

## **APPENDIX 14**

### **BYE-LAWS TO RULE 100 – ANTI-DOPING**

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#### **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 Bye-Laws.*

*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 harmonised 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 bye-laws 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 Bye-Laws**

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

### **Scope**

*These Anti-Doping Bye-Laws shall apply to FISA, each Member Federation of FISA, and each Participant in the activities of FISA or any of its Member Federations by virtue of the Participant's membership, accreditation, or participation in FISA, its Member Federations, or their activities or Events. Any Person who is not a member of a Member Federation and who fulfils the requirements to be a Participant as stated above must become a member of the Person's Member Federation and must make himself available for unannounced Out-of-Competition Testing, including (if requested) complying with the whereabouts requirements of the World Anti-Doping Code International Standard for Testing and Investigations (ISTI) in the manner set out in Annex I of that Standard.*

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

- *World Rowing Championships for Senior, Under 23 and Junior;*
- *Continental Rowing Championships, Regional Games and Olympic, Youth Olympic and Paralympic Qualification Regattas;*
- *International Rowing Regattas and International Rowing events, including World Rowing Cup regattas;*

- *International Indoor rowing competitions;*
- *Olympic and Youth Olympic Games Rowing Regattas, if the International Olympic Committee (IOC) has not imposed other rules;*
- *Paralympic Games Rowing Regattas, if the International Paralympic Committee (IPC) has not imposed other rules; and*
- *Continental Games Regattas if the Games authority has not imposed other rules.*

*In addition to all Rowers included in FISA's Registered Testing Pool, all Rowers who compete in the following competitions shall be considered International-Level Rowers for the purposes of these Anti-Doping Bye-Laws:*

- *World Rowing Championships for Senior, Under 23 and Junior;*
- *Continental Rowing Championships, Regional Games and Olympic, Youth Olympic and Paralympic Qualification Regattas;*
- *World Rowing Cup Regattas;*
- *Olympic and Youth Olympic Games Rowing Regattas, Paralympic Games Rowing Regattas and Continental Games Rowing Regattas.*

*It is the responsibility of each Member Federation to ensure that all national-level Testing on the Member Federation's Rowers complies with these Anti-Doping Bye-Laws. These Anti-Doping Bye-Laws shall apply to all Doping Controls over which FISA and its Member 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 2.10 of these Anti-Doping Bye-Laws.*

## **Article 2 – Anti-Doping rule violations**

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

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

*The following constitute anti-doping rule violations:*

- 2.1 *Presence of a Prohibited Substance or its Metabolites or Markers in 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 rule violation under Article 2.1.*
- 2.1.2 *Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following:*
- *presence of a Prohibited Substance or its Metabolites or Markers in the Rower's A Sample where the Rower waives analysis of the B Sample and the B Sample is not analysed; or,*
  - *where the Rower's B Sample is analysed 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; or,*
  - *where the Rower's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.*
- 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 or her body and that no Prohibited Method is Used. 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 Evading, Refusing or Failing to submit to Sample Collection without compelling justification**
- Refusing or failing to submit to Sample collection after notification as authorised in these Anti-Doping Bye-Laws, or other applicable anti-doping bye-laws.*
- 2.4 Whereabouts Failures**
- Any combination of three missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by an Athlete in a Registered Testing Pool.*
- 2.5 Tampering, or Attempted Tampering, with any part of Doping Control**
- Conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation, or intimidating or attempting to intimidate a potential witness.*
- 2.6 Possession of a Prohibited Substance or a Prohibited Method**
- 2.6.1 Possession by a Rower In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Rower Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Rower establishes that the Possession is consistent with a Therapeutic Use Exemption (“TUE”) granted in accordance with Article 4.4 or other acceptable justification.**
- 2.6.2 Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out of Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition, in connection with a Rower, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to a Rower in accordance with Article 4.4 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 Substance or Prohibited Method, or Administration or Attempted Administration to any Rower Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition.*

2.9 *Complicity*

*Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, Attempted anti-doping rule violation or violation of Article 10.12.1 by another Person.*

2.10 *Prohibited Association*

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

2.10.1 *if subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility; or*

2.10.2 *if not subject to the authority of an Anti-Doping Organisation and where Ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping bye-laws if Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or*

2.10.3 *is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2*

*In order for this provision to apply, it is necessary that the Rower or other Person has previously been advised in writing by an Anti-Doping Organisation with jurisdiction over the Rower or other Person, or by the World Anti-Doping Agency (WADA), of the Athlete Support Person's disqualifying status and the potential Consequence of prohibited association and that the Rower or other Person can*

*reasonably avoid the association. The Anti-Doping Organisation shall also use reasonable efforts to advise the Athlete Support Person who is the subject of the notice to the Rower or other Person that the Athlete Support Person may, within 15 days, come forward to the Anti-Doping Organisation to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the Athlete Support Person's disqualifying conduct occurred prior to the effective date provided in Article 20.7)*

*The burden shall be on the Rower or other Person to establish that any association with Athlete Support Personnel described in Article 2.10.1 or 2.10.2 is not in a professional or sport related capacity.*

*Anti-Doping Organisations that are aware of Athlete Support Personnel who meet the criteria described in Article 2.10.1, 2.10.2 or 2.10.3 shall submit that information to WADA.*

## **Article 3 – Proof of Doping**

### **3.1 Burdens and Standards of Proof**

*FISA shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FISA has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Bye-Laws 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.*

### **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 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any Rower or other Person seeking to rebut this presumption of scientific validity shall, as a*

*condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS or the FISA Doping Panel on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS or FISA panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice and WADA's receipt of the CAS or FISA file, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.*

- 3.2.2 *WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Rower or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding.*

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

- 3.2.3 *Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or these Anti-Doping Bye-Laws which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such evidence or results. If the Rower or other Person establishes a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or other anti-doping rule violation, then FISA shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.*

- 3.2.4 *The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not*

*the subject of a pending appeal shall be irrebuttable evidence against the 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.*

- 3.2.5 *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 from the hearing panel or FISA.*

## **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 is 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 Bye-Laws three months after publication by WADA without requiring any further action by FISA or its National Federations.*

*All Rowers and other Persons shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all Rowers and other Persons to familiarise themselves with the most up to date version of the Prohibited List and all revisions thereto.*

#### **4.2.2 Specified Substances**

*For purposes of the application of Article 10, all Prohibited Substances shall be "Specified Substances" except substances in the classes of anabolic agents and hormones; and those stimulants and hormone antagonists and modulators so*

*identified on the Prohibited List. The category of Specified Substances shall not include Prohibited Methods.*

#### 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 *WADA's Determination of the Prohibited List*

*WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List, the classification of substances into categories on the Prohibited List and the classification of a substance as prohibited at all times or In-Competition only, 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 Exemptions ("TUEs")*

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

4.4.1.1 *The FISA TUE Committee shall consider applications for TUE submitted to FISA. The TUE Committee's only role is to ensure that the use of the Prohibited Substance is consistent with the current medical knowledge and treatment, and that no other alternative treatment is possible.*

*The FISA Executive Committee shall appoint at least three medical doctors from the FISA sports medicine commission to serve on the TUE Committee based*

*on nominations submitted by the Chair of the Sports Medicine Commission. In addition, the Executive Committee may appoint experts in areas such as endocrinology, as external members of the TUE Committee to provide expert opinion and transparency in the decision process.*

- 4.4.2 *Any International-Level Rower who is using a Prohibited Substance or a Prohibited Method for therapeutic reasons must have a valid FISA approved TUE.*

*In addition to all Rowers included in FISA's Registered Testing Pool, all Rowers who compete in the below-mentioned international competitions shall be considered International-Level Rowers for the purposes of these Anti-Doping Bye-Laws:*

- World Rowing Championships for Senior, Under 23 and Junior;*
- Continental Rowing Championships, Regional Games and Olympic, Youth Olympic and Paralympic Qualification Regattas;*
- World Rowing Cup regattas;*
- World and Continental Championships in indoor rowing competitions;*
- Olympic and Youth Olympic Games Rowing Regattas if the International Olympic Committee has not imposed other rules;*
- Paralympic Games Rowing Regattas, if the IPC has not imposed other rules; and*
- Continental Games Rowing Regattas if the Games authority has not imposed other rules.*

- 4.4.2.1 *Where the Rower already has a TUE granted by his or her National Anti-Doping Organisation (NADO) for the substance or method in question, that TUE is not automatically valid for the international-level Competition listed in Article 4.4.2. However, the Rower, may apply to FISA to recognise that TUE, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that TUE meets the criteria set out in the International*

*Standard for Therapeutic Use Exemptions, then FISA shall recognise it for purposes of international-level Competition as well. If FISA considers that the TUE does not meet those criteria and so refuses to recognise it, FISA shall notify the Rower and his or her NADO promptly, with reasons. The Rower and the NADO shall have 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the matter is referred to WADA for review, the TUE granted by the NADO remains valid for national-level Competition and Out-of-Competition (but is not valid for the international level Competition listed in Article 4.4.2) pending WADA's decision. If the matter is not referred to WADA to review, the TUE becomes invalid for any purpose when the 21 day review deadline expires.*

*Decisions on TUE applications submitted directly to and granted by FISA shall be reported to the organisation submitting the Rower's TUE, either the athlete, the Member Federation or NADO by email. WADA and the NADO have access to the TUE in ADAMS.*

