

# **APPENDIX A – FIA Anti-doping regulations**

## **for application as from 01.01.2011**

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## INTRODUCTION

The Fédération Internationale de l'Automobile (hereinafter FIA) began adhering to the World Anti-Doping Code (hereinafter Code) of the World Anti-Doping Agency (hereinafter WADA) on 1<sup>st</sup> December 2010.

The principles and obligatory provisions of the Code have been incorporated into the FIA anti-doping Regulations (hereinafter the Regulations).

The purposes of the Regulations are to protect the *Athletes'* fundamental right to participate in doping-free sport and thus promote health, fairness, equality and safety in motor sport.

### Scope

The Regulations shall apply to the FIA, each *ASN*, and each *Participant* in the activities of the FIA or any of its *ASNs* by virtue of its status as a member, its accreditation or its participation in the activities or events of the FIA or its *ASN*.

The *ASN* must guarantee that all *Athletes* to whom an International FIA Licence has been issued accept the FIA Anti-Doping Regulations, in particular by having them sign the Recognition and Acceptance Form featured in Supplement C.

It is the responsibility of each *ASN* to ensure that all national-level *Testing* on the *National Federation's Athletes* complies with the Regulations. In some countries, the *ASN* itself will be conducting the *Doping Control* described in the Regulations. In other countries, many of the *Doping Control* responsibilities of the *ASN* are delegated or assigned by statute or agreement to a *National Anti-Doping Organisation*. In those countries, references in the Regulations to the *ASN* shall apply, as appropriate, to the *National Anti-Doping Organisation*.

The Regulations shall apply to all *Doping Controls* over which the FIA and its *ASNs* have jurisdiction.

### Definitions

The terms defined in Supplement A appear in Italics in the Regulations.

NB: for the purposes of the Regulations, and for the sake of brevity, the masculine pronoun is used to represent a person of either gender.

## 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 to 2.8 inclusive of the Regulations.

## ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

The following constitute anti-doping rule violations:

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

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

**2.1.2** Sufficient proof of an anti-doping rule violation under Article 2.1 is established by: the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is therefore not analysed; or, where the *Athlete's B Sample* is analysed, confirmation, through the analysis of the *Athlete's B Sample*, of the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*.

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

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

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

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

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

## **2.3 Refusing or failing without compelling justification to submit to Sample collection after notification in accordance with the Regulations in force, or otherwise evading Sample collection.**

## **2.4 Violation of applicable requirements regarding Athlete availability for Out-of-Competition Testing, including failure to file required whereabouts information and missed tests which are declared based on rules which comply with the International Standard for Testing. Any combination of three missed tests and/or filing failures within an eighteen-month period as determined by Anti-Doping Organisations with jurisdiction over the Athlete shall constitute an anti-doping rule violation.**

- 2.5 Tampering or Attempted Tampering with any part of a Doping Control.**
- 2.6 Possession of Prohibited Substances or Prohibited Methods**
- 2.6.1 Possession by an Athlete In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is pursuant to a therapeutic use exemption (hereinafter TUE) granted in accordance with Article 4.5 (Therapeutic Use) or other acceptable justification.**
- 2.6.2 Possession by an Athlete Support Personnel In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Support Personnel Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition, in connection with an Athlete, Competition or training, unless the Athlete Support Personnel establishes that the Possession is pursuant to a TUE granted to an Athlete in accordance with Article 4.5 (Therapeutic Use) or other acceptable justification.**
- 2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.**
- 2.8 Administration or Attempted administration to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or administration or Attempted administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving a violation or any Attempted violation of the Regulations.**

## ARTICLE 3 PROOF OF DOPING

### 3.1 Burden of proof and standard of proof

The FIA or the ASN shall have the burden of establishing that a violation of the Regulations has occurred.

The standard of proof shall be whether the FIA or the ASN has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel which will assess the gravity of the allegation. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where the Regulations place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Articles 10.4 and 10.6, where the *Athlete* must satisfy a higher burden of proof.

### 3.2 Methods of establishing facts and presumptions

Facts related to violations of the Regulations may be established by any reliable means, including confession. The following rules of proof shall be applicable in doping cases:

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

**3.2.2** Departures from any other *International Standard* for Laboratories, the *International Standard* for Testing or other anti-doping rule or policy which did not cause an *Adverse Analytical Finding* or other violations of the Regulations shall not invalidate such results. If the *Athlete* or other *Person* establishes that a departure from the *International Standard* for Testing, another *International Standard* or other anti-doping rule or policy occurred which could reasonably have caused the *Adverse Analytical Finding* or other violation of the Regulations, then the FIA or the ASN shall have the burden of establishing that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the violation of the Regulations.

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

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

## **ARTICLE 4    *PROHIBITED LIST AND INTERNATIONAL STANDARDS***

### **4.1    *The WADA Prohibited List***

The *Prohibited List* constitutes an integral part of the Regulations. It is published and updated by WADA as often as necessary and at least once a year.

Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall come into effect, as the FIA's and ASNs' *Prohibited List*, three months after their publication on WADA's website ([www.wada-ama.org](http://www.wada-ama.org)) without requiring any other action by the FIA or its ASNs.

Each ASN is responsible for ensuring that the *Prohibited List* currently in force is at the disposal of its members and licence holders.

## 4.2 **Prohibited Substances and Prohibited Methods identified on the Prohibited List**

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

The *Prohibited List* identifies those substances and methods which are prohibited:

- at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *competitions* or their masking potential;
- *In-Competition* only.

Substances and methods may be included in the *Prohibited List* by general category (e.g. anabolic agents) or by specific reference to a particular substance or method.

The following substances from the *Prohibited List* must also be sought, as they are prohibited in motor sport:

- alcohol (Point P1 of the List of Substances Prohibited in Particular Sports);
- beta-blockers (Point P2 of the List of Substances Prohibited in Particular Sports).

### 4.2.2 **Specified Substances**

For purposes of the application of Article 7.6 (*Provisional Suspensions*) and Article 10 (Sanctions on Individuals), all *Prohibited Substances* shall be "Specified Substances" except for:

- (a) substances in the classes of anabolic agents and hormones; and
- (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*.

*Prohibited Methods* are not Specified Substances.

## 4.3 **Criteria for including Substances and Methods on the Prohibited List**

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

## 4.4 **WADA's International Standards**

For reasons of harmonisation, WADA publishes *International Standards* for various technical and operational aspects of anti-doping. These *International Standards* constitute an integral part of the Regulations and it is obligatory to respect them. They can be seen on the WADA website ([www.wada-ama.org](http://www.wada-ama.org)) and comprise:

- the *Prohibited List*;
- the *International Standard* for Therapeutic Use Exemptions;

- the *International Standard for Testing*;
- the *International Standard for the Protection of Privacy and Personal Information*; and
- the *International Standard for Laboratories*.

These may be revised from time to time by WADA.

All amendments of WADA's *International Standards* will be regarded as entering into force on the date set by WADA.

## 4.5 Therapeutic Use

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

**4.5.2** The FIA shall appoint a committee to consider requests for TUEs (hereinafter TUEC) in accordance with the *International Standard for Therapeutic Use Exemptions*. The TUEC members shall evaluate the request in accordance with the *International Standard for Therapeutic Use Exemptions* and render a decision on such request, which shall be the final decision of the FIA.

The ASNs refer to the TUEC of the *National Anti-Doping Organisation*.

