

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. Anti-Doping Rules are not intended to be subject to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and minimum standards set forth in the *Code* and implemented in these Anti-Doping Rules represent the consensus of a broad spectrum of stakeholders with an interest in fair sport and should be respected by all courts and adjudicating bodies.

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 the *Doping Control*;
- Cooperating with other relevant national organizations and other *Anti-Doping Organizations*;
- Encouraging reciprocal *Testing* between *National Anti-Doping Organizations*;
- Promoting anti-doping research;
- 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. These Anti-Doping Rules are not intended to be subject to, or limited by, the 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 his or her *National Sports Federations*, or their activities or *Events*. Any *Person* who is not a member of a *National Sports Federation* and who fulfills the requirements to be part of the *JADA Registered Testing Pool*, must become or be deemed to be 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*.

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*, *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* , 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* 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 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

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 Bodily Specimen.***

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 bodily *Specimens*. 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.

2.1.2 Excepting those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, the detected 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.

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

2.2 Use or Attempted Use of a Prohibited Substance or a Prohibited Method

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

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.

2.4 Violation of the requirements regarding Athlete

availability for *Out-of-Competition Testing* including failure to provide required whereabouts information and missed tests as set forth in Article 5.4 (Whereabouts Requirements).

2.5 *Tampering, or Attempting to tamper, with any part of Doping Control.*

2.6 *Possession of Prohibited Substances or Methods:*

2.6.1 *Possession by an Athlete at any time or place of a substance that is prohibited in Out-of-Competition Testing or a Prohibited Method unless the Athlete establishes that the Possession is pursuant to a TUE granted in accordance with Article 4.4 (TUEs) or other acceptable justification.*

2.6.2 *Possession of a Prohibited Substance that is prohibited in Out-of-Competition Testing or a Prohibited Method by Athlete Support Personnel in connection with an Athlete, Event 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.*

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

2.8 *Administration or Attempted administration of a Prohibited Substance or Prohibited Method to any Athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted violation.*

3 ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

3.1.1 *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 body 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.

3.1.2 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.

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:

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* may rebut this presumption by establishing that a departure from the *International Standard* for laboratory analysis occurred. If the *Athlete* rebuts the preceding presumption by showing that a departure from the *International Standard* for laboratory analysis occurred, then *JADA* shall have the burden to

establish that such departure did not cause the *Adverse Analytical Finding*.

- 3.2.2 Departures from the *International Standard for Testing* which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Athlete* establishes that departures from this *International Standard* occurred during *Testing* then *JADA* shall have the burden to establish that such departures did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

4 ARTICLE 4 THE *PROHIBITED LIST*

4.1 Incorporation of the *Prohibited List*

- 4.1.1 These Anti-Doping Rules adopt and incorporate the *WADA International Standard for the Prohibited List* as amended from time to time and all *Participants* and *National Sports Federations* shall be deemed to accept the amendments as binding upon them.
- 4.1.2 The *Prohibited List* shall be revised by *WADA* from time to time. Unless provided for 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*.
- 4.1.3 *JADA* make the most recently revised *Prohibited List* publicly available. It is the responsibility of each *National Sports Federation* to ensure that the current *Prohibited List* is available to its members and *Participants*.

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

The *Prohibited List* identifies those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) and those substances and methods which are prohibited *In-Competition* only.

4.3 *Substances and Methods on the Prohibited List*

WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that shall be included on the *Prohibited List* shall be final and shall not be subject to challenge by an *Athlete* or other *Person*.

4.4 *TUEs*

4.4.1 These Anti-Doping Rules adopt and incorporate the *WADA International Standard for TUEs* as amended from time to time and all *Participants* and *National Sports Federations* shall be deemed to accept the amendments as binding upon them.

4.4.2 *Athletes* subject to these Anti-Doping Rules with a medical condition requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method*, shall obtain a *TUE* from *JADA* or an International Federation as provided for in this Article. The application for a *TUE* from such an *Athlete* shall occur immediately when the *Athlete* becomes aware that the *Use* of a *Prohibited Substance* or a *Prohibited Method* is required and, subject to an emergency, the *TUE* shall have been obtained prior to that *Athlete's* participation in any *Competition*.

