

## **2009 FISA Anti-Doping Bye-Laws**

### **INTRODUCTION**

The following Bye-Laws are designed to allow the implementation in rowing of the principles contained in the World Anti-Doping Code (the "Code") which is considered to be an integral part of the FISA Anti-Doping Rules.

These Anti-Doping Bye-Laws, like competition rules, are sport rules governing the conditions under which rowing is practiced. Rowers, Athlete Support Personnel and other *Persons* must accept these rules as a condition of participation and shall be bound by them. These sport-specific rules and procedures, aimed at enforcing anti-doping principles in a global and harmonized manner, are distinct in nature and, therefore, not intended to be subject to, or limited by any national requirements and legal standards applicable to criminal proceedings or employment matters.

When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the *Code* and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

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#### ***Fundamental Rationale for the Code and FISA's Anti-Doping Rules***

Doping is fundamentally contrary to the spirit of sport, the principle of fair play, medical ethics and can be harmful for the health of the Rowers.

#### **Scope**

These Anti-Doping Bye-Laws shall apply to FISA, each National Federation of FISA, and each Participant in the activities of FISA or any of its National Federations by virtue of the Participant's membership, accreditation, or participation in FISA, its National Federations, or their activities or

Events. Any Person who is not a member of a National Federation and who fulfils the requirements to be part of the FISA Registered Testing Pool, must become a member of the Person's National Federation and must make himself available for unannounced *Out-of-Competition Testing*, including (if requested) complying with the whereabouts requirements of the *International Standard for Testing* in the manner set out in Article 11.3 of these standards, at least six months before participating in International Events or events of his National Federation.

The Code applies in particular to the following FISA international competitions:

- World Rowing Championships
- Continental Rowing Championships, Regional Games and Olympic Qualification Regattas.
- International Rowing Regattas and International Rowing events, including Rowing World Cup regattas,
- International rowing ergometer competitions
- Olympic Games Rowing Regattas, if the International Olympic Committee has not imposed other rules and Paralympic Games Rowing Regattas, if the International Paralympic Committee has not imposed other rules.

It is the responsibility of each National Federation to ensure that all national-level Testing on the National Federation's Rowers complies with these Anti-Doping Bye-Laws. These Anti-Doping Rules shall apply to all Doping Controls over which FISA and its National Federations have jurisdiction.

#### **ARTICLE 1 - DEFINITION OF DOPING**

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.8 of these Anti-Doping Rules.

#### **ARTICLE 2 - ANTI-DOPING RULE VIOLATIONS**

Rowers, Athlete Support Personnel and other Persons shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the Prohibited List.

The following constitute anti-doping rule violations:

2.1 The presence of a Prohibited Substance or its Metabolites or Markers in a Rower's Sample.

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

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Rower's A Sample where the Rower waives analysis of the B Sample and the B Sample is not analyzed; or, where the Rower's B Sample is analyzed and the analysis of the Rower's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Rower's A Sample.

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

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

## 2.2 Use or Attempted Use by A Rower of a Prohibited Substance or a Prohibited Method

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

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

2.5 Tampering, or Attempted Tampering, with any part of Doping Control.

## 2.6 Possession of Prohibited Substances and Methods

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

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

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

2.8 Administration or Attempted administration to any Rower *In-Competition* of any Prohibited Method or Prohibited Substance, or administration or Attempted administration to any Rower *Out-of-Competition* of any Prohibited Method or any Prohibited Substance that is prohibited *Out-of-*

Competition,, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.

2.9 It is an anti-doping rule violation for a Rower, Athlete Support Personnel or other Person to work or associate with Athlete Support Personnel or other Person who are serving a period of Ineligibility.

### **ARTICLE 3 - PROOF OF DOPING**

#### 3.1 Burdens and Standards of Proof

FISA and its National Federations shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FISA or its National Federation has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Rules place the burden of proof upon the Rower or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Articles 10.4 and 10.6, where the *Rower* must satisfy a higher burden of proof.

#### 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 Rower or other Person may rebut this presumption by establishing that a departure from the International Standard occurred which could reasonably have caused the Adverse Analytical Finding.

If the Rower or other *Person* rebuts the preceding presumption by showing that a departure from the International Standard occurred which could reasonably have caused the *Adverse Analytical Finding*, then FISA or its National Federation shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

3.2.2 Departures from any other International Standard or other anti-doping rule or policy which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such results. If the Rower or other Person establishes that a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused the Adverse Analytical Finding or other anti-doping rule violation occurred, then FISA or its National Federation shall have the burden to establish that such a departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.

3.2.3 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Rower* or other *Person* to whom the decision pertained of those facts unless the *Rower* or other *Person* establishes that the decision violated principles of natural justice.

3.2.4 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Rower or other Person who is asserted to have committed an anti-doping rule

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

#### **ARTICLE 4 - THE PROHIBITED LIST**

##### 4.1 Incorporation of the Prohibited List

These Anti-Doping Bye-Laws incorporate the Prohibited List which is published and revised by WADA as described in Article 4.1 of the Code and available on WADA's website at [www.wada-ama.org](http://www.wada-ama.org).

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

###### 4.2.1 Prohibited Substances and Prohibited Methods

Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under these Anti-Doping Rules three months after publication of the Prohibited List by WADA without requiring any further action by FISA. As described in Article 4.2 of the Code, FISA has the right to request that WADA expand the Prohibited List for the sport of rowing. FISA may also request that WADA include additional substances or methods, which have the potential for abuse in the sport of rowing, in the monitoring program described in Article 4.5 of the Code. As provided in the Code, WADA shall make the final decision on such requests by FISA. At the time of the adoption of these rules, FISA has placed no additional substances or methods on the prohibited list.

###### 4.2.2 Specified Substances

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

###### 4.2.3 New Classes of Prohibited Substances

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

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

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

##### 4.4 Therapeutic Use

4.4.1 Rowers with a documented medical condition requiring the use of a Prohibited Substance or a Prohibited Method must first obtain a TUE. The presence of a Prohibited Substance or its Metabolites or Markers (Article 2.1), Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of Prohibited Substances or Prohibited Methods (Article 2.6) or administration of a Prohibited Substance or Prohibited Method (Article 2.8) consistent with the provisions of an applicable TUE issued pursuant to the

International Standard for Therapeutic Use Exemptions shall not be considered an anti-doping rule violation.

4.4.2 Rowers intending to participate in Rowing World Cup regattas, Olympic and Paralympic Qualification regattas or senior World Rowing Championship regattas must obtain a TUE from FISA, regardless of whether the Rower previously has received a TUE at the national level. The application for a TUE must be made as soon as possible and (save in emergency situations) no later than 21 days before the Rower's participation in the Event. TUE's granted by FISA shall be reported to the Rower's National Federation and to WADA. Other Rowers subject to Testing who need to use a Prohibited Substance or a Prohibited Method for therapeutic reasons must obtain a TUE from their National Anti-Doping Organization or other body designated by their National Federation, as required under the rules of the National Anti-Doping Organization/other body. National Federations shall promptly report any such TUE's to FISA and WADA.