**4.5.3** A request for a TUE submitted to the FIA will only be considered upon receipt of a completed application form that must include all relevant documents (this application form – based on the application form appended to the *International Standard for TUE* - is available on the FIA website [www.fia.com](http://www.fia.com)). The application process must be conducted in accordance with the principles of strict medical confidentiality.

**4.5.4** An Athlete may not apply to more than one *Anti-Doping Organisation* for a TUE. The application must identify the Athlete's discipline of motor sport and, where appropriate, his specific role or that he belongs to a registered testing pool. Depending on the case, the request must be submitted to the TUEC of the FIA or that of the *National Anti-Doping Organisation*:

- a) An *Athlete* included in the FIA's *registered testing pool* must submit any request to the FIA TUEC the moment he is included in this group.
- b) An *Athlete* included in the *testing pool of Athletes submitted to the controls* of his *National Anti-Doping Organisation* must submit his request to the TUEC of his *National Anti-Doping Organisation*, unless he wishes to participate in one of the championships listed in point c). In such a case, the *Athlete* will submit his request to the FIA TUEC.

- c) An *Athlete* wishing to take part in one of the following championships must submit his application to the *TUEC* of the FIA, at the latest thirty days before the event concerned (except in cases of emergency):
- FIA Formula One World Championship,
  - FIA Formula Two Championship,
  - FIA World Rally Championship,
  - FIA World Touring Car Championship,
  - FIA GT1 World Championship,
  - CIK-FIA Karting World Championship for Drivers,
  - GP2 International Series.

If the *Athlete* already holds a *TUE* issued by his *National Anti-Doping Organisation*, he must have his initial *TUE* validated by the *TUEC* of the FIA. In normal circumstances, this application for validation must be sent by the *Athlete's National Anti-Doping Organisation* to the *TUEC* of the FIA no later than twenty-one days before the event.

- d) An *Athlete* wishing to take part in any international event that does not form part of one of the championships mentioned in Article 4.5.4.c or in any national event must submit his application to the *TUEC* of his *National Anti-Doping Organisation* no later than thirty days (or, for national events, within another time limit that may have been set by the *ASN*) before the event in question (except in cases of emergency).

The FIA, on its own initiative, may review at any time the granting or refusal of a *TUE* by the *TUEC* of a *National Anti-Doping Organisation*.

Upon any request of any *Athlete* who has been denied a *TUE* by his *National Anti-Doping Organisation*, the FIA may review such denial.

If the FIA determines that such granting or denial of a *TUE* by a *National Anti-Doping Organisation* did not comply with the *International Standard* for Therapeutic Use Exemptions, the FIA may reverse that decision. Decisions on *TUEs* are subject to further appeal as provided in Article 13.

**4.5.5** The FIA will, as soon as possible, send each *TUE* to *WADA*, to the *Athlete's National Anti-Doping Organisation*, as well as to the *ASN* that issued the *Athlete* with his licence. And the *National Anti-Doping Organisations* will, as soon as possible, send each *TUE* to *WADA*, to the FIA and to the *ASN* that issued the licence to the *Athlete*.

**4.5.6** *WADA*, on its own initiative, may review at any time the granting or refusal of a *TUE* for every case described in Article 4.5.4.

Upon any request of any *Athlete* who has been denied a *TUE*, *WADA* may review such denial.

If *WADA* determines that such granting or denial of a *TUE* did not comply with the *International Standard* for Therapeutic Use Exemptions, *WADA* may reverse that decision. Decisions on *TUEs* are subject to further appeal as provided in Article 13.

## ARTICLE 5 **TESTING**

### 5.1 **Organisations authorised to carry out controls**

All *Athletes* under the jurisdiction of an *ASN* may be subject to *Testing* by the FIA, the *ASN* that issued the licence to the *Athlete* and any other *Anti-Doping Organisation* responsible for *Testing* at a *Competition* or *Event* in which they participate.

All *Athletes* under the jurisdiction of an *ASN*, including *Athletes* serving a period of ineligibility or a *Provisional Suspension*, shall be subject to *Testing* at any time or place, with or without advance notice, *In-Competition* or *Out-of-Competition* by the FIA, WADA, the *ASN* that issued the licence to the *Athlete*, the *National Anti-Doping Organisation* of any country where the *Athlete* is present or of which the *Athlete* is national, resident, licence-holder or member of a sport organisation and any other *Anti-Doping Organisation* responsible for *Testing* at a *Competition* or *Event* in which they participate.

All *Athletes* must comply with any request for *Testing* by any *Anti-Doping Organisation* with *Testing* jurisdiction.

### 5.2 **Test Distribution Plan**

In coordination with other *Anti-Doping Organisations* conducting *Testing* on the same *Athletes*, and consistent with the *International Standard for Testing*, the FIA and the *ASNs* shall:

**5.2.1** Plan and conduct a significant number of *In-Competition* and *Out-of-Competition* tests on *Athletes* over whom they have jurisdiction, including *Athletes* in their respective *Registered Testing Pools*.

**5.2.2** Make sure that all *Out-of-Competition* *Testing* is with *No Advance Notice*, except in exceptional circumstances.

**5.2.3** Make *Target Testing* a priority.

**5.2.4** Conduct *Testing* on *Athletes* serving a period of *Ineligibility* or a *Provisional Suspension*.

### 5.3 **International Standards for Testing**

*Testing* conducted by the FIA and the *ASNs* shall be in substantial conformity with the *International Standard for Testing* in force at the time of *Testing*.

**5.3.1** Blood (or other non-urine) *Samples* may be used to detect *Prohibited Substances* or *Prohibited Methods*, for screening procedure purposes, or for longitudinal haematological profiling (“the passport”).

### 5.4 **Coordination of Testing**

#### 5.4.1 **In-Competition Testing**

The collection of *Samples* for *Doping Control* shall take place at both *International Events* and *National Events*. However, except as otherwise provided below, only a single organisation should be responsible for initiating

and directing *Testing* during the *Event Period*. At *International Events*, the collection of *Doping Control Samples* shall be initiated and directed by the FIA or any other international organisation which is the ruling body for the *Event* (e.g., the International Olympic Committee for the Olympic Games). At *National Events*, the collection of *Doping Control Samples* shall be initiated and directed by the *National Anti-Doping Organisation* or the *ASN* of that country.

**5.4.1.1** However, should the FIA or an *ASN* nevertheless desire to conduct additional *Testing* of *Athletes* at an *Event* for which they are not responsible for initiating and directing *Testing* during the *Event Period*, the FIA or the *ASN* shall first confer with the ruling body of the *Event* to obtain permission to conduct, and coordinate, any additional *Testing*. Should the FIA or the *ASN* not be satisfied with the response from the ruling body of the *Event*, the FIA or the *ASN* may ask *WADA* for permission to conduct additional *Testing* and to determine how to coordinate such additional *Testing*.

#### **5.4.2 Out-of-Competition Testing**

*Out-of-Competition Testing* shall be initiated and directed by the following international and national organisations: (a) *WADA*; (b) the International Olympic Committee or International Paralympic Committee in connection with the Olympic Games or Paralympic Games; (c) the FIA or the *ASN* that issued the licence to the *Athlete*; or (d) any other *Anti-Doping Organisation* that has *Testing* jurisdiction over the *Athlete* as provided for in Article 5.1 (Organisations authorised to carry out controls). *Out-of-Competition Testing* shall be coordinated through *ADAMS* where reasonably feasible, in order to maximize the effectiveness of the combined *Testing* effort and to avoid the unnecessary repetitive *Testing* of individual *Athletes*.