4.4.3 An *Athlete* subject to *Testing* under these Anti-Doping Rules, who is, or has been prior to the adoption of these Anti-Doping Rules, granted a *TUE* by an International Federation, shall immediately

report the granting of the *TUE* to *JADA* and to the *National Sports Federation* concerned and shall provide to *JADA* all relevant information and documentation. *TUEs* granted prior to the adoption of these Anti-Doping Rules shall be recognized by *JADA* where the *TUE* was granted in accordance with the *TUE* Standard and the *TUE* has not expired or otherwise been effected by any changes in the *Prohibited List* occurring since the date the *TUE* was granted.

4.5 *TUEs for International-Level Athletes and Athletes Participating in International Events*

4.5.1 *International-Level Athletes* or *Athletes* participating in *International Events* shall apply to the International Federation concerned for the *TUE*, except in emergency situations, no later than twenty one (21) days before the *Athlete's* participation in an *International Event*, or as otherwise provided for in the anti-doping rules of that International Federation, and simultaneously provide a copy of that application for information to *JADA*.

4.5.2 Where the International Federation has not implemented a process to grant *TUEs*, the *Athlete* shall apply to *JADA* for a *TUE*.

4.6 *TUEs for National-Level Athletes and Athletes Participating in National Events*

National-Level Athletes and *Athletes* participating in *National Events* shall obtain a *TUE* from *JADA*, unless the *Athlete* has previously received a *TUE* from an International Federation and such *TUE* is still valid and its granting has been reported to *JADA*. The application for a *TUE* to *JADA* shall be made, except in emergency situations, no later than twenty one (21) days before such *Athlete's* participation in a

National Event.

4.7 JADA TUEC

4.7.1 JADA shall appoint a TUEC to consider applications for TUEs. To avoid potential conflicts of interest, all members of the TUEC shall be independent from JADA. Where members of the TUEC have an interest in individual *National Sports Federations* or International Federations, they are excluded from considering applications for TUEs from *Athletes* who are members of the same individual *National Sports Federations* or International Federations.

4.7.2 The TUEC member(s) so designated shall promptly evaluate such a request in accordance with the *International Standard* for TUEs and render a decision on such request, which shall be the decision of JADA.

4.7.3 JADA and the TUEC shall conduct the administration and determination of applications for TUEs in strict confidence.

4.8 Applications for TUEs

4.8.1 An application for a TUE shall be made in accordance with the *International Standard* for TUEs.

4.8.2 The *Athlete* shall provide written consent for the transmission of all information pertaining to the application to members of the TUEC and, as required, other independent medical or scientific experts and to all necessary staff involved in the management, review or appeals of TUEs. The *Athlete* shall also provide written consent for the decisions of the TUEC to be distributed to other relevant *Anti-Doping Organizations* under the provisions of the *Code* and

for data to be stored in and transferred to the *WADA* Clearinghouse.

4.9 Review of *TUEs*

- 4.9.1 *WADA*, at the request of an *Athlete* or on its own initiative, may review the granting or denial of any *TUE* by *JADA*.
- 4.9.2 Until the review process has been completed, the original decision remains in effect.
- 4.9.3 If *WADA* determines that the grant or denial of a *TUE* did not comply with the *International Standard* for *TUEs* in force at the time, then *WADA* may reverse that decision and the *TUE* shall stand cancelled. In the event of a cancellation, *WADA* will advise the *Athlete*, *JADA* and the *National Sports Federation* concerned.
- 4.9.4 Decisions on *TUEs* are subject to further appeal as provided in Article 13.8 (Appeals from Decisions Granting or Denying a *TUE*) and pursuant to the rules of *CAS*.

5 ARTICLE 5 TESTING

5.1 Incorporation of the *International Standard for Testing*

These Anti-Doping Rules adopt and incorporate the *WADA International Standard for Testing* as amended from time to time and all *Participants* and *National Sports Federations* shall be deemed to accept the amendments as binding upon them. *Testing* conducted by, or on behalf of, *JADA* and *National Sports Federations* shall be in substantial conformity with the *International Standard for Testing* in force at the time of *Testing*.