- 4.4.2.2** *If the Rower does not already have a TUE granted by his NADO for the substance or method in question, the Rower must apply directly to FISA for a TUE in accordance with the processes set out in the International Standard for Therapeutic Use Exemptions using ADAMS. If FISA denies the Rower's application, it must notify the Rower promptly, with reasons. If FISA grants the Rower's application, it shall notify not only the Rower but also his NADO. If the NADO considers that the TUE granted by FISA does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the NADO refers the matter to WADA for review, the TUE granted by FISA remains valid for the international-level Competition listed in Article 4.4.2*

*and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If the NADO does not refer the matter to WADA for review, the TUE granted by FISA becomes valid for national-level Competition as well when the 21 day review deadline expires.*

*4.4.3 If FISA chooses to test a Rower who is not an International-Level Rower, FISA shall recognise a TUE granted to that Rower by his NADO. If FISA chooses to test a Rower who is not an International-Level or a National-level Rower, FISA shall permit that Rower to apply for a retroactive TUE for any Prohibited Substance or Prohibited Method that he is using for Therapeutic reasons.*

*4.4.3.1 Upon FISA's receipt of a complete TUE application in ADAMS, the TUE Committee shall promptly evaluate such application in accordance with the International Standard for Therapeutic Use Exemptions and render a decision on such application, which, subject to Article 4.4.6 of these Bye-laws, shall be the final decision of FISA.*

*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 If during a FISA regatta, an acute situation or emergency arises requiring the use of a medication which would normally require a TUE, the medical decision shall be made by the attending regatta doctor or other medical doctor. It shall be the Rower's*

*responsibility in all such circumstances to apply for a retroactive TUE to cover such treatment. In case of such treatment, the attending doctor is required to fully document the treatment and provide all necessary information to the Rower and to the FISA medical doctor. If long term medical treatment is required, a TUE application must be submitted in ADAMS according to the procedure in Article 4.4.2.2.*

**4.4.4** *An application to FISA for grant or recognition of a TUE must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemption applies) at least 30 days before the Rower's next Competition. FISA shall appoint a committee to consider applications for the grant or recognition of TUEs (the "TUE Committee"). The TUE Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific FISA protocols. Subject to Article 4.4.6 of these Bye-laws, its decision shall be the final decision of FISA and shall be reported to WADA and other relevant Anti-Doping Organisations including the Rower's NADO, through ADAMS, in accordance with the International Standard for Therapeutic Use Exemptions.*

**4.4.5** *Expiration, Cancellation, Withdrawal or Reversal of a TUE*

**4.4.5.1** *A TUE granted pursuant to these Anti-Doping Bye-Laws:*

- a. shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;*
- b. may be cancelled if the Rower does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE;*
- c. may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or*
- d. may be reversed on review by WADA or on appeal.*

4.4.5.2 *In such event, the Rower shall not be subject to any Consequences based on his Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, cancellation, withdrawal or reversal of the TUE. The review pursuant to Article 7.2 of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.*

#### 4.4.6 *Reviews and Appeals of TUE Decisions*

4.4.6.1 *WADA shall review any decision by FISA not to recognise a TUE granted by the NADO that is referred to WADA by the Rower or the Rower's NADO. In addition, WADA shall review any decision by FISA to grant a TUE that is referred to WADA by the Rower's NADO. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.*

4.4.6.2 *Any TUE decision by FISA (or by a NADO where it has agreed to consider the application on behalf of FISA) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Rower and/or the Rower's NADO exclusively to CAS, in accordance with Article 13.*

4.4.6.3 *A decision by WADA to reverse a TUE decision may be appealed by the Rower, the NADO, and/or FISA exclusively to CAS, in accordance with Article 13.*

4.4.6.4 *A failure to take action within a reasonable time on a properly submitted application for grant or recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.*

## **Article 5 – Testing and investigations**

### **5.1 Purpose of Testing and Investigations**

*Testing and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of ISTI and the specific protocols of FISA supplementing that International Standard.*

**5.1.1** *Testing shall be undertaken to obtain analytical evidence as to the Rower's compliance (or non-compliance) with the strict Code prohibition on the presence/Use of a Prohibited Substance or Prohibited Method. Test distribution planning, testing, post-testing activity and all related activities conducted by FISA shall be in conformity with ISTI. FISA shall determine the number of tests to be conducted based on the placings of crews in various races at regattas, random tests, and target tests to be performed, in accordance with the criteria established by ISTI. All provisions of ISTI shall apply automatically in respect of such Testing.*

### **5.1.2 Investigations shall be undertaken**

**5.1.2.1** *In relation to Atypical Findings, Atypical Passport Findings and Adverse Passport Findings, in accordance with Articles 7.4 and 7.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and*

**5.1.2.2** *In relation to other indications of potential anti-doping rule violations in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.*

**5.1.3** *FISA may obtain, assess, and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate test distribution plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s).*

## 5.2 Authority to conduct Testing

5.2.1 *Subject to the jurisdictional limitations for Event Testing set out in Article 5.3 of the Code, FISA shall have In-Competition and Out-of-Competition Testing authority over all of the Rowers specified in the Introduction to these Anti-Doping Bye-Laws (under the heading “Scope”).*

5.2.2 *FISA may require any Rower over whom it has Testing authority (including any Rower serving a period of Ineligibility) to provide a sample at any time and at any place. If a Rower is unable to understand for reasons of age, physical impairment or mental disorder the general nature and effect of giving their consent on the notification form and the doping control form it may be necessary to obtain consent from a parent or guardian.*

*Comment to Article 5.2.2: Unless the Rower has identified a 60 minute time-slot for Testing between the hours of 11 pm and 5 am, or has otherwise consented to Testing during that period, FISA will not test a Rower during that period unless it has a serious and specific suspicion that the Rower may be engaged in doping. A challenge to whether FISA had sufficient suspicion for Testing in that period shall not be a defense to an anti-doping rule violation based on such test or attempted test.*

### 5.2.2.1 Responsibility for FISA Testing

*The FISA antidoping department (ADD) will carry out the operational duties of the FISA antidoping programme independently of elected or appointed officials. It reports to the Executive Director with full oversight of the FISA antidoping Committee. It will provide regular updates to the FISA Sports Medicine Commission, is accountable to the Executive Committee and works in accordance with policies in FISA’s Statutes, Rules, Regulations and related Bye-Laws. The ADD shall determine policies in relation to the test distribution plan, the management of the biological passport programme and the registered testing pool. It shall manage the testing programme, TUE applications, the whereabouts*

*programme and results management procedures. Results management procedures will include the management of Adverse Analytical Findings. Communication with the laboratory and the preparation for the hearing will be the responsibility of the ADD and an external legal advisor.*

**5.2.2.2** *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;*
- the FISA Executive Director (with voting right);*
- And two members appointed by the FISA Executive Committee, one medical doctor from the FISA Sports Medicine Commission and one member of the FISA Council.*

*The Committee can call upon experts to assist in understanding complex cases.*

**5.2.2.3** *Functions of the FISA Anti-Doping Committee*

*The Anti-Doping Committee is responsible to the Executive Committee to undertake the preparation of anti-doping tests (at Competitions and Out-of-Competition) and therefore it shall:*

- a. Review the test distribution plan determining the FISA regattas where tests will be conducted. The organising committees concerned are advised of this decision at the time of bid submission on a confidential basis and must prepare a budget and plan for appropriate facilities for the implementation of these tests. Organising committees must arrange and pay for the In-competition Testing including Sample collection and laboratory analysis. Sample collection can be undertaken at the regatta by the NADO or by a private testing agency.*
- b. Review the test distribution plan which determines the testing of Member Federations' Rowers during the training and out of season*

*periods (Out-of-Competition tests), the number of Samples to be collected per country, and the names of the Rowers to be tested.*

- c. Review the selection of the Testing officials. The responsibility to carry out the Testing will be delegated to a specialised agency or a NADO;*
- d. Collaborate with WADA, the IOC Medical Commission and its Sub-commissions, other International Federations and NADOs;*
- e. To review the publishing of the WADA annual survey of Anti-Doping Testing when it is available;*
- 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 encourage Member Federations to co-operate with their NADOs for the Testing and education of their Rowers;*
- h. To report regularly to the Council on the Anti-Doping situation within rowing.*

*5.2.2.4 The Sports Medicine Commission member or delegate appointed as FISA regatta doctor will supervise the In-Competition testing conducted at a FISA 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.*

*5.2.2.5 In the absence of a representative of the Sports Medicine Commission or his delegate, the President of the jury of the regatta shall appoint a member of the jury (an international Umpire) to fulfil this role of supervising the In-Competition Testing at a FISA regatta.*

- 5.2.3 *WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.8 of the Code.*
- 5.2.4 *If FISA delegates or contracts any part of Testing to a NADO (directly or through a National Federation), that NADO may collect additional Samples or direct the laboratory to perform additional types of analysis at the NADO's expense. If additional Samples are collected or additional types of analysis are performed, FISA shall be notified.*