At the end of each year, FISA will charge the National Federation concerned for all TUE applications received during the calendar year. A fee for each TUE application will be announced by the FISA Executive Committee at the beginning of each year.

4.4.3 The FISA Executive Committee shall appoint a panel of 3 medical doctors to consider applications for TUE's. Upon FISA's receipt of a TUE application, the TUE Panel shall promptly evaluate such application in accordance with the "International Standard for Therapeutic Use Exemptions" and render a decision on such application, which shall be the final decision of FISA.

4.4.3.1 The TUE Committee's role is to ensure that the use of the prohibited substance is consistent with current medical knowledge and treatment, and that no other alternative treatment is possible.

4.4.3.2 This TUE application must be :

- carried out respecting the Rower's right to privacy

-fully medically justified

- submitted in English or French (including all medical justifications), using the WADA web-based database management system ADAMS including all the medical justifications required and the signature and contact details of the doctor who completed the TUE.

4.4.3.3 The approved TUE should never put the Rower at risk of worsening his health condition and should be for a specified duration.

4.4.3.4 In an acute situation or emergency requiring the use of a medication which would normally require a TUE, the medical decision shall be made by the FISA Medical Delegate at the regatta or, in his or her absence, the regatta doctor. After the regatta, an accelerated TUE process will be followed and a TUE submitted to FISA within 7 days following the acute situation. The TUE Committee will assess the validity of the situation and the use (retroactive and /or future) of the prohibited substance.

4.4.4 WADA, at the request of a Rower or on its own initiation, may review the granting or denial of any by FISA. If WADA determines that the granting or denial of a TUE did not comply

with the International Standard for Therapeutic Use Exemptions in force at the time then WADA may reverse that decision. Decisions on TUE's are subject to further appeal as provided in Article 13 of these Bye-Laws.

## **ARTICLE 5 – TESTING**

### 5.1 Authority to Test

All Rowers under the jurisdiction of a National Federation shall be subject to In-Competition Testing by FISA, the Rower's National Federation, and any other Anti-Doping Organization responsible for Testing at a Competition or Event in which they participate. All Rowers under the jurisdiction of a National Federation, including Rowers serving a period of ineligibility or a Provisional Suspension, shall also be subject to Out-of- Competition Testing at any time or place, with or without advance notice, by FISA, WADA, the Rower's National Federation, the National Anti-Doping Organization of any country where the Rower is present, the IOC prior to or during the Olympic Games, and the IPC during the Paralympic Games.

### 5.2 Responsibility for FISA Testing

5.2.1 The FISA Anti-Doping Committee shall consist of:

- the Chair of the Sports Medicine Commission as Chair of the Committee who will have a discretionary vote and a casting vote, if necessary ;
- one medical doctor of the Sports Medicine Commission appointed by the Council;
- the Chair of the Competitive Rowing Commission, and
- the FISA Executive Director (with voting right).

The Committee can call upon experts to assist in dealing with difficult cases.

5.2.2 Functions of the FISA Anti-Doping Committee:

The Anti-Doping Committee is responsible to the Executive Committee for performing the following tasks:

- a) To undertake the preparation of and to supervise anti-doping tests (at competitions and out-of-competition) and therefore it shall:
  - i. Determine the regattas where tests will be conducted. The organizing committees concerned are to be advised of this decision at the beginning of the year on a confidential basis and must prepare a budget and appropriate facilities for the implementation of these tests.
  - ii. Organise for these tests to be conducted at the regattas.
  - iii. Determine the number of countries to be tested during the training period (out of competition tests), the federations to be tested, the number of samples in each country, and the names of the Rowers to be tested.
- b) To undertake the necessary arrangements for the conduct of the tests (equipment, travel of the testing officials, etc.);

- c) To select the testing officials. It also may delegate the responsibility to carry out tests to a specialised agency;
- d) To collaborate with WADA, the IOC Medical Commission and its Sub-commissions, other International Federations and Anti-doping agencies;
- e) To undertake a statistical analysis of all anti-doping tests conducted on Rowers during the year and to publish the results of such tests;
- f) Jointly with the Council, to educate National Federations and Rowers of the unethical nature and harmful health consequences of doping as well as of the importance of ethics and fair-play in sport;
- g) To keep the FISA Anti-Doping Bye-Laws up to date;
- h) To encourage National Federations to co-operate with national Anti-Doping agencies for testing and education of their Rowers;
- i) To report regularly to the Council on the Anti-Doping situation within rowing.

5.2.3 FISA shall appoint a medical representative, if possible of a different nationality from that of the testing official, who will attend every anti-doping test which is conducted at a regatta. The FISA representative's role is to ensure that the doping test procedures are conducted according to the World Anti-Doping Code, more particularly to the International Standard for Testing and FISA's Anti-Doping Bye-Laws.

5.2.4 The Chair of the FISA Anti-Doping Committee shall appoint this representative; as a general rule this representative shall be a member of the Sports Medicine Commission.

5.2.5 In the absence of a representative of FISA, the President of the jury of the regatta shall appoint a member of the jury (an international umpire) to fulfil this role.

5.2.6 The testing is undertaken by:

a testing official appointed by the Anti-Doping Committee, or

a representative of an Anti-Doping Agency recognised by the Executive Committee and engaged by the Executive Committee to carry out such testing.

### 5.3 Testing Standards

Testing conducted by FISA and its National Federations shall be in substantial conformity with the International Standard for Testing published by WADA in force at the time of Testing. This standard is available on WADA's website: [www.wada-ama.org](http://www.wada-ama.org).

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

#### 5.4 Coordination of Testing

FISA and National Federations shall promptly report completed tests to WADA to avoid unnecessary duplication in Testing.

#### 5.5 FISA Registered Testing Pool

5.5.1 FISA shall identify a Registered Testing Pool of those Rowers who are required to comply with the whereabouts requirements of the International Standard for Testing, and shall publish the criteria for Rowers to be included in this Registered Testing Pool as well as a list of the Rowers meeting those criteria for the period in question. FISA shall review and update as necessary its criteria for including Rowers in its Registered Testing Pool, and shall revise the membership of its Registered Testing Pool from time to time as appropriate in accordance with the set criteria.