5.2 Testing

All *Athletes* subject to these Anti-Doping Rules are subject to *In-Competition Testing* by their *National Sports Federation*, its International Federation, *JADA* and any *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate. All *Athletes* subject to these Anti-Doping Rules shall also be subject to *Out-of-Competition Testing* at any time or place, by their *National Sports Federation*, its International Federation, *JADA*, *WADA*, the *National Anti-Doping Organization* of any country where the *Athlete* is present, the International Olympic Committee in connection with the Olympic Games and the International Paralympic Committee in connection with the Paralympic Games. This *Testing* may include *Target Testing*.

5.3 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 *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*.

5.4 Whereabouts Requirements

- 5.4.1 *JADA* shall identify a *Registered Testing Pool*, and shall revise its *Registered Testing Pool* from time to time as appropriate. Each *National Sports Federation* shall assist *JADA* in identifying and maintaining the *JADA Registered Testing Pool*. *National Sports Federations* shall ensure that *Athletes* who are not their regular members and who are to participate in Olympic Games are included in the *JADA Registered Testing Pool* at least for the year prior to the Olympic

Games, as a member of a *NOC Team*.

5.4.2 *JADA* shall notify each *Athlete* of his or her inclusion in the *Registered Testing Pool* and advise that *Athlete* of his or her obligations under these Anti-Doping Rules. Each *Athlete* in the *Registered Testing Pool* shall file quarterly whereabouts information with *JADA* on forms provided by *JADA* which specify on a daily basis the locations and times where the *Athlete* will be residing, training and/or competing. *Athletes* shall update this information as necessary so that it is current and complete at all times. Where *Athletes* are also required to provide whereabouts information to their International Federation, *Athletes* shall simultaneously provide a copy of that information to *JADA* unless it is available through the *WADA* Clearinghouse. *JADA* may recommend that the responsible sports organization withhold some or all sport-related financial support from an *Athlete* where the *Athlete's* regular report is not received by *JADA* by the due date or is not fully and accurately completed.

5.4.3 Any *Athlete* in the *JADA Registered Testing Pool* shall be considered to have committed an anti-doping rule violation pursuant to Article 2.4 (Whereabouts Violations) if the *Athlete* fails to submit a mandatory whereabouts report after formal written warnings from *JADA* to do so or is unavailable for *Testing* on *JADA's* attempts, three times in the aggregate during any period of eighteen (18) consecutive months. Notification of *Testing* shall be sent to the *Athlete* in respect of each attempt.

JADA shall recommend that the responsible sports organization withhold some or all sport-related

financial support to an Athlete where the Athlete is considered to have been committed the anti-doping rule violation as provided in this Article 5.4.3.

5.5 Retirement and Return to *Competition*

5.5.1 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 be available for *No Advance Notice Out-of-Competition Testing*, unless and until the *Athlete* gives written notice to *JADA* and to his or her *National Sports Federation* that he or she has retired for the purpose of these Anti-Doping Rules 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* .

5.5.2 An *Athlete* who is not serving a period of *Ineligibility* and who has given notice of retirement may not resume competing unless he or she notifies *JADA* at least twelve (12) months before he or she expects to return to *Competition*. This notification must include the submission to these Anti-Doping Rules, including the provision of whereabouts information and availability for *No Advance Notice Out-of-Competition Testing* during this period.

5.6 Selection of *Athletes* to be *Tested*

JADA shall select *Athletes* for *Testing* through a process that substantially complies with the *International Standard for Testing* in force at the time of selection. In this regard, *No Advance Notice* shall be the preferred method for *Out-of-Competition Testing*.

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.

5.8 Doping Control for Animals Competing in Sport

5.8.1 In any sport that includes animals in competition, the *National Sports Federation* for that sport shall establish and implement anti-doping rules for the animals in that sport. The anti-doping rules shall include a list of *Prohibited Substances*, appropriate *Testing* procedures and a list of approved laboratories for *Sample* analysis.

5.8.2 With respect to determining anti-doping rule violations, results management, fair hearings, *Consequences of Anti-Doping Rule Violation*, and appeals for animals involved in sport, the *National Sports Federation* for that sport shall establish and implement rules that are generally consistent with Articles 2, 3, 9, 10, 11, 13 and 17 of these Anti-Doping Rules.