#### **5.4.3 Report**

The FIA and the *ASNs* shall promptly report completed tests through the *WADA* clearinghouse in accordance with Article 14.5 to avoid unnecessary duplication in *Testing*.

### **5.5 Athlete Whereabouts Requirements**

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

Each *Athlete* in the *Registered Testing Pool* shall:

- (a) advise the FIA of his whereabouts on a quarterly basis, in the manner set out in Article 11.3 of the *International Standard for Testing*;

- (b) update that information as necessary, in accordance with Article 11.4.2 of the *International Standard for Testing*, so that it remains accurate and complete at all times; and
- (c) make him available for Testing at such whereabouts, in accordance with Article 11.4 of the *International Standard for Testing*.

**5.5.2** An *Athlete's* failure to advise the FIA of his whereabouts shall be deemed a filing failure for purposes of Article 2.4 if the conditions of Article 11.3.5 of the *International Standard for Testing* are met.

**5.5.3** An *Athlete's* failure to be available for *Testing* at his declared whereabouts shall be deemed a missed test for purposes of Article 2.4 if the conditions of Article 11.4.3 of the *International Standard for Testing* are met.

**5.5.4** Each ASN shall also assist its *National Anti-Doping Organisation* in establishing a national level *Registered Testing Pool* of top level national *Athletes* to whom the whereabouts requirements of the *International Standard for Testing* shall also apply. Where those *Athletes* are also in the FIA's *Registered Testing Pool*, the FIA and the *National Anti-Doping Organisation* will agree (with the assistance of *WADA* if required) on which of them will take responsibility for receiving whereabouts filings from the *Athlete* and sharing it with the other (and with other *Anti-Doping Organisations*) in accordance with Article 5.5.5.

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

## **5.6 Retirement and Return to Competition**

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

**5.6.2** An *Athlete* who has given notice of retirement to the FIA may not resume competing unless he notifies the FIA at least six months before he expects to return to competition and makes him available for unannounced *Out-of-Competition Testing*, including (if requested) complying with the whereabouts requirements of the *International Standard for Testing*, at any time during the period before actual return to competition.

**5.6.3** The *ASNs/National Anti-Doping Organisations* may establish similar requirements for retirement and returning to competition for *Athletes* in the national *Registered Testing Pool*.

## 5.7 Selection of *Athletes* to be Tested

5.7.1 At *International Events*, the FIA shall determine:

- in which *competition(s)* a test will be made;
- the number of *Athletes* to be tested depending on the final ranking;
- the number of *Athletes* to be tested randomly;
- the number of *Athletes* to be tested in a targeted fashion.

Which *Athletes* are to be submitted to the *controls* will be determined by the stewards of the *competition* concerned, fully respecting the number of *Athletes* to be controlled as established in advance by the FIA.

5.7.2 At *National Events*, the ASN concerned shall determine:

- in which *competition(s)* a control will be made;
- the number of *Athletes* to be tested;
- the procedure which will be monitored for selecting the *Athletes*.

5.7.3 In addition to the selection procedures set forth in Articles 5.7.1 and 5.7.2 above, the FIA at *International Events*, and the ASN at *National Events*, may also select *Athletes* or teams for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate *Doping Control* purposes.

5.7.4 *Athletes* shall be selected for *Out-of-Competition Testing* by the FIA and the ASNs in compliance with the *International Standard for Testing* in force at the time of selection.

5.8 The FIA and the ASNs shall provide access to independent observers at *Competitions* chosen for organising a test in accordance with the *WADA Independent Observers Program*.

## ARTICLE 6 ANALYSIS OF SAMPLES

*Doping Control Samples* collected under the Regulations shall be analysed in accordance with the following principles:

### 6.1 Use of Recognised Laboratories

For purposes of Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*), *samples* shall be analysed only by WADA-accredited laboratories or as otherwise approved by WADA. The choice of the laboratory shall be determined exclusively by the FIA or the ASN responsible for results management.

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

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

compliance with the *International Standard* for the Protection of Privacy and Personal Information.

### 6.3 Research on Samples

No *Sample* may be used for any purpose other than as described in Article 6.2 without the *Athlete's* written consent. If *samples* are used (with the *Athlete's* consent) for purposes other than Article 6.2, any means of identification shall be removed from them such that they can no longer be traced back to a particular *Athlete*.

### 6.4 Standards for Sample Analysis and Results Reporting

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

### 6.5 Retesting Samples

A *sample* may be reanalysed for the purposes of Article 6.2 at any time exclusively at the direction of the *Anti-Doping Organisation* that collected the *sample* or *WADA*. The circumstances and conditions for retesting *samples* shall conform to the requirements of the *International Standard* for Laboratories.

## ARTICLE 7 RESULTS MANAGEMENT

### 7.1 Results Management for Tests Initiated by the FIA

Results management for tests initiated by the FIA shall proceed as set forth below:

**7.1.1** The results from all analyses must be sent to the FIA in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in confidentiality and in conformity with the *International Standard* for the Protection of privacy and personal information.

#### 7.1.2 Initial review regarding Adverse Analytical Findings

Upon receipt of an *A Sample Adverse Analytical Finding*, the FIA shall conduct an initial 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 the *International Standard* for Testing or from the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*.

#### 7.1.3 Notification after initial review regarding Adverse Analytical Findings

If the initial review of an *Adverse Analytical Finding* under Article 7.1.2 does not reveal:

- an applicable *TUE* or entitlement to a *TUE* in compliance with the *International Standard* for Therapeutic Use Exemptions, or
  - a departure that caused the *Adverse Analytical Finding*,
- the FIA shall promptly notify the *Athlete* of:

- (a) the *Adverse Analytical Finding*;
- (b) the violated clause of the Regulations;
- (c) his right to request the analysis of the *B Sample* within a deadline of four working days starting from the receipt of the notification by registered letter 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 *Athlete* or the FIA chooses to request an analysis of the *B Sample*;
- (e) if such analysis is requested, the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis within the time period specified in the *International Standard* for Laboratories ; and
- (f) the *Athlete'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.

The FIA shall also notify the ASN that issued the licence to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA.

Should the FIA decide not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall notify the *Athlete*, the ASN that issued the licence to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA.

Should the *Athlete* request the analysis of *the B Sample*, the cost of this analysis must be borne by the *Athlete* but this will be reimbursed to him should this analysis turn out to be negative.

- 7.1.4** Where requested by the *Athlete* or the FIA, arrangements shall be made for *Testing* the *B Sample* within the time period specified in the *International Standard* for Laboratories. An *Athlete* may accept the *A Sample* analytical results by waiving the requirement for *B Sample* analysis. The renunciation by the *Athlete* of the analysis of the *B sample* does not prevent the FIA from proceeding with the *B Sample* analysis.
- 7.1.5** The *Athlete* and/or his representative shall be allowed to be present at the opening and analysis of the *B Sample* within the time period specified in the *International Standard* for Laboratories. Also a representative of the *Athlete's ASN* as well as a representative of the FIA shall be allowed to be present.
- 7.1.6** If the *B Sample* proves negative, then (unless the FIA takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Athlete*, the FIA, the ASN that issued the licence to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA shall be so informed.
- 7.1.7** If a *Prohibited Substance* or the *Use of a Prohibited Method* is identified in the *B Sample*, the findings shall be reported to the *Athlete*, the FIA, the ASN that issued the licence to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA.

