

Japan Anti-Doping Code

Japan Anti-Doping Agency

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INTRODUCTION

Preface

On August 28, 2003, Japan Anti-Doping Agency (“JADA”) has accepted the World Anti-Doping Code (the “Code”). These Anti-Doping Rules are adopted and implemented in conformance with the JADA’s responsibilities under the Code, and are in furtherance of JADA’s continuing efforts to eradicate doping in Japan.

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

The Code defines JADA as;

The entity(ies) designated by each country as possessing the primary authority to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings, all at the national level. If this designation has not been made by the competent public authority(ies), the entity must be the country’s National Olympic Committee or its designee.

Fundamental Rationale for the Code and JADA’s Anti-Doping Rules

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as “the spirit of sport”; it is the essence of

Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

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

Doping is fundamentally contrary to the spirit of sport.

The National Anti-Doping Programme

With the objective of acting as the independent *Anti-Doping Organization* for Japan, JADA has the necessary authority and responsibility for:

- Planning, coordinating, implementing, monitoring and advocating improvements in *Doping Control*;
- Cooperating with other relevant national organizations, agencies and other *Anti-Doping Organizations*;
- Encouraging reciprocal *Testing* between *National Anti-Doping Organizations*;
- Promoting anti-doping research;
- Where funding is provided, withholding some or all funding, during any period of his or her *Ineligibility*, to any *Athlete* or *Athlete Support Personnel* who has violated anti-doping rules;
- Vigorously pursuing all potential anti-doping rule violations within its jurisdiction including investigating into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- Planning, implementing and monitoring information and education programs.

JADA thereby is a distinct body and separate from the disciplinary authorities (*Japan Anti-Doping Disciplinary Panel*) and *Japan Sports Arbitration Agency* adjudicating on appeals.

JADA Anti-Doping Rules

These Anti-Doping Rules, like *Competition* rules, are rules governing the conditions under which sport is played. *Participants* accept these rules as a condition of participation in sport and shall be bound by them. These Anti-Doping Rules are distinct in nature and, therefore, not intended to be subject to, or limited by, any requirements and legal standards applicable to criminal proceedings or employment matters.

Scope

These Anti-Doping Rules shall apply to JADA, each *National Sports Federation* and each *Participant* in the activities of the *National Sports Federations* by virtue of the *Participant's* membership, accreditation, or participation in their *National Sports Federations*, or their activities or *Events*. Any *Person* who is not a member of a *National Sports Federation* of Japan and who fulfils the requirements to be part of the JADA *Registered Testing Pool*, must become a member of the *Person's National Sports Federation*, and shall make himself or herself available for *Testing*, at least twelve (12) months before participating in *International Events* or *Events* of his or her *National Sports Federation*.

These Anti-Doping Rules shall apply to all *Doping Controls* over which JADA has jurisdiction.

1 ARTICLE 1 APPLICATION OF RULES

1.1 Application to *National Sports Federations*

1.1.1 *National Sports Federations* shall accept these Anti-Doping Rules and incorporate these

Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules and thus as part of the rules of sport and the rights and obligations governing their members and *Participants*.

1.1.2 The application of these Anti-Doping Rules to *Participants* is based on the membership obligations that exist between *National Sports Federations* and their members or *Participants* through those individuals' agreement to participate in sport according to its rules.

1.1.3 As a condition of receiving financial and/or other assistance from the Government of Japan and/or JADA, *National Sports Federations* shall accept and abide by the spirit and terms of Japan Anti-Doping Programme and these Anti-Doping Rules, including the application of its sanctions to individuals, and shall respect the authority of, and co-operate with, JADA and the hearing bodies in all anti-doping matters which are not governed by the rules of the relevant International Federation in accordance with the *Code*.

[Comment to Article 1.1.3: National Anti-Doping Organizations are encouraged to work cooperatively with their Governments to ensure that the adoption and implementation of National Sports Federation anti-doping policies are a pre-condition to receiving any financial and/or other assistance from the Government and/or JADA.]

1.1.4 By the adoption of these Anti-Doping Rules and their incorporation into their governing documents and rules of sport, *National Sports Federations* recognize the authority and responsibility of JADA

for implementing the Japan anti-doping programme and authorize JADA to carry out *Doping Control* and their members and *Participants* accordingly recognize and accept this authority and responsibility.

The International Federation and JADA respect each other's authority and responsibility as foreseen in the *Code*.

- 1.1.5 By the adoption of these Anti-Doping Rules and their incorporation into their governing documents and rules of sport, *National Sports Federations* also formally submit the *National Sports Federation* and all *Athletes* under its jurisdiction or control or subject to its governing documents or rules of sport to these Anti-Doping Rules. They agree to abide by the decisions made pursuant to these Anti-Doping Rules, in particular the decisions of *Japan Anti-Doping Disciplinary Panel*, and *Japan Sports Arbitration Agency*. Their International Federations, members and *Participants* accordingly recognize and accept this submission and agreement subject to the rights of appeal foreseen in these rules.

1.2 Application to *Persons*

- 1.2.1 JADA Anti-Doping Rules apply to all *Persons* who:
- 1.2.1.1 are members of a *National Sports Federation* of Japan, regardless of where they reside or are situated;
 - 1.2.1.2 are members of the *National Sports Federation's* affiliated members, clubs, teams, associations or leagues;

- 1.2.1.3 participate in any capacity in any activity organized, held, convened or authorized by a *National Sports Federation* of Japan or its affiliated members, clubs, teams, associations or leagues; and
- 1.2.1.4 participate in any capacity in any activity organized, held, convened or authorized by a *National Event* organization, or a national league not affiliated with a *National Sports Federation*.
- 1.2.2 *Participants* including *Minors* are deemed to accept, submit to and abide by these Anti-Doping Rules by virtue of their participation in sport.
- 1.2.3 The Roles and Responsibilities of *Athletes* are to:
 - 1.2.3.1 be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the *Code*;
 - 1.2.3.2 be available for *Sample* collection;
 - 1.2.3.3 take responsibility, in the context of anti-doping, for what they ingest and *Use*; and
 - 1.2.3.4 inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the *Code*.
- 1.2.4 The roles and responsibilities of Athlete Support Personnel are to:
 - 1.2.4.1 be knowledgeable of and comply with all

- anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* to whom they support;
- 1.2.4.2 cooperate with the *Athlete Testing* program;
and
- 1.2.4.3 use their influence on *Athlete* values and behaviour to foster anti-doping attitudes.
- 1.2.5 If any *Person* is found to have committed an anti-doping rule violation, the *Consequences of these Anti-Doping Rule Violation* shall apply. A *Person* sanctioned under these Anti-Doping Rules remains subject to them throughout the duration of the *Ineligibility* regardless of that *Person's* membership status in any *National Sports Federation* or sports organization. Unless the *Person* sanctioned retires during the period of *Ineligibility*, this shall include remaining subject to *Doping Control*.

2 ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.8 of these Anti-Doping Rules (Anti-Doping Rule Violations). The following constitute Anti-Doping Rule Violations:

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

2.1.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

[Comment to Article 2.1.1: For purposes of anti-doping rule violations involving the presence of a Prohibited Substance (or its Metabolites or Markers), National Anti-Doping Organization's Anti-Doping Rules adopt the rule of strict liability which was found in the Olympic Movement Anti-Doping Code ("OMADC") and the vast majority of pre-Code anti-doping rules. Under the strict liability principle, an Athlete is responsible, and an anti-doping rule violation occurs, whenever a Prohibited Substance is found in an Athlete's Sample. The violation occurs whether or not the Athlete intentionally or unintentionally used a Prohibited Substance or was negligent or otherwise at fault. If the positive Sample came from an In-Competition test, then the results of that Competition are automatically invalidated (Article 9 (Automatic Disqualification of Individual Results)). However, the Athlete then has the possibility to avoid or reduce sanctions if the Athlete can demonstrate that he or she was not at fault or significant fault (Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances)) or in certain circumstances did not intend to enhance his or her sport performance (Article 10.4 (Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances)).

The strict liability rule for the finding of a Prohibited Substance in an Athlete's Sample, with a possibility that sanctions may be modified based on specified criteria, provides a reasonable balance between effective anti-doping enforcement for the benefit of all "clean" Athletes and fairness in the exceptional circumstance where a Prohibited Substance entered an Athlete's system through No Fault or Negligence or No Significant Fault or Negligence on the Athlete's part. It is important to emphasize that while the determination of whether the anti-doping rule has been violated is based on strict liability, the imposition of a fixed period of Ineligibility is not automatic. The strict liability principle set forth in National Anti-Doping Organization's Anti-Doping Rules has been consistently upheld in the decisions of CAS.]

2.1.2 Sufficient proof of an anti-doping rule violation

under Article 2.1 is established by either of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*.

[*Comment to Article 2.1.2: National Anti-Doping Organization may in its discretion choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.*]

2.1.3 Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

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

[*Comment to Article 2.2: As noted in Article 3 (Proof of Doping), 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. Unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, or other analytical information which does not otherwise satisfy all the*

requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where National Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]

2.2.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.

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

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

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

2.3 Refusing, or failing without compelling justification to submit to *Sample* collection after notification as authorized in these Anti-Doping Rules or otherwise

evading Sample collection.

[Comment to Article 2.3: Failure or refusal to submit to Sample collection after notification was prohibited in almost all pre-Code anti-doping rules. This Article expands the typical pre-Code rule to include "otherwise evading Sample collection" as prohibited conduct. Thus, for example, it would be an anti-doping rule violation if it were established that an Athlete was hiding from a Doping Control official to evade notification or Testing. A violation of "refusing or failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" Sample collection contemplates intentional conduct by the Athlete.]

- 2.4 Violation of applicable requirements regarding Athlete availability for Out-of-Competition Testing set out in the International Standard for Testing, including failure to file whereabouts information in accordance with Article 11.3 of the International Standard for Testing (a "Filing Failure") and failure to be available for Testing at the declared whereabouts in accordance with Article 11.4 of the International Standard for Testing (a "Missed Test"). Any combination of three Missed Tests and/or Filing Failures committed within an eighteen-month period, as declared by any Anti-Doping Organizations with jurisdiction over the Athlete, shall constitute an anti-doping rule violation.**

[Comment to Article 2.4: Separate whereabouts filing failures and missed tests declared under the rules of the Athlete's International Federation or any other Anti-Doping Organization with authority to declare whereabouts filing failures and missed tests in accordance with the International Standard for Testing shall be combined in applying this Article. In appropriate circumstances, missed tests or filing failures may also constitute an anti-doping rule violation under Article 2.3 or Article 2.5.]

- 2.5 Tampering or Attempted Tampering with any part of Doping Control.**

[Comment to Article 2.5: This Article prohibits conduct which subverts the

Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. For example, altering identification numbers on a Doping Control form during Testing, breaking the B Bottle at the time of B Sample analysis or providing fraudulent information to National Anti-Doping Organization.]

2.6 Possession of Prohibited Substances and Methods:

2.6.1 *Possession by an Athlete In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited in Out-of-Competition Testing unless the Athlete establishes that the Possession is pursuant to a therapeutic use exemption ("TUE") granted in accordance with Article 4.4 (TUEs) or other acceptable justification.*

2.6.2 *Possession by an Athlete Support Personnel In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Support Personnel Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited in Out-of-Competition Testing, in connection with an Athlete, Competition or training, unless the Athlete Support Personnel establishes that the Possession is pursuant to a TUE granted to an Athlete in accordance with Article 4.4 (TUEs) or other acceptable justification.*

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

[Comment to Article 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]

2.7 *Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.*

2.8 *Administration or Attempted administration to any Athlete In-Competition of any Prohibited Method or Prohibited Substance, or administration or Attempted administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited in Out-of-Competition Testing, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.*

[Comment 'b' to Article 2: The Code does not make it an anti-doping rule violation for an Athlete or other Person to work or associate with Athlete Support Personnel who are serving a period of Ineligibility. However, National Anti-Doping Organization may adopt its own specific policy which prohibits such conduct.]