Each Rower in the Registered Testing Pool a) shall advise FISA of his whereabouts on a quarterly basis, beginning on 31 December each year in the manner set out in Article 11.3 of the International Standard for Testing; b) shall update that information as necessary in accordance with Article 11.4.2 of the International Standard for Testing so that it remains accurate and complete at all times; and c) shall make himself available for Testing at such whereabouts, in accordance with Article 11.4 of the International Standard for Testing. FISA requires the use of the WADA web-based database management system ADAMS for rowers to submit whereabouts information to FISA. Other options include (if available to the rower and agreed by FISA) a national centralised database of similar functionality and security. The Whereabouts Filing must also include, for each day during the following quarter, one specific 60-minute time slot between 6 a.m. and 11 p.m. each day where the *Rower* will be available and accessible for *Testing* at a specific location.

The ultimate responsibility for providing whereabouts information rests with each Rower. However, it shall be the responsibility of each National Federation to use its best efforts to assist FISA in obtaining whereabouts information as requested by FISA.

5.5.2 All rowers having placed in the first three finishers in the Olympic / Paralympic events at the World Championships or Olympic / Paralympic Games in at least one of the two previous years, as well as the first finishers in the Non-Olympic events at the World Championships in at least one of the two previous years shall be part of the FISA Registered Testing Pool. There is an obligation on each such rower to keep FISA informed about where the rower can be met for unannounced testing at any time by submitting quarterly whereabouts on or before 31 December, 31 March, 30 June and 30 September. Any changes to the information submitted should be immediately communicated to FISA Headquarters using ADAMS or an agreed centralised national database.

5.5.3 A Rower's failure to advise FISA of his whereabouts shall be deemed a Filing Failure for purposes of Article 2.4 where the conditions of Article 11.3.5 of the International Standard for Testing are met.

5.5.4 A Rower's failure to be available for Testing at his declared whereabouts shall be deemed a Missed Test for purposes of Article 2.4 where the conditions of Article 11.4.3 of the International Standard for Testing are met.

5.5.5 Each National Federation shall also assist its National Anti-Doping Organization in establishing a national level Registered Testing Pool of top level national Rowers to whom the whereabouts requirements of the International Standard for Testing shall also apply. Where those Rowers are also in FISA's Registered Testing Pool, FISA and the National Anti-Doping Organization will agree (with the assistance of WADA if required) on which of them will take responsibility for receiving whereabouts filings from the Rower and sharing it with the other (and with other Anti-Doping Organizations) in accordance with Article 5.5. 6.

5.5.6 Whereabouts information provided to FISA pursuant to Articles 5.5.2 and 5.7 shall be shared with WADA and other Anti-Doping Organizations having jurisdiction to test a Rower in accordance with Articles 11.7.1(d) and 11.7.3(d) of the International Standard for Testing, including the strict condition that it be used only for Doping Control purposes.

#### 5.6 Retirement and Return to Competition

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

5.6.2 A Rower who has given notice of retirement to FISA may not resume competing at international rowing competitions unless he notifies FISA at least six (6) months before he expects to return to competition and makes himself available for unannounced Out-of-Competition Testing, including (if requested) complying with the whereabouts requirements of the International Standard for Testing in the manner set out in Article 11.3 of these standards, at any time during the period before actual return to competition.

5.6.3 National Federations/National Anti-Doping Organizations may establish similar requirements for retirement and returning to competition for Rowers in the national Registered Testing Pool.

#### 5.7 Training Camp and Competition Forms

5.7.1 Before the 31 December of each year, each member National Federation must provide to FISA Headquarters quarterly training camp and main training location whereabouts. The completed Summary Training Camp form, Main Training Location form and if possible, the Individual Training Camp forms for its national teams, as well as any other information requested by FISA should be submitted to FISA Headquarters quarterly by 31 December, 31 March, 30 June and 30 September (These forms set out the dates and venues of the camps and main training locations). The individual training camp forms must be completed and received by FISA Headquarters no later than two weeks before the start of any above reported training camp. It is the responsibility of the national federation to update this information so that the information received by FISA is timely, accurate and complete at all times. Any changes to the list of training camps, or training camp contacts must be immediately communicated to FISA Headquarters.

Failure to submit complete timely quarterly whereabouts may result in sanctions being imposed on the national federation. These range from a written warning for a first violation, the withholding of development aid and / or a maximum fine of CHF 25'000 for a second violation to the suspension of the member national federation till the next congress for a third violation.

## 5.8 Selection of Rowers to be Tested

5.8.1 At International Events, the FISA Anti-Doping Committee or its designated representative shall determine the number of tests based on placing, random tests and target tests to be performed.

5.8.2 Rowers to be tested will be selected according to the following criteria:

- a) Race results (e.g., places 1st to 4th)
- b) a random draw from amongst all the Rowers (drawing the number of the race, the lane, or the place the crew achieves in the race, then the number of the seat in the boat)
- c) a combination of a) and b)
- d) where doping is suspected

5.8.3 At National Events, each National Federation shall determine the number of Rowers selected for Testing in each Competition and the procedures for selecting the Rowers for Testing.

5.8.4 In addition to the selection procedures set forth in Articles 5.8.1 and 5.8.2 above, the FISA Anti-Doping Committee at International Events, and the National Federation at National Events, may also select Rowers or teams for Target Testing so long as such Target Testing is not used for any purpose other than legitimate Doping Control purposes.

5.8.5 Rowers shall be selected for Out-of-Competition Testing by the FISA Anti-Doping Committee or by National Federations through a process that substantially complies with the International Standard for Testing in force at the time of selection.

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

## **ARTICLE 6 - ANALYSIS OF SAMPLES**

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

### 6.1 Use of Approved Laboratories

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

### 6.2 Purpose of Collection and Analysis of *Samples*

Samples shall be analyzed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the Code or to assist FISA in profiling relevant parameters in a Rower's urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.

### 6.3 Research on Samples

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

#### 6.4 Standards for Sample Analysis and Reporting

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

#### 6.5 Retesting Samples

A Sample may be re-analyzed for the purposes described in Article 6.2 at any time exclusively at the direction of FISA or WADA. The circumstances and conditions for re-testing Samples shall conform to the requirements of the International Standard for Laboratories.

### **ARTICLE 7 - RESULTS MANAGEMENT**

#### 7.1 Results Management for Tests Initiated by FISA

Results management for Tests initiated by FISA (including Tests performed by WADA pursuant to agreement with FISA) shall proceed as set forth below:

7.1.1 The results from all analyses must be sent to FISA in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in such a way that the results of the analyses are confidential.

7.1.2 Upon receipt of an A Sample Adverse Analytical Finding, the FISA Executive Director shall conduct a review to determine whether:

- (a) the Adverse Analytical Finding is consistent with an applicable TUE , or
- (b) there is any apparent departure from the International Standard for Testing International Standard for Laboratories that caused the Adverse Analytical Finding.