5.9 Independent Observer Program

JADA, *National Sports Federations* and the organization committees for *Events* and their employees, contractors, officials and agents shall provide access to *Persons* participating in the *Independent Observers Program* at *Events*.

6 ARTICLE 6 ANALYSIS OF SAMPLES

6.1 Incorporation of the *International Standard for Laboratories*

These Anti-Doping Rules adopt and incorporate the *WADA International Standard* for laboratories as amended from time to time and all *Participants* and *National Sports Federations* shall be deemed to accept the amendments as binding upon them.

6.2 Utilization of Approved Laboratories

JADA shall send *Doping Control Samples* collected under these Anti-Doping Rules for analysis only in *WADA*-accredited laboratories or as otherwise approved by *WADA*. The choice of the *WADA*-accredited laboratory (or other method approved by *WADA*) used for the *Sample* analysis shall be determined exclusively by *JADA*. Laboratories shall analyze *Doping Control Samples* and report results in substantial conformity with the *International Standard* for laboratories.

6.3 Substances Subject to Detection

Doping Control Samples shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the monitoring program described in Article 4.5 of the *Code*.

6.4 Research on *Samples*

No *Sample* may be used for any purpose other than the detection of substances (or classes of substances) or methods on the *Prohibited List*, or as otherwise identified by *WADA* pursuant to its monitoring program, without the *Athlete's* written consent.

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 right to conduct further *Testing* on the *Sample* as long as it is 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 four (4) 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 the *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 three times within a three month period.

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 his or her 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 establishes 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, or, where a further investigation is necessary, a description of the additional investigation

that will be conducted as to whether there is an Anti-Doping Rule Violation;

- 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 right of the *Athlete* and/or the *Athlete's* representative to attend the B *Sample* opening and analysis if such analysis is requested;
- h) The other parties that will be notified of the A *Sample Adverse Analytical Finding*;
- i) 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 laboratory analysis;
- j) The *Athlete's* right to respond to any assertion that an anti-doping rule had been violated;
- k) 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
- l) The *Athlete's* right to waive his or her 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 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 date and time for the B *Sample* analysis, which should be no later than 5 working days after the *Athlete* requests that it be analysed.

7.3.5.3 The date and 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* and/or *Athlete Support Personnel'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* and/or *Athlete Support Personnel* 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, or, where a further investigation is necessary, a description of the additional investigation that will be conducted as to whether there is an Anti-Doping Rule Violation;
- 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 committed an Anti-Doping Rule Violation shall be notified. The *Athlete's* and/or *Athlete Support Personnel'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 and Article 7.4.2).

7.6 Provisional Hearings and Suspensions

7.6.1 Once the *Athlete* and/or *Athlete Support Personnel* have received notification following the initial review as set out in Article 7.3.4 or Article 7.4.2 above, *JADA* and/or applicable International Federation may impose a *Provisional Suspension* on the *Athlete* and/or *Athlete Support Personnel*.

7.6.2 Where a *Provisional Suspension* is imposed on an *Athlete* and/or *Athlete Support Personnel*, the *Athlete* and/or *Athlete Support Personnel* 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 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* and/or *Athlete Support Personnel'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 the team to be reinserted without otherwise affecting the *Competition* or *Event*, the *Athlete* or the 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* and/or *Athlete Support Personnel'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 including, but not limited to, the case as provided in Article 7.7.1, *JADA* shall notify the *Person* involved with such Anti-Doping Rule Violation, 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 of Anti-Doping Rule Violation* 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 of Anti-Doping Rule Violation* consistent with Article 9 (Automatic *Disqualification* of Individual Results) and 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 the 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 of Anti-Doping Rule Violation*.
- 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 hearing 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 hearing 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 the *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 connection with an *In-Competition* test automatically leads to *Disqualification* of the individual result obtained in that *Competition* with all resulting Consequences, including forfeiture of any medals, points and prizes.

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 medal, points and prizes, except as provided in Article 10.1.2.