### 5.3 Event Testing

- 5.3.1 *Except as provided in Article 5.3 of the Code, only a single organisation should be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events, the collection of Samples shall be initiated and directed by FISA (or any other international organisation which is the ruling body for the Event). At the request of FISA (or any other international organisation which is the ruling body for an Event), any Testing during the Event Period outside of the Event Venues shall be coordinated with FISA (or the relevant ruling body of the Event).*
- 5.3.2 *If an Anti-Doping Organisation which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Rowers at the Event Venues during the Event Period, the Anti-Doping Organisation shall first confer with FISA (or any other international organisation which is the ruling body of the Event) to obtain permission to conduct and to coordinate such Testing. If the Anti-Doping Organisation is not satisfied with the response from FISA (or any other international organisation which is the ruling body of the Event), the Anti-Doping Organisation may ask WADA for permission to conduct Testing and to determine how to coordinate such Testing in accordance with the procedures set out in ISTI. WADA shall not grant approval for such Testing before consulting with and informing FISA (or another international organisation which is the ruling body for the Event). WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct testing, such tests shall be considered Out-of-Competition tests. Results management*

*of any such tests shall be the responsibility of the Anti-Doping Organisation initiating the test unless provided otherwise in the rules of the ruling body of the Event.*

#### 5.4 Test Distribution Planning

*Consistent with ISTI, and in coordination with other Anti-Doping Organisations conducting Testing on the same Rowers, FISA shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritises appropriately between disciplines, categories of Rowers, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of ISTI. FISA shall provide WADA upon request with a copy of its current test distribution plan.*

*Selection of Rowers to be Tested:*

5.4.1 *At FISA Events, the FISA Doctor or its designated representative shall determine the number of tests based on placing, random tests and target tests to be performed.*

*During the testing procedure, a Rower's accreditation card (if it has a photo and the Rower's name) shall be deemed as appropriate for the purpose of identification of the Rower.*

5.4.2 *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); or*
- d. *where doping is suspected.*

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

5.4.4 *In addition to the selection procedures set forth in Articles 5.4.2 and 5.4.3 above, the FISA Anti-Doping Committee at FISA 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.*

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

#### 5.5 *Coordination of Testing*

*Where reasonably feasible, Testing shall be coordinated through ADAMS or another system approved by WADA in order to maximise the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.*

#### 5.6 *Athlete Whereabouts Information*

- 5.6.1 *FISA shall identify a Registered Testing Pool of those Rowers who are required to comply with the whereabouts requirements of Annex I to ISTI, and shall make available through ADAMS a list which identifies those Rowers included in its Registered Testing Pool either by name or by clearly defined, specific criteria. FISA shall coordinate with NADOs the identification of such Rowers and the collection of their whereabouts information. 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. Rowers shall be notified before they are included in a Registered Testing Pool and when they are removed from that pool.*

##### 5.6.1.1 *Each Rower in the Registered Testing Pool shall:*

- a. *advise FISA of his whereabouts on a quarterly basis, beginning on 1 January each year so that it remains accurate and complete at all times. 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 and managed by the NADO. The Whereabouts Filing must also include,*

*for each day during the following quarter, one specific 60-minute time slot between 5 a.m. and 11 p.m. each day where the Rower will be available and accessible for Testing at a specific location;*

- b. update that information as necessary so that it remains accurate and complete at all times; and*
- c. make himself available for Testing at such time and whereabouts.*

*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.*

*5.6.2 For purposes of Article 2.4, a Rower's failure to comply with the requirements of ISTI shall be deemed a filing failure or a missed test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in ISTI for declaring a filing failure or missed test are met.*

*5.6.3 Criteria for inclusion in Registered Testing Pool*

*5.6.3.1 The criteria below determine the Rowers to be included in the FISA Registered Testing Pool for the calendar year.*

*The FISA Anti-Doping Committee shall select Rowers for inclusion in the Pool using the following criteria. The number of Rowers selected and the method of selection from each group shall be at the discretion of the FISA Anti-Doping Committee:*

- a. Rowers having placed first in Olympic / non-Olympic/ Paralympic Events at the previous year's World Championships / Olympic / Paralympic Games.*
- b. Rowers who have retired while included in the Registered Testing Pool and who have notified FISA of a return to competition will be included*

*six months before their return and for one year following the return to competition.*

- c. All Rowers under a doping sanction intending to return to competition will be included six months before the end of the sanction and for one year following the end of the sanction.*
- d. Rowers having placed in the first three finishers in at least one of the two previous years in World Championships / World Rowing Cups / Olympic / Paralympic Games / Continental Games / Continental Championships.*
- e. Rowers from countries having participated in one of the two previous years in a World Rowing Cup / World Rowing Championship regatta but where the FISA Anti-Doping Committee has determined that little or no anti-doping testing has been conducted on rowers in their country in the previous two years by a NADO.*
- f. Rowers having competed in any international regatta based on analytical testing results or performance.*

*5.6.4 There is an obligation on each such Rower to keep FISA informed about where the Rower can be found 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.*

*5.6.5 A Rower's failure to advise FISA of his correct 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.*

*5.6.6 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 Annex I.4 of ISTI are met.*

- 5.6.7 *Each Member Federation shall also assist its NADO 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 NADO 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 Organisations).*
- 5.6.8 *A Rower in FISA's Registered Testing Pool for that year shall continue to be subject to the obligation to comply with the whereabouts requirements of Annex I to ISTI until 31 December of that year, unless the Rower gives written notice to FISA that he has retired.*
- 5.6.9 *Whereabouts information relating to a Rower shall be shared (through ADAMS) with WADA and other Anti-Doping Organisations having authority to test that Rower, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the Code, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.*
- 5.7 *Retirement and Return to Competition*
- An Athlete in FISA's Registered Testing Pool shall continue to be subject to the obligation to comply with the whereabouts requirements of Annex I to ISTI unless and until*
- a. the Athlete gives written notice to FISA that he/she has retired; or*
  - b. FISA has informed him or her that he/she no longer satisfies the criteria for inclusion in FISA's Registered Testing Pool.*
- 5.7.1 *A Rower in the FISA Registered Testing Pool who has given notice of retirement to FISA may not resume competing at national and international rowing Competitions until he has given FISA written notice of his intent to resume competing and has made himself available for Testing for a period of at least six (6) months before returning to Competition, including (if requested) complying with the whereabouts requirements of Annex I to ISTI. WADA, in consultation with FISA and the*

*Athlete's NADO, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an Athlete. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be Disqualified.*

5.7.2 *If a Rower retires from sport while subject to a period of Ineligibility, the Rower shall not resume competing in International Events or National Events until the Athlete has given six months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six months) to FISA and to his NADO of his intent to resume competing and has made himself available for Testing for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to ISTI.*

5.7.3 *Member Federations / NADOs may establish similar requirements for retirement and returning to competition for Rowers in the national Registered Testing Pool.*

#### 5.8 *Independent Observer Programme*

*FISA and the organising committees for FISA's Events, as well as Member Federations and the organising committees for National Events, shall authorise and facilitate the Independent Observer Programme at such Events.*

#### 5.9 *Training Camp and Competition Forms*

5.9.1 *Before 31 December of each year, each Member Federation must provide to FISA Headquarters quarterly training camp and main training location whereabouts for the following year. 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*

*Member 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, dates of training camps, names of rowers attending or training camp contacts must be immediately communicated to FISA Headquarters.*

*Failure to submit complete timely quarterly whereabouts information or any changes thereto may result in sanctions being imposed on the Member Federation.*

## **Article 6 – Analysis of samples**

*Samples shall be analysed in accordance with the following principles:*

### **6.1 Use of Accredited and Approved Laboratories**

*For the purposes of Article 2.1, Samples shall be analysed only in laboratories approved by WADA. The choice of the WADA-accredited laboratory or WADA approved laboratory used for the Sample analysis shall be determined exclusively by FISA.*

### **6.2 Purpose of Analysis of Samples**

**6.2.1** *Samples shall be analysed to detect Prohibited Substances and Prohibited Methods and other substances as may be directed by WADA pursuant to the Monitoring Programme described in Article 4.5 of the Code; or*

- a. to assist FISA in profiling relevant parameters in a Rower's urine, blood or other matrix, including DNA or genomic profiling; or*
- b. for any other legitimate anti-doping purpose.*

*Samples may be collected and stored for future analysis.*

**6.2.2** *FISA shall ask laboratories to analyse Samples in conformity with Article 6.4 of the Code and Article 4.7 of ISTI.*

### **6.3 Research on Samples**

*No Sample may be used for research without the Rower's written consent. Samples used 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 analyse Samples and report results in conformity with the International Standard for Laboratories. To ensure effective Testing, the Technical Document referenced at Article 5.4.1 of the Code will establish risk assessment-based Sample analysis menus appropriate for particular sports and sport disciplines and laboratories shall analyse Samples in conformity with those menus, except as follows:*

- 6.4.1 *FISA may request that laboratories analyse its Samples using more extensive menus than those described in the Technical Document.*
- 6.4.2 *FISA may request that laboratories analyse its Samples using less extensive menus than those described in the Technical Document only if it has satisfied WADA that, because of the particular circumstances of its sport, as set out in its test distribution plan, less extensive analysis would be appropriate.*
- 6.4.3 *As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyse Samples for Prohibited Substances or Prohibited Methods not included on the Sample analysis menu described in the Technical Document or specified by the Testing authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.*