3 ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

JADA has the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether JADA has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation that 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, the standard of proof shall be by a balance of probability, except as

provided in Articles 10.4 and 10.6 where the *Athlete* must satisfy a higher burden of proof.

[Comment to Article 3.1: This standard of proof required to be met by National Anti-Doping Organization is comparable to the standard which is applied in most countries to cases involving professional misconduct. It has also been widely applied by courts and hearing panels in doping cases. See, for example, the CAS decision in N., J., Y., W. v. FINA, CAS 98/208, 22 December 1998.]

3.2 Methods of Establishing Facts and Presumptions

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

[Comment to Article 3.2: For example, National Anti-Doping Organization may establish an anti-doping rule violation under Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples.]

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

Finding.

[Comment to Article 3.2.1: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to National Anti-Doping Organization to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

- 3.2.2 Departures from any other *International Standard* or other anti-doping rule or policy which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Athlete* or other *Person* establishes that a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused the *Adverse Analytical Finding* or other anti-doping rule violation occurred, then JADA shall have the burden to establish that such a departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.
- 3.2.3 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.
- 3.2.4 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have

committed an anti-doping rule violation based on the *Athlete* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the tribunal) and to answer questions either from the tribunal or from JADA asserting the anti-doping rule violation.

[Comment to Article 3.2.4: Drawing an adverse inference under these circumstances has been recognized in numerous CAS decisions.]

4 ARTICLE 4 THE *PROHIBITED LIST*

4.1 Incorporation of the *Prohibited List*

4.1.1 These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by *WADA* as described in Article 4.1 of the *Code*. JADA will make the current *Prohibited List* available to each *National Sports Federation*, and each *National Sports Federation* shall ensure that the current *Prohibited List* is available to its members and constituents.

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

4.2.1 *Prohibited Substances and Prohibited Methods*

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three (3) months after publication of the *Prohibited List* by *WADA* without requiring any further action by JADA. As described in Article 4.2 of the *Code*,

International Federations may upon the recommendation of their Anti-Doping Commission request that *WADA* expand the *Prohibited List* for their sport. International Federations may also, upon recommendation of their Anti-Doping Commission request that *WADA* include additional substances or methods, which have potential for abuse in their sport, in the monitoring program described in Article 4.5 of the *Code*. As provided in the *Code*, *WADA* shall make the final decision on requests by International Federations.

4.2.2 Specified Substances

For purposes of the application of Article 10 (Sanctions on Individuals), all *Prohibited Substances* shall be "Specified Substances" except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. *Prohibited Methods* shall not be Specified Substances.

4.2.3 New Classes of *Prohibited Substances*

In the event *WADA* expands the *Prohibited List* by adding a new class of *Prohibited Substances* in accordance with Article 4.1 of the *Code*, *WADA's* Executive Committee shall determine whether any or all *Prohibited Substances* within the new class of *Prohibited Substances* shall be considered Specified Substances under Article 4.2.2.

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

As provided in Article 4.3.3 of the *Code*, WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* and the classification of substances into categories on the *Prohibited List* is final and shall not be subject to challenge by an *Athlete* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

4.4 Therapeutic Use

4.4.1 *Athletes* with a documented medical condition requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method* must first obtain a *TUE*. The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (Article 2.1), *Use* or *Attempted Use* of a *Prohibited Substance* or a *Prohibited Method* (Article 2.2), *Possession* of *Prohibited Substances* or *Prohibited Methods* (Article 2.6) or administration of a *Prohibited Substance* or *Prohibited Method* (Article 2.8) consistent with the provisions of an applicable *TUE* issued pursuant to the *International Standard* for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.

4.4.2 *Athletes* included by JADA in its *Registered Testing Pool* and other *Athletes* participating in any *National Event* must obtain a *TUE* granted or recognized by JADA. The application for a *TUE* must be made as soon as possible (in the case of an *Athlete* in the *Registered Testing Pool*, this would be when he/she is first notified of his/her inclusion

in the pool) and in any event (save in emergency situations) no later than twenty one (21) days before the *Athlete's* participation in the *Event*.

- 4.4.3 *TUE's* granted by JADA shall be reported to the *Athlete's National Sports Federation* and to *WADA*. Other *Athletes* subject to *Testing* who need to use a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons must obtain a *TUE* from their *National Anti-Doping Organization* or other body designated by their *National Sports Federation*, as required under the rules of the *National Anti-Doping Organization/other body*. *National Sports Federations* shall promptly report any such *TUE's* to JADA and *WADA*.
- 4.4.4 JADA Executive shall appoint a panel of physicians to consider requests for *TUE's* (the "*TUE Committee*"). Upon JADA's receipt of a *TUE* request, the Chair of the *TUE Committee* shall appoint one or more members of the *TUE Committee* (which may include the Chair) to consider such request. The *TUE Committee* member(s) so designated shall promptly evaluate such request in accordance with the *International Standard for Therapeutic Use Exemptions* and render a decision on such request, which shall be the final decision of JADA.
- 4.4.5 *WADA*, at the request of an *Athlete* or on its own initiative, may review the granting or denial of any *TUE* by JADA. If *WADA* determines that the granting or denial of a *TUE* did not comply with the *International Standard for Therapeutic Use*

Exemptions in force at the time, then *WADA* may reverse that decision. Decisions on *TUE's* are subject to further appeal as provided in Article 13.

5 ARTICLE 5 TESTING

5.1 Authority to Test

All *Athletes* under the jurisdiction of a *National Sports Federation* shall be subject to *In-Competition Testing* by the *Athlete's National Sports Federation*, the *Athlete's International Federation*, *JADA* and any *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate. All *Athletes* under the jurisdiction of a *National Sports Federation*, including *Athletes* serving a period of ineligibility or a *Provisional Suspension*, shall also be subject to *Out-of-Competition Testing* at any time or place, with or without advance notice, by *WADA*, the *Athlete's National Sports Federation*, the *Athlete's International Federation*, *JADA*, the *National Anti-Doping Organization* of any country where the *Athlete* is national, resident, license-holder or member of sport organizations, the *IOC* during the *Olympic Games*, and the *IPC* during the *Paralympic Games*. *Target Testing* will be made a priority.

5.2 Responsibility for the *JADA Testing*

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

5.3 Testing Standards

Testing conducted by JADA and its *National Sports Federations* shall be in substantial conformity with the *International Standard for Testing* in force at the time of *Testing*.

5.3.1 Blood (or other non-urine) *Samples* may be used to detect *Prohibited Substances* or *Prohibited Methods*, for screening procedure purposes, or for longitudinal hematological profiling (“the passport”). If the *Sample* is collected for screening only, it will have no consequences for the *Athlete* other than to identify him/her for a urine test under these anti-doping rules. In these circumstances, JADA may decide at its own discretion which blood parameters are to be measured in the screening *Sample* and what levels of those parameters will be used to indicate that an *Athlete* should be selected for a urine test. If however, the *Sample* is collected for the passport, it may be used for anti-doping purposes in accordance with Article 2.2 of the *Code*.

5.4 *Testing at Events*

At *International Events*, the collection of *Doping Control Samples* shall be initiated and directed by the international organization that is the ruling body for the *Event*. If the international organization decides not to conduct any effective *Testing* at such an *Event*, JADA may, in coordination with and with the approval of the international organization or *WADA*, initiate and conduct such *Testing*. At *National Events*, the collection of *Doping Control Samples* shall be initiated and directed by JADA.

5.5 *Athlete Whereabouts Requirements*

5.5.1 JADA shall identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the

whereabouts requirements of the *International Standard for Testing*, and shall publish the criteria for *Athletes* to be included in this *Registered Testing Pool* as well as a list of the *Athletes* meeting those criteria for the period in question. JADA shall review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with the set criteria. Each *Athlete* in the *Registered Testing Pool* (a) shall advise JADA of his/her whereabouts on a quarterly basis, in the manner set out in Article 11.3 of the *International Standard for Testing*; (b) shall update that information as necessary, in accordance with Article 11.4.2 of the *International Standard for Testing*, so that it remains accurate and complete at all times; and (c) shall make him/herself available for *Testing* at such whereabouts, in accordance with Article 11.4 of the *International Standard for Testing*.

5.5.2 An *Athlete's* failure to advise JADA of his/her whereabouts shall be deemed a Filing Failure for purposes of Article 2.4 where the conditions of Article 11.3.5 of the *International Standard for Testing* are met.

5.5.3 An *Athlete's* failure to be available for *Testing* at his/her declared whereabouts shall be deemed a Missed Test for purposes of Article 2.4 where the conditions of Article 11.4.3 of the *International Standard for Testing* are met.

5.5.4 Each *National Sportsman Federation* shall also assist its *National Anti-Doping Organization* in establishing a national level *Registered Testing Pool* of top level national *Athletes* to whom the whereabouts requirements of the *International Standard for Testing* shall also apply.

5.5.5 Whereabouts information provided pursuant to Articles 5.5.1 and 5.5.4 shall be shared with *WADA* and other *Anti-Doping Organizations* having jurisdiction to test an *Athlete* in accordance with Articles 11.7.1(d) and 11.7.3(d) of the *International Standard for Testing*, including the strict condition that it be used only for *Doping Control* purposes.

5.6 Retirement and Return to *Competition*

5.6.1 An *Athlete* who has been identified by JADA for inclusion in JADA's *Registered Testing Pool* shall continue to be subject to these Anti-Doping Rules, including the obligation to comply with the whereabouts requirements of the *International Standard for Testing*, unless and until the *Athlete* gives written notice to JADA that he or she has retired or until he or she no longer satisfies the criteria for inclusion in JADA's *Registered Testing Pool* and has been so informed by JADA.

5.6.2 An *Athlete* who has given notice of retirement to JADA may not resume competing unless he or she notifies JADA at least six (6) months before he or she expects to return to competition and makes him/herself available for unannounced

Out-of-Competition Testing, including (if requested) complying with the whereabouts requirements of the *International Standard for Testing*, at any time during the period before actual return to Competition.

5.7 Testing of Minors

Testing under these Anti-Doping Rules may only be conducted on a *Minor* where a *Person* with legal responsibility for that *Minor* has given prior consent. Where a *Minor* participates in sport, such prior consent is deemed to have been given, unless the rules of the relevant *National Sports Federation* provide otherwise.

5.8 Independent Observer Program

National Sports Federations and the organizing committees for *National Sports Federation Events* shall provide access to *Independent Observers* at *Events* as directed by JADA.

6 ARTICLE 6 ANALYSIS OF SAMPLES

Doping Control Samples collected under these Anti-Doping Rules shall be analysed in accordance with the following principles:

6.1 Use of Approved Laboratories

JADA shall send *Doping Control Samples* for analysis only to *WADA*-accredited laboratories or as otherwise approved by *WADA*. The choice of the *WADA*-accredited laboratory (or other laboratory or other method approved by *WADA*) used for the *Sample* analysis shall be determined exclusively by JADA.

6.2 Purpose of Collection and Analysis of Samples

Samples shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other

substances as may be directed by *WADA* pursuant to the Monitoring Program described in Article 4.5 of the *Code* or to assist JADA in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.

6.3 Research on *Samples*

No *Sample* may be used for any purpose other than as described in Article 6.2 without the *Athlete's* written consent. *Samples* used (with the *Athlete's* consent) for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.

6.4 Standards for *Sample* Analysis and Reporting

Laboratories shall analyze *Doping Control Samples* and report results in conformity with the *International Standard* for laboratories.

6.5 Retesting *Samples*

A *Sample* may be reanalyzed for the purposes described in Article 6.2 at any time exclusively at the directive of *National Anti-Doping Organization* or *WADA*. The circumstances and conditions for retesting *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

7 ARTICLE 7 RESULTS MANAGEMENT

7.1 Laboratory Results and Possible Failure to Comply Reports

7.1.1 JADA shall receive the analytical results from the laboratory by post, secure fax, hand delivery or electronically through the *WADA* Clearinghouse.