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

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

Except for the specified substances identified in Article 10.3, the period of *Ineligibility* imposed for a violation of Article 2.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), Article 2.2 (*Use* or *Attempted Use* of *Prohibited Substance* or *Prohibited Method*) and Article 2.6 (*Possession* of *Prohibited Substances* and *Prohibited Methods*) shall be:

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

Second violation: Lifetime *Ineligibility*.

However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing this sanction as provided in Article 10.5 (Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances).

10.3 Specified Substances

The *Prohibited List* may identify specified substances which are particularly susceptible to unintentional anti-doping rule violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents. Where an *Athlete* can establish that the *Use* of such a specified substance was

not intended to enhance sport performance, the period of *Ineligibility* found in Article 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) shall be replaced with the following:

First violation: At a minimum, a warning and reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, one (1) year's *Ineligibility*.

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

Third violation: Lifetime *Ineligibility*.

However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) this sanction as provided in Article 10.5 (Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances).

10.4 *Ineligibility* for Other Anti-Doping Rule Violations

The period of *Ineligibility* for other anti-doping rule violations shall be:

10.4.1 For violations of Article 2.3 (Refusing or Failing to Submit to *Sample* Collection) or Article 2.5 (*Tampering* with *Doping Control*), the *Ineligibility* periods set forth in Article 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) shall apply.

10.4.2 For violations of Article 2.7 (*Trafficking*) or 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*. 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 10.3 (Specified Substances), shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, violations of such Articles that also violate non-sporting laws and regulations, may be reported to the competent administrative, professional or judicial authorities.

10.4.3 For violations of Article 2.4 (Whereabouts Violation or Missed Test), the period of *Ineligibility* shall be:

First Violation: A minimum of three (3) months to a maximum of two (2) years *Ineligibility*;

Second and Subsequent Violations: *Ineligibility* for a period of two (2) years.

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

10.5.1 *No Fault or Negligence*

If the *Athlete* establishes in an individual case involving an anti-doping rule violation under Article 2.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*) or under Article 2.2 (*Use of a Prohibited Substance* or *Prohibited Method*) that he or she bears *No Fault or Negligence* for the violation, 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 Specimen* in violation of Article 2.1 (Presence of *Prohibited Substance*), the *Athlete* shall also establish how the *Prohibited Substance* entered his or her 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 10.2 (Imposition of *Ineligibility* for

Prohibited Substances and Prohibited Methods), 10.3 (Specified Substances) and 10.6 (Rules for Certain Potential Multiple Violations).

10.5.2 *No Significant Fault or Negligence*

This Article 10.5.2 applies only to anti-doping rule violations involving Article 2.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Use of a Prohibited Substance* or *Prohibited Method* under Article 2.2, failing to submit to *Sample* collection under Article 2.3, and administration of a *Prohibited Substance* or *Prohibited Method* under Article 2.8. If an *Athlete* establishes in an individual case involving such violations that he or she bears *No Significant Fault or Negligence*, then the otherwise applicable period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article 10.5.2 may be no less than 8 years. When a *Prohibited Substance* or its *Metabolites* or *Markers* is detected in an *Athlete's Specimen* in violation of Article 2.1 (Presence of *Prohibited Substance*), the *Athlete* shall also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

10.5.3 *Athlete's Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations by Athlete Support Personnel and Others*

Japan Anti-Doping Disciplinary Panel or *Japan Sports Arbitration Agency* may also reduce the period of *Ineligibility* in an individual case where the *Athlete* has provided substantial assistance to an *Anti-Doping Organization* which results in the *Anti-Doping Organization* discovering or establishing an anti-doping rule violation by another *Person* involving *Possession* under Article 2.6.2 (*Possession by Athlete Support Personnel*), Article 2.7 (*Trafficking*), or Article 2.8 (*Administration to an Athlete*). The reduced period of *Ineligibility* may not, however, be less than one-half of the minimum

period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article 10.5.3 may be no less than 8 years.