7.1.3 If the initial review of an Adverse Analytical Finding under Article 7.1.2 does not reveal an applicable TUE or departure from the International Standard for Testing or the International

Standard for Laboratories that caused the Adverse Analytical Finding, the FISA Executive Director shall promptly notify the Rower of:

- (a) the Adverse Analytical Finding ;
- (b) the anti-doping rule violated ;
- (c) the Rower's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived;
- (d) the scheduled date, time and place for the B Sample analysis (which shall be within the time period specified in the International Standard for Laboratories which, at 1 January 2009 is 7 working days) if the Rower or FISA choose to request an analysis of the B Sample;

(e) the opportunity for the Rower and/or the Rower's representative to attend the B Sample opening and analysis at the scheduled date, time and place if such analysis is requested; and

(f) the Rower's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. If FISA decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Rower.

7.1.4 Where requested by the Rower or FISA, arrangements shall be made for testing the B Sample, if possible within the time period specified in the International Standard for Testing which, at 1 January 2009 is 7 working days. A Rower may accept the A Sample analytical results by waiving the requirement for B Sample analysis. FISA may nonetheless elect to proceed with the B Sample analysis.

7.1.5 The Rower and/or his representative shall be allowed to be present at the opening and analysis of the B Sample within the time period specified in the International Standard for Laboratories Testing which, at 1 January 2009, is 7 working days. Also a representative of the Rower's National Federation as well as a representative of FISA shall be allowed to be present.

7.1.6 If the B Sample does not confirm the result of the A Sample, then (unless FISA takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the laboratory shall immediately inform FISA. FISA shall then promptly inform the Rower through his National Federation.

7.1.7 If a Prohibited Substance or the Use of a Prohibited Method is identified, the findings shall be reported by the laboratory to FISA and WADA. FISA shall promptly inform the Rower.

7.1.8 For apparent anti-doping rule violations that do not involve Adverse Analytical Findings, FISA shall conduct any necessary follow-up investigation and, at such time as it is satisfied that an anti-doping rule violation has occurred, it shall then promptly notify the Rower of the anti-doping rule which appears to have been violated, and the basis of the violation.

## 7.2 Results Management for Atypical Findings

7.2.1 As provided in the International Standards, in certain circumstances laboratories are directed to report the presence of Prohibited Substances that may also be produced endogenously as Atypical Findings that should be investigated further.

7.2.2 If a laboratory reports an Atypical Finding in respect of a Sample collected from a Rower by or on behalf of FISA, the FISA Executive Director shall conduct a review to determine whether: (a) the Atypical Finding is consistent with an applicable TUE that has been granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the Atypical Analytical Finding.

7.2.3 If the initial review of an Atypical Finding under Article 7.2.2 reveals an applicable TUE or departure from the International Standard for Testing or the International Standard for Laboratories that caused the Atypical Finding, the entire test shall be considered negative.

7.2.4 If the initial review of an Atypical Finding under Article 7.2.2 does not reveal an applicable TUE or departure from the International Standard for Testing or the International

Standard for Laboratories that caused the Atypical Finding, FISA shall conduct the follow-up investigation required by the International Standards. If, once that investigation is completed, it is concluded that the Atypical Finding should be considered an Adverse Analytical Finding, FISA shall pursue the matter in accordance with Article 7.1.3.

7.2.5 FISA will not provide notice of an Atypical Finding until it has completed its investigation and has decided whether it will bring the Atypical Finding forward as an Adverse Analytical Finding unless one of the following circumstances exists:

(a) If FISA determines the B Sample should be analyzed prior to the conclusion of its follow-up investigation, it may conduct the B Sample analysis after notifying the Rower, with such notice to include a description of the Atypical Finding and the information described in Article 7.1.3(c) to (f).

(b) If FISA receives a request, either from a Major Event Organization shortly before one of its International Events or from a sports organization responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Rower identified on a list provided but the Major Event Organization or sports organization has a pending Atypical Finding, FISA shall so identify any such Rower after first providing notice of the Atypical Finding to the Rower.

### 7.3 Results Management for Tests Initiated During Other International Events

Results management and the conduct of hearings from a test by the International Olympic Committee, the International Paralympic Committee, or a Major Event Organization, shall be managed, as far as sanctions beyond Disqualification from the Event or the results of the Event, by FISA.

### 7.4 Results Management for Tests initiated by National Federations

Results management conducted by National Federations shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in Article 7. Any apparent anti-doping rule violation by a Rower who is a member of that National Federation shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the National Federation or national law. Apparent anti-doping rule violations by Rowers who are members of another National Federation shall be referred to the Rower's National Federation for hearing. Each National Federation results management process shall be reported to FISA Headquarters within 14 days of its conclusion.

Failure to keep FISA updated at all times on the results management process for an adverse analytical finding including a failure to:

- a) report to FISA an adverse analytical finding obtained in the course of a doping control carried out by the National Federation or in the National Federation's country or territory within 14 days of notice of such finding to the National Federation together with the name of the rower;
- b) notify FISA that an international or non-international level rower has been provisionally suspended by the National Federation, or has accepted a voluntary suspension;
- c) notify FISA that a Rower has waived his right to a hearing
- d) notify FISA of the date of the hearing;

- e) hold a hearing for a rower within 2 months of the rower's request;
- f) send the complete reasoned decision as well as the complete file of the case to FISA within 90 days of the notice of the adverse analytical finding;

shall result in sanctions being imposed on the National Federation up to a maximum fine of CHF 25'000 and/or the suspension of the national federation until the next Congress.

#### 7.5 Results Management for Whereabouts Violations

7.5.1 Results management in respect of an apparent Filing Failure by a Rower in FISA's Registered Testing Pool shall be conducted by FISA in accordance with Article 11.6.2 of the International Standard for Testing (unless it has been agreed in accordance with Article 5.5.4 that the National Federation or National Anti-Doping Organization shall take such responsibility).

7.5.2 Results management in respect of an apparent Missed Test by a Rower in FISA's Registered Testing Pool as a result of an attempt to test the Rower by or on behalf of FISA shall be conducted by FISA in accordance with Article 11.6.3 of the International Standard for Testing. Results management in respect of an apparent Missed Test by such *Rower* as a result of an attempt to test the *Rower* by or on behalf of another *Anti-Doping Organization* shall be conducted by that other *Anti-Doping Organization* in accordance with Article 11.7.6 (c) of the *International Standard* for Testing.

7.5.3 Where, in any 18 month period from the first missed test, a Rower in FISA's Registered Testing Pool is declared to have three Filing Failures, or three Missed Tests, or any combination of Filing Failures or Missed Tests adding up to three in total, whether under these Anti-Doping Rules or under the rules of any other Anti-Doping Organization, FISA shall bring them forward as an apparent anti-doping rule violation.