7.1.2 JADA shall receive any Doping Control Officer Reports indicating a possible Failure to Comply from the relevant Doping Control Officer along with other documentation from the *Sample* Collection Session, by post, secure fax, hand delivery or electronically through the *WADA* Clearinghouse.

7.2 Negative Analytical Findings

7.2.1 JADA shall identify from the *Doping Control* Form all *Athletes* whose *Samples* have resulted in a Negative Analytical Finding.

7.2.2 JADA shall notify via the *WADA* Clearinghouse, relevant stakeholders of Negative Analytical Findings to ratify Records.

7.2.3 JADA may notify *Athletes* or their representative of Negative Analytical Findings if so required. However, JADA shall reserve the possibility to conduct further *Testing* on the *Sample* as long as they are stored securely.

7.2.4 All documentation from the *Sample* Collection Session along with the notification of Negative Analytical Findings shall be retained by JADA for a minimum of eight (8) years.

7.3 Adverse Analytical Findings

7.3.1 Initial Review

7.3.1.1 Upon receipt of an *Adverse Analytical Finding*, JADA shall review for any irregularity all of the documentation relating to the *Sample* Collection Session (including the *Doping Control* Form, *Doping Control* Officer Report and other records), and the

laboratory analysis.

7.3.1.2 If there are any irregularities in the documentation, JADA shall determine whether the irregularity can be considered to undermine the validity of the *Adverse Analytical Finding*.

7.3.1.3 If irregularities are reasonably considered to undermine the validity of the *Adverse Analytical Finding*, JADA shall declare the test result void.

7.3.1.4 If a test is declared void due to an irregularity, it is recommended that JADA schedule an additional test on the *Athlete* at a later time.

7.3.1.5 If JADA declares a test result void, it shall immediately inform the *Athlete*, the *Athlete's* International Federation, *National Sports Federation* and *WADA*.

7.3.2 Follow-up Investigations

7.3.2.1 If the *Sample* shows the presence of a *Prohibited Substance* (for example endogenous substances) where further investigations are required to determine an Anti-Doping Rule Violation, JADA may conduct an investigation before issuing a notice to an *Athlete* asserting that an Anti-Doping Rule Violation has occurred.

7.3.2.2 In the case where the laboratory has reported the presence of a testosterone/epitestosterone ratio greater than 4 to 1 in the urine, further investigation is obligatory in order to determine whether the

ratio is due to a physiological or pathological condition. The investigation will include a review of any previous tests, subsequent tests, results of endocrinological investigations and/or CIRMS analyses. Where previous tests are not available, the *Athlete* shall undergo an endocrine investigation or be tested on a *No Advance Notice* basis at least once per month for three (3) months.

7.3.2.3 JADA may request the assistance of the laboratory and other scientific and/or medical expertise as necessary to conduct an investigation, not revealing the identity of the *Athlete*.

7.3.2.4 If JADA determines that the past doping test history of the *Athlete* is relevant to the investigation, and JADA does not already have this information, JADA must notify the *Athlete* in writing that the *Athlete's* past doping test history is required and provide reasoning for such request. The *Athlete* must then forward details of their past doping test history to JADA within seven (7) days of receiving the notice and authorize JADA to request information from other *Anti-Doping Organizations*. JADA may contact other *Anti-Doping Organizations*, other laboratories or *WADA* to verify the *Athlete's* past doping test history.

7.3.2.5 JADA shall make the final consideration as to

whether the follow-up investigation procedures evidence of an Anti-Doping Rule Violation. In making the consideration, JADA must take into account all laboratory analyses and the findings and recommendation of any medical advisory or review committee. JADA may consult the laboratory and any other experts to assist in the interpretation of the follow-up investigation results.

7.3.2.6 If JADA determines that the investigation indicates that the *Adverse Analytical Finding* is due to a physiological or pathological condition and not due to an Anti-Doping Rule Violation, JADA shall advise the *Athlete* accordingly and no further action shall be taken in relation to the *Adverse Analytical Finding*.

7.3.2.7 If JADA determines that the investigation establishes evidence of an Anti-Doping Rule Violation, then JADA shall follow these Anti-Doping Rules with respect to the *Adverse Analytical Finding*.

7.3.3 TUEs

7.3.3.1 If the analysis reveals a *Prohibited Substance* or *Prohibited Method* for which a *TUE* has been granted in accordance with the *International Standards* for *TUEs*, no further action is required.

7.3.3.2 If the *Athlete* has been granted a *TUE* in accordance with the *International Standard*

for *TUEs*, but the level of the *Prohibited Substance* in the *Sample* is not consistent with the *TUE*, then JADA shall continue to follow these Anti-Doping Rules in respect to the *A Sample Adverse Analytical Finding*.

7.3.3.3 If the *Athlete* has not been granted a *TUE* in accordance with the *International Standard* for *TUEs*, then JADA shall follow these Anti-Doping Rules in respect to the *A Sample Adverse Analytical Finding*.

7.3.3.4 Despite the fact that the *Athlete* has produced any other medical information at the time of the *Doping Control* JADA shall follow these Anti-Doping Rules in respect to the *A Sample Adverse Analytical Finding*.

7.3.4 Notification After Initial Review

7.3.4.1 Once JADA has determined that the *Adverse Analytical Finding* is not due to any irregularity that undermines its validity and that there is no applicable *TUE*, then JADA shall ensure that the *Athlete* is notified in writing of the *Adverse Analytical Finding*. The notice shall include the following details:

- a) *Athletes* name, country, sport and discipline;
- b) *In-Competition* or *Out-of-Competition Doping Control* and date of the collection;
- c) Confirmation that the *A Sample* has returned an *Adverse Analytical Finding*

- and the details of the *Prohibited Substance* identified in the *A Sample*;
- d) The anti-doping rule asserted to be violated in accordance with JADA, International Federation and/or *National Sports Federation* rules;
 - e) The possible *Consequences of Anti-Doping Rule Violation*;
 - f) The *Athlete's* right to promptly request the analysis of the *B Sample* or, failing such request, that the *B Sample* analysis may be deemed waived and the *A Sample* finding used as evidence of the Anti-Doping Rule Violation;
 - g) The scheduled date, time and place for the *B Sample* analysis if the *Athlete* or JADA chooses to request an analysis of the *B Sample*;
 - h) The opportunity for the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis within the time period specified in the *International Standard* for Laboratories if such analysis is requested;
 - i) The other parties that will be notified of the *A Sample Adverse Analytical Finding*;
 - j) The *Athlete's* right to request copies of the *A* and *B Sample* laboratory report which includes information as required by the *International Standard* for Laboratories;

- k) The *Athlete's* right to respond to any assertion that an anti-doping rule had been violated;
- l) In cases where a *Provisional Suspension* is to be imposed in accordance with Article 7.6 below, details of that *Provisional Suspension*, the provisional hearing and/or expedited hearing as applicable; and
- m) The *Athlete's* right to waive their right to a hearing by acknowledging the Anti-Doping Rule Violation asserted and the identified *Consequences of Anti-Doping Rule Violation*.

7.3.4.2 JADA shall also notify the International Federation and *WADA*. If JADA decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete*, the International Federation and *WADA*.

7.3.4.3 In an *Event* where a *Provisional Suspension (Article 7.6)* is to be imposed or other instances where time dictates, the above details may be given to the *Athlete* and other relevant organizations verbally in the first instance and followed up by notice in writing as soon as possible.

7.3.5 B *Sample Analysis*

7.3.5.1 Should the *Athlete* and/or JADA decide to have the B *Sample* analysed, JADA shall

contact the laboratory and confirm the date and time for analysis of the B *Sample*.

7.3.5.2 JADA shall notify the *Athlete* of the time for the B *Sample* analysis, which should be no later than five (5) working days after the *Athlete* requests that it be analysed.

7.3.5.3 The time for analysis of the B *Sample* may be extended by mutual agreement between the *Athlete*, the JADA and the laboratory.

7.3.5.4 The *Athlete* or the *Athlete's* representative has the right to attend the identification, opening and analysis of the B *Sample*.

7.3.5.5 Where neither the *Athlete* nor his or her representative attends the identification, opening and analysis of the B *Sample*, JADA or the laboratory shall appoint an independent *Person*.

7.3.5.6 The B *Sample* must be performed at the same laboratory and shall be tested by a different analyst than the A *Sample*.

7.3.5.7 If the B *Sample* analysis does not confirm the A *Sample* analysis, JADA shall notify the *Athlete* that the *Sample* has been declared negative and that no further action will occur. In circumstances where a *Provisional Suspension* has been imposed, refer to Article 7.6.4.

7.3.5.8 If the B *Sample* analysis does confirm the A *Sample Adverse Analytical Finding*, JADA shall continue to follow these Anti-Doping Rules with respect to the *Adverse Analytical Finding*.

7.4 Other Anti-Doping Rule Violations

7.4.1 Initial Review

7.4.1.1 Upon receipt of a *Doping Control* Officer Report and/or other related documents showing a possible Anti-doping Rule Violation, JADA shall review for any irregularity all of the documentation relating to the case.

7.4.1.2 If there are any irregularities in the documentation JADA shall determine whether the irregularity can reasonably be considered to undermine the possibility of an Anti-Doping Rule Violation.

7.4.1.3 If irregularities are reasonably considered to undermine the possibility of an Anti-Doping Rule Violation, JADA shall not pursue the *Doping Control* Officer Report further.

7.4.1.4 If JADA decides not to pursue the *Doping Control* Officer Report further, it shall immediately inform the *Athlete's* International Federation, *National Sports Federation* and *WADA*.

7.4.1.5 The *Athlete* and/or *Athlete Support Personnel* may make a submission in relation to a possible Anti-Doping Rule Violation. JADA shall consider this submission in suggesting whether to issue notice to the *Athlete* and/or *Athlete Support Personnel* that there has been a possible Anti-Doping Rule Violation.

7.4.2 Notification After Initial Review

7.4.2.1

Once JADA has determined that the Doping Control Officer Report and/or other related documentation showing a possible Anti-Doping Rule Violation is not due to an irregularity that undermines the possibility of an Anti-Doping Rule Violation, then JADA shall ensure that the Athlete is notified in writing of the possible Anti-Doping Rule Violation.

The notice shall include the following details:

- a) The *Athlete* and/or *Athlete Support Personnel* name, country, sport and discipline.
- b) An outline of the Doping Control Officer Report and/or other related documentation indicating the specific Anti-Doping Rule Violation;
- c) The anti-doping rule asserted to be violated in accordance with JADA or applicable International Federation or *National Sports Federation's* rules;
- d) The possible *Consequences of Anti-Doping Rule Violation*;
- e) The *Athlete's* and/or *Athlete Support Personnel's* right to present submissions relating to the possible Anti-Doping Rule Violation;
- f) The other parties that will be notified about the Anti-Doping Rule Violation; and

g) In cases where a *Provisional Suspension* is to be imposed in accordance with Article 7.6 below, details of that *Provisional Suspension*, the provisional hearing and/or expedited hearing as applicable.

7.4.2.2 In an *Event* where a *Provisional Suspension* (Article 7.6) is to be imposed or other instances where time dictates, the above details may be given to *Athlete* and/or *Athlete Support Personnel* and other relevant organizations verbally in first instance and followed up with notice in writing as soon as possible.

7.5 Identity of *Athletes*

7.5.1 JADA shall identify from the *Doping Control* Form and/or other relevant documentation all *Athletes* whose *Samples* have resulted in an *Adverse Analytical Finding* or possible Anti-Doping Rule Violation.

7.5.2 The *Athlete's* and/or *Athlete Support Personnel's* identity shall be kept confidential throughout the results management process. Only the *Athlete* or other *Person* who may have breached an Anti-Doping Rule Violation shall be notified. The *Athlete's National Anti-Doping Organization, National sports Federation, International Federation* and *WADA* shall be notified following the completion of the Notification After Initial Review process (Article 7.3.4).