**7.1.8** The FIA shall conduct any follow-up investigation into a possible anti-doping rule violation not covered by Articles 7.1.1 to 7.1.8. If the FIA concludes that an anti-doping rule violation has occurred, it shall promptly notify the *Athlete* or other *Person* subject to sanction, of the anti-doping rule violated, and the basis of the violation. The FIA shall also notify the ASN that issued the licence to the *Athlete* or other *Person*, the *National Anti-Doping Organisation* of the *Athlete* or other *Person* and WADA.

## **7.2 Review of *Atypical Findings***

**7.2.1** As provided in the *International Standards*, in some circumstances laboratories are directed to report the presence of *Prohibited Substances*, which may also be produced endogenously as *Atypical Findings* subject to further investigation.

**7.2.2** Upon receipt of an *A Sample Atypical Finding*, the FIA shall conduct an initial review to determine whether:

- (a) an applicable *TUE* has been granted, or
- (b) there is any apparent departure from the *International Standard for Testing or International Standard for Laboratories* that caused the *Atypical Finding*.

**7.2.3** If the initial review of an *Atypical Finding* under Article 7.2.2 reveals:

- an applicable *TUE* or
- a departure from the *International Standard for Testing or the International Standard for Laboratories* that caused the *Atypical Finding*,

the entire test shall be considered negative and the *Athlete*, the ASN that issued the licence to the *Athlete*, the *Athlete's National Anti-Doping Organisation*, and WADA shall be so informed.

**7.2.4** If that initial review does not reveal an applicable *TUE* or a departure that caused the *Atypical Finding*, the FIA shall conduct the investigation required in such a case. After the investigation is completed, the *Athlete*, the ASN that issued the licence to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA shall be notified whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The *Athlete* shall be notified as provided in Article 7.1.3.

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

- (a) The FIA determines the *B Sample* should be analysed prior to the conclusion of its follow-up investigation according to Article 7.2. This analysis will be conducted after notifying the *Athlete*. This notification must include a description of the *Atypical Finding* and the information described in Article 7.1.3 (b) to (f).
- (b) The FIA receives a request for information in order to establish whether or not an *Athlete* has an *Atypical Finding* pending.  
This request may come:

- either from a *Major Event Organisation*, as long as this request is made before the *event* in question and that the *Athlete* concerned is participating in it;
- or from a sport organisation in the process of organising a team in which the *Athlete* in question will be a member, for an *International Event*.

In the above cases, the *Athlete* will be notified in advance of an *Atypical Finding*.

### **7.3 Results Management for Tests Initiated by an Anti-Doping Organisation other than the FIA during International Events**

Results management and the conduct of hearings arising from any test initiated during an *international event* by a *Major Event Organisation*, a *National Anti-Doping Organisation* or an *ASN* shall be ensured by the FIA, with regard to any sanctions other than the *Disqualification* from the *Event* or the results of the *Event*.

### **7.4 Results Management for Tests initiated by ASNs (except for the case stipulated in Article 7.3)**

Results management conducted by the *ASNs* shall be consistent with the general principles for effective and fair results management which are underlined in the detailed provisions set forth in Article 7. *Adverse Analytical findings*, *Atypical Findings* and other asserted violations of anti-doping rules shall be reported by the *ASNs*, in accordance with the principles outlined in Article 7, to the *Athlete's National Anti-Doping Organisation*, the FIA and *WADA* no later than the completion of the *ASN's* results management process. Any apparent anti-doping rule violation by an *Athlete* who is a licence holder of that *ASN* shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the *ASN*, the *National Anti-Doping Organisation* or the national law. Apparent anti-doping rule violations by *Athletes* who are licence holders of another *ASN* shall be referred for hearing.

### **7.5 Results Management for Whereabouts Violations**

#### **7.5.1 Whereabouts Filing Failure**

Results management in respect of an apparent Filing Failure by an *Athlete* in the FIA's *Registered Testing Pool* shall be conducted by the FIA in accordance with Article 11.6.2 of the *International Standard for Testing* (unless it has been agreed in accordance with Article 5.5.4 of the Regulations that the *ASN* or the *National Anti-Doping Organisation* shall take such responsibility).

#### **7.5.2 Missed Test**

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

**7.5.3** Where, in any eighteen-month period, an *Athlete* in the FIA's *Registered Testing Pool* is declared to have three Filing Failures, or three Missed Tests, or any combination of Filing Failures or Missed Tests adding up to three in total, whether under the Regulations or under the rules of any other *Anti-Doping Organisation*, the FIA shall bring them forward as an apparent anti-doping rule violation.

## **7.6 Provisional Suspensions**

**7.6.1** When an *A Sample Adverse Analytical Finding* is received for a *Prohibited Substance* other than a *Specified Substance*, and a review in accordance with Article 7.1.2 does not reveal an applicable TUE or departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, a *Provisional Suspension* shall be imposed promptly after the review and notification described in Article 7.1.

**7.6.2** In any case not covered by Article 7.6.1 where the FIA decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, a *Provisional Suspension* may be imposed. If so, it will begin after the review and notification described in Article 7.1, but prior to the analysis of the *Athlete's B Sample* or the final hearing as described in Article 8 (Right to a Fair Hearing).

**7.6.3** However, a *Provisional Suspension* may not be imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, unless the *Athlete* or other *Person* is given either:

(a) an opportunity for a *Provisional Hearing*, either before imposition of the *Provisional Suspension*, or on a timely basis afterwards; or

(b) an opportunity for an expedited hearing in accordance with Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a *Provisional Suspension*.

*ASNs* shall impose *Provisional Suspensions* in accordance with the principles set forth in this Article 7.6.

**7.6.4** If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested by the *Athlete*, the FIA, the competent *ASN* or the *Anti-Doping Organisation*) does not confirm the *A Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*). In circumstances where the *Athlete* (or his 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, the *Athlete* or the team in question may continue to take part in the *Competition* if this does not otherwise affect the *Competition* and it is still possible for the *Athlete* or his team to be reintegrated.

## **7.7 Retirement from Sport**

If an *Athlete* or other *Person* retires while a results management process is underway, the FIA or the *ASN* conducting the results management process retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, the FIA or the *ASN* which would have

had results management jurisdiction over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation has jurisdiction to conduct results management.

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

### **8.1 Hearings following the FIA's result management**

- 8.1.1** When it appears, following the Results Management process performed by the FIA in accordance with Article 7, that the Regulations have been violated then the case shall be assigned, for application, to the FIA Anti-Doping Disciplinary Committee (hereinafter *ADC*), whose Rules of Procedure are enclosed (see Supplement B).
- 8.1.2** Hearings pursuant to this Article shall be completed expeditiously following the completion of the results management process described in Article 7. Hearings held in connection with *Events* may be conducted on an expedited basis. If a *Provisional Suspension* as per Article 7.6 has been imposed on the *Athlete*, the latter has the right to request that the hearing be conducted on an expedited basis.
- 8.1.3** The *ASN* that issued the licence to the *Athlete* or to the other *Person* alleged to have violated the Regulations may attend the hearing as an observer.
- 8.1.4** The FIA shall keep *WADA* fully apprised as to the status of pending cases and the result of all hearings.
- 8.1.5** An *Athlete* or other *Person* may forego a hearing by acknowledging the anti-doping rule violation and accepting *Consequences* consistent with Articles 9 and 10 as proposed by the FIA. The right to a hearing may be waived either expressly or by the failure of the *Athlete* or other *Person* to challenge, within fifteen days of the receipt of the notification by registered letter, the FIA's assertion that an anti-doping rule violation has occurred. Where no hearing occurs, the FIA shall submit to the *Persons* described in Article 13.2.3 a reasoned decision explaining the action taken.
- 8.1.6** Decisions of the *ADC* may be appealed to the Court of Arbitration for Sport (hereinafter *CAS*), as provided in Article 13.

