping rule violation to the *Athlete's* or other *Person's National Anti-Doping Organization* and *WADA* shall occur as provided under Regulations G and N, simultaneously with the notice to the *Athlete* or other *Person*.

71.2.2. If at any point during *Results Management* up until the anti-doping rule violation charge, World Sailing 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 Regulation 64.4.

71.3. Content of an Anti-Doping Rule Violation Notice

71.3.1. 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*.

71.3.2. Notification of anti-doping rule violations other than under Regulation 1 shall also include the rule violated and the basis of the asserted violation.

71.4. Status Reports

71.4.1. Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Regulation 70.1, the *Athlete's* or other *Person's National Anti-Doping Organization* and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Regulations G, H or and M shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

71.5. Confidentiality

71.5.1. 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 World Sailing has made *Public Disclosure* as permitted by Regulation 72.

71.6. Protection of Confidential Information by an Employee or Agent of the World Sailing

71.6.1. World Sailing 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 Regulation 72. World Sailing shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* are subject to 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.

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

72.1. Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Regulations 39, 42, 49, 50, 51, 58.3 or 68 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, World Sailing shall provide an English or French summary of the decision and the supporting reasons.

72.2. An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Regulation 71.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

73. *Public Disclosure*

73.1. 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 Regulation 70.2, 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 World Sailing.

73.2. No later than twenty (20) days after it has been determined in an appellate decision under Regulations 64.2 or 64.3, or such appeal has been waived, or a hearing in accordance with Regulation H 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 Regulation 52, or a new period of *Ineligibility*, or reprimand, has been imposed under Regulation 58.3, World Sailing 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.

World Sailing must also *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above.[68]

73.3. After an anti-doping rule violation has been determined to have been committed in an appellate decision under Regulations 64.2 or 64.3 or such appeal has been waived, or in a hearing in accordance with Regulation H 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 Regulation 52, World Sailing may make public such determination or decision and may comment publicly on the matter.

73.4. 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. World Sailing 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.

73.5. Publication shall be accomplished at a minimum by placing the required information on the World Sailing's website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

73.6. Except as provided in Regulations 72.1 and 72.3, 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.

73.7. The mandatory *Public Disclosure* required in Regulation 72.2 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.

74. Statistical Reporting

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

75. *Doping Control* Information Database and Monitoring of Compliance

75.1. 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*, World Sailing shall report to *WADA* through *ADAMS Doping Control*-related information, including, in particular:

75.1.1. *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,

75.1.2. Whereabouts information for *Athletes* including those in *Registered Testing Pools*,

75.1.3. *TUE* decisions, and

75.1.4. *Results Management* decisions,

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[68] *Comment to Regulation 72.2: Where Public Disclosure as required by Regulation 72.2 would result in a breach of other applicable laws, World Sailing's failure to make the Public Disclosure will not result in a determination of non-compliance with Code as set forth in Regulation 21.4.1 of the International Standard for the Protection of Privacy and Personal Information.*

as required under the applicable *International Standard(s)*.

75.2. 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, World Sailing 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.

75.3. To facilitate *WADA*'s oversight and appeal rights for *TUEs*, World Sailing 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*.

75.4. To facilitate *WADA*'s oversight and appeal rights for *Results Management*, World Sailing shall report the following information into *ADAMS* in accordance with the requirements and timelines outlined in the *International Standard* for *Results Management*:

75.4.1. notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*;

75.4.2. notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*;

75.4.3. whereabouts failures; and

75.4.4. any decision imposing, lifting or reinstating a *Provisional Suspension*.

75.5. 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 any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.

76. Data Privacy

76.1. World Sailing 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.

76.2. Without limiting the foregoing, World Sailing shall:

76.2.1. only process personal information in accordance with a valid legal ground;

76.2.2. 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 World Sailing and other *Persons* for the purpose of the implementation of these Anti-Doping Rules;

76.2.3. ensure that any third-party agents (including any *Delegated Third Party*) with whom World Sailing 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.

(O) *IMPLEMENTATION* OF DECISIONS

77. Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organizations*

77.1. 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 World Sailing and its *Member National Authorities*, as well as every *Signatory* in every sport with the effects described below:

77.1.1. 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 Regulation 37.5) automatically prohibits the *Athlete* or other *Person* from participation (as described in Regulation 58.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

77.1.2. 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 Regulation 58.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

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

77.1.4. A decision by any of the above-described bodies to *Disqualify* results under Regulation 54 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.

77.2. World Sailing and its *Member National Authorities* shall recognize and implement a decision and its effects as required by Regulation 76.1, without any further action required, on the earlier of the date World Sailing receives actual notice of the decision or the date the decision is placed into *ADAMS*.