7.6 Provisional Hearings and Suspensions

- 7.6.1 Once the *Athlete* has received notification following the initial review as set out in Article 7.3.4 above, JADA and/or applicable International Federation may impose a *Provisional Suspension* on the *Athlete*.
- 7.6.2 Where a *Provisional Suspension* is imposed on an *Athlete*, the *Athlete* must be given either:
- a) A provisional hearing prior to the imposition of the *Provisional Suspension*;
 - b) A provisional hearing as soon as possible (within ten (10) days) after the imposition of the *Provisional Suspension*. Extensions can be granted upon written notification; or
 - c) An expedited hearing as soon as possible after the imposition of the *Provisional Suspension*.
- 7.6.3 All provisional hearings or expedited hearings must be conducted in accordance with Articles 7.5 and 8 of the *Code*. Separate guidelines for hearings may also be applicable.
- 7.6.4 Where a *Provisional Suspension* has been imposed in relation to an A *Sample Adverse Analytical Finding*, the *Athlete* has requested that the B *Sample* analysis be conducted and the B *Sample* analysis does not confirm the A *Sample* analysis, then the *Provisional Suspension* shall be rescinded immediately.
- 7.6.5 Where a *Provisional Suspension* has been imposed in relation to a Doping Control Officer Report and/or

related documentation showing a possible Anti-Doping Rule Violation and JADA determines, following the *Athlete's* submission, that there has been no Anti-Doping Rule Violation, then the *Provisional Suspension* shall be rescinded immediately.

7.6.6 Where the *Athlete* or the *Athlete's* team has been removed from a *Competition* or *Event* following a *Provisional Suspension* and the *Provisional Suspension* is then rescinded in accordance with Article 7.6.4 or 7.6.5 above, and it is still possible for the *Athlete* or team to be reinserted without otherwise affecting the *Competition* or *Event*, the *Athlete* or team shall be allowed to continue to take part in the *Competition* or *Event*.

7.6.7 If JADA declares that there has been no Anti-Doping Rule Violation, it shall immediately inform the *Athlete's* International Federation, *National Sports Federation*, *National Anti-Doping Organization* and *WADA*.

7.7 Assertion of an Anti-Doping Rule Violation

7.7.1 Where there has been an *Adverse Analytical Finding* and:

- a) The test has not been declared void due to an irregularity in accordance with Article 7.3.1;
- b) The presence of the *Prohibited Substance* is not consistent with a *TUE* that has been granted in accordance with Article 4;
- c) The *Athlete* has not requested that the B

Sample be analysed, or the B *Sample* Analysis has been conducted and confirms the A *Sample Adverse Analytical Finding* in accordance with Article 7.3.5;

- d) Any follow-up investigation conducted that has led to the conclusion of a possible Anti-Doping Rule Violation in accordance with Article 7.3.2; and
- e) The *Athlete* has not provided any information or evidence on the validity of the test that requires further investigation,

then JADA shall assert that there has been an Anti-Doping Rule Violation.

7.7.2 Where JADA asserts that there has been an Anti-Doping Rule Violation, JADA shall notify the *Person*, the *Person's National Anti-Doping Organization*, International Federation, *National Sports Federation* and *WADA* in writing of this assertion.

7.7.3 Where JADA asserts that there has been an Anti-Doping Rule Violation, JADA shall notify *Japan Anti Doping Disciplinary Panel* of the assertion, for a hearing to be conducted in accordance with Article 8 and any applicable guidelines. JADA shall provide *Japan Anti-Doping Disciplinary Panel* with all of the documentation relevant to the assertion.

7.7.4 The *Person* is also entitled to copies of all of the documentation relevant to the assertion that there has been an Anti-Doping Rule Violation, and JADA shall provide those to the *Person* or his/her

representative upon request.

8 ARTICLE 8 DISCIPLINARY PROCEDURE

8.1 Appointment of *Japan Anti-Doping Disciplinary Panel*

8.1.1 JADA shall appoint *Japan Anti-Doping Disciplinary Panel* which will comprise of the following:

- a) Legal practitioner(s) of not less than five (5) years standing; and
- b) Medical practitioner(s) of not less than five (5) years standing; and
- c) Additional members, who shall be, or has previously been, a sports administrator or an *Athlete*,

all of whom will be appointed on the basis that they are in a position to hear the cases fairly, impartially and independently.

Chair shall be chosen by the members.

8.1.2 Each panel member shall be appointed for a term of two (2) years.

8.1.3 If a panel member dies or resigns, JADA may appoint an independent person to be a panel member to fill the resultant vacancy. The person so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy.

8.1.4 A panel member may be re-appointed by JADA.

8.2 Jurisdiction of *Japan Anti-Doping Disciplinary Panel*

8.2.1 *Japan Anti-Doping Disciplinary Panel* has the power

to hear and determine all issues arising from any matter which is referred to it pursuant to these Anti-Doping Rules. In particular, *Japan Anti-Doping Disciplinary Panel* has the power to determine the *Consequences of Anti-Doping Rule Violations* to be imposed pursuant to these Anti-Doping Rules.

8.2.2 *Japan Anti-Doping Disciplinary Panel* shall be fair and impartial in the performance of its functions.

8.2.3 *Japan Anti-Doping Disciplinary Panel* has all powers necessary for, and incidental to, the exercise of its functions.

8.2.4 No final decision of, or no *Consequences of Anti-Doping Rule Violations* imposed by, *Japan Anti-Doping Disciplinary Panel* shall be quashed, varied or held invalid, by any court, arbitrator, tribunal or other hearing body other than *Japan Sports Arbitration Agency* or *CAS* for any reason, including for reason of any defect, irregularity, omission or departure from the procedures set out in these Anti-Doping Rules, provided there has been no miscarriage of justice.

8.3 Hearings Before *Japan Anti-Doping Disciplinary Panel*

8.3.1 When it appears, following the results management process described in Article 7 (Results Management), that these Anti-Doping Rules may have been violated, JADA shall refer the matter to *Japan Anti-Doping Disciplinary Panel* for adjudication as to whether a violation of these Anti-Doping Rules has occurred and if so what *Consequences* should be imposed.

- 8.3.2 The Chair of *Japan Anti-Doping Disciplinary Panel* shall appoint three (3) members from the panel to hear and determine each case. Each such hearing panel shall comprise the chair of such hearing panel, one medical practitioner member and one sports administrator or *Athlete* (or previous sports administrator or *Athlete*) member. The panel which conducts hearings and consists of members appointed under this Article 8.3.2 is hereinafter referred to as the “hearing panel”.
- 8.3.3 The appointed members of the hearing panel shall have had no prior involvement with the case. Each member, upon appointment, shall disclose to the chair of the hearing panel any circumstances likely to affect impartiality with respect to any of the parties of the case.
- 8.3.4 An *Athlete* or other *Person* may forego a hearing by waiving the right to a hearing in writing and acknowledging the violation of these Anti-Doping Rules and accepting the *Consequences* consistent with *Code* Article 9 (Automatic *Disqualification* of Individual Results) and *Code* Article 10 (Sanctions on Individuals) as notified by JADA .
- 8.3.5 *Japan Anti-Doping Disciplinary Panel* shall have the power, at its absolute discretion, to appoint an expert to assist or advise the hearing panel as required by the panel.
- 8.3.6 The International Federation, and/or the *National Sports Federation* concerned, if not a party to the hearing proceedings, *JOC*, if not a party to the

proceedings, and *WADA* shall each have the right to attend hearings of *Japan Anti-Doping Disciplinary Panel* as an observer.

8.3.7 Hearings pursuant to this Article should be completed expeditiously and in all cases within three (3) months of the completion of the results management process described in Article 7 (Results Management), save where exceptional circumstances apply.

8.3.8 Unless otherwise agreed between the parties, *Japan Anti-Doping Disciplinary Panel* shall;

8.3.8.1 commence the hearing within fourteen (14) days of the notification date;

8.3.8.2 issue a written decision within twenty (20) days of the notification date; and

8.3.8.3 issue written reasons for the decision within thirty (30) days of the notification date.

8.3.9 Hearings held in connection with *Events* may be conducted on an expedited basis.

8.4 Proceedings of *Japan Anti-Doping Disciplinary Panel*

8.4.1 Subject to the provisions of these Anti-Doping Rules, *Japan Anti-Doping Disciplinary Panel* and its hearing panels shall have the power to regulate their procedures.

8.4.2 Hearings of *Japan Anti-Doping Disciplinary Panel* shall be private, unless JADA and the *Person* against whom the case is brought agree on a public hearing.

8.4.3 JADA shall present the case against the *Person*

before *Japan Anti-Doping Disciplinary Panel* and, where requested by JADA, the *National Sports Federation* of the *Person* concerned shall assist JADA.

- 8.4.4 The *Person*, against whom the case is brought, has the right to respond to the asserted anti-doping rule violation and resulting *Consequences*.
- 8.4.5 A failure by any party or its representative to attend a hearing after notification will be deemed to be an abandonment of its right to a hearing. This right may be reinstated on reasonable grounds.
- 8.4.6 Each party shall have the right to be represented at a hearing, at that party's own expense.
- 8.4.7 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the hearing panel. The hearing panel shall determine the identity and responsibility for the cost of any interpreter.
- 8.4.8 Each party to the proceedings has the right to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means).
- 8.4.9 Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The hearing panel may receive evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.

- 8.4.10 The hearing panel may postpone or adjourn a hearing.
- 8.4.11 The hearing panel, at the request of one of the parties to the proceedings or on its own initiative, may require one or more parties to the proceedings, prior to the hearing, to supply it and/or the other parties to the proceedings with further particulars of the case to be presented by that party at the hearing, including what witnesses they intend to call and that party shall comply with that direction.
- 8.4.12 Any failure by the *Person* concerned to comply with any requirement or direction of the hearing panel shall not prevent the hearing panel from proceeding and such failure may be taken into consideration by the hearing panel when making its decision.
- 8.4.13 Hearings may be recorded and JADA shall own and retain any recording.

8.5 Decisions of *Japan Anti-Doping Disciplinary Panel*

- 8.5.1 The deliberations of the hearing panel on its decision shall be private.
- 8.5.2 Any minority or dissenting decisions shall be noted in the written reasons. In the event of a majority decision, this shall be the decision of the hearing panel.
- 8.5.3 The decision of the hearing panel shall be written, dated and signed. In order to expedite the finalization of the hearing, the decision may be handed down without written reasons in

accordance with the time schedule outlined in Article 8.3.8. In any case in which the period of *Ineligibility* is eliminated under Article 10.5.1 (*No Fault or Negligence*) or reduced under Article 10.5.2 (*No Significant Fault or Negligence*) the decision shall explain the basis for the elimination or reduction.

8.5.4 The decision of the hearing panel shall be advised to the parties to the proceedings, *WADA*, the relevant International Federation (and to *JOC* and *National Sports Federation* if not a party to the proceedings) as soon as practicable after the conclusion of the hearing.

8.5.5 Decisions of *Japan Anti-Doping Disciplinary Panel* may be appealed as provided in Article 13 (Appeals).

9 ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

[Comment to Article 9: When an Athlete wins a gold medal with a Prohibited Substance in his or her system, that is unfair to the other Athletes in that Competition regardless of whether the gold medallist was at fault in any way. Only a "clean" Athlete should be allowed to benefit from his or her competitive results.

For Team Sports, see Article 11 (Consequences to Team Sports).

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.]

10 ARTICLE 10 SANCTIONS ON INDIVIDUALS

10.1 *Disqualification of Results in an Event During which an Anti-Doping Rule Violation Occurs*

- 10.1.1 An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event*, with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.2.

[Comment to Article 10.1.1: Whereas Article 9 (Automatic Disqualification of Individual Results) 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.