### **8.2 Hearings following ASNs result management**

- 8.2.1** When it appears, following the Results Management process performed by the *ASNs* in accordance with Article 7, that the Regulations have been violated, the *Athlete* or other *Person* involved shall be brought before a disciplinary panel of the *Athlete* or other *Person's ASN* or *National Anti-Doping Organisation* in accordance with the rules of the *ASN* or the *National Anti-Doping Organisation* for a hearing to adjudicate whether a violation of the Regulations occurred and if so what *Consequences* should be imposed.

- 8.2.2** Hearings pursuant to this Article 8.2 shall be completed expeditiously and in all cases within three months of the completion of the Results Management process described in Article 7. Hearings held in connection with *Events* may be conducted by an expedited process. If the *Athlete* has been imposed a *Provisional Suspension* as per Article 7.6, the *Athlete* has the right to request that the hearing be conducted on an expedited basis. If the completion of the hearing is delayed beyond three months, the FIA may elect to bring the case directly before the ADC at the responsibility and at the expense of the ASN.
- 8.2.3** The ASNs shall keep the FIA and WADA fully apprised as to the status of pending cases and the results of all hearings.
- 8.2.4** The FIA and WADA shall have the right to attend hearings as observers.
- 8.2.5** The *Athlete* or other *Person* may forego a hearing by acknowledging the violation of the Regulations and accepting *Consequences* consistent with Articles 9 and 10 as proposed by the ASN responsible for results management. The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge, within fifteen days of the receipt of the notification by registered letter (or within another deadline to be set by the ASN), the ASN's assertion that an anti-doping rule violation has occurred. Where no hearing occurs, the ASN shall submit to the *Persons* described in Article 13.2.3 a reasoned decision explaining the action taken.
- 8.2.6** Decisions by ASNs or *National Anti-Doping Organisations*, whether as the result of a hearing or the *Athlete* or other *Person's* acceptance of *Consequences*, may be appealed as provided in Article 13.

### **8.3 Principles for a Fair Hearing**

All hearings pursuant to either Article 8.1 or 8.2 shall respect the following principles:

- a timely hearing;
- a fair and impartial hearing panel;
- the *Person's* right to be represented by the lawyer of his choice at his own expense;
- the *Person's* right to be informed in a fair and timely manner of the alleged anti-doping rule violation(s);
- the *Person's* right to respond to the allegations of anti-doping rule violation(s) and resulting *Consequences*;
- the right of each party to present evidence, including the right to call and question witnesses ( the acceptance of testimony by telephone or written submission being subject to the discretion of the hearing panel);
- the *Person's* right to an interpreter at the hearing, with the hearing panel being responsible for designating the interpreter and for deciding who shall pay the costs relating thereto; and

- the right to a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of *Ineligibility*.

## ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of the Regulations in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the results obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any trophies, medals, points and prizes.

## ARTICLE 10 SANCTIONS ON INDIVIDUALS

### 10.1 *Disqualification of Results in an Event during which an Anti-Doping Rule Violation occurs*

An *anti-doping rule* violation occurring during or in connection with an *Event* may, upon the decision of the FIA or the ASN ruling the *Event*, lead to *Disqualification* of all of the results obtained by the *Athlete* in that *Event*, with all resulting consequences, including forfeiture of all trophies, medals, points and prizes, except as provided in Article 10.1.1.

**10.1.1** If the *Athlete* establishes that he bears *No Fault or Negligence* for the violation, the *Athlete's* individual results in *Competitions* other than the one in which the violation occurred, shall not be disqualified unless the *Athlete's* results in the other *Competitions* were likely to have been affected by this violation.

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

The period of *Ineligibility* imposed for a violation of Article 2.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), Article 2.2 (*Use or Attempted Use of Prohibited Substance or Prohibited Method*) or Article 2.6 (*Possession of Prohibited Substances and Prohibited Methods*) shall be as follows, unless the conditions for eliminating or reducing the period of *Ineligibility*, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of *Ineligibility*, as provided in Article 10.6, are met:

First violation: Two years' *Ineligibility*.

### 10.3 *Ineligibility for other Anti-Doping Rule Violations*

The period of *Ineligibility* for violations of the Regulations other than as provided in Article 10.2 shall be as follows:

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

**10.3.2** For violations of Article 2.7 (*Trafficking*) or Article 2.8 (Administration or *Attempted Administration of Prohibited Substance or Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four years up to lifetime

*Ineligibility* unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than Specified Substances referenced in Article 4.2.2 shall result in lifetime *Ineligibility* for the *Athlete Support Personnel* concerned. In addition, significant violations of Articles 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.

**10.3.3** For violations of Article 2.4 (Violation of applicable requirements regarding *Athlete* availability for *Out-of-Competition Testing*), the period of *Ineligibility* shall be at a minimum one year and at a maximum two years, depending on the *Athlete's* degree of fault.

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

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

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

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

#### **10.5 Elimination or Reduction of Period of *Ineligibility* based on Exceptional Circumstances**

##### **10.5.1 No Fault or Negligence**

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

##### **10.5.2 No Significant Fault or Negligence**

If an *Athlete* or other *Person* establishes in an individual case that he bears *No Significant Fault or Negligence*, then the otherwise applicable period of

*Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the 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. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Sample* in violation of Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*), the *Athlete* must also establish how the *Prohibited Substance* entered his system in order to have the period of *Ineligibility* reduced.

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

The FIA or the ASN responsible for results management may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in the *Anti-Doping Organisation* discovering or establishing an anti-doping rule violation by another *Person* or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another *Person*.

After a final appellate decision under Article 13 or the expiration of time to appeal, the FIA may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA. After a final appellate decision under Article 13 or the expiration of time to appeal, the competent ASN may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of the FIA and WADA.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in motor 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 not be less than eight years.

If the FIA or the competent ASN suspends any part of the otherwise applicable period of *Ineligibility* under this Article, it shall promptly provide a written justification for its decision to each *Anti-Doping Organisation* having a right to appeal the decision.

If the FIA or the competent ASN subsequently reinstates any part of the suspended period of *Ineligibility* because the *Athlete* or other *Person* has failed to provide the *Substantial Assistance* which was anticipated, the *Athlete* or other *Person* may appeal the reinstatement pursuant to Article 13.2.

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

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping

rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

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

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

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

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

The *Athlete* or other *Person* can avoid the application of this Article by admitting the alleged anti-doping rule violation promptly after being confronted with the anti-doping rule violation by the FIA or the competent *ASN*.