77.3. A decision by an *Anti-Doping Organization*, a national appellate body or *CAS* to suspend, or lift, *Consequences* shall be binding upon World Sailing and its *Member National Authorities* without any further action required, on the earlier of the date World Sailing receives actual notice of the decision or the date the decision is placed into *ADAMS*.

77.4. Notwithstanding any provision in Regulations 76.1, 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 World Sailing or its *Member National Authorities* unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.[69]

78. *Implementation* of Other Decisions by *Anti-Doping Organizations*

78.1. World Sailing and its *National Federations* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organizations* not described in Regulation 76.1 above, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.[70]

79. *Implementation* of Decisions by Body that is not a *Signatory*

79.1. An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by World Sailing and its *National Federations*, if World Sailing 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*.[71]

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[69] *Comment to Regulation 76.4: 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.*

[71] *Comment to Regulation 78: 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, World Sailing, other Signatories and National Federations 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 World Sailing and all other 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 Regulation H to determine whether the longer period of*

(P) STATUTE OF LIMITATIONS

80. 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 Regulation G, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

(Q) *EDUCATION*

81. World Sailing 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*.

(R) ADDITIONAL ROLES AND RESPONSIBILITIES OF *MEMBER NATIONAL AUTHORITIES*

82. All *Member National Authorities* and their members shall comply with the *Code, International Standards*, and these Anti-Doping Rules. All *Member National Authorities* and other members shall include in their policies, rules and programs the provisions necessary to ensure that World Sailing may enforce these Anti-Doping Rules (including carrying out *Testing*) directly in respect of *Athletes* (including *National-Level 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").

83. Each *Member National Authority* 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 *Member National Authority* may enforce them itself directly in respect of *Athletes* (including *National-Level Athletes*) and other *Persons* under its anti-doping authority.

84. By adopting these Anti-Doping Rules, and incorporating them into their governing documents and rules of sport, *National Federations* shall cooperate with and support World Sailing 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.

85. All *Member National Authorities* shall take appropriate action to enforce compliance with the *Code*, *International Standards*, and these Anti-Doping Rules by *inter alia*:

85.1. conducting *Testing* only under the documented authority of World Sailing and using their *National Anti-Doping Organization* or other *Sample* collection authority to collect *Samples* in compliance with the *International Standard* for *Testing* and Investigations;

85.2. recognizing the authority of the *National Anti-Doping Organization* in their country in accordance with Regulation 20 and assisting as appropriate with the *National Anti-Doping Organization's* implementation of the national *Testing* program for their sport;

85.3. analyzing all *Samples* collected using a *WADA*-accredited or *WADA*-approved laboratory in accordance with Regulation F; and

85.4. 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 Regulation 41 and the *International Standard* for *Results Management*.

86. All *Member National Authorities* shall establish rules requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a *Member National Authority* 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.

87. All *Member National Authorities* shall report any information suggesting or relating to an anti-doping rule violation to World Sailing and to their *National Anti-Doping Organizations* and shall cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.

Ineligibility provided in the Code should be imposed. World Sailing or other Signatory's implementation of a decision, or their decision not to implement a decision under Regulation 78, is appealable under Regulation M.

88. All *Member National Authorities* 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 World Sailing or the *Member National Authority*.

89. All *Member National Authorities* shall conduct anti-doping *Education* in coordination with their *National Anti-Doping Organizations.*

(S) ADDITIONAL ROLES AND RESPONSIBILITIES OF WORLD SAILING

90. In addition to the roles and responsibilities described in Article 20.3 of the *Code* for International Federations, World Sailing shall report to *WADA* on World Sailing's compliance with the *Code* and the *International Standards* in accordance with Article 24.1.2 of the *Code*.

91. Subject to applicable law, and in accordance with Article 20.3.4 of the *Code*, all *Persons* within World Sailing who are bound by its Regulations must agree to be bound by these Anti-Doping Rules as *Persons* in conformity with the *Code* for direct and intentional misconduct.

92. Subject to applicable law, and in accordance with Article 20.3.5 of the *Code*, any World Sailing employee who is involved in *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) must sign a statement provided by World Sailing 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.

(T) ADDITIONAL ROLES AND RESPONSIBILITIES OF *ATHLETES*

93. The following are the obligations of *Athletes:*

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

93.2. To be available for *Sample* collection at all times.[72]

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

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

93.5. To disclose to World Sailing and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.

93.6. To cooperate fully with *Anti-Doping Organizations*, including World Sailing, investigating anti-doping rule violations. A 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 RRS 69 or Regulation 35.

93.7. To disclose the identity of their *Athlete Support Personnel* upon request by World Sailing or a *Member National Authority*, or any other *Anti-Doping Organization* with authority over the *Athlete*.

93.8. 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 RRS 69 or Regulation 35.