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

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

10.2 *Imposition of Ineligibility for Prohibited Substances and Prohibited Methods*

The period of *Ineligibility* imposed for a violation of *Code* Article 2.1

(Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Code Article 2.2 (Use or Attempted Use of Prohibited Substance or Prohibited Method)* and *Code Article 2.6 (Possession of Prohibited Substances and Prohibited Methods)* shall be as follows, unless the conditions for eliminating or reducing the period of *Ineligibility*, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of *Ineligibility*, as provided in Article 10.6, are met:

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

[Comment to Article 10.2: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short (e.g., artistic gymnastics) a two year Disqualification has a much more significant effect on the Athlete than in sports where careers are traditionally much longer (e.g., equestrian and shooting); in Individual Sports, the Athlete is better able to maintain competitive skills through solitary practice during Disqualification than in other sports where practice as part of a team is more important. A primary argument in favour of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting bodies to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]

10.3 *Ineligibility* for Other Anti-Doping Rule Violations

The period of *Ineligibility* for other anti-doping rule violations Rules other than as provided in Article 10.2 shall be as follows:

10.3.1 For violations of *Code Article 2.3 (Refusing or Failing to Submit to Sample Collection)* or *Code Article 2.5 (Tampering with Doping Control)*, the *Ineligibility* period shall be two (2) years unless the

conditions provided in Article 10.5, or the conditions provided in *Code* Article 10.6, are met.

- 10.3.2 For violations of *Code* Article 2.7 (*Trafficking or Attempted Trafficking*), *Code* Article 2.8 (*Administration of Prohibited Substance or Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility* unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than Specified Substances referenced in Article 4.2.2, shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, significant violations of such Articles that also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

[Comment to Article 10.3.2: 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 credentials, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

- 10.3.3 For violations of *Code* Article 2.4 (Filing Failures and/or Missed Tests), the period of *Ineligibility* shall be:

First Violation: A minimum of one (1) year to a maximum of two (2) years *Ineligibility* based on the Athlete's degree of fault.

[Comment to Article 10.3.3: The sanction under Article 10.3.3 shall be two years where all three filing failures or missed tests are inexcusable. Otherwise, the sanction shall be assessed in the range of two years to one year, based on the circumstances of the case.]

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

Where an *Athlete* or other *Person* can establish how a Specified Substance entered his or her body or came into his or her *Possession* and that such Specified Substance was not intended to enhance the *Athlete's* sport performance or mask the use of a performance-enhancing substance, the period of *Ineligibility* found in Article 10.2 shall be replaced with the following:

First violation: At a minimum, a reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, two (2) year's *Ineligibility*.

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

[Comment to Article 10.4: Specified Substances as now defined in Article 4.2.2 are not necessarily less serious agents for purposes of sports doping than other Prohibited Substances (for example, a stimulant that is listed as a Specified Substance could be very effective to an Athlete in competition); for that reason, an Athlete who does not meet the criteria under this Article would receive a two-year period of Ineligibility and could receive up to a four-year period of Ineligibility under Article 10.6. However, there is a greater likelihood that Specified Substances, as opposed to other Prohibited Substances, could be susceptible to a credible, non-doping explanation.]

This Article applies only in those cases where the hearing panel is comfortably satisfied by the objective circumstances of the case that the Athlete in taking or

possessing a Prohibited Substance did not intend to enhance his or her sport performance. Examples of the type of objective circumstances which in combination might lead a hearing panel to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the Specified Substance or the timing of its ingestion would not have been beneficial to the Athlete; the Athlete's open Use or disclosure of his or her Use of the Specified Substance; and a contemporaneous medical records file substantiating the non-sport-related prescription for the Specified Substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the Athlete to prove lack of an intent to enhance sport performance.

While the absence of intent to enhance sport performance must be established to the comfortable satisfaction of the hearing panel, the Athlete may establish how the Specified Substance entered the body by a balance of probability.

In assessing the Athlete's or other Person's degree of fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. 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 his or her career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article. It is anticipated that the period of Ineligibility will be eliminated entirely in only the most exceptional cases.]

10.5 Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances.

10.5.1 *No Fault or Negligence*

If an *Athlete* establishes in an individual case that he or she bears *No Fault or Negligence*, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Metabolites* or its *Markers* is detected in an *Athlete's Sample* in violation of Code Article 2.1 (Presence of *Prohibited Substance*), the *Athlete* shall also establish how the *Prohibited Substance* entered their system in order to have the period of *Ineligibility* eliminated. In the event that this Article

10.5.1 is applied and the period of *Ineligibility* otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation only for the limited purpose of determining the period of *Ineligibility* for multiple violations under Articles 10.7.

10.5.2 *No Significant Fault or Negligence*

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Significant Fault or Negligence*, then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than eight (8) years. When a *Prohibited Substance* or its *Metabolites* or *Markers* is detected in an *Athlete's Sample* in violation of Code Article 2.1 (Presence of *Prohibited Substance*), the *Athlete* shall also establish how the *Prohibited Substance* entered their system in order to have the period of *Ineligibility* reduced.

[Comment to Articles 10.5.1 and 10.5.2: National Anti-Doping Organization's Anti-Doping Rules provide for the possible reduction or elimination of the period of Ineligibility in the unique circumstance where the Athlete can establish that he or she had No Fault or Negligence, or No Significant Fault or Negligence, in connection with the violation. This approach is consistent with basic principles of human rights and provides a balance between those Anti-Doping Organizations that argue for a much narrower exception, or none at all, and those that would reduce a two-year suspension based on a range of other factors even when the Athlete was admittedly at fault. These Articles apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. Article 10.5.2 may be applied to any anti-doping rule violation even though it will be especially difficult to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation.]

Articles 10.5.1 and 10.5.2 are meant to have an impact only in cases where the circumstances are truly exceptional and not in the vast majority of cases.

To illustrate the operation of Article 10.5.1, an example where No Fault or Negligence would result in the total elimination of a sanction is where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) 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 based on No Significant Fault or Negligence. (For example, reduction may well be appropriate in illustration (a) if the Athlete clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substances and the Athlete exercised care in not taking other nutritional supplements.)

For purposes of assessing the Athlete's or other Person's fault under Articles 10.5.1 and 10.5.2, the evidence considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. 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 his or her career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Article.

While Minors are not given special treatment per se in determining the applicable sanction, certainly youth and lack of experience are relevant factors to be assessed in determining the Athlete's or other Person's fault under Article 10.5.2, as well as Articles 10.3.3, 10.4 and 10.5.1.

Article 10.5.2 should not be applied in cases where Articles 10.3.3 or 10.4 apply, as those Articles already take into consideration the Athlete or other Person's degree of fault for purposes of establishing the applicable period of Ineligibility.]

Establishing Anti-Doping Rule Violations

Japan Anti-Doping Disciplinary Panel or *Japan Sports Arbitration Agency* may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in the *Anti-Doping Organization* discovering or establishing an anti-doping rule violation by another *Person* or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another *Person*. After a final appellate decision under Article 13 or the expiration of time to appeal, *Japan Anti-Doping Disciplinary Panel* or *Japan Sports Arbitration Agency* may only suspend a part of the applicable period of *Ineligibility* with the approval of *WADA* and the applicable International Federation. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the

non-suspended period under this section must be no less than eight (8) years. If *Japan Anti-Doping Disciplinary Panel* or *Japan Sports Arbitration Agency* suspends any part of the period of *Ineligibility* under this Article, it shall promptly provide a written justification for its decision to each *Anti-Doping Organization* having a right to appeal the decision. If *Japan Anti-Doping Disciplinary Panel* or *Japan Sports Arbitration Agency* subsequently reinstates any part of the suspended period of *Ineligibility* because the *Athlete* or other *Person* has failed to provide the *Substantial Assistance* which was anticipated, the *Athlete* or other *Person* may appeal the reinstatement pursuant to Article 13.2.

[Comment to Article 10.5.3: 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.

Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving Trafficking under Article 2.7 or administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectible in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended.

If the Athlete or other Person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of Ineligibility under this Article in connection with the Athlete's or other Person's waiver of a hearing under Code Article 8.3 (Waiver of Hearing), National Anti-Doping Organization shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Article. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing under

Article 8 on the anti-doping rule violation, the hearing panel shall determine whether a suspension of a portion of the otherwise applicable period of Ineligibility is appropriate under this Article at the same time the hearing panel decides whether the Athlete or other Person has committed an anti-doping rule violation. If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense. If the Athlete or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the Athlete or other Person is still serving the period of Ineligibility, the Athlete or other Person may apply to National Anti-Doping Organization to consider a suspension in the otherwise applicable period of Ineligibility under this Article. Any such suspension of the period of Ineligibility shall require the approval of WADA. If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, National Anti-Doping Organization shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by National Anti-Doping Organization under this Article may be appealed pursuant to Article 13.2.

This is the only circumstance under National Anti-Doping Organization's Anti-Doping Rules where the suspension of an otherwise applicable period of Ineligibility is authorized.]

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

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

[Comment to Article 10.5.4: 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 knows he or she is about to be caught.]

10.5.5 Where an *Athlete* or *Other Person* Establishes Entitlement to Reduction in Sanction Under More than One Provision of this Article

Before applying any reductions under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two or more of Articles 10.5.2, 10.5.3 or 10.5.4, then the period of *Ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *Ineligibility*.

[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4 or Article 10.6) applies to the particular anti-doping rule violation. In a second step, the hearing panel establishes whether there is a basis for suspension, elimination or reduction of the sanction (Articles 10.5.1 through 10.5.4). Note, however, not all grounds for suspension, elimination or reduction may be combined with the provisions on basic sanctions. For example, Article 10.5.2 does not apply in cases involving Articles 10.3.3 or 10.4, since the hearing panel, under Articles 10.3.3 and 10.4, will already have determined the period of Ineligibility based on the Athlete's or other Person's degree of fault. In a third step, the hearing panel determines under Article 10.5.5 whether the Athlete or other Person is entitled to elimination, reduction or suspension under more than one provision of Article 10.5. Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.9. The following four examples demonstrate the proper sequence of analysis:

Example 1.

Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid;

the Athlete promptly admits the anti-doping rule violation as alleged; the Athlete establishes No Significant Fault (Article 10.5.2); and the Athlete provides important Substantial Assistance (Article 10.5.3).

Application of Article 10:

- 1. The basic sanction would be two years under Article 10.2. (Aggravating Circumstances (Article 10.6) would not be considered because the Athlete promptly admitted the violation. Article 10.4 would not apply because a steroid is not a Specified Substance.)*
- 2. Based on No Significant Fault alone, the sanction could be reduced up to one-half of the two years. Based on Substantial Assistance alone, the sanction could be reduced up to three-quarters of the two years.*
- 3. Under Article 10.5.5, in considering the possible reduction for No Significant Fault and Substantial Assistance together, the most the sanction could be reduced is up to three-quarters of the two years. Thus, the minimum sanction would be a six-month period of Ineligibility.*
- 4. Under Article 10.9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event the Athlete would have to serve at least one-half of the Ineligibility period (minimum three months) after the date of the hearing decision.*

Example 2.

Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; aggravating circumstances exist and the Athlete is unable to establish that he did not knowingly commit the anti-doping rule violation; the Athlete does not promptly admit the anti-doping rule violation as alleged; but the Athlete does provide important Substantial Assistance (Article 10.5.3).

Application of Article 10:

- 1. The basic sanction would be between two and four years Ineligibility as provided in Article 10.6.*
- 2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the maximum four years.*
- 3. Article 10.5.5 does not apply.*
- 4. Under Article 10.9.2, the period of Ineligibility would start on the date of the hearing decision.*

Example 3.

Facts: An Adverse Analytical Finding involves the presence of a Specified Substance; the Athlete establishes how the Specified Substance entered his body and that he had no intent to enhance his sport performance; the Athlete establishes that he had very little fault; and the Athlete provides important Substantial Assistance (Article 10.5.3).