#### 10.7 Multiple Violations

##### 10.7.1 Second Anti-Doping Rule Violation

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

| Second Violation | RS     | FFMT    | NSF     | St     | AS      | TRA     |
|------------------|--------|---------|---------|--------|---------|---------|
| First Violation  |        |         |         |        |         |         |
| <b>RS</b>        | 1-4    | 2-4     | 2-4     | 4-6    | 8-10    | 10-life |
| <b>FFMT</b>      | 1-4    | 4-8     | 4-8     | 6-8    | 10-life | life    |
| <b>NSF</b>       | 1-4    | 4-8     | 4-8     | 6-8    | 10-life | life    |
| <b>St</b>        | 2-4    | 6-8     | 6-8     | 8-life | life    | life    |
| <b>AS</b>        | 4-5    | 10-life | 10-life | life   | life    | life    |
| <b>TRA</b>       | 8-life | life    | life    | life   | life    | life    |

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

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

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

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

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

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

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

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

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

#### **10.7.3 Third Anti-Doping Rule Violation**

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

#### **10.7.4 Additional Rules applicable in cases of 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 the FIA or the competent ASN can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notification of the first violation pursuant to Article 7 (Results Management), or after the FIA or the competent ASN made reasonable efforts to give notice of the first violation. If the FIA or the competent ASN cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

However, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 10.6).

**10.7.4.2** If, after the resolution of a first anti-doping rule violation, the FIA or the competent ASN discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then the FIA or the competent ASN 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. To avoid the possibility of a finding of Aggravating Circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the *Athlete* or other *Person* must voluntarily admit the earlier anti-doping rule violation on a timely basis after notification of the violation for which he is first charged. The same rule shall also apply when the FIA or the competent ASN discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.

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

For purposes of Article 10.7, each anti-doping rule violation must take place within the same eight-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* where the positive *Sample* has been collected, under Article 9 (Automatic *Disqualification* of Individual Results), all other competitive results obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation that 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 trophies, medals, points and prizes.

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

### 10.8.2 Allocation of Forfeited Prize Money

Forfeited prize money shall be reallocated to other *Athletes*.

## 10.9 Commencement of *Ineligibility* Period

Except as provided below, the period of *Ineligibility* shall start on the date set out in the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* imposed.

### 10.9.1 Delays Not Attributable to the *Athlete* or other *Person*

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

### 10.9.2 Timely Admission

Where the *Athlete* or other *Person* promptly (which, in all events, means before he takes part in another *Competition*) admits the anti-doping rule violation after being confronted with such violation by the FIA or the competent *ASN*, 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.

However, in each case 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.

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

**10.9.4** If an *Athlete* voluntarily accepts in writing a *Provisional Suspension* from the FIA or the competent *ASN* and hereinafter refrains from competing, the *Athlete* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed.

A copy of the *Athlete's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Article 14.1.

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

## 10.10 Status during *Ineligibility*

### 10.10.1 Prohibition against Participation during *Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorised anti-doping education or rehabilitation programmes) authorised or organised by the FIA, an *ASN* or any other organisation responsible of national or international competitions.

An *Athlete* or other *Person* who subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport events in a sport other than the sport in which he committed the anti-doping rule violation, but only if the local sporting event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

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

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

### 10.10.3 Withholding of Financial Support during *Ineligibility*

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

## 10.11 Reinstatement *Testing*

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make himself available for *Out-of-Competition Testing* by the FIA, the competent *ASN*, and any other *Anti-Doping Organisation* having *Testing* jurisdiction, and must, if requested, provide current and accurate whereabouts information. If an *Athlete* subject to a period of *Ineligibility* retires from sport and is removed from *Out-of-Competition Testing* pools and later seeks reinstatement, he shall not be eligible for reinstatement until he has notified the FIA and the competent *ASN* and has been subject to *Out-of-Competition Testing* for a period of time equal to the period of *Ineligibility* remaining as of the date on which he retired from motor sport.

During such remaining period of *Ineligibility*, a minimum of two tests must be conducted on the *Athlete* with at least three months between each test. The ASN that issued the licence to the *Athlete* concerned shall be responsible for conducting the necessary tests, but tests by any other *Anti-Doping Organisation* may be used to satisfy the requirement. The results of such tests shall be reported to the FIA. In addition, just prior to the end of the period of *Ineligibility*, an *Athlete* must undergo *Testing* by the FIA or the ASN that issued his licence for the *Prohibited Substances* and *Methods* that are prohibited in *Out-of-Competition Testing*. Once the period of an *Athlete's Ineligibility* has expired, and the *Athlete* has fulfilled the conditions of reinstatement, then the *Athlete* will become automatically re-eligible and no application by the *Athlete* or by the ASN that issued the licence to the *Athlete* will then be necessary.

## **10.12 Imposition of financial sanctions**

The FIA reserves the option of imposing financial sanctions in cases where there has been a violation of the Regulations.

## **ARTICLE 11 CONSEQUENCES IN TEAM SPORTS**

### **11.1 Testing of the Team**

Where, in a *Team Sport*, more than one member of a team has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the FIA or the ASN responsible for the *Event* shall conduct appropriate *Target Testing* on the team during the *Event Period*.

### **11.2 Consequences for the Team**

If, in a *Team Sport*, one member of a team is found to have committed an anti-doping rule violation during an *Event Period*, the FIA or the ASN responsible for the *Event* may impose an appropriate sanction on the team in question (for example: loss of points, *Disqualification* from a *Competition* or *Event*, or another sanction) in addition to any *Consequences* imposed upon the individual *Athlete* who committed the anti-doping rule violation.

If, in a *Team Sport*, more than one member of a team is found to have committed an anti-doping rule violation during an *Event Period*, the FIA or the ASN responsible for the *Event* shall impose an appropriate sanction on the team in question (for example: loss of points, *Disqualification* from a *Competition* or *Event*, or another sanction) in addition to any *Consequences* imposed upon the individual *Athletes* who committed the anti-doping rule violation.

### **11.3 Possibility for the FIA or the ASN responsible for an Event to establish stricter consequences for Teams**

The FIA or the ASN responsible for an *Event* may elect to establish rules for the *Event* which impose stricter *Consequences* for Teams than those set out in Article 11.2.

## ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST ASNs

**12.1** The FIA has the authority to withhold some or all funding or other non financial support to ASNs that are not in compliance with the Regulations.

## ARTICLE 13 APPEALS

### 13.1 Decisions Subject to Appeal

Decisions of sanctions made under the Regulations may be appealed as set forth below in Article 13.2 through 13.4 or as otherwise provided in the Regulations. 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 Regulations or in the rules of the *Anti-Doping Organisation* conducting the hearing process as per Article 8 must be exhausted (except as provided in Article 13.1.1).

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

Where *WADA* has a right to appeal under Article 13 and no other party has appealed a final decision within the FIA's or the competent *ASN's* process, *WADA* may appeal such decision directly to *CAS* without having to exhaust other possible remedies in the FIA's or the competent *ASN's* process.

### 13.2 Appeals from Decisions regarding *Anti-Doping Rule Violations, Consequences, and Provisional Suspensions*

The following decisions may be appealed exclusively as provided in Article 13.2:

- a decision that an anti-doping rule violation was committed;
- a decision imposing *Consequences* for an anti-doping rule violation;
- a decision that no anti-doping rule violation was committed;
- a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);
- a decision under Article 10.10.2 (Violation of the Prohibition of Participation during *Ineligibility*);
- a decision that the FIA or the *ASN* responsible for results management lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*;
- a decision by an *Anti-Doping Organisation* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation;
- a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.4; and
- a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or in violation of Article 7.5.