(U) ADDITIONAL ROLES AND RESPONSIBILITIES OF *ATHLETE SUPPORT PERSONNEL*

94. The following are the obligations of *Athlete Support Personnel*:

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

94.2. To cooperate with the *Athlete Testing* program.

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

94.4. To disclose to World Sailing and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

94.5. To cooperate fully with *Anti-Doping Organizations*, including World Sailing, investigating anti-doping rule violations. A failure to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of Misconduct under RRS 69 or Regulation 35.

94.6. *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 RRS 69 or Regulation 35.

94.7. 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 RRS 69 or Regulation 35.

(V) ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER *PERSONS* SUBJECT TO THESE ANTI-DOPING RULES

95. The following are the obligations of other *Persons* subject to these Anti-Doping Rules:

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

95.2. To disclose to World Sailing and their *National Anti-Doping Organization* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

95.3. To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations. A failure to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations may result in a charge of Misconduct under RRS 69 or Regulation 35.

95.4. Not to *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 RRS 69 or Regulation 35.

95.5. 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 RRS 69 or Regulation 35.

(W) INTERPRETATION OF THE *CODE*

96. 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.

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

98. 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.

99. 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.

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

101. 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.

102. 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*.

(X) FINAL PROVISIONS

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

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

105. 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.

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

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

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

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

109.1. 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.

109.2. 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 Regulation 21.10.9.4 and the statute of limitations set forth in Regulation P 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 Regulation P shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date).

109.3. Any Regulation 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.

109.4. 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 World Sailing 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 Regulation 64. 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.

109.5. For purposes of assessing the period of *Ineligibility* for a second violation under Regulation 53.1, 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.[73]

109.6. 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 World Sailing 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*.

APPENDIX 1 DEFINITIONS[74]

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*.

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[73] *[Comment to Regulation 108.5: Other than the situation described in Regulation 108.5, 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.]*

[74] *[Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other*

parts of speech.]

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

Anti-Doping Activities: Anti-doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, 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 a Regulation 1, 3 or 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 Regulations 8 and 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*.[75]

***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*.

***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*.

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[75] *[Comment to Athlete: Individuals who participate in sport may fall in one of five 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.]*

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.

***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 Regulation 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 Regulation 21.8; (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 Regulation N. Teams in *Team Sports* may also be subject to *Consequences* as provided in Regulation 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 World Sailing 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 World Sailing, or individuals serving as independent contractors who perform *Doping Control* services for World Sailing (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, or Pan American Games).

Event Period: The time between the first day of *Event*-related activities under the notice of race or sailing instructions until the end of the last scheduled day of racing.

Event Venues: The venue and racing areas as specified in the notice of race and as specified in any other notices issued by the organizing authority.

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 Regulations 50.1 and 50.6.[76]

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*.

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.*

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. For the sport of sailing, *International-Level Athletes* are defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.[77]

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*.

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[76] *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 Regulation 50.6, 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.*

[77] *Comment to International-Level Athlete: Consistent with the International Standard for Testing and Investigations, World Sailing 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.*

***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.

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

Member National Authority: A Full Member of World Sailing.

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.

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

No 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 of the Code, 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 Regulation 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.[78]

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*.

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.[79]

***Provisional Hearing*:** For purposes of Regulation 37.5, an expedited abbreviated hearing occurring prior to a hearing under Regulation H that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.[80]

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

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

Recreational Athlete: A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard* for *Testing* and

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[78] *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, World Sailing 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, World Sailing 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.*

[79] *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.*

[80] *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.*

Investigations) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard* for *Testing* and Investigations), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.[81]

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 Regulation 21.5.5 and the *International Standard* for *Testing* and Investigations.

***Results Management*:** The process encompassing the timeframe between notification as per Regulation 21.5 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 Regulation 21.5 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).

***Sailing Team**:* A crew of more than one person racing on the same boat, including any crew members who are substituted in or out during the *Event*.

Sample* or *Specimen: Any biological material collected for the purposes of *Doping Control*.[82]

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

***Specified Method**:* See Regulation 15.2.

Specified Substance: See Regulation 15.2.

***Strict Liability*:** The rule which provides that under Regulation 1 and Regulation 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 Regulation 15.3.

Substantial Assistance: For purposes of Regulation 51.1, 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.

***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,

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[81] *Comment to Recreational Athlete: The term "open category" is meant to exclude competition that is limited to junior or age group categories.*

[82] *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.*

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*.[83]

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 of the Code and the *International Standard* for *Therapeutic Use Exemptions* are met.

Trafficking**:** Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the authority of an *Anti-Doping 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 Regulations 51.1.1 and 52.2, 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

[83] *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 Regulation 53.3.2. 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.*

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.

AMENDMENT HISTORY

PROVISION	AMENDMENT	DATE
Preface	CO-2026-016	09-Sep-26