Application of Article 10:

- 1. Because the Adverse Analytical Finding involved a Specified Substance and the Athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. The hearing panel would assess the Athlete's fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would otherwise impose a period of Ineligibility of eight months.)*
- 2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) [No Significant Fault (Article 10.2) would not be applicable because the Athlete's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1.]*
- 3. Article 10.5.5 does not apply.*
- 4. Under Article 10.9.2, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event, the Athlete would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)*

Example 4.

Facts: An Athlete who has never had an Adverse Analytical Finding or been confronted with an anti-doping rule violation spontaneously admits that he intentionally used multiple Prohibited Substances to enhance his performance. The Athlete also provides important Substantial Assistance (Article 10.5.3).

Application of Article 10:

- 1. While the intentional Use of multiple Prohibited Substances to enhance performance would normally warrant consideration of aggravating circumstances (Article 10.6), the Athlete's spontaneous admission means that Article 10.6 would not apply. The fact that the Athlete's Use of Prohibited Substances was intended to enhance performance would also eliminate the application of Article 10.4 regardless of whether the Prohibited Substances Used were Specified Substances. Thus, Article 10.2 would be applicable and the basic period of Ineligibility imposed would be two years.*
- 2. Based on the Athlete's spontaneous admissions (Article 10.5.4) alone, the period of Ineligibility could be reduced up to one-half of the two years. Based on*

the Athlete's Substantial Assistance (Article 10.5.3) alone, the period of Ineligibility could be reduced up to three-quarters of the two years.

3. *Under Article 10.5.5, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced would be up to three-quarters of the two years. (The minimum period of Ineligibility would be six months.)*

4. *If Article 10.5.4 was considered by the hearing panel in arriving at the minimum six-month period of Ineligibility at step 3, the period of Ineligibility would start on the date the hearing panel imposed the sanction. If, however, the hearing panel did not consider the application of Article 10.5.4 in reducing the period of Ineligibility in step 3, then under Article 10.9.2, the commencement of the period of Ineligibility could be started as early as the date the anti-doping rule violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.]*

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

If JADA establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking*) and 2.8 (Administration) that aggravating circumstances are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased up to a maximum of four (4) years unless the *Athlete* or other *Person* can prove to the comfortable satisfaction of the hearing panel that he did not knowingly commit the anti-doping rule violation.

An *Athlete* or other *Person* can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by *Japan Anti-Doping Disciplinary Panel* or *Japan Sports Arbitration Agency*.

[Comment to Article 10.6: Examples of aggravating circumstances which may justify the imposition of a period of Ineligibility greater than the standard sanction are: the Athlete or other Person committed the anti-doping rule violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit anti-doping rule violations; the Athlete or other Person used or possessed multiple Prohibited Substances or Prohibited Methods or used or possessed a Prohibited Substance or Prohibited Method on multiple occasions; 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 obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation.

For the avoidance of doubt, the examples of aggravating circumstances described in this Comment to Article 10.6 are not exclusive and other aggravating factors may also justify the imposition of a longer period of Ineligibility. Violations under Articles 2.7 (Trafficking or Attempted Trafficking) and 2.8 (Administration or Attempted Administration) are not included in the application of Article 10.6 because the sanctions for these violations (from four years to lifetime Ineligibility) already build in sufficient discretion to allow consideration of any aggravating circumstance.]

10.7 Multiple Violations

10.7.1 For an Athlete or other Person's first anti-doping rule violation, the period of Ineligibility is set forth in Articles 10.2 and 10.3 (subject to elimination, reduction or suspension under Articles 10.4 or 10.5, or to an increase under Article 10.6). For a second anti-doping rule violation the period of Ineligibility shall be within the range set forth in the table below.

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

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

RS (Reduced sanction for Specified Substance under Article

10.4): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.4 because it involved a Specified Substance and the other conditions under Article 10.4 were met.

FFMT (Filing Failures and/or Missed Tests): The anti-doping rule violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).

NSF (Reduced sanction for *No Significant Fault or Negligence*): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because *No Significant Fault or Negligence* under Article 10.5.2 was proved by the *Athlete*.

St (Standard sanction under Article 10.2 or 10.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two years under Article 10.2 or 10.3.1.

AS (Aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Article 10.6 because the *Anti-Doping Organization* established the conditions set forth under Article 10.6.

TRA (*Trafficking* and Administration): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.2 for *Trafficking* or Administration.

[Comment to Article 10.7.1: The table is applied by locating the Athlete's or other Person's first anti-doping rule violation in the left-hand column and then moving across the table to the right to the column representing the second violation. By way of example, assume an Athlete receives the standard period of Ineligibility for a first violation under Article 10.2 and then commits a second violation for which he receives a reduced sanction for a Specified Substance under Article 10.4. The table is used to determine the period of Ineligibility for the second violation. The table is applied to this example by starting in the left-hand column and going down to the fourth row which is "St" for standard sanction, then moving across the table to the first column which is "RS" for reduced sanction for a Specified Substance,

thus resulting in a 2-4 year range for the period of Ineligibility for the second violation. The Athlete's or other Person's degree of fault shall be the criterion considered in assessing a period of Ineligibility within the applicable range.]

[Comment to Article 10.7.1 RS Definition: See Code Article 25.4 with respect to application of Article 10.7.1 to pre-Code anti-doping rule violations.]

10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second Violation.

Where an *Athlete* or other *Person* who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of *Ineligibility* under Article 10.5.3 or Article 10.5.4, the *Japan Anti-Doping Disciplinary Panel* or *Japan Sports Arbitration Agency* shall first determine the otherwise applicable period of *Ineligibility* within the range established in the table in Article 10.7.1, and then apply the appropriate suspension or reduction of the period of *Ineligibility*. The remaining period of *Ineligibility*, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of *Ineligibility*.

10.7.3 Third Anti-Doping Rule Violation.

A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or involves a violation of Article 2.4 (Filing Failures and/or Missed Tests). In these particular cases, the period of *Ineligibility* shall be from eight (8) years to life ban.

10.7.4 Additional Rules for Certain Potential Multiple Violations.

For purposes of imposing sanctions under Articles 10.7, an anti-doping rule violation will only be considered a second violation if JADA can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to *Code* Article 7 (Results Management), or after JADA made a reasonable efforts to give notice, of the first anti-doping rule violation. If JADA cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining Aggravating Circumstances (Article 10.6). If, after the resolution of a first anti-doping rule violation, JADA discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then JADA shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8. To avoid the possibility of a finding of Aggravating Circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the *Athlete* or other

Person must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when JADA discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.

[Comment to Article 10.7.4]: In a hypothetical situation, an Athlete commits an anti-doping rule violation on January 1, 2008 which National Anti-Doping Organization does not discover until December 1, 2008. In the meantime, the Athlete commits another anti-doping rule violation on March 1, 2008 and the Athlete is notified of this violation by National Anti-Doping Organization on March 30, 2008 and a hearing panel rules on June 30, 2008 that the Athlete committed the March 1, 2008 anti-doping rule violation. The later-discovered violation which occurred on January 1, 2008 will provide the basis for Aggravating Circumstances because the Athlete did not voluntarily admit the violation in a timely basis after the Athlete received notification of the later violation on March 30, 2008.]

10.7.5 Multiple Anti-Doping Rule Violations During Eight-Year Period.

For purposes of Article 10.7, each anti-doping rule violation must take place within the same eight (8) year period in order to be considered multiple violations.

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

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9 (Automatic *Disqualification* of Individual Results), all other competitive results obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or

other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

10.8.1 As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the *Athlete* must first repay all prize money forfeited under this Article.

10.8.2 Allocation of Forfeited Prize Money.

Unless the rules of the International Federation provide that forfeited prize money shall be reallocated to other *Athletes*, it shall be allocated first to reimburse the collection expenses of the *Anti-Doping Organization* that performed the necessary steps to collect the prize money back, then to reimburse the expenses of the *Anti-Doping Organization* that conducted results management in the case, with the balance, if any, allocated in accordance with the International Federation's rules.

[Comment to Article 10.8.2: Nothing in National Anti-Doping Organization's 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.]

10.9 Commencement of *Ineligibility* Period

10.9.1 Except as provided below, the period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise

imposed.

10.9.2 Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

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

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, *Japan Anti-Doping Disciplinary Panel* may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred.

10.9.4 Timely Admission.

Where the *Athlete* promptly (which, in all events, means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by JADA, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction or the date of a hearing decision imposing a sanction.

[Comment to Article 10.9.4: This Article shall not apply where the period of Ineligibility already has been reduced under Article 10.5.4 (Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).]

10.9.5 If a *Provisional Suspension* is imposed and respected by the *Athlete*, then the *Athlete* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed.

10.9.6 If an *Athlete* voluntarily accepts a *Provisional Suspension* in writing from JADA and thereafter refrains from competing, the *Athlete* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under *Code* Article 14.1.

[Comment to Article 10.9.6: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]

10.9.7 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by his or her team.

[Comment to Article 10.9: The text of Article 10.9 has been revised to make clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the hearing decision. This amendment corrects inconsistent interpretation and application of the previous text.]

10.10 Status During *Ineligibility*

- 10.10.1 No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in an *NOC* or *National Sports Federation Team, Competition* or activity (including but not limited to a training camp, exhibition or practice organized by his or her *National Sports Federation* or a club which is a member of that *National Sports Federation*, other than authorized anti-doping education or rehabilitation programs) authorized or organized by any *Signatory, Signatory's* member organizations, including a *National Sports Federation* or a club or other member organization of a *Signatory's* member organization, including a *National Sports Federation*, or in *Competitions* authorized or organized by any professional league or any international or national level *Event* organization.
- 10.10.2 A *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate in local sport *Events* in a sport other than the sport in which the *Person* committed the anti-doping rule violation, but only so long as the local sport *Event* is not at a level that could otherwise qualify such *Person* directly or indirectly to compete in (or accumulate points toward) a *National Event* or *International Event*. A *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

[Comment to Articles 10.10.1 and 10.10.2: For example, an ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Sports Federation or a club which is a member of that National Sports

Federation. Further, an ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the consequences set forth in Article 10.10.2. Sanctions in one sport will also be recognized by other sports (see Code Article 15.4 Mutual Recognition).]

10.10.3 Violation of the Prohibition of Participation During *Ineligibility*.

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.10.1, the results of such participation shall be *Disqualified* and the period of *Ineligibility* which was originally imposed shall start over again as of the date of the violation. The new period of *Ineligibility* may be reduced under Article 10.5.2 if the *Athlete* or other *Person* establishes he or she bears *No Significant Fault or Negligence* for violating the prohibition against participation. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether a reduction under Article 10.5.2 is appropriate, shall be made by the *Anti-Doping Organization* whose results management led to the imposition of the initial period of *Ineligibility*.

[Comment to Article 10.10.3: If an Athlete or other Person is alleged to have violated the prohibition against participation during a period of Ineligibility, National Anti-Doping Organization shall determine whether the Athlete or other Person violated the prohibition and, if so, whether the Athlete or other Person has established grounds for a reduction in the restarted period of Ineligibility under Article 10.5.2. Decisions rendered by National Anti-Doping Organization under this Article may be appealed pursuant to Article 13.2.]

Where an Athlete Support Personnel or other Person substantially assists an

Athlete in violating the prohibition against participation during Ineligibility, National Anti-Doping Organization may appropriately impose sanctions under its own disciplinary rules for such assistance.]

10.10.4 Withholding of Financial Support during *Ineligibility*.

In addition, for any anti-doping rule violation not involving a reduced sanction for Specified Substances as described in Article 10.4, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by any *Signatory, Signatories'* member, including a *National Sports Federation*, and governments.