#### 7.6 Provisional Suspensions

7.6.1 If analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, and a review in accordance with Article 7.1.2 does not reveal an applicable TUE or departure from the International Standard for Testing or the International Standard for Laboratories that caused the Adverse Analytical Finding, the FISA Executive Director shall Provisionally Suspend the Rower pending the hearing panel's determination of whether he has committed an anti-doping rule violation.

7.6.2 In any case not covered by Article 7.6.1 where FISA decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, the FISA Executive Director may Provisionally Suspend the Rower pending the hearing panel's determination of whether he has committed an anti-doping rule violation.

7.6.3 Where a Provisional Suspension is imposed, whether pursuant to Article 7.6.1 or Article 7.6.2 either the hearing in accordance with Article 8 may be advanced to a date which avoids substantial prejudice to the Rower, or the Rower may be given an opportunity for a Provisional Hearing before imposition of the Provisional Suspension or on a timely basis after imposition of the Provisional Suspension at the discretion of the FISA Executive Director. National Federations shall impose Provisional Suspensions in accordance with the principles set forth in this Article 7.6.

#### 7.7 Domicile of the Rower

For the purposes of these rules, all Rowers shall be considered to have their domicile at the address of the National Federation concerned where all communications to Rowers shall be considered as being delivered.

#### 7.8 Retirement from Sport during a Results Management Process

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

### **ARTICLE 8 - RIGHT TO A FAIR HEARING**

#### 8.1 Hearings arising out of Anti-Doping Testing

When it appears, following the Results Management process described in Article 7, that these Anti-Doping Rules have been violated, the Rower, Athlete Support Personnel or other Person involved shall be brought before a disciplinary panel for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what Consequences should be imposed.

#### 8.2 Principles for a Fair Hearing

All hearings pursuant to either Article 8.3 or 8.4 shall respect the following principles :

- a timely hearing ;
- fair and impartial hearing panel ;
- the right to be represented by counsel at the Person's own expense ;
- the right to be informed in a fair and timely manner of the asserted anti-doping rule violation ;
- the right to respond to the asserted anti-doping rule violation and resulting Consequences ;
- the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone or written submission) ;
- the Person's right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for the cost of the interpreter ; and
- a timely, written, reasoned decision , specifically including an explanation of the reason(s) for any period of Ineligibility.
- the right to appear before a panel or to present an explanation of the circumstances and events associated with the test results either orally or in writing.
- if requested, the obligation to appear in person before the panel. The panel can request that the rower testify alone (without a representative but with an interpreter engaged by FISA) before the panel.

#### 8.3 Hearings arising out of FISA Testing or Testing at an International Event

8.3.1 When it appears, following the Results Management process described in Article 7, that these Anti-Doping Rules have been violated in connection with FISA Testing or Testing at an International Event then the case shall be assigned to the FISA Doping Hearing Panel for adjudication.

8.3.2 The FISA Doping Hearing Panel shall consist of three persons appointed by the Executive Director of FISA in each case. It must include at least one lawyer and can request the written advice and/or presence of a medical or laboratory expert who is entitled to ask questions.

8.3.3 The appointed members shall have had no prior involvement with the case and shall not have the same nationality as the Rower or other Person alleged to have violated these Anti-Doping Rules.

8.3.4 Hearings pursuant to this Article shall be completed expeditiously, in principle within 60 days, following the completion of the results management process described in Article 7. Hearings held in connection with Events may be conducted on an expedited basis. Decisions shall be announced, in principle, not more than 30 days following the conclusion of the Hearing.

8.3.5 The National Federation of the Rower or of Person(s) alleged to have violated these Anti-Doping Rules may attend the hearing as an observer.

8.3.6 FISA shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

8.3.7 A Rower or other Person may forego attendance at a hearing by acknowledging the Anti-Doping Rule violation and accepting Consequences consistent with Articles 9 and 10 as proposed by FISA. The right to a hearing may be waived either expressly or by the Rower's or other Person's failure to challenge FISA's assertion that an anti-doping rule violation has occurred within 21 days or failure to confirm within 21 days their attendance at the hearing. Where no hearing occurs, FISA shall submit to the persons described in Article 13.2.3 a reasoned decision explaining the action taken.

8.3.8 Decisions of the FISA Doping Hearing Panel may be appealed to Court of Arbitration for Sport as provided in Article 13.

#### 8.4 Hearings Arising Out of National Testing

8.4.1 When it appears, following the Results Management process described in Article 7, that these Anti-Doping

Rules have been violated in connection with Testing other than in connection with FISA Testing or Testing at an International Event, the Rower or other Person involved shall be brought before a disciplinary panel of the Rower's or other Person's National Federation for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and, if so, what Consequences should be imposed. A National Federation may appoint an independent tribunal as its disciplinary panel.

8.4.2 Hearings pursuant to this Article 8.4 shall be completed expeditiously, in principle within 60 days of the completion of the Results Management process described in Article 7. Hearings held in connection with Events may be conducted by an expedited process. Decisions shall be announced in principle not more than 30 days following the completion of the Hearing. If the completion of the hearing and the announcement of a decision are inappropriately delayed

beyond 90 days, FISA may elect to bring the case directly before the FISA Doping Hearing Panel which has then jurisdiction over the case. The relevant costs are at the expense of the National Federation.

8.4.3 National Federations shall keep FISA and WADA fully apprised as to the status of all pending cases and the results of corresponding hearings.

8.4.4 FISA and WADA shall have the right to attend hearings as an observer.

8.4.5 The Rower or other Person(s) may avoid a hearing by acknowledging the violation of these Anti-Doping Rules and accepting Consequences consistent with Articles 9 and 10 as proposed by the National Federation. The right to a hearing may be waived either expressly or by the Rower's or other Person's failure to challenge the National Federation's assertion that an anti-doping rule violation has occurred within 21 days. Where no hearing occurs, the National Federation shall submit to the persons described in Article 13.2.3 a reasoned decision explaining the action taken.

8.4.6 Decisions by National Federations, whether as the result of a hearing or the Rower or other Person's acceptance of Consequences, may be appealed as provided in Article 13.

8.4.7 The FISA Doping Hearing Panel, appointed in accordance with paragraph 8.3.2, shall review all National cases when they are final at National level (having exhausted all possible appeals) and will decide within 60 days of receipt of all relevant documents for each case whether to re-open the case or not. If it decides not to reopen the case, the sanction already imposed at national level is automatically applied at an international level. If the FISA Doping Hearing Panel decides to reopen the case, it will follow the same procedure defined from paragraph 8.3.1 to 8.3.3. (which means seeking the imposition of less or more severe sanctions, the imposition of sanctions where no sanctions have been imposed or seeking removal of sanctions where sanctions have been imposed) in order to ensure that an adequate sanction has been given and that all Rowers in the world are treated consistently and in an equal manner. The FISA Doping Hearing Panel may also intervene in cases involving rowing Rowers that other authorities or organisations were supposed to handle, but did not. If the FISA Doping Hearing Panel decides not to re-open the decision taken at National level, WADA may appeal the National decision to the Court of Arbitration for Sport.