#### 6.5 Further Analysis of Samples

*Any Sample may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2:*

- a. *by WADA at any time; and / or*
- b. *by FISA at any time before both the A and B sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by FISA to the Rower as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and ISTI.*

## **Article 7 – Results management**

### *7.1 Responsibility for Conducting Results Management*

*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 circumstances in which FISA shall take responsibility for conducting results management in respect of anti-doping rule violations involving Rowers and other Persons under its jurisdiction shall be determined by reference to and in accordance with Article 7 of the Code.*

*7.1.2 The results from all analyses must be entered into ADAMS and may be sent to FISA in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted confidentially and in accordance with ADAMS.*

### *7.2 Review of Adverse Analytical Findings from Tests Initiated by FISA.*

*Results management in respect of the results of tests initiated by FISA (including tests performed by WADA pursuant to agreement with FISA) shall proceed as follows:*

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

- a. an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions: or*
- b. there is any apparent departure from ISTI or the International Standard for Laboratories that caused the Adverse Analytical Finding.*

*7.2.2 If the review of an Adverse Analytical Finding under Article 7.2.1 reveals an applicable TUE or departure from ISTI or the International Standard for Laboratories that caused the Adverse Analytical Finding, the entire test shall be considered negative and the Rower, the Rower's NADO and WADA shall be so informed.*

### 7.3 Notification After Review Regarding Adverse Analytical Findings

7.3.1 *If the initial review of an Adverse Analytical Finding under Article 7.2.1 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from ISTI or the International Standard for Laboratories that caused the Adverse Analytical Finding, the FISA Executive Director shall promptly notify the Rower, and simultaneously the Rower's NADO and WADA, in the manner set out in Article 14.1 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 if the Rower or FISA chooses 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 in accordance with the International Standard for Laboratories 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, the Rower's NADO and WADA.*

7.3.2 *Where requested by the Rower or FISA, arrangements shall be made to analyse the B Sample, in accordance with the International Standard for Laboratories. 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.*

- 7.3.3 *The Rower and/or his representative shall be allowed to be present at the opening and analysis of the B Sample. Also a representative of the Rower's National Federation as well as a representative of FISA shall be allowed to be present.*
- 7.3.4 *If the B Sample analysis does not confirm the result of the A Sample analysis, 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 Rower, the Rower's NADO and WADA shall be so informed.*
- 7.3.5 *If the B sample analysis confirms the A sample analysis, the findings shall be reported to the Rower, through his National Federation, as well as to the Rower's NADO and to WADA.*
- 7.4 *Review of Atypical Findings*
- 7.4.1 *As provided in the International Standard for Laboratories, in certain circumstances laboratories are directed to report the presence of Prohibited Substances that may also be produced endogenously as Atypical Findings, i.e., as findings that are subject to further investigation.*
- 7.4.2 *Upon receipt of an Atypical Finding, 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 or will be granted as provided in the International Standard for Therapeutic Use Exemptions; or*
  - b. *there is any apparent departure from ISTI or International Standard for Laboratories that caused the Atypical Finding.*
- 7.4.3 *If the review of an Atypical Finding under Article 7.4.2 reveals an applicable TUE or a departure from ISTI or the International Standard for Laboratories that caused the Atypical Finding, the entire test shall be considered negative and the Rower, the Rower's NADO and WADA shall be so informed.*
- 7.4.4 *If that review does not reveal an applicable TUE or a departure from ISTI or the International Standard for Laboratories that caused the Atypical Finding, FISA shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the Atypical Finding will be brought forward as an Adverse Analytical Finding, in*

*accordance with Article 7.3.1 or else the Rower, the Rower's NADO and WADA shall be notified that the Atypical Finding will not be brought forward as an Adverse Analytical Finding.*

*7.4.5 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:*

*7.4.5.1 If FISA determines the B Sample should be analysed prior to the conclusion of its 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 7.3.1(d) to (f).*

*7.4.5.2 If FISA is asked (a) by a Major Event Organisation shortly before one of its International Events or (b) by a sports organisation responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Rower identified on a list provided by the Major Event Organisation or sports organisation has a pending Atypical Finding, FISA shall so advise the Major Event Organisation or sports organisation after first providing notice of the Atypical Finding to the Rower.*

*7.5 Review of Atypical Passport Findings and Adverse Passport Findings*

*Review of Atypical Passport Findings and Adverse Passport Findings shall take place as provided in ISTI and International Standard for Laboratories. At such time as FISA is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Rower (and simultaneously the Rower's NADO and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.*

*7.5.1 For apparent Atypical Passport Findings and Adverse Passport Findings, FISA may liaise with the NADO concerned in the combined creation of the passport regarding the decision to proceed with an apparent Adverse Passport Finding.*

*7.5.2 Results Management for Tests Initiated During Other International Events*

*Results management and the conduct of hearings from a test by the IOC, the IPC, or a Major Event Organisation, shall be managed, as far as sanctions beyond Disqualification from the Event or the results of the Event, by FISA.*

*7.5.3 Results Management by Member Federations*

*Each Member Federation shall keep FISA updated on the results management process and the reasoned decision shall be reported to FISA Headquarters within 14 days of its conclusion.*

*Apparent anti-doping rule violations by a Rower of a different nationality to the NADO testing the Rower shall be referred to the Rower's NADO or Member Federation for hearing or referred to FISA for adjudication in accordance with Article 7.1.1 of the Code.*

*Failure to keep FISA updated at all times on the results management process (by a NADO or Member Federation) 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 in the Member Federation's country or territory within 14 days of notice of such finding to the Member Federation together with the name of the rower;*
- b. notify FISA that a national level rower has been Provisionally Suspended 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.*

*may result in sanctions being imposed on the Member Federation.*

## 7.6 Review of Whereabouts Violations

*FISA shall review potential filing failures and missed tests, as defined in ISTI, in respect of Rowers who file their whereabouts information with FISA, in accordance with Annex I to ISTI. At such time as FISA is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the Rower (and simultaneously the Rower's NADO and WADA) notice that it is asserting a violation of Article 2.4 and the basis of that assertion.*

## 7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.2-7.6

*FISA's Executive Director shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2-7.6. At such time as FISA is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Rower or other Person (and simultaneously the Athlete's or other Person's NADO and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.*

## 7.8 Identification of Prior Anti-Doping Rule Violations

*Before giving a Rower or other Person notice of an asserted anti-doping rule violation as provided above, FISA shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organisations to determine whether any prior anti-doping rule violation exists.*

## 7.9 Provisional Suspensions

### 7.9.1 Mandatory Provisional Suspension

*If analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, or for a Prohibited Method, and a review in accordance with Article 7.2.2 does not reveal an applicable TUE or departure from ISTI or the International Standard for Laboratories that caused the Adverse Analytical Finding, the FISA Executive Director shall Provisionally Suspend the Rower upon or promptly after the notification described in Articles 7.2, 7.3 or 7.5.*

### 7.9.2 *Optional Provisional Suspension*

*In case of an Adverse Analytical Finding for a Specified Substance, or in the case of any other anti-doping rule violations not covered by Article 7.9.1, FISA's Executive Director may impose a Provisional Suspension on the Athlete or other Person against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2-7.7 and prior to the final hearing as described in Article 8.*

### 7.9.3 *Where a Provisional Suspension is imposed, whether pursuant to Article 7.9.1 or Article 7.9.2 the Rower or other Person shall be given either*

- a. an opportunity for a Provisional Hearing either before or on a timely basis after imposition of the Provisional Suspension; or*
- b. an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the Provisional Suspension at the discretion of the FISA Executive Director.*
- c. Furthermore, the Rower or other Person has a right to appeal from the Provisional Suspension in accordance with Article 13.2 (save as set out in Article 7.9.3.1).*

*Where applicable, Member Federations shall impose Provisional Suspensions in accordance with the principles set forth in this Article 7.9.*

*7.9.3.1 The Provisional Suspension may be lifted if the Rower demonstrates to the hearing panel that the violation is likely to have involved a Contaminated Product. A hearing panel's decision not to lift a mandatory Provisional Suspension on account of the Rower's assertion regarding a Contaminated Product shall not be appealable.*

*7.9.3.2 The Provisional Suspension shall be imposed (or shall not be lifted) unless the Athlete or other Person establishes that:*

- a. *the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the Rower or other Person; or*
- b. *the Rower or other Person has a strong arguable case that he bears No Fault or Negligence for the anti-doping rule violation(s) asserted, so that any period of Ineligibility that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4; or*
- c. *some other facts exist that make it clearly unfair, in all of the circumstances, to impose a Provisional Suspension prior to a final hearing in accordance with Article 8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Rower or other Person participating in a particular Competition or Event shall not qualify as exceptional circumstances for these purposes.*

7.9.4 *If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and subsequent analysis of the B Sample does not confirm the A Sample analysis, then the Rower shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1. In circumstances where the Rower (or the Rower's team) has been removed from a Competition based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, then if it is still possible for the Rower or team to be reinserted, without otherwise affecting the Competition, the Rower or crew may continue to take part in the Competition. In addition, the Rower or crew may thereafter take part in other Competitions in the same Event.*

7.9.5 *In all cases where a Rower or other Person has been notified of an anti-doping rule violation but a Provisional Suspension has not been imposed on him or her, the Rower or other Person shall be offered the opportunity to accept a Provisional Suspension voluntarily pending the resolution of the matter.*