10.11 Reinstatement *Testing*

10.11.1 As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* shall, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by JADA, the applicable *National Sports Federation* and/or any *Anti-Doping Organization* having *Testing* jurisdiction, and shall, if requested, provide current and accurate whereabouts information as provided in Article 5.5 (*Athlete Whereabouts Requirements*); provided, however, that *Athletes* who committed an anti-doping rule violation involving violations of *Code* Article 2.1 (*Presence of Prohibited Substance* or its *Metabolites* or *Markers*), *Code* Article 2.2 (*Use* or *Attempted Use* of *Prohibited Substance* or *Prohibited Method*) and *Code* Article 2.6

(Possession of Prohibited Substances and Prohibited Methods) and, by establishing the absence of an intent to enhance sport performance or mask the *Use* of a performance enhancing substance in an individual case and his or her period of *ineligibility*, whose sanctions were reduced by *Japan Anti-Doping Disciplinary Panel* or *Japan Sports Arbitration Agency*, may be exempted from such *Out-of-Competition Testing* as long as the *Athlete* has thereafter obtained an applicable *TUE* granted or recognized by JADA for future *Use*.

10.11.2 If an *Athlete*, subject to a period of *Ineligibility*, retires from sport and is removed from *Out-of-Competition Registered Testing Pools* and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified JADA , *National Olympic Committee*, the applicable *National Sports Federation* and relevant *Anti-Doping Organizations* and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of the period set forth in Article 5.5.2 or the period of *Ineligibility* remaining as of the date the *Athlete* had retired. During such remaining period of *Ineligibility*, the *Athlete* shall undergo *Out-of-Competition Testing*. JADA shall determine the number and frequency of *Testing*.

10.11.3 JADA shall be responsible for conducting the *Out-of-Competition Testing* required under this Article 10.11, but *Testing* by any *Anti-Doping Organization* may be used to satisfy the requirement.

10.11.4 Once the period of an *Athlete's* suspension has expired, and the *Athlete* has fulfilled the conditions of reinstatement then the *Athlete* shall become automatically re-eligible and no application by the *Athlete* or by the *Athlete's National Sports Federation* shall then be necessary.

11 ARTICLE 11 CONSEQUENCES TO TEAM SPORTS

11.1 Testing of Team Sports

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

11.2 Consequences for Team Sports

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

11.3 Event Ruling Body May Establish Stricter Consequences for Team Sports

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

12 ARTICLE 12 SANCTIONS AGAINST NATIONAL SPORTS

FEDERATIONS

- 12.1** Financial and/or other non-financial support from the JADA may be withheld in whole or in part from *National Sports Federations* which are not in compliance with, or fail in the implementation of, these Anti-Doping Rules.
- 12.2** Membership or recognition of *National Sports Federations* by JADA may be withdrawn or withheld until the *National Sports Federation* anti-doping rules are in compliance with these Anti-Doping Rules and the *Code*.
- 12.3** Decisions of JADA pursuant to this Article 12 (Sanctions against *National Sports Federations*) may be appealed as provided for in Article 13.9 (Appeals from Decisions Pursuant to Article 12).

13 ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth in this Article 13 or as otherwise provided in the *Code*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

- 13.1.1 Where *WADA* has a right to appeal under Article 13 and no other party has appealed a final decision within JADA's process, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies in JADA's process.

[Comment to Article 13.1.1: Where a decision has been rendered before the final stage of National Anti-Doping Organization's process (e.g., a first hearing) and no party elects to appeal that decision to the next level of National Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in National Anti-Doping Organization's internal process and appeal directly to CAS.]

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences for an anti-doping rule violation*, or a decision that no anti-doping rule violation was committed a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.10.2 (prohibition of participation during *Ineligibility*); a decision that an *Anti-Doping Organization* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision by any *National Sports Federation* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under *Code Article 7.4*; and a decision to impose a *Provisional Suspension* as a result of a provisional hearing or in violation of Article 7.5 may be appealed exclusively as provided in this Article 13.2.

13.2.1 In cases arising from *Competition* in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to the CAS in accordance with the provisions applicable before such court.

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

13.2.2 In cases involving *National-Level Athletes*, as defined by each *National Anti-Doping Organization*, that do not have a right to appeal under Article 13.2.1, the decision may be appealed to *Japan Sports Arbitration Agency*.

13.2.3 *Persons Entitled to Appeal*

In cases under Article 13.2.1, the following parties shall have the right to appeal to *CAS*:

- a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- b) the other party to the case in which the decision was rendered;
- c) the relevant International Federation;
- d) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- e) *WADA*

In cases under Article 13.2.2, the parties having the right to appeal to *Japan Sports Arbitration Agency* shall at a minimum include the:

- (1) *Athlete* or other *Person* who is the subject of the decision being appealed;
- (2) The other party to the case in which the decision was rendered;
- (3) relevant International Federation;
- (4) *JOC*;
- (5) *Athlete's* or other *Person's National Anti-Doping Organization*; and
- (6) *WADA*.

For cases under Article 13.2.2, *WADA* and the International Federation shall also have the right to appeal to *CAS* with respect to the decision of *Japan Sports Arbitration Agency*.

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

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

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

13.3 Failure to Render a Timely Decision by JADA

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

[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for National Anti-Doping Organization to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with National Anti-Doping Organization and give National Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits National Anti-Doping

Organization from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Sports Federations has been inappropriately delayed.]

13.4 Japan Sports Arbitration Agency

Separate guidelines and rules for Japan Sports Arbitration Agency may be set down.

13.5 Jurisdiction of *Japan Sports Arbitration Agency*

13.5.1 *Japan Sports Arbitration Agency* has the power to hear and determine all issues arising from any matter which is appealed to it pursuant to these Anti-Doping Rules. In particular, *Japan Sports Arbitration Agency* has the power to determine the *Consequences of an Anti-Doping Rule Violation* to be imposed pursuant to these Anti-Doping Rules.

13.5.2 *Japan Sports Arbitration Agency* shall be independent and impartial in the performance of its functions.

13.5.3 *Japan Sports Arbitration Agency* has all powers necessary for, and incidental to, the exercise of its functions.

13.5.4 No final decision of, or *Consequences of Anti-Doping Rule Violations* imposed by, *Japan Sports Arbitration Agency* may be quashed, varied or held invalid, by any court, arbitrator, tribunal or other hearing body other than CAS for any reason including for reason of any defect, irregularity, omission or departure from the procedures set out in these Anti-Doping Rules provided there has been no miscarriage of justice.

13.6 Hearings Before *Japan Sports Arbitration Agency*

- 13.6.1 A *Person* entitled to appeal a decision of *Japan Anti-Doping Disciplinary Panel* who wishes to do so shall lodge notice of the appeal with *Japan Sports Arbitration Agency* within fourteen (14) days of the date of the decision of *Japan Anti-Doping Disciplinary Panel*.
- 13.6.2 Composition of the sports arbitration panel shall be provided in the rules of *Japan Sports Arbitration Agency*.
- 13.6.3 The appointed members of the sports arbitration panel shall have had no prior involvement with the case, or any aspect of the case. In particular, no member may have previously considered any *TUE* application or appeal involving the same *Athlete* as in the current case. Each member, upon appointment, shall disclose to the chair of the sports arbitration panel any circumstances likely to affect impartiality with respect to any of the parties.
- 13.6.4 If a member, appointed by *Japan Sports Arbitration Agency* to hear a case, is unwilling or unable, for whatever reason, to hear the case, *Japan Sports Arbitration Agency* may appoint a replacement or appoint a new sports arbitration panel from the pool.
- 13.6.5 *Japan Sports Arbitration Agency* has the power, at its absolute discretion, to appoint an expert to assist or advise the panel as required by the panel.
- 13.6.6 JADA has the right to join proceedings and attend hearings of *Japan Sports Arbitration Agency* as a

party.

- 13.6.7 The International Federation and/or the *National Sports Federation* concerned, if not a party to the proceedings, *JOC*, if not a party to the proceedings, and *WADA* each have the right to attend hearings of *Japan Sports Arbitration Agency* as an observer.
- 13.6.8 Hearings pursuant to this Article should be completed expeditiously and in all cases within three (3) months of the date of the decision of *Japan Anti-Doping Disciplinary Panel*, save where exceptional circumstances apply.
- 13.6.9 Hearings held in connection with *Events* may be conducted on an expedited basis.

13.7 Proceedings of *Japan Sports Arbitration Agency*

- 13.7.1 Subject to the provisions of these Anti-Doping Rules, *Japan Sports Arbitration Agency* and its sports arbitration panel shall have the power to regulate their procedures.
- 13.7.2 Hearings of *Japan Sports Arbitration Agency* shall be private, unless the appellant and the respondent agree on a public hearing.
- 13.7.3 The appellant shall present their case and the respondent party or parties shall present their cases in reply.
- 13.7.4 A failure by any party or their representative to attend a hearing after notification will be deemed to be an abandonment of their right to a hearing. This right may be reinstated on reasonable grounds.
- 13.7.5 Each party shall have the right to be represented at

- a hearing, at that party's own expense.
- 13.7.6 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the sports arbitration panel. The sports arbitration panel shall determine the identity and responsibility for the cost of any interpreter.
- 13.7.7 Each party to the proceedings has the right to present evidence, including the right to call and question witnesses (subject to the sports arbitration panel's discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means).
- 13.7.8 Facts relating to anti-doping rule violations may be established by any reliable means, including admissions. The sports arbitration panel may receive evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.
- 13.7.9 The sports arbitration panel may postpone or adjourn a hearing.
- 13.7.10 The sports arbitration panel, at the request of one of the parties to the proceedings or on its own initiative, may require one or more parties to the proceedings, prior to the hearing, to supply it and/or the other or other parties to the proceedings with further particulars of the case to be presented by that party at the hearing, including what witnesses they intend to call and that party shall comply with that direction.
- 13.7.11 Any failure by any party to comply with any

requirement or direction of the sports arbitration panel shall not prevent the sports arbitration panel from proceeding and such failure may be taken into consideration by the sports arbitration panel when making its decision.

- 13.7.12 Hearings may be recorded and any recording is owned and shall be retained by JADA.

13.8 Decisions of *Japan Sports Arbitration Agency*

- 13.8.1 The deliberations of the sports arbitration panel on its decision shall be private.

- 13.8.2 Any minority or dissenting decisions shall be noted in the written reasons. In the *Event* of a majority decision, this shall be the decision of the sports arbitration panel.

- 13.8.3 The decision of the sports arbitration panel shall be written, dated and signed and shall state brief reasons. In any case in which the period of *Ineligibility* is eliminated under Article 10.5.1 (*No Fault or Negligence*) or reduced under Article 10.5.2 (*No Significant Fault or Negligence*) the decision shall explain the basis for the elimination or reduction.

- 13.8.4 The decision of the sports arbitration panel shall be advised to the parties to the proceedings and to JADA if not a party to the proceedings as soon as practicable after the conclusion of the hearing.

13.9 Appeals from Decisions Granting or Denying a *TUE*

- 13.9.1 Decisions by JADA denying *TUEs*, which are not reversed by *WADA*, may be appealed exclusively to

CAS by the International-Level Athlete or to Japan Sports Arbitration Agency where the Athlete is not an International-Level Athlete. If Japan Sports Arbitration Agency reverses the decision to deny a TUE, that decision may be appealed to CAS by WADA.

The sports arbitration panel considering an appeal under this Article will not include members of the *TUEC*

13.9.2 Decisions by *WADA* reversing the grant or denial of a *TUE* may, subject to the rules of *CAS*, be appealed exclusively to *CAS* by the *Athlete* or *JADA*.

13.9.3 When *JADA* fails to take action on a properly submitted therapeutic use exemption application within a reasonable time, its failure to decide may be considered a denial for purposes of the appeal rights provided in this Article.

13.10 Appeals from Decisions Pursuant to Article 12

Decisions of *JADA* pursuant to Article 12 (Sanctions Against *National Sports Federations*) may be appealed exclusively to *CAS* by the *National Sports Federation* concerned.

14 ARTICLE 14 REPORTING

14.1 Reporting of TUEs

JADA shall promptly report any *TUE* granted to an *Athlete* (except those *Athletes* not in the *JADA Registered Testing Pool*), to the applicable International Federation, to the *Athlete's National Sports Federation* and to *WADA*.