#### 13.2.1 Appeals against the decisions of the FIA

Any decision of the FIA may be appealed exclusively to *CAS* in accordance with the provisions applicable before such court.

### 13.2.2 Appeals against the decisions of the ASNs or the *National Anti-Doping Organisations*

Any decision imposed by an *ASN* or a *National Anti-Doping Organisation* may be appealed to an independent and impartial body in accordance with rules established by the competent *ASN* or the *National Anti-Doping Organisation*. If the *ASN* or the *National Anti-Doping Organisation* has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such court.

### 13.2.3 Persons Entitled to Appeal

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

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the FIA;
- (d) the *National Anti-Doping Organisation* of the *Person's* country where the *Person* is a licence holder;
- (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- (f) WADA.

In cases under Article 13.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the rules of the *ASN* or the *National Anti-Doping Organisation* but, at a minimum, shall include the following parties:

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the FIA;
- (d) the *National Anti-Doping Organization* of the *Person's* country where the *Person* is a license holder;
- (e) the *ASN* that issued the licence to the *Person*; and
- (f) WADA.

For cases under Article 13.2.2, WADA and the FIA shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing 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 *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

### **13.3 Failure to Render a Timely Decision by the FIA or the ASN responsible for results management**

Where, in a particular case, the FIA or the competent ASN 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 the FIA or the competent ASN 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 the expenses reasonably incurred by WADA (costs and attorneys fees) within the framework of the appeal procedure shall be reimbursed to WADA by the FIA or the ASN concerned.

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

Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to CAS by the *Athlete* or the *Anti-Doping Organisation* whose decision was reversed.

Decisions by the FIA denying TUEs, which are not reversed by WADA, may be appealed by *Athletes* exclusively to CAS.

Decisions by the FIA reversing the grant or denial of a TUE, which are not reversed by WADA, may be appealed exclusively to CAS by the *Athlete* or the *Anti-Doping Organisation* whose decision was reversed.

Decisions by *Anti-Doping Organisations* other than the FIA or WADA denying TUEs, which are not reversed by the FIA or WADA, may be appealed to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a TUE, that decision may be appealed to CAS by WADA.

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

### **13.5 Appeal from Decisions Pursuant to Article 12**

Decisions by the FIA pursuant to Article 12 may be appealed exclusively to CAS by the ASN concerned.

### **13.6 Time for Filing Appeals**

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 having lead to the decision subject to appeal:

- a) Within ten days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;

- b) If such a request is made within the ten-day period, then the party making such request shall have 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:

- (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 REPORTING AND RECOGNITION**

### **14.1 Notice, Confidentiality and Reporting**

The FIA and the competent *ASNs* shall apply the principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy interests of individuals alleged to have violated anti-doping rules as provided below:

#### **14.1.1 Notice to *Athletes* and Other *Persons***

Notice to *Athletes* or other *Persons* shall occur as provided under Article 7. Notice to an *Athlete* or other *Person* who is licensed by an *ASN* may be accomplished by delivery of the notice to the *ASN*.

#### **14.1.2 Notice to the *National Anti-Doping Organisations*, the FIA, the *ASNs* and *WADA***

Notice to the *National Anti-Doping Organisation* concerned, the FIA, the *ASN* concerned and *WADA* shall occur as provided under Article 7.

#### **14.1.3 Content of Notification**

Notification to the *Athlete*, the *Athlete's National Anti-Doping Organisation*, the FIA, the *ASN* that issued the licence to the *Athlete* and *WADA* according to Article 7 shall include:

- the *Athlete's* name,
- his country,
- the sport and discipline of the *Athlete* within the sport,
- the *Athlete's* competitive level,
- whether the test was *In-Competition* or *Out-of-Competition*,
- the date of *Sample* collection, and
- the analytical result reported by the laboratory.

#### **14.1.4 Status Reports**

The same *Persons* and *Anti-Doping Organisations* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7 (Results Management), 8 (Right to a Fair Hearing) or 13 (Appeals) and shall be provided with a prompt, written, reasoned explanation or decision explaining the resolution of the matter.

### 14.1.5 Confidentiality

The recipient entities shall not disclose this information beyond those *Persons* with a need to know until the *Anti-Doping Organisation* responsible for results management has made public disclosure or, should it fail to make public disclosure, until the time limits set out in Article 14.2 below have expired.

## 14.2 Public Disclosure

**14.2.1** The identity of any *Athlete* or other *Person* who is asserted by an *Anti-Doping Organisation* to have committed an anti-doping rule violation, may be *publicly disclosed* by the *Anti-Doping Organisation* responsible for results management only after notice has been provided to the *Athlete* or other *Person* in accordance with Articles 7.1, 7.2 or 7.4, and to the applicable *Anti-Doping Organisations* in accordance with Article 14.1.2.

**14.2.2** No later than twenty days after it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been challenged in a timely fashion, the FIA or the *ASN* responsible for results management must publicly report the nature of the anti-doping matter including:

- the discipline,
- the anti-doping rule violated,
- the name of the *Athlete* or other *Person* having committed the violation,
- the *Prohibited Substance* or *Prohibited Method* involved and
- the *Consequences* imposed.

The FIA or the competent *ASN* must also publicly report, within twenty days, appeal decisions concerning anti-doping rule violations.

The FIA or the competent *ASN* shall also, within the time period for publication, send all hearing and appeal decisions to *WADA*.

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

**14.2.4** For purposes of Article 14.2, publication shall be accomplished at a minimum by posting the required information on the FIA's or the competent *ASN*'s website for at least one year.

**14.2.5** No official of either the FIA or the competent *ASN* shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete*, other *Person* or their representatives.

### 14.3 Athlete Whereabouts Information

As further provided in the *International Standard for Testing, Athletes* who have been identified by the FIA or by their ASN for inclusion in a *Registered Testing Pool* shall provide accurate, current whereabouts information. The FIA, the ASNs and the *National Anti-Doping Organisations* shall coordinate the identification of *Athletes* and the collecting of current whereabouts information and shall submit these to WADA. This information will be accessible, through ADAMS where reasonably feasible, to other *Anti-Doping Organisations* having jurisdiction to test the *Athlete* as stipulated in Article 15. This information shall be maintained in strict confidence at all times in conformity with the *International Standard for the Protection of Privacy and Personal Information*. It shall be used exclusively for purposes of planning, coordinating or conducting *Testing*; and shall be destroyed after it is no longer relevant for these purposes.

### 14.4 Statistical Reporting

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

### 14.5 Doping Control Information Clearinghouse

WADA shall act as a central clearinghouse for *Doping Control Testing* data and results for international-level *Athletes* and national-level *Athletes* who have been included in their *National Anti-Doping Organisation's Registered Testing Pool*. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organisations*, the FIA and the ASNs shall report all *In-Competition* and *Out-of-Competition* tests on such *Athletes* to the WADA clearinghouse as soon as possible after such tests have been conducted. This information will be made accessible to the *Athlete*, the ASN that issued the licence to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and the FIA.

To enable it to serve as a clearinghouse for *Doping Control Testing* data, WADA has developed a database management tool, ADAMS, that reflects emerging data privacy principles. Private information regarding an *Athlete*, *Athlete Support Personnel*, or others involved in anti-doping activities shall be maintained by WADA, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the *International Standard for the protection of privacy*.