### 7.10 Resolution Without a Hearing

7.10.1 *A Rower or other Person against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the Consequences that are mandated by these Anti-Doping Bye-Laws or where some discretion as to Consequences exists under these Anti-Doping Bye-Laws as have been offered by the FISA Hearing Panel.*

7.10.2 *Alternatively, if the Rower or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by FISA asserting the violation then he shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the Consequences that are mandated by these Anti-Doping Bye-Laws or where some discretion as to Consequences exists under these Anti-Doping Bye-Laws as have been offered by the FISA Hearing Panel.*

7.10.3 *In cases where Articles 7.10.1 or Article 7.10.2 apply, a hearing before a hearing panel shall not be required. Instead, FISA shall promptly issue a written decision confirming the commission of the anti-doping rule violation and the Consequences imposed as result, and setting out the full reasons for any period of Ineligibility imposed, including (if applicable) a justification for why the maximum potential period of Ineligibility was not imposed. FISA shall send copies of that decision to other Anti-Doping Organisations with a right to appeal under Article 13.2.3 and shall Publicly Disclose that decision in accordance with Article 14.3.2.*

### 7.11 Notification of Results Management Decisions

*In all cases where FISA has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a Provisional Suspension, or agreed with a Rower or other Person on the imposition of Consequences without a hearing, FISA shall give notice thereof in accordance with Article 14.2.1 to other Anti-Doping Organisations with a right to appeal under Article 13.2.3.*

### 7.12 Domicile of the Rower

*For the purposes of these rules, all Rowers shall be considered to have their domicile at the address of the Member Federation*

*concerned where all communications to Rowers shall be considered as being delivered.*

### 7.13 Retirement from Sport

*If a Rower or other Person retires while FISA is conducting the results management process, 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 authority over the Rower or other Person at the time the Rower or other Person committed an anti-doping rule violation, FISA has authority to conduct results management in respect of that anti-doping rule violation.*

*[Comment to Article 7.13: Conduct by a Rower or other Person before the Rower or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Rower or other Person membership in a sports organisation.]*

## **Article 8 – Right to a fair hearing**

*[NOTE: According to Article 8.1 of the Code, each Anti-Doping Organisation with responsibility for results management shall provide a hearing process for any Athlete or other Person who is asserted to have committed an anti-doping rule violation that is consistent with the principles outlined in Article 8 of the Code.]*

### 8.1 Principles for a Fair Hearing

8.1.1 *When FISA sends a notice to a Rower or other Person asserting an anti-doping rule violation, and the Rower or other Person does not waive a hearing in accordance with Article 7.10.1 or Article 7.10.2, then the case shall be referred to the FISA Doping Hearing Panel for hearing and adjudication.*

8.1.2 *Hearings shall be scheduled and completed within a reasonable time. Hearings held in connection with Events may be conducted by an expedited process where permitted by the hearing panel.*

*[Comment to Article 8.1.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event, or during an*

*Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]*

- 8.1.3 *The FISA Doping Hearing Panel shall determine the procedure to be followed at the hearing.*
- 8.1.4 *WADA and the Member Federation of the Rower or other Person may attend the hearing as observers. In any event, FISA shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.*
- 8.1.4.1 *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. It must also include an external expert in the field of antidoping. This member must not have or have had any role in the governance of FISA. This external member may be a member of a "pool" of potential hearing panel members from different areas of expertise. The persons chosen by the Executive Director of FISA to be on a Hearing Panel will be selected so that there is no conflict of interest and appropriate expertise given the nature of the case. The FISA Doping Hearing Panel can request the written advice and/or presence of a medical or laboratory expert who is entitled to ask questions.*
- 8.1.5 *The FISA Doping Hearing Panel shall act in a fair and impartial manner towards all parties at all times. All hearings shall respect the following principles:*
- a timely hearing;*
  - fair and impartial hearing panel;*
  - the right to be represented by counsel at the Rower's or Person's own expense;*
  - the right to be informed in a fair and timely manner of the asserted anti-doping rule violation;*
  - the right and a minimum of 10 days following notification 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 Rower's or 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;*
  - 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.*
  - 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; and*
  - a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of Ineligibility.*
- 8.1.6 *The principles contained in Article 14.3.6 shall be applied to all cases involving a Minor. The Mandatory Public Reporting requirement does not apply where the Rower or other Person who has been found to have committed an anti-doping rule violation is a Minor.*
- 8.1.7 *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 Bye-Laws.*
- 8.1.8 *FISA shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.*
- 8.1.9 *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.*

## 8.2 Decisions

8.2.1 *At the end of the hearing, or on a timely basis thereafter, the FISA Doping Hearing Panel shall issue a written decision that includes the full reasons for the decision and for any period of Ineligibility imposed, including (if applicable) a justification for why the greatest potential Consequences were not imposed.*

8.2.2 *The decision may be appealed to CAS as provided in Article 13. Copies of the decision shall be provided to the Rower or other Person and to other Anti-Doping Organisations, with a right to appeal under Article 13.2.3.*

8.2.3 *If no appeal is brought against the decision, then*

a. *if the decision is that an anti-doping rule violation was committed, the decision shall be Publicly Disclosed as provided in Article 14.3.2; but*

b. *if the decision is that no anti-doping rule violation was committed, then the decision shall only be Publicly Disclosed with the consent of the Rower or other Person who is the subject of the decision.*

*FISA 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. The principles stated in article 14.3.6 will apply to cases involving a Minor.*

## 8.3 Single Hearing Before CAS

*Cases asserting anti-doping rule violations may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the Rower, FISA, WADA and any other Anti-Doping Organisation that would have had a right to appeal a first instance hearing decision to CAS.*

*[Comment to Article 8.3: Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organisation that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]*

## **Article 9 – Automatic disqualification of individual results**

*A violation of these Anti-Doping Bye-Laws in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition by a crew containing the Rower or Rowers who was or were found to have committed the anti-doping rule violation with all resulting consequences, including forfeiture of any medals, points and prizes.*

## **Article 10 – Sanctions on individuals**

### *10.1 Disqualification of Results in the 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 in the Event by a crew containing the Rower or Rowers who was or were found to have committed the anti-doping rule violation with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.*

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

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 a Prohibited Substance or Prohibited Method*

*The period of Ineligibility for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:*

10.2.1 *The period of Ineligibility shall be four years where:*

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

10.2.1.2 *The anti-doping rule violation involves a Specified Substance and FISA can establish that the anti-doping rule violation was intentional.*

10.2.2 *If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.*

10.2.3 *As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Rowers who cheat. The term therefore requires that the Rower or other Person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not intentional if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered intentional if the substance is not a Specified*

*Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.*

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

*The period of Ineligibility for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:*

- 10.3.1 *For violations of Article 2.3 or Article 2.5, the period of Ineligibility shall be four years unless in the case of failing to submit to Sample Collection the Rower can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of Ineligibility shall be two years.*
- 10.3.2 *For violations of Article 2.4, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Rower's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Rowers where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Rower was trying to avoid being available for Testing.*
- 10.3.3 *For violations of Article 2.7 or 2.8, the period of Ineligibility shall be a minimum of four years up to lifetime Ineligibility depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a Minor shall be considered a particularly serious violation, and, if committed by Athlete Support Personnel for violations other than for Specified Substances shall result in lifetime Ineligibility for Athlete Support Personnel. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.*
- 10.3.4 *For violations of Article 2.9, the period of Ineligibility imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.*
- 10.3.5 *For violations of Article 2.10, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year,*

*depending on the Rower's or other Person's degree of Fault and other circumstances of the case.*

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

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

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

**10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Article 2.1, 2.2 or 2.6**

**10.5.1.1 Specified Substances**

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

**10.5.1.2 Contaminated Products**

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

**10.5.2 Application of No Significant Fault or Negligence beyond the Application of Article 10.5.1**

*If a Rower or other Person establishes in an individual case where Article 10.5.1 is not applicable that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of Ineligibility may be reduced based on the Rower or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of*

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

**10.6 Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault**

**10.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations**

**10.6.1.1** *FISA 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 in which it has results management authority where the Rower or other Person has provided Substantial Assistance to an Anti-Doping Organisation, criminal authority or professional disciplinary body which results in*

- a. the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person; or*
- b. which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to FISA.*

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

- 10.6.1.2 *To further encourage Rowers and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of FISA or at the request of the Rower or other Person, who has (or has been asserted to have) committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even no period of Ineligibility, and /or no return of prize money, or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organisation.*
- 10.6.1.3 *If FISA suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organisations with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise FISA to enter into*

*appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.*

**10.6.2 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.*

**10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1**

*A Rower or other Person potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection), by promptly admitting the asserted anti-doping rule violation after being confronted by FISA, and also upon the approval and at the discretion of both WADA and FISA, may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Rower or other Person's degree of Fault.*

**10.6.4 Application of Multiple Grounds for Reduction of a Sanction**

*Where a Rower or other Person establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6 before applying any reduction or suspension under Article 10.6, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.5. If the Rower or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.6, then the period of*

*Ineligibility may be reduced or suspended, but not below one-quarter of the otherwise applicable period of Ineligibility.*