10.6 Rules for Certain Potential Multiple Violations

10.6.1 For purposes of imposing sanctions under Articles 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*), 10.3 (Specified Substances) and 10.4 (*Ineligibility* for Other Anti-Doping Rule Violations), a second anti-doping rule violation may be considered for purposes of imposing sanctions only 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, or after *JADA* made a reasonable *Attempt* to give notice, of the first anti-doping rule violation. If *JADA* can not establish this, the violations shall be considered as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.6.2 Where an *Athlete*, based on the same *Doping Control*, is found to have committed an anti-doping rule violation involving both a specified substance under Article 10.3 (Specified Substances) and another *Prohibited Substance* or *Prohibited Method*, the *Athlete* shall be considered to have committed a single anti-doping rule violation, but the sanction imposed shall be based on the *Prohibited Substance* or *Prohibited Method* that carries the most severe sanction.

10.6.3 Where an *Athlete* is found to have committed two separate anti-doping rule violations, one involving a

specified substance governed by the sanctions set forth in Article 10.3 (Specified Substances) and the other involving a *Prohibited Substance* or *Prohibited Method* governed by the sanctions set forth in Article 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) or a violation governed by the sanctions in Article 10.4.1, the period of *Ineligibility* imposed for the second offence shall be at a minimum two years' *Ineligibility* and at a maximum three years' *Ineligibility*. Any *Athlete* found to have committed a third anti-doping rule violation involving any combination of specified substances under Article 10.3 (Specified Substances) and any other anti-doping rule violation under Article 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) or Article 10.4.1 shall receive a sanction of lifetime *Ineligibility*.

10.7 Disqualification of Results in Competitions Subsequent to Sample Collection

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 when a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition* test), 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 Commencement of *Ineligibility* Period

- 10.8.1 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.

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

10.8.3 Where required by fairness, such as delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete*, *Japan Anti-Doping Disciplinary Panel* may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection.

10.9 Status During *Ineligibility*

10.9.1 No *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in an *NOC Team* or *National Sports Federation* team, *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any *Signatory* or *Signatory's* member organizations, including a *National Sports Federation*. In addition, for any anti-doping rule violation not involving specified substances described in Article 10.3 (Specified Substances), some or all sport-related financial support or other sport-related benefits received by such *Person* shall be withheld by the *Signatories*, or *Signatory's* member organizations, including the *National Sports Federations* and the Japanese government.

10.9.2 A *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport *Events* in a sport other than the sport in which the *Person* committed the anti-doping rule violation, but

only so long as the local sport *Event* is not at a level that could otherwise qualify such *Person* directly or indirectly to compete in (or accumulate points toward) a *National Event* or *International Event*.

10.10 Reinstatement *Testing*

- 10.10.1 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 5.4 (Whereabouts Requirements).
- 10.10.2 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*.
- 10.10.3 *JADA* shall be responsible for conducting the *Out-of-Competition Testing* required under this Article 10.10,

but *Testing* by any *Anti-Doping Organization* may be used to satisfy the requirement.

10.10.4 Once the period of an *Athlete's Ineligibility* 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 of Anti-Doping Rule Violation TO TEAM SPORTS

Where more than one team member 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 team shall be subject to *Target Testing* for the *Event*. If more than one team member in a *Team Sport* is found to have committed an anti-doping rule violation during the *Event*, the team may be subject to *Disqualification* or other disciplinary action. 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 for in these Anti-Doping Rules or the applicable rules of the International Federation.

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 Where *National Sports Federations* are members of or recognized by *JADA* 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. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.¹

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences of Anti-Doping Rule Violation*, a decision that no anti-doping rule violation was committed, a decision that an *Anti-Doping Organization* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences of Anti-Doping Rule Violation*, and a decision to impose a *Provisional Suspension* as a result of a provisional hearing or in violation of the *Code's* 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 *CAS* in accordance with the provisions applicable before such court.

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 and any other *Anti-Doping Organization* under whose rules a sanction could have been imposed;
- d) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- e) *WADA*

In cases under Article 13.2.2, the parties having the right to appeal to the *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) *JADA* involved;
- (3) relevant International Federation;
- (4) *JOC*;
- (5) *Athlete'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 the *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.