14.2 Reporting of Testing

JADA shall submit to WADA current *Athlete* whereabouts information. WADA shall make this information accessible to other *Anti-Doping Organizations* having authority to test the *Athlete*.

14.2.1 JADA shall report all *In-Competition* and *Out-of-Competition* tests to WADA as soon as possible after such tests have been conducted.

14.2.2 This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, co-ordinating or conducting *Testing* and shall be destroyed after it is no longer relevant for these purposes.

14.3 Reporting Regarding Results Management

14.3.1 When a *National Sports Federation* has received an *Adverse Analytical Finding* on one of its *Athletes*, JADA, on its behalf, shall report the following information to its International Federation and WADA not later than the end of the process described in Article 7.3.1 (Initial Review Regarding *Adverse Analytical Findings*): the *Athlete's* name, country, sport and discipline within the sport, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory. The same parties shall be regularly updated on the statutes and findings, including results management, hearings and appeals.

14.3.2 Where the *Athlete* requests the analysis of the B *Sample* JADA shall report the result of such analysis to the International Federation and to WADA.

14.3.3 In any case in which the period of *Ineligibility* is

eliminated under Article 10.5.1 (*No Fault or Negligence*) or reduced under Article 10.5.2 (*No Significant Fault or Negligence*) JADA shall provide the International Federation and WADA with a copy of the written reasoned decision.

14.4 Reporting Under the Code

JADA shall publish annually, a general statistical report of its *Doping Control* activities during the calendar year with a copy provided to WADA.

15 ARTICLE 15 PUBLIC DISCLOSURE

JADA, the *Athlete's National Anti-Doping Organization*, any *National Sports Federation*, *Japan Anti-Doping Disciplinary Panel* or any other *Person* shall not *Publicly Disclose or Publicly Report* the identity of *Athletes* whose *Samples* have resulted in *Adverse Analytical Findings*, or of *Persons* who are alleged to have committed an anti-doping rule violation pursuant to these Anti-Doping Rules until the administrative review described in Articles 7.3 and 7.4 has been completed. No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 (Disciplinary Procedure) that an anti-doping rule violation has occurred or such hearing has been waived, JADA shall *Publicly Report* the disposition of the anti-doping matter. This disposition shall include the name of the *Person* concerned and the reasons for decisions.

16 ARTICLE 16 MUTUAL RECOGNITION OF DECISIONS

16.1 Recognition of Decisions Pursuant to these Rules

Subject to the right to appeal, any decision of *Japan Anti-Doping Disciplinary Panel* or *Japan Sports Arbitration Agency* regarding a violation of these Anti-Doping Rules within the authority of JADA

shall be recognized by all *Anti-Doping Organizations* and each of their affiliated Organizations, which shall take all necessary action to render such decision effective.

16.2 Recognition of Decisions of Other Organizations

16.2.1 Subject to any applicable right to appeal, the *Testing, TUEs* and hearing results or other final adjudications of any *Signatory* to the *Code* which are consistent with the *Code* and are within the *Signatory's* authority, shall be recognized and respected by JADA , the *National Sports Federations, Japan Anti-Doping Disciplinary Panel* and *Japan Sports Arbitration Agency*.

16.2.2 JADA and *National Sports Federations* may recognize the same actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

17 ARTICLE 17 STATUTE OF LIMITATION

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

18 ARTICLE 18 AMENDMENT AND INTERPRETATION

18.1 Amendment

18.1.1 JADA shall be responsible for overseeing the evolution and improvement of these Anti-Doping Rules, including implementing any amendments to the *Code. Participants* and *National Sports*

Federations shall be invited to participate in such process.

18.1.2 Amendments to these Anti-Doping Rules initiated by JADA shall, after appropriate consultation, be approved by JADA Board. JADA shall notify *National Sports Federations* promptly of all such amendments.

18.1.3 Amendments shall, unless provided otherwise in the amendment, go into effect and shall be implemented by *National Sports Federations* three (3) months after such approval.

18.2 Interpretation

18.2.1 The headings used in these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.

18.2.2 The INTRODUCTION and the APPENDIX 1 DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.

18.2.3 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The comments annotating various provisions of the *Code* shall be referred to, where applicable, to assist in the understanding and interpretation of these Anti-Doping Rules.

19 ARTICLE 19 INFORMATION AND NOTICES

19.1 Information

Any *Person* who submits information including data or medical information to any organization or *Person* in accordance with these Anti-Doping Rules shall be deemed to have agreed that such information may be utilised by such organization or *Person* for the purposes of the implementation of these Anti-Doping Rules.

19.2 Notices

19.2.1 All notices referred to in these Anti-Doping Rules shall be governed by the provisions of this Article 19.2 (Notices).

19.2.2 Each *Athlete* in the JADA *Registered Testing Pool* shall provide JADA with an address to which notice may be sent and in the event of a change of address it is the responsibility of the *Athlete* to provide JADA with such amended details.

19.2.3 Notice to an *Athlete* in the JADA *Registered Testing Pool* shall be sent to the address provided to JADA by that *Athlete*. Such notice shall be deemed to have been received upon the expiry of three (3) days after the date of sending.

19.2.4 Notice to any other *Athlete* or other *Person* shall be accomplished by sending the notice to the address furnished by that *Athlete* or *Person*. Such notice shall be deemed to have been received upon the expiry of three (3) days after the date of sending.

19.2.5 JADA may notice by registered post, facsimile, email, and telephone, or using any other method of communication available.

20 ARTICLE 20 COMMENCEMENT, VALIDITY AND GOVERNING LAW

20.1 Commencement

20.1.1 These Anti-Doping Rules shall come into full force and effect on, and shall be adopted and incorporated by *National Sports Federations* pursuant to Article 1.1 (Application to *National Sports Federations*) by, January 1, 2009.

20.1.2 These Anti-Doping Rules shall not apply retrospectively to matters pending before the date these Anti-Doping Rules come into effect. Outstanding protests, appeals and applications for reinstatement initiated under any prior JADA, *JOC* or *National Sports Federation* anti-doping rules may be completed under that rules and, to the extent relevant, their results shall be recognized for the purposes of these Anti-Doping Rules. The term of outstanding suspensions under any prior JADA, *JOC* or *National Sports Federation* anti-doping rules shall also be recognized under these Anti-Doping Rules.

20.2 Validity

20.2.1 Any deviation from these Anti-Doping Rules or the procedures referred to herein shall not invalidate any finding, decision or result unless it was such as to cast material doubt on that finding, decision or result.

20.2.2 If any Article of these Anti-Doping Rules is held invalid, unenforceable or illegal for any reason, these Anti-Doping Rules shall remain otherwise in

full force apart from such Article which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

20.2.3 All acts bona fide done by any *Person* in the implementation of these Anti-Doping Rules, notwithstanding that it be afterwards discovered that there was some defect in the appointment, qualification or authority of such *Person* so acting, shall be as valid as if every such *Person* had been duly appointed, qualified or authorized.

20.3 Governing Law

Japanese law governs these Anti-Doping Rules.

DEFINITIONS

Adverse Analytical Finding: A report from a laboratory or other approved *Testing* entity that identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use of a Prohibited Method*.

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

Athlete: Any *Person* who participates in sport at the international level (as defined by each International Federation), the national level (as defined by each *National Anti-Doping Organization*, including but not limited to those *Persons* in its *Registered Testing Pool*), and any other competitor in sport who is otherwise subject to the jurisdiction of any *Signatory* or other sports organization accepting the *Code*. All provisions of the *Code*, including, for example, *Testing*, and therapeutic use exemptions must be applied to international and national-level competitors. Some *National Anti-Doping Organizations* may elect to test and apply anti-doping rules to recreational-level or masters competitors who are not current or potential national caliber competitors. *National Anti-Doping Organizations* are not required, however, to apply all aspects of the *Code* to such *Persons*. Specific national rules may be established for Doping Control for non-international-level or national-level competitors without being in conflict with the *Code*. Thus, a country could elect to test recreational-level competitors but not require therapeutic use exemptions or whereabouts information. In the same manner, a *Major Event Organization* holding an *Event* only for masters-level competitors could elect to test the competitors but not require advance therapeutic use exemptions or whereabouts information. For purposes of *Code* Article 2.8 (Administration or Attempted Administration) and for purposes of anti-doping information and

education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

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: Engaging in conduct that constitutes a substantial step in a course of conduct which could or did culminate in the commission of an anti-doping rule violation. Provided, however, there must be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping *Code* first adopted by *WADA* on 5 March 2003, and any subsequent amendments.

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

Consequences of Anti-Doping Rule Violations: An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity

(including but not limited to a training camp, exhibition or practice organized by his or her *National Sports Federation* or a club which is a member of that *National Sports Federation*) or funding as provided in Article 10.10 of the *Code* (Status During *Ineligibility*); and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 of the *Code* (Right to a Fair Hearing).

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, including all steps and processes in between such as provision of whereabouts information, sample collection and handling, laboratory analysis, therapeutic use exemptions, results management and hearings.

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

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

In-Competition: Unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organization*, "*In-Competition*" means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

Independent Observer Program: A team of observers, under the supervision of WADA, who observe and may provide guidance on the *Doping Control* process at certain *Events* and report on observations.

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

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

International Event: An *Event* where the International Olympic Committee, the

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

International-Level Athlete: An *Athlete* designated by one or more International Federations as being within the *Registered Testing Pool* for an International Federation.

International Standard: A standard adopted by WADA in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) must 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*.

JADA: Japan Anti-Doping Agency

Japan Anti-Doping Disciplinary Panel: The panel appointed by JADA to adjudicate on alleged violations of these Anti-Doping Rules.

JOC: Japanese Olympic Committee, the *National Olympic Committee* in Japan.

Japan Sports Arbitration Agency: The agency to adjudicate on appeals from decisions of *Japan Anti-Doping Disciplinary Panel*.

Major Event Organizations: This term refers to 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 parameters that indicates the *Use of a Prohibited Substance or Prohibited Method*.

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural *Person* who has not reached the age of majority as established by the applicable laws of his or her country of residence. A natural *Person* who is under the age of 20 is a *Minor* in Japan.

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

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

National-Level Athlete: An *Athlete*, other than an *International-Level Athlete*, who is designated by JADA as being within the *JADA Registered Testing Pool*.

National Olympic Committee: The organization recognized by the International Olympic Committee. The term *National Olympic Committee* must 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.

National Sports Federation: Any national, provincial or territorial *Person* governing sport in Japan or part thereof and its affiliated members, clubs, teams, associations or leagues.

No Advance Notice: A *Doping Control* which takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

NOC Team: any Japanese Olympic team or other team selected by *JOC*.

No Fault or Negligence: The *Athlete's* establishing that they did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that they had *Used* or been administered the *Prohibited Substance* or *Prohibited Method*.

No Significant Fault or Negligence: The *Athlete's* establishing that their fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation.

Out-of-Competition: Any *Doping Control* which is not *In-Competition*.

Participant: Any *Athlete* or *Athlete Support Personnel*.

Person: A natural person or an organization or other entity.

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

Prohibited List: The *WADA List* identifying the *Prohibited Substances* and *Prohibited Methods*.

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

Prohibited Substance: Any substance so described on the *Prohibited List*.

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

Publicly Disclose or Publicly Report: To disseminate or distribute information to the

general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14 of the *Code* (Confidentiality and Reporting).

Registered Testing Pool: The pool of top level *Athletes* established separately by each International Federation and *National Anti-Doping Organization* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan.

Sample/Specimen: Any biological material collected for the purposes of *Doping Control*.

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

Substantial Assistance: For purposes of Article 10.5.3, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

Target Testing: Selection of *Athletes* for *Testing* where specific *Athletes* or groups of *Athletes* are selected on a non-random basis for *Testing* at a specified time.

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

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

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

TUE: Therapeutic use exemption.

TUEC: TUE Committee established by JADA.

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, being a Foundation constituted under the Swiss Civil Code in Lausanne on 10 November 1999 and any *National Anti-Doping Organization* contracted by WADA.