### 10.7 Multiple Violations

10.7.1 *For a Rower's or other Person's second anti-doping rule violation, the period of Ineligibility shall be the greater of:*

- a. *six months;*
- b. *one-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or*
- c. *twice the period of ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation without taking into account any reduction under Article 10.6. The period of Ineligibility established above may then be further reduced by the application of Article 10.6.*

10.7.2 *A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfills the condition for elimination or reduction of the period of Ineligibility under Article 10.4 or 10.5, or involves a violation of Article 2.4 (Filing Failures and/or Missed Tests). In these particular cases, the period of Ineligibility shall be from eight (8) years to lifetime Ineligibility.*

10.7.3 *An anti-doping rule violation for which a Rower or other Person has established No Fault or Negligence shall not be considered a prior violation for purposes of this Article.*

### 10.7.4 Additional Rules for Certain Potential Multiple Violations

10.7.4.1 *For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if FISA 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 or after FISA made reasonable efforts to give notice of the first anti-doping rule violation. If FISA 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.*

*10.7.4.2 If, after the imposition of a sanction for 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 had 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.*

#### *10.7.5 Multiple Anti-Doping Rule Violations during Ten-Year Period*

*For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten 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, all other competitive results of the Rower 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.*

#### *10.9 Allocation of CAS Cost Awards and Forfeited Prize Money*

*The priority for payment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Rowers; and third, reimbursement of the expenses of FISA.*

#### *10.10 Financial Consequences*

*In exceptional cases, the Anti-Doping Tribunal may award costs and financial sanctions, but only in accordance with Article 10.10 of the WADA Code.*

### 10.11 Commencement of Ineligibility

*Except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, or there is no hearing, on the date Ineligibility is accepted or otherwise imposed.*

#### 10.11.1 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 may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period Ineligibility, including retroactive Ineligibility, shall be Disqualified.*

#### 10.11.2 Timely Admission

*Where the Athlete or other Person promptly (which, in all events, for an Athlete means before the Athlete 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 Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3.*

#### 10.11.3 Credit for Provisional Suspension or Period of Ineligibility Served

*10.11.3.1 If a Provisional Suspension is imposed and respected by the Rower or other Person, then the Rower or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Rower or*

*other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.*

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

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

*[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]*

## **10.12 Status During Ineligibility**

### **10.12.1 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 authorised anti-doping education or rehabilitation programs) authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation, or in Competitions authorised or organised by any professional league or any international or national level Event organisation or any elite or national-level sporting activity funded by a governmental agency.*

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

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

*[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible Rower cannot participate in a training camp, exhibition or practice organised by his or her Member Federation or club which is a member of the Member Federation or which is funded by a governmental agency. The term “activity” also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described*



*in this Article, Ineligibility imposed in one sport shall also be recognised by other sports.]*

#### 10.12.2 Return to Training

*As an exception to Article 10.12.1, a Rower may return to train with a team or to use the facilities of a club or other member organisation of FISA's member organisation during the shorter of:*

- a. the last two months of the Rower's period of Ineligibility, or*
- b. the last one-quarter of the period of Ineligibility imposed.*

*[Comment to Article 10.12.2: A Rower cannot effectively train on his/her own so as to be ready to compete at the end of the Rower's period of Ineligibility except as provided in this Article. During the training period described in this Article, an Ineligible Rower may not compete or engage in any activity described in Article 10.12.1 other than training.]*

#### 10.12.3 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 10.12.1, the results of such participation shall be Disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Rower or other Person's degree of Fault and other circumstances of the case. The determination of whether a Rower or other Person has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organisation whose results management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Article 13.*

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

#### 10.12.4 Withholding of Financial Support during Ineligibility

*In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by FISA and its Member Federations.*

#### 10.13 Automatic Publication of Sanction

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

*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 Bye-Laws 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 in addition to any Consequences imposed upon the Rower who committed the anti-doping rule violation.*
- 11.2 *An anti-doping rule violation committed by a member of a crew occurring during or in connection with an Event may lead to Disqualification of all of the results obtained by the crew in that Event with all consequences for the crew and its members, including forfeiture of all medals, points and prizes, except as provided in Article 10.12.4.*
- 11.3 *Where a Rower who is a member of a crew committed an anti-doping rule violation during or in connection with one Competition in an Event, if the other member(s) of the crew establish(es) that he/she/they bear(s) No Fault or Negligence for that violation, the results of the crew in any other Competition(s) in that Event shall not be Disqualified unless the results of the crew in the Competition(s) 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.*
- 11.4 *Where one member of a team (outside of Team Sports) has been notified of an anti-doping rule violation under Article 7 in connection*

*with an Event, the ruling body for the Event shall conduct appropriate Target Testing of all members of the team during the Event Period.*

## **Article 12 – Sanctions and costs assessed against sporting bodies**

- 12.1 *The FISA Executive Committee has the authority to withhold some or all funding or other non-financial support or suspend from membership FISA Member Federations that are not in compliance with these Anti-Doping Bye-Laws*
- 12.2 *Member 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 Bye-Laws committed by a Rower or other Person affiliated with that Member Federation.*
- 12.3 *FISA may elect to take additional disciplinary action against Member 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 *Three or more violations of these Anti-Doping Bye-Laws (other than violations involving Article 2.4) are committed by Rowers, or other Persons affiliated with a Member Federation within a 12-month period in testing conducted by FISA or Anti-Doping Organisations other than the Member Federation or its NADO. In such event FISA may in its discretion elect to:*
    - a. *ban all officials from that Member Federation for participation in any FISA activities for a period of up to two years and/or*
    - b. *fine the Member Federation in an amount up to Euros 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 four or more violations (other than violations involving Article 2.4) 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 Organisations other than the Member Federation or its NADO, then FISA may suspend that Member*

*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.*

*12.3.1.2 If six or more violations (other than violations involving Article 2.4) are committed in addition to the violations described in Article 12.3.1 by Rowers, Athlete Support Personnel or other Persons affiliated with a Member Federation within a 12-month period in testing conducted by FISA or any Anti-Doping Organisations, then FISA may suspend that Member 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 Member Federation commits an Anti-Doping Rule violation during an International Event. In such event FISA may fine that Member Federation in an amount up to Euros 100'000.–.*

*12.3.3 A Member 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 Member Federation in an amount up to Euros 25'000 per Rower in addition to all of FISA costs incurred in Testing that Member Federation's Rowers.*

## **Article 13 – Appeals**

### **13.1 Decisions Subject to Appeal**

*Decisions made under these Anti-Doping Bye-Laws may be appealed as set forth below in Article 13.2 through 13.7 or as otherwise provided in these Anti-Doping Bye-Laws, the Code or the International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organisation's rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).*

### 13.1.1 *Scope of Review Not Limited*

*The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.*

### 13.1.2 *CAS Shall Not Defer to the Findings Being Appealed*

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

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

### 13.1.3 *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's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the FISA process.*

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

*The following decisions may be appealed exclusively as provided in this Article 13:*

- a. a decision that an anti-doping rule violation was committed;*
- b. a decision that no anti-doping rule violation was committed;*
- c. a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription or statute of limitations);*
- d. a decision by WADA not to grant an exception to the six months' notice requirement for a retired Athlete to return to Competition under Article 5.7.1;*
- e. a decision by WADA assigning results management under Article 7.1 of the Code;*
- f. a decision by FISA 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 7.7;*

- g. a decision to impose a Provisional Suspension as a result of a Provisional Hearing;*
- h. FISA's failure to comply with Article 7.9;*
- i. a decision that FISA lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences;*
- j. a decision to suspend, or not suspend, a period of Ineligibility or to reinstate, or not reinstate, a suspended period of Ineligibility under Article 10.6.1;*
- k. a decision under Article 10.12.3; and*
- l. a decision by FISA not to recognise another Anti-Doping Organisation's decision under Article 15, may be appealed exclusively as provided in Articles 13.2-13.7.*

#### *13.2.1 Appeals Involving International-Level Rowers or International Events*

*In cases arising from competition in an International Event or in cases involving International-Level Rowers, the decision may be appealed exclusively to CAS.*

*[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 Other Rowers or Other Persons*

*In cases where Article 13.2.1 is not applicable, the decision may be appealed to a national-level appeal body, being an independent and impartial body established in accordance with rules adopted by the NADO having jurisdiction over the Rower or other Person. The rules for such appeal shall respect the following principles:*

- a timely hearing;*
- a fair and impartial hearing panel;*
- the right to be represented by counsel at the Person's own expense; and*
- a timely, written, reasoned decision.*

*If the NADO has not established such a body, the decision may be appealed to CAS in accordance with the CAS Code.*

### 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;*
- d. *The NADO of the Person's country of residence or countries where the Person is a national;*
- e. *the IOC or IPC, as applicable, where the decision may have an effect in relation to the Olympic Games, Youth Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games, Youth Olympic Games or Paralympic Games; and*
- f. *WADA.*

*In cases under Article 13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the NADO's rules but, at a minimum, shall include the following parties:*

- g. *the Rower or other Person who is the subject of the decision being appealed;*
- h. *the other party to the case in which the decision was rendered;*
- i. *FISA;*
- j. *the NADO of the Person's country of residence;*
- k. *the IOC or IPC, as applicable, where the decision may have an effect in relation to the Olympic Games, Youth Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games, Youth Olympic Games or Paralympic Games; and*
- l. *WADA.*