13.3 Japan Sports Arbitration Agency

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

13.4 Jurisdiction of Japan Sports Arbitration Agency

13.4.1 *Japan Sports Arbitration Agency* only 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 Anti-Doping Rule Violations* to be imposed pursuant to these Anti-Doping Rules.

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

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

13.4.4 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.

13.5 Hearings Before Japan Sports Arbitration Agency

- 13.5.1 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*.
- 13.5.2 Composition of the sports arbitration panel shall be provided in the rules of *Japan Sports Arbitration Agency*.
- 13.5.3 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 is a party 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.
- 13.5.4 If a member, appointed by the *Japan Sports Arbitration Agency* to hear a case, is unwilling or unable, for whatever reason, to hear the case, the *Japan Sports Arbitration Agency* may appoint a replacement or appoint a new sports arbitration panel from the pool.
- 13.5.5 *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.

- 13.5.6 *JADA* has the right to join proceedings and attend hearings of *Japan Sports Arbitration Agency* as a party.
- 13.5.7 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.
- 13.5.8 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.
- 13.5.9 Hearings held in connection with *Events* may be conducted on an expedited basis.

13.6 Proceedings of Japan Sports Arbitration Agency

- 13.6.1 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.
- 13.6.2 Hearings of *Japan Sports Arbitration Agency* shall be private unless the appellant and the respondent agree on a public hearing.
- 13.6.3 The appellant shall present his or her case and the respondent party or parties shall present his or her cases in reply.
- 13.6.4 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.

- 13.6.5 Each party shall have the right to be represented at a hearing, at that party's own expense.
- 13.6.6 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.
- 13.6.7 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).
- 13.6.8 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.
- 13.6.9 The sports arbitration panel may postpone or adjourn a hearing.
- 13.6.10 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.

- 13.6.11 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.
- 13.6.12 Hearings may be recorded and any recording is owned and shall be retained by *JADA*.

13.7 Decisions of Japan Sports Arbitration Agency

- 13.7.1 The deliberations of the sports arbitration panel on its decision shall be private.
- 13.7.2 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.
- 13.7.3 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.
- 13.7.4 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.

13.8 Appeals from Decisions Granting or Denying a TUE

- 13.8.1 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*.

13.8.2 Decisions by WADA reversing the decision of 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 Appeals from Decisions Pursuant to Article 12

Decisions of JADA pursuant to Article 12 (Sanctions Against *National Sporting 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, CAS, 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, each of 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 months after such approval.

18.2 Interpretation

- 18.2.1 The headings used in these Anti-Doping Rules and also those used for any article of the *Code* referred to 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, July 1, 2007.
- 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 *Specimen* 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: For purposes of *Doping Control*, any *Person* who participates in sport at the international level (as defined by each International Federation) or national level (as defined by each *National Anti-Doping Organization*) and any additional *Person* who participates in sport at a lower level if designated by the *Person's National Anti-Doping Organization*. For purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code*.

Athlete Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel working with or treating *Athletes* 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*.

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, the finals of the Olympic 100-meter dash. 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 or funding as provided in Article 10.9 (Status During *Ineligibility*); and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 of the *Code* (Right to a Fair Hearing).

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

Doping Control: The process including test distribution planning, *Sample* collection and handling, laboratory analysis, results management, hearings and appeals.

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

In-Competition: For purposes of differentiating between *In-Competition* and *Out-of-Competition Testing*, unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organization*, an *In-Competition* test is a test where an *Athlete* is selected for *Testing* in connection with a specific *Competition*.

Independent Observer Program: A team of observers, under the supervision of WADA, who observe the *Doping Control* process at certain *Events* and report on observations. If WADA conducts *In-Competition Testing* at an *Event*, the observers must be supervised by an independent organization.

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

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

International-Level Athlete: 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.

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, and 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. 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 or provincial *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 he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method*.

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

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

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* no longer intends to have *Possession* and has renounced the *Person's* previous *Possession*.

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.

Tampering: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring.

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: To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to an *Athlete* either directly or indirectly or through one or more third parties, but excluding the prescription, dispensing, sale or distribution of a *Prohibited Substance* for genuine and legal therapeutic purposes.

TUE: Therapeutic use exemption.

TUEC: TUE Committee established by JADA.

Use: The 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.