8.4.8 Hearing decisions by the National Federation shall not be subject to further administrative review at the national level except as provided in Article 13 or required by applicable national law.

#### **ARTICLE 9 - AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

A violation of these Anti-Doping Rules in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting consequences, including forfeiture of any medals, points and prizes.

#### **ARTICLE 10 - SANCTIONS ON INDIVIDUALS**

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

An Anti-Doping Rule violation occurring during or in connection with an Event may lead to Disqualification of all of the Rower's individual results obtained in that Event with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

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

#### 10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods

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 Methods) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided in Article 10.6, are met:

First violation : Two (2) years' Ineligibility.

#### 10.3 Ineligibility for Other Anti-Doping Rule Violations

The period of Ineligibility for violations of these Anti-Doping Rules other than as provided in Article 10.2 shall be as follows:

10.3.1 For violations of Article 2.3 (refusing or failing to submit to Sample collection) or Article 2.5 (Tampering with Doping Control), the Ineligibility period shall be two (2) years unless the conditions provided in Article 10.5, or the conditions provided in Article 10.6, are met.

10.3.2 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 unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a Minor shall be considered a particularly serious violation, and, if committed by Athlete Support Personnel for violations other than Specified Substances, shall result in lifetime Ineligibility for such Athlete Support Personnel. In addition, significant violations of such Articles which also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

10.3.3 For violations of Article 2.4 (Filing Failures and/ or Missed Tests), the period of Ineligibility shall be : at a minimum one (1) year and at a maximum two (2) years based on the Rower's degree of fault.

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

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

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

To justify any elimination or reduction, the Rower or other Person must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the use of a performance enhancing

substance. The Rower or other Person's degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.

#### 10.5 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances

##### 10.5.1 No Fault or Negligence

If a Rower establishes in an individual case that he or she bears No Fault or Negligence, the otherwise applicable period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in a Rower's Sample in violation of Article 2.1 (presence of Prohibited Substance), the Rower must also establish how the Prohibited Substance entered his or her system in order to have the period of Ineligibility eliminated. In the event this Article is applied and the period of Ineligibility otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.7.

##### 10.5.2 No Significant Fault or Negligence

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

##### 10.5.3 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations

The FISA Doping Hearing Panel may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Rower or other Person has provided Substantial Assistance to an Anti-Doping Organization, criminal authority or professional disciplinary body which results in the Anti-Doping Organization discovering or establishing an anti-doping rule violation by another Person or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another Person. After a final appellate decision under Article 13 or the expiration of time to appeal, FISA may only suspend a part of the applicable period of Ineligibility with the approval of WADA. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Rower or other Person and the significance of the Substantial Assistance provided by the Rower or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than 8 years.

If FISA suspends any part of the period of Ineligibility under this Article, it shall promptly provide a written justification for its decision to each Anti-Doping Organization having a right to appeal the decision. If FISA subsequently reinstates any part of the suspended period of Ineligibility because the Rower or other Person has failed to provide the Substantial Assistance which was anticipated, the Rower or other Person may appeal the reinstatement pursuant to Article 13.2.

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

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

10.5.5 Where a Rower or Other Person Establishes Entitlement to Reduction in Sanction under More than One Provision of this Article

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

10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

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

A Rower or other Person can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by FISA.

10.7 Multiple Violations

10.7.1 Second Anti-Doping Rule Violation

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

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

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

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

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

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

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

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

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

[Comment to Article 10.7.1: The table is applied by locating the Rower or other Person's first anti-doping rule violation in the left-hand column and then moving across the table to the right to the column representing the second violation. By way of example, assume a Rower receives the standard period of Ineligibility for a first violation under Article 10.2 and then commits a second violation for which he receives a reduced sanction for a Specified Substance under Article 10.4. The table is used to determine the period of Ineligibility for the second violation. The table is applied to this example by starting in the left-hand column and going down to the fourth row which is "St" for standard sanction, then moving across the table to the first column which is "RS" for reduced sanction for a Specified Substance, thus resulting in a 2-4 year range for the period of Ineligibility for the second violation. The Rower or other Person's degree of fault shall be the criterion considered in assessing a period of Ineligibility within the applicable range.]

#### 10.7.2 Application of Articles 10.5.3 and 10.5.4 to Second Anti-Doping Rule Violation

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

#### 10.7.3 Third Anti-Doping Rule Violation

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

#### 10.7.4 Additional Rules for Certain Potential Multiple Violations

For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if FISA (or its National Federation) can establish that the Rower or other Person committed the second anti-doping rule violation after the Rower or other Person received notice pursuant to Article 7 (Results Management), or after FISA (or its National Federation) made reasonable efforts to give notice, of the first anti doping rule violation; if FISA (or its National Federation) cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining Aggravating Circumstances (Article 10.6).

If, after the resolution of a first anti-doping rule violation, FISA discovers facts involving an anti-doping rule violation by the Rower or other Person which occurred prior to notification regarding the first violation, then FISA shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.8. To avoid the possibility of a finding of Aggravating Circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the Rower or other Person must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when FISA discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.

#### 10.7.5 Multiple Anti-Doping Rule Violations during an Eight-Year Period

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

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

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9 (Automatic Disqualification of Individual Results), all other competitive results obtained from the date a positive Sample was collected (whether In Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting consequences including forfeiture of any medals, points and prizes.

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

10.8.2 Allocation of Forfeited Prize Money.  
Forfeited prize money shall be reallocated to other Rowers.

#### 10.9 Commencement of Ineligibility Period

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

10.9.1 Delays Not Attributable to the Rower or other Person

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

#### 10.9.2 Timely Admission

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

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

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

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

### 10.10 Status During Ineligibility

#### 10.10.1 Prohibition against Participation during *Ineligibility*

No *Rower* or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in an Event or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by FISA or any National Federation or a club or other member organization of FISA or any *National Federation*, or in *Competitions* authorized or organized by any professional league or any international or national level *Event* organization.

A Rower or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

#### 10.10.2 Violation of the Prohibition of Participation during Ineligibility

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

10.10.3 Withholding of Financial Support during Ineligibility

In addition, for any anti-doping rule violation not involving a reduced sanction for Specified Substances as described in Article 10.4, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by FISA and its National Federations.