*For cases under Article 13.2.2: WADA, the IOC, the IPC and FISA shall also have the right to appeal to CAS with respect to the*

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

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

#### 13.2.4 Cross Appeals and other Subsequent Appeals Allowed

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

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

#### 13.3 Failure to Render a Timely Decision by FISA

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

#### 13.4 Appeals Relating to TUEs

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

#### 13.5 Notification of Appeal Decisions

*Any Anti-Doping Organisation that is a party to an appeal shall promptly provide the appeal decision to the Rower or other Person and to the other Anti-Doping Organisations that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.*

### 13.6 Appeal from Decisions Pursuant to Article 12

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

### 13.7 Time for Filing Appeals

#### 13.7.1 Appeals to CAS

*The time to file an appeal to CAS shall be twenty-one days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:*

- a. *Within fifteen days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;*
- b. *If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one 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:*

- c. *Twenty-one days after the last day on which any other party in the case could have appealed; or*
- d. *Twenty-one days after WADA's receipt of the complete file relating to the decision.*

#### 13.7.2 Appeals Under Article 13.2.2

*The time to file an appeal to an independent and impartial body established at national level in accordance with rules established by the NADO shall be indicated by the same rules of the NADO.*

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

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

## **Article 14 – Confidentiality and reporting**

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

#### **14.1.1 Notice of Anti-Doping Rule Violations to Rowers and other Persons**

*Notice to Rowers and other Persons of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 14 of these Anti-Doping Bye-Laws. Notice to a Rower or other Person who is a member of a Member Federation may be accomplished by delivery of the notice to the president of the Member Federation at the Member Federation's official address.*

#### **14.1.2 Notice of Anti-Doping Rule Violations to NADOs and WADA**

*Notice of the assertion of an anti-doping rule violation to NADOs and WADA shall occur as provided under Articles 7 and 14 of these Anti-Doping Bye-Laws, simultaneously with the notice to the Rower or other Person.*

#### **14.1.3 Content of an Anti-Doping Rule Violation Notice**

*Notification of an anti-doping rule violation under Article 2.1 shall include: the Rower's name, country, sport, and discipline within the sport, the Rower's competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory, and other information as required by ISTI.*

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

#### **14.1.4 Status Reports**

*Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, NADOs and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.*

#### 14.1.5 Confidentiality

*The recipient organisations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee and Member Federation) until FISA has made Public Disclosure or has failed to make Public Disclosure as required in Article 14.3.*

#### 14.2 Notice of Anti-Doping Rule Violation Decisions and Request for Files

*14.2.1 Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.2, 10.4, 10.5, 10.6, 10.1.2.3, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible Consequences were not imposed. Where the decision is not in English or French, FISA shall provide a short English or French summary of the decision and the supporting reasons.*

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

#### 14.3 Public Disclosure

*14.3.1 The identity of any Rower or other Person who is asserted by FISA to have committed an anti-doping rule violation, may be Publicly Disclosed by FISA only after notice has been provided to the Rower or other Person in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to WADA and the applicable Member Federation and NADO of the Rower or other Person in accordance with Article 14.1.2.*

*14.3.2 No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, FISA must Publicly Report the disposition of the matter, including the anti-doping rule violated, the name of the Rower or other Person committing the violation, the Prohibited Substance or Prohibited Method involved if any, and the Consequences imposed. FISA must also Publicly Report within twenty days the results of final appeal*

*decisions concerning anti-doping rule violations including the information described above.*

- 14.3.3 *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 Publicly Disclosed only with the consent of the Rower or other Person who is the subject of the decision. FISA shall use reasonable efforts to obtain such consent. If consent is obtained, FISA shall Publicly Disclose the decision in its entirety or in such redacted form as the Rower or other Person may approve.*
- 14.3.4 *Publication shall be accomplished at a minimum by placing the required information on FISA's website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of Ineligibility.*
- 14.3.5 *Neither FISA nor its Member Federations, nor WADA accredited laboratory, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Rower, or other Person against whom an anti-doping rule violation is asserted, or their representatives.*
- 14.3.6 *The mandatory Public Reporting required in Article 14.3.2 shall not be required where the Athlete or other Person who has been found to have committed an anti-doping rule violation is a Minor. Any optional Public Reporting in a case involving a Minor shall be proportionate to the facts and circumstances of the case.*

#### 14.4 *Statistical Reporting*

*FISA shall publish the WADA annual report on Anti-Doping Testing when available.*

#### 14.5 *Doping Control Information Clearinghouse*

*To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organisations, FISA shall report all In-Competition and Out-of-Competition tests on such Rowers to the WADA clearinghouse, using ADAMS, as soon as possible after such tests have been conducted.*

*This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Rower, the Rower's NADO, and any other Anti-Doping Organisations with Testing authority over the Rower.*

#### 14.6 Data Privacy

14.6.1 *FISA may collect, store, process or disclose personal information relating to Rowers and other Persons where necessary and appropriate to conduct its anti-doping activities under the Code, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information) and these Anti-Doping Bye-Laws.*

*FISA may collect and disclose personal information related to the biological passport with the relevant NADOs.*

14.6.2 *Any Participant who submits information including personal data to any Person in accordance with these Anti-Doping Bye-Laws shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such Person for the purposes of the implementation of these Anti-Doping Bye-Laws, in accordance with the International Standard for the Protection of Privacy and Personal Information and otherwise as required to implement these Anti-Doping Bye-Laws.*

### **Article 15 – Application and recognition of decisions**

15.1 *Subject to the right to appeal provided in Article 13, the Testing, 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 applicable worldwide and shall be recognised and respected by FISA and all its Member Federations.*

*[Comment to Article 15.1: The extent of recognition of TUE decisions of other Anti-Doping Organisations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]*

15.2 *FISA and its Member Federations shall recognise the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.*

*[Comment to Article 15.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, FISA and its Member Federations shall attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in these Anti-Doping Rules, then FISA shall recognise the finding of an anti-doping rule violation and may conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in these Anti-Doping Rules should be imposed.]*

- 15.3 *Subject to the right to appeal provided in Article 13, any decision of FISA regarding a violation of these Anti-Doping Bye-Laws shall be recognised by Member Federations, which shall take all necessary action to render such decision effective.*

## **Article 16 – Incorporation of FISA Anti-Doping Bye-Laws and obligations of Member Federations**

- 16.1 *All Member Federations and their members shall comply with these Anti-Doping Laws. All Member Federations and their members shall include in their regulations the provisions necessary to ensure that FISA may enforce these Anti-Doping Bye-Laws directly against Rowers under their anti-doping jurisdiction (including National-Level Rowers). These Anti-Doping Bye-Laws shall also be incorporated either directly or by reference into each Member Federation's rules so that the Member Federation may enforce them itself directly against Rowers under its anti-doping jurisdiction (including National-Level Rowers). Each Member 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 Member Federation shall specifically provide that all Rowers, Athlete Support Personnel and other Persons under the jurisdiction of the Member Federation shall be bound by these Anti-Doping Rules.*
- 16.2 *All Member Federations shall establish rules requiring all Rowers and each Athlete Support Personnel who participates as coach, trainer,*

*manager, team staff, official, medical or paramedical personnel in a Competition or activity authorised or organised by a Member Federation or one of its member organisations to agree to be bound by these Anti-Doping Rules and to submit to the results management authority of the Anti-Doping Organisation responsible under the Code as a condition of such participation.*

- 16.3 *All Member Federations shall report any information suggesting or relating to an anti-doping rule violation to FISA and to their NADOs, and shall cooperate with investigations conducted by an Anti-Doping Organisation with authority to conduct the investigation.*
- 16.4 *All Member Federations shall have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Rowers under the jurisdiction of FISA or the Member Federation.*
- 16.5 *All Member Federations shall be required to conduct anti-doping education in coordination with their NADOs.*

## **Article 17 – Statute of limitations**

*No anti-doping rule violation proceeding may be commenced under these Anti-Doping Bye-Laws against a Rower or other Person unless he or she has been notified of the of anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted within ten years from the date the violation is asserted to have occurred.*

## **Article 18 – FISA compliance reports to WADA**

*FISA will report to WADA on FISA's compliance with the Code in accordance with Article 23.5.2 of the Code.*

## **Article 19 – Education**

*FISA through its Member Federations shall plan, implement, evaluate and monitor information, education and prevention programmes for doping-free sport on at least the issues listed at Article 18.2 of the Code and shall support active participation by Rowers, and Athlete Support Personnel in such programmes.*

## **Article 20 – Amendment and interpretation of Anti-Doping Bye-Laws**

- 20.1 *These Anti-Doping Bye-Laws may be amended from time to time by the FISA Council.*
- 20.2 *These Anti-Doping Bye-Laws shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.*
- 20.3 *The headings used for the various Parts and Articles of these Anti-Doping Bye-Laws are for convenience only and shall not be deemed part of the substance of these Anti-Doping Bye-Laws or to affect in any way the language of the provisions to which they refer.*
- 20.4 *The Code and the International Standards shall be considered integral parts of these Anti-Doping Bye-Laws and shall prevail in case of conflict.*
- 20.5 *These Anti-Doping Bye-Laws 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 Introduction shall be considered an integral part of these Anti-Doping Bye-Laws.*
- 20.6 *The comments annotating various provisions of the Code are incorporated by reference into these Anti-Doping Bye-Laws, shall be treated as if set out in full herein, and shall be used to interpret these Anti-Doping Bye-Laws.*
- 20.7 *The latest revision to the World Anti-Doping Code of 2015 came into full force and effect on 1 January 2015 (the “Effective Date”). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:*
- 20.7.1 *Anti-doping rule violations taking place prior to the Effective Date count as “first violations” or “second violations” for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.*
- 20.7.2 *The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 17 are procedural rules and should be applied retroactively; provided, however, that Article 17 shall only be applied retroactively if the statute of*