10.11 Reinstatement Testing

As a condition to regaining eligibility at the end of a specified period of Ineligibility, a Rower must, during any period of Provisional Suspension or Ineligibility, make himself available for Out-of-Competition Testing by FISA, the applicable National Federation, and any other Anti-Doping Organization having Testing jurisdiction, and must, during the last six months of the ineligibility period, comply with the whereabouts requirements of Article 11.3 of the International Standard for Testing. If a Rower subject to a period of Ineligibility retires from sport and is removed from Out-of-Competition Testing pools and later seeks reinstatement, the Rower shall not be eligible for reinstatement until the Rower has notified FISA and the applicable National Federation and has been subject to Out-of-Competition Testing for a period of time equal to the [longer of (a) the period set forth in Article 5.6 and (b)] period of Ineligibility remaining as of the date the Rower had retired. During such remaining period of Ineligibility, a minimum of 3 tests must be conducted on the Rower with at least three months between each test. The National Federation shall be responsible for conducting the necessary tests, but tests by any Anti-Doping Organization may be used to satisfy the requirement. The results of such tests shall be reported to FISA. In addition, immediately prior to the end of the period of Ineligibility, a Rower must undergo Testing by FISA for the Prohibited Substances and Methods that are prohibited in Out-of-Competition Testing. Once the period of a Rower's suspension has expired, and the Rower has fulfilled the conditions of reinstatement, then the Rower will become automatically re-eligible and no application by the Rower or by the Rower's National Federation will then be necessary.

10.12 Imposition of Financial Sanctions

FISA may provide for financial sanctions on account of anti-doping rule violations. However, no financial sanction may be considered a basis for reducing the period of Ineligibility or other sanction which would otherwise be applicable under the Code.

**ARTICLE 11 - CONSEQUENCES TO CREWS**

11.1 If a member of a crew is found to have committed a violation of these Anti-Doping Rules during a Competition, the whole crew shall be disqualified from the Competition and the Rower concerned and any crew which included him shall be disqualified from all Competitions at the Event.

**ARTICLE 12 - SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL FEDERATIONS**

12.1 The FISA Executive Committee has the authority to withhold some or all funding or other non financial support to or suspend from membership in FISA National Federations that are not in compliance with these Anti-Doping Bye-Laws.

12.2 National Federations shall be obligated to reimburse FISA for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by a Rower or other Person affiliated with that National Federation.

12.3 FISA may elect to take additional disciplinary action against National Federations with respect to recognition, the eligibility of its officials and Rowers to participate in International Events and fines based on the following :

12.3.1 Four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed by Rowers, Athlete Support Personnel or other Persons affiliated with a National Federation within a 12-month period in testing conducted by FISA or Anti-Doping Organizations other than the National Federation or its National Anti-Doping Organization. In such event the FISA may in its discretion elect to :

(a) ban all Athlete Support Personnel and federation board members of that National Federation for participation in any FISA activities for a period of up to two years and/or

(b) fine the National Federation in an amount up to CHF 100'000. (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

12.3.1.1 If eight or more (four or more violations of these Anti-Doping Rules other than violations involving Articles 2.4 and 10.3) are committed in addition to the violations described in Article 12.3.1 by Rowers, Athlete Support Personnel or other Persons affiliated with a National Federation within a 12-month period in testing conducted by FISA or Anti-Doping Organizations other than the National Federation or its National Anti-Doping Organization, then FISA may suspend that National Federation's membership for a period of up to 4 years or declare ineligible all presently active Athlete Support Personnel and federation board members and staff from any activities in the federation for up to 4 years.

12.3.2 More than one Rower, Athlete Support Personnel or other Person from a National Federation commits an Anti-Doping Rule violation during an International Event. In such event FISA may fine that National Federation in an amount up to CHF 100'000.–.

12.3.3 A National Federation has failed to make diligent efforts to keep FISA informed about a Rower's whereabouts after receiving a request for that information from FISA. In such event FISA may fine the National Federation in an amount up to 25'000 CHF per Rower in addition to all of FISA costs incurred in Testing that National Federation's Rowers.

## **ARTICLE 13 - APPEALS**

### 13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2.1 through 13.4 or as otherwise provided in these Anti-Doping Rules. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorized in these rules must be exhausted (except as provided in Article 13.1.1).

#### 13.1.1 WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within FISA or its National Federation's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the FISA or its National Federation's process.

13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions. The following decisions may be appealed exclusively as provided in this Article 13:

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

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

#### 13.2.1 Appeals Involving International-Level Rowers

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

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

#### 13.2.2 Appeals Involving National-Level Rowers

In cases involving Rowers who do not have a right to appeal under Article 13.2.1, each National Federation shall have in place an appeal procedure that respects the following principles: a timely hearing, a fair and impartial hearing panel; the right to be represented by a counsel at the person's expense; and a timely, written, reasoned decision. FISA's rights of appeal with respect to these cases are set forth in Article 13.2.3 below.

#### 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 Rower 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) FISA 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 national-level reviewing body shall be as provided in the National Federation's rules but, at a minimum, shall include the following parties :

(a) the Rower 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) FISA; and

(d) WADA.

For cases under Article 13.2.2, WADA and FISA shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body.

### 13.3 Failure to Render a Timely Decision by FISA and its National Federations

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

### 13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to CAS by the Rower, FISA, or National Anti-Doping Organization or other body designated by a National Federation which granted or denied the exemption. Decisions to deny deny TUE's, and which are not reversed by WADA, may be appealed by International-Level Rowers to CAS and by other Rowers to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a TUE, that decision may be appealed to CAS by WADA.

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

### 13.5 Appeal from Decisions Pursuant to Article 12

Decisions by FISA pursuant to Article 12 may be appealed exclusively to CAS by the National Federation.

### 13.6 Time for Filing Appeals

The time to file an appeal to CAS shall be thirty (30) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals

filed by a party entitled to appeal but which was not a party to the proceedings having lead to the decision subject to appeal:

- a) Within ten (10) days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;
- b) If such a request is made within the ten-day period, then the party making such request shall have thirty (30) days from receipt of the file to file an appeal to CAS.

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

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

## **ARTICLE 14 - NATIONAL FEDERATIONS INCORPORATION OF FISA RULES, REPORTING AND RECOGNITION**

### 14.1 Incorporation of FISA Anti-Doping Rules

All National Federations shall comply with these Anti Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each National Federations Rules. All National Federations shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules. Each National Federation shall obtain the written acknowledgement and agreement, of all Rowers subject to Doping Control and Athlete Support Personnel for such Rowers. Notwithstanding whether such written acknowledgement and agreement has been signed, the Rules of each National Federation shall specifically provide that all Rowers, Athlete Support Personnel and other Persons under the jurisdiction of the National Federation shall be bound by these Anti-Doping Rules.

### 14.2 Statistical Reporting

14.2.1 Before 31st January each year, each National Federation shall provide a report to FISA Headquarters on the anti doping tests conducted on its Rowers during the preceding year, indicating the number of in-competition and out-of competition tests conducted as well as the results of these tests and any sanctions imposed in the case of positive results or other doping offences.

Failure to provide a report to FISA Headquarters by 31 January each year on the anti-doping tests conducted on its Rowers during the previous year may result in sanctions being imposed on the national federation up a maximum fine of CHF 5'000 or the suspension of the national federation until the next congress.

FISA shall periodically publish Testing data received from National Federations as well as comparable data from Testing under FISA's jurisdiction.

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

### 14.3 Doping Control Information Clearinghouse

When a National Federation has received an Adverse Analytical Finding on one of its Rowers it shall report the following information to FISA and WADA within fourteen (14) days of the process described

in Article 7.1.2 and 7.1.3 : the Rower'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 National Federation shall also regularly update FISA and WADA on the status and findings of any review or proceedings conducted pursuant to Article 7 (Results Management), Article 8 (Right to a Fair Hearing) or Article 13 (Appeals), and comparable information shall be provided to FISA and WADA within 14 days of the notification described in Article 7.1.9, with respect to other violations of these Anti-Doping Rules. 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), FISA and WADA shall be provided with a written reasoned decision explaining the basis for the elimination or reduction. Neither FISA nor WADA shall disclose this information beyond those persons within their organisations with a need to know until the National Federation has made public disclosure or has failed to make public disclosure as required in Article 14.4 below.

#### 14.4 Public Disclosure

14.4.1 Neither FISA nor its National Federation shall publicly identify Rowers whose Samples have resulted in Adverse Analytical Findings, or who were alleged to have violated other Articles of these Anti-Doping Rules until it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti doping rule violation has not been timely challenged or the Rower has been Provisionally Suspended. Once a violation of these Anti-Doping Rules has been established, it shall be publicly reported within 21 days. FISA or its National Federation must also report within 21 days appeal decisions on an anti-doping rule violation. FISA or its National Federation shall also, within the time period for publication, send all hearing and appeal decisions to WADA.

14.4.2 In any case where it is determined, after a hearing or appeal, that the Rower or other Person did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the Rower or other Person who is the subject of the decision. FISA or its National Federation shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the Rower or other Person may approve.

14.4.3 Neither FISA nor its National Federation or WADA accredited laboratory, or official of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Rower, other Person or their representatives.

#### 14.5 Recognition of Decisions by FISA and National Federations

Any decision of FISA or a National Federation regarding a violation of these Anti-Doping Rules shall be recognized by all National Federations, which shall take all necessary action to render such results effective.

### **ARTICLE 15 - RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS**

Subject to the right to appeal provided in Article 13, the Testing, TUE's 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 recognised and respected by FISA and its National Federations. FISA and its National 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.

## **ARTICLE 16 - STATUTE OF LIMITATIONS**

No action may be commenced under these Anti-Doping Rules against a Rower 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.

## **ARTICLE 17 - FISA Compliance Reports to WADA**

FISA will report to WADA on FISA's compliance with the Code every second year and shall explain reasons for any noncompliance.

## **ARTICLE 18 - AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES**

18.1 These Anti-Doping Rules may be amended from time to time by the FISA Council.

18.2 Except as provided in Article 18.5, these Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

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

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

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

18.6 Notice to a Rower or other Person who is a member of a National Federation is accomplished by delivery of the notice to the National Federation.

18.7 These Anti-Doping Rules shall come into full force and effect on 1 January 2009 (the "Effective Date"). They shall not apply retrospectively to matters pending before the Effective Date; provided, however, that:

18.7.1 Any case pending prior to the Effective Date, or brought after the Effective Date based on an anti-doping rule violation that occurred prior to the Effective Date, shall be governed by the predecessor to these Anti-Doping Rules in force at the time of the anti-doping rule violation, subject to any application of the principle of *lex mitior* by the hearing panel determining the case

18.7.2 Any Article 2.4 whereabouts violation (whether a filing failure or a missed test) declared by FISA under rules in force prior to the Effective Date that has not expired prior to the Effective Date and that would qualify as a whereabouts violation under Article 11 of the International Standard for Testing shall be carried forward and may be relied upon, prior to expiry, as one of the three Filing Failures and/or Missed Tests giving rise to an anti-doping rule violation under Article 2.4 of these Anti-Doping Rules.

18.7.3 Subject always to Article 10.7.5, anti-doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior offences for purposes of determining sanctions under Article 10.7. Where such pre-Effective Date anti-doping rule violation involved a substance that would be treated as a Specified Substance under these

Anti-Doping Rules, for which a period of Ineligibility of less than two years was imposed, such violation shall be considered a Reduced Sanction violation for purposes of Article 10.7.1.

## **DEFINITIONS**

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

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

**Athlete Support Personnel.** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel parent or any other Person working with, treating or assisting a Rower participating in or preparing for sports Competition.

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

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

**CAS.** The Court of Arbitration for Sport.

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

**Consequences of Anti-Doping Rules Violations.** A Rower's or other Person's violation of an anti-doping rule may result in one or more of the following : (a) Disqualification means the Rower'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 Rower 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; and (c) Provisional Suspension means the Rower or other Person is barred temporarily from participating in any Competition prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

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

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

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

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

**In-Competition.** For purposes of differentiating between In-Competition and Out-of-Competition Testing "In-Competition" means the period commencing 24 hours before the first event of said Competition through to 24 hours after the last event at such Competition.

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

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

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

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

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

**International Standard.** A standard adopted by WADA in support of the Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. International Standards shall include any Technical Documents issued pursuant to the International Standard.

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

**Marker.** A compound, group of compounds or biological parameter(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

**Metabolite.** Any substance produced by a biotransformation process.

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

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

**National Event.** A sport Event involving international or national level Rowers that is not an International Event.

**National Federation.** A national or regional entity which is a member of or is recognized by FISA as the entity governing the sport of rowing in that nation or region.

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

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

**No Fault or Negligence.** The Rower'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 Rower'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 Rower or Athlete Support Personnel.

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

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

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

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

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

**Provisional Hearing.** For purposes of Article 7.6, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the Rower with notice and an opportunity to be heard in either written or oral form.

**Provisional Suspension.** See Consequences above.

**Publicly Disclose or Publicly Report.** To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with Article 14.

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

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

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

**Sample .** Any biological material collected for the purposes of Doping Control. [Comment to Sample: It has sometimes been claimed that the collection of blood samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]

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

**Specified Substances.** As defined in Article 4.2.2.

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

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

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

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

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

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

**TUE.** As defined in Article 2.6.1

**TUE Panel.** As defined in Article 4.4.3.

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

**USE** The utilization, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

**WADA.** The World Anti-Doping Agency.