*limitations period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping bye-laws in effect at the time the alleged anti-doping rule violation occurred unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case.*

- 20.7.3 *Any Article 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in ISTI) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with ISTI, but it shall be deemed to have expired 12 months after it occurred.*
- 20.7.4 *With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Rower or other Person is still serving the period of Ineligibility as of the Effective Date, the Rower or other Person may apply to the Anti-Doping Organisation which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these Anti-Doping Bye-Laws. Such application must be made before the period of Ineligibility has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Bye-Laws shall have no application to any case where a final decision finding an anti-doping rule has been rendered and the period of Ineligibility has expired.*
- 20.7.5 *For purposes of assessing the period of Ineligibility for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of Ineligibility which would have been assessed for that first violation had these Anti-Doping Bye-Laws been applicable shall be applied.*

## **Article 21 – Interpretation of the Code**

- 21.1 *The official text of the Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.*
- 21.2 *The comments annotating various provisions of the Code shall be used to interpret the Code.*
- 21.3 *The Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.*
- 21.4 *The headings used for the various Parts and Articles of the Code are for convenience only and shall not be deemed part of the substance of the Code or to affect in any way the language of the provisions to which they refer.*
- 21.5 *The Code shall not apply retroactively to matters pending before the date the Code is accepted by a Signatory and implemented in its rules. However pre-Code anti-doping rule violations would continue to count as “first violations” or “second violations” for purposes of determining sanctions under Article 10 for subsequent post-Code violations.*
- 21.6 *The Purpose, Scope and Organisation of the World Anti-Doping Programme and the Code and Appendix 1, Definitions, and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the Code.*

## **Article 22 – Additional roles and responsibilities of rowers and other persons**

- 22.1 *Roles and Responsibilities of Rowers*
- 22.1.1 *To be knowledgeable of and comply with these Anti-Doping Bye-Laws.*
- 22.1.2 *To be available for Sample collection at all times.*
- 22.1.3 *To take responsibility, in the context of anti-doping, for what they ingest and use.*
- 22.1.4 *To inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Bye-Laws.*

- 22.1.5 *To disclose to their NADO and to FISA any decision by a non-Signatory finding that the Rower committed an anti-doping rule violation within the previous ten years.*
- 22.1.6 *To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.*
- 22.1.7 *Failure by any Rower to cooperate in full with Anti-Doping Organisations investigating anti-doping rule violations may result in a charge of misconduct under FISA's rules of code of conduct.*
- 22.2 *Roles and Responsibilities of Athlete Support Personnel*
- 22.2.1 *To be knowledgeable of and comply with these Anti-Doping Bye-Laws.*
- 22.2.2 *To cooperate with the Athlete Testing programme.*
- 22.2.3 *To use his or her influence on Athlete values and behaviour to foster anti-doping attitudes.*
- 22.2.4 *To disclose to his or her NADO and to FISA any decision by a non-Signatory finding that he or she committed an anti-doping rules violation within the previous ten years.*
- 22.2.5 *To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.*
- 22.2.6 *Failure by any Athlete Support Personnel to cooperate in full with Anti-Doping Organisations investigation anti-doping rule violations may result in a charge of misconduct under FISA's code of conduct.*
- 22.2.7 *Athlete Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.*
- 22.2.8 *Use or Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Personnel without valid justification may result in a charge of misconduct under FISA's code of conduct.*

## Definitions

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

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

**Adverse Analytical Finding:** *A report from a WADA-accredited laboratory or other WADA approved laboratory that, consistent with the International Standard for Laboratories and related Technical Documents, 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.*

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

**Anti-Doping Organisation:** *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 IOC, the IPC, other Major Event Organisations that conduct Testing at their Events, WADA, International Federations, and National Anti-Doping Organisations.*

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

**Athlete Support Personnel.** *Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel parent or any other Person working with, treating or assisting 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 WADA accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.

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

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

**Code:** The World Anti-Doping Code.

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

**Consequences of Anti-Doping Rules Violations (“Consequences”):** 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 on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.12.1;
- c. *Provisional Suspension* means the Rower or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Article 8;
- d. *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and
- e. *Public Disclosure or Public Reporting* means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14. Teams in Team Sports may also be subject to Consequences as provided in Article 11 of the Code.

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

**Disqualification:** See Consequences of Anti-Doping Bye-Laws 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.

**Fault:** Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete or other Person's degree of Fault include, for example, the Rower's or other Person's experience, whether the Rower or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Rower and the level of care and investigation exercised by the Rower in relation to what should have been the perceived level of risk. In assessing the Rower's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Rower's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Rower would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Rower only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.

**Financial Consequences:** see Consequences of Anti-Doping Rule Violations above.

**In-Competition:** For purposes of differentiating between In-Competition and Out-of-Competition Testing "In-Competition" means the period commencing 12 hours before the first Competition of said Event in which the Rower is scheduled to participate through to the end of the Sample collection process related to the last Competition of the Rower at such Event.

**Independent Observer Programme:** A team of observers, under the supervision of WADA, who observe and 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 Bye-Laws Violations above.

**International Event:** An Event or Competition where the IOC, the IPC, an International Federation, a Major Event Organisation, or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event.

**International-Level Rower:** Rowers who compete in sport at the international level, as defined by each International Federation consistent with ISTI. For the sport of rowing, International-Level Rowers are defined as set out in the Scope section of the Introduction to these Anti-Doping Bye-Laws, as well as in the Anti-Doping Bye-Laws relating to TUEs.

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

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

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

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

**Minor:** A natural Person who has not reached the age of eighteen years.

**National Anti-Doping Organisation (NADO):** 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, at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee or its designee.

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

**National-Level Rower:** Rowers who compete in sport at the national level, as defined by each NADO, consistent with ISTI

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

**No Fault or Negligence:** The Rower or other Person's establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Rower must also establish how the Prohibited Substance entered his or her system.

**No Significant Fault or Negligence:** The Rower or other Person'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. Except in the case of a Minor, for any violation of Article 2.1, the Rower must also establish how the Prohibited Substance entered his or her system.

[Comment : For Cannabinoids, a Rower may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance.]

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

**Participant:** Any Rower or Athlete Support Person.

**Person:** A natural Person or an organisation or other entity.

**Possession:** The actual, physical Possession, or the constructive Possession (which shall be found only if the person has exclusive control or intends to exercise control over the Prohibited Substance/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 Organisation. 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.*

*[Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organisation must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organisation must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]*

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

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

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

**Provisional Hearing:** *For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the Rower with notice and an opportunity to be heard in either written or oral form.*

*[Comment: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 7.9, is a full hearing on the merits conducted on an expedited time schedule.]*

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

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

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

**Registered Testing Pool:** *The pool of highest priority Rowers established separately at the International level by FISA and at the national level by NADOs who are subject to focused In-Competition and Out-of-Competition Testing as part of FISA's or that NADO's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the Code and the International Standard for Testing and Investigations.*

**Responsibility:** *In accordance with articles 2.1 or 2.2, a Rule which explains that it is not necessary for the Antidoping organisation to prove intent, fault, negligence or conscious use from the Rower to establish an antidoping rule violation.*

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

**Rower:** *Any Person who competes in rowing at the international level (as defined by FISA) or the national level (as defined by NADO). An Anti-Doping Organisation has discretion to apply anti-doping rules to a Rower who is neither an International-Level Rower nor a National-Level Rower, and thus to bring them within the definition of "Rower." All references to "Rowers" shall include scullers and coxswains. In relation to Rowers who are neither International-Level nor National-Level Rowers, an Anti-Doping Organisation may elect to: to conduct limited Testing or no Testing at all; analyse Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Rower over whom an Anti-Doping Organisation has authority who competes below the international or national level, then the Consequences set forth in the Code (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any Person who participates in sport under the authority of any Signatory, government, or other sports organisation accepting the Code is a Rower.*

*[Comment to Rowers: This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national -level sport to be set forth in the anti-doping rules of the International Federations and NADOs, respectively. The definition also allows each NADO, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to rowers at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a NADO could, for example, elect to test recreational-level rowers but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences*

*provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the NADO. In the same manner, a Major Event Organisation holding an Event only for masters-level rowers could elect to test the rowers but not analyze Samples for the full menu of Prohibited Substances. Rowers at all levels of Competition should receive the benefit of anti-doping information and education.]*

**Sample or Specimen:** 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, as provided in Article 23 of the Code.

**Specified Substance:** See Article 4.2.2.

**Substantial Assistance:** For purposes of Article 10.6.1, 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 Organisation 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.

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

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

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

**TUE:** *Therapeutic Use Exemption, as described in Article 4.4.*

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

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

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