### 14.6 Data Privacy

When performing obligations in pursuance of the Regulations, the FIA or the ASNs may collect, store, process or disclose personal information relating to *Athletes* and third parties. The FIA and the ASNs shall ensure that they comply with applicable data protection and privacy laws with respect to their handling of such information, as well as the *International Standard for the protection of privacy and personal information* and ensure that *Athletes* and non-athletes are fully informed of and, where necessary, agree to the handling of their personal information in connection with anti-doping activities arising under the *Code and the Regulations*.

## **ARTICLE 15 MUTUAL RECOGNITION**

- 15.1** Subject to the right to appeal provided in Article 13, *Testing*, TUEs (with the exception of the *TUE* issued by the *National Anti-Doping Organisations* as stipulated in Article 4.5.4.c) and hearing results or other final adjudications of any *ASN* or any *Signatory* which are consistent with the *Code* and are within the *ASN's* or *Signatory's* authority, shall be recognised and respected by the FIA and all *ASNs*.
- 15.2** The FIA and the *ASNs* shall recognise the same actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.
- 15.3** Subject to the right to appeal provided in Article 13, any decision of the FIA regarding a violation of the Regulations shall be recognised by all *ASNs*, which shall take all necessary action to render such decision effective.

## **ARTICLE 16 INCORPORATION OF THE FIA ANTI-DOPING RULES BY THE ASNs**

All *ASNs* shall comply with the Regulations. The Regulations shall also be incorporated either directly or by reference into each *ASN's* Rules. All *ASNs* shall include in their regulations the procedural rules necessary to effectively implement the Regulations.

## **ARTICLE 17 STATUTE OF LIMITATIONS**

No action may be commenced against an *Athlete* or other *Person* for an anti-doping rule violation described in the Regulations, unless such action is commenced within eight years from the date on which the violation occurred.

## **ARTICLE 18 CODE COMPLIANCE REPORT**

The FIA will report to *WADA* on its compliance with the *Code* every second year and shall explain reasons for any noncompliance.

## **ARTICLE 19 AMENDMENT AND INTERPRETATION OF THE REGULATIONS**

- 19.1** The Regulations may be amended from time to time by the FIA.
- 19.2** The Regulations are published in French and in English. In case of a difference of interpretation between the two texts, the French text takes precedence.
- 19.3** The Regulations shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes, except as provided in Article 19.6.
- 19.4** The headings used for the various Parts and Articles of the Regulations are for convenience only and shall not be deemed part of the substance of the Regulations or to affect in any way the language of the provisions to which they refer.

- 19.5** SUPPLEMENT A – Definitions; SUPPLEMENT B – Rules of Procedures for a FIA Anti-Doping Disciplinary Committee (*ADC*); SUPPLEMENT C – Recognition and Acceptance Form and the *INTERNATIONAL STANDARDS* issued by *WADA* shall be considered as integral parts of the Regulations.
- 19.6** The Regulations 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*.
- 19.7** The Regulations have come into full force and effect on 1 January 2011 (the “Effective Date”). They shall not apply retrospectively to matters pending before the Effective Date; provided, however, that:
- 19.7.1** With respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case arising before the Effective Date, but which is pursued afterwards, the case shall be governed by the anti-doping rules 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.
- 19.7.2** Any Article 2.4 (Violation of applicable requirements regarding *Athlete* availability for *Out-of-Competition* Testing) declared by the FIA under rules in force prior to the Effective Date that has not expired prior to the Effective Date and that would qualify as a whereabouts violation under Article 11 of the *International Standard* for *Testing* shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standards* for *Testing*.
- 19.7.3** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organisation* responsible for results management of the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the Regulations. To be valid, such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. The Regulations shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.
- 19.7.4** Subject always to Article 10.7.5, anti-doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior offences for purposes of determining sanctions under Article 10.7. Where such pre-Effective Date anti-doping rule violation involved a substance that would be treated as a Specified Substance under the Regulations, for which a period of *Ineligibility* of less than two years was imposed, such violation shall be considered a Reduced Sanction violation for purposes of Article 10.7.1.

## **ARTICLE 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF THE *ATHLETE* AND THE *ATHLETE SUPPORT PERSONNEL***

### **20.1 Roles and Responsibilities of the *Athlete*:**

**20.1.1** To be knowledgeable of and comply with the Regulations.

**20.1.2** To be available for *Sample* collection.

**20.1.3** To take responsibility, in the context of anti-doping, for what he ingests and uses.

**20.1.4** To inform medical personnel of his obligation not to *Use Prohibited Substances and Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate the Regulations.

### **20.2 Roles and Responsibilities of *Athlete Support Personnel***

**20.2.1** To be knowledgeable of and comply with the Regulations.

**20.2.2** To help enforce the Regulations, in particular within the context of any *Testing* procedure on the *Athlete*.

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

## **ARTICLE 21 EDUCATION AND PREVENTION**

The FIA and the ASNs will see to the planning and implementation of the information and education programmes, and to their follow-up. The programmes shall provide *Participants* with updated and accurate information on at least the following issues:

- Substances and methods on the Prohibited List
- Anti-doping rule violations
- Consequences of doping, including sanctions, and health and social consequences
- Doping Control procedures
- *Athletes'* and *Athlete Support Personnel's* rights and responsibilities
- Therapeutic use exemptions
- Managing the risks of nutritional supplements
- Threat of doping to the spirit of sport.

The programmes shall promote the spirit of sport in order to establish an anti-doping environment that is strongly conducive to doping-free sport and will have a positive and long-term influence on the choices made by *Athletes* and non-*Athletes*.

In addition, each application form for an FIA licence shall be appended to the Recognition and Acceptance Form appended to the Regulations (Supplement C), in the form currently approved by the FIA World Motor Sport Council.

## SUPPLEMENT A

### DEFINITIONS

(in alphabetical order)

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.*

ADC: FIA Anti-Doping Disciplinary Committee, whose rules of procedures are stipulated in Supplement B.

Adverse Analytical Finding: *A report from a laboratory or other WADA-approved Testing entity 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.*

Anti-Doping Organisation: *An entity that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the FIA, the ASNs, the National Anti-Doping Organisations, WADA and the Major Event Organisations that conduct Testing at their Events.*

ASN: *A national automobile club or other national body recognised by the FIA as sole holder of sporting power in a country (as stipulated in Article 10 of the FIA International Sporting Code).*

Athlete: *Any driver or passenger (including navigator and co-driver), as defined in Articles 45 and 46 of the FIA International Sporting Code.*

Athlete Support Personnel: *Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting an Athlete participating in or preparing for 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 there shall be no anti-doping rule violation based solely on an Attempt to commit a violation if the Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.*

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

CAS: *The Court of Arbitration for Sport.*

Code: *The World Anti-Doping Code.*

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

**Consequences of Anti-Doping Rule Violations**: An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following:

- (a) **Disqualification** means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any trophies, medals, points and prizes;
- (b) **Ineligibility** means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.10; and
- (c) **Provisional Suspension** means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

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

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

**Event**: A series of individual *Competitions* conducted together under one ruling body.

**Event Period**: The time between the beginning and end of an *Event*, as established by the body under which the *Event* is taking place.

**In-Competition**: It means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

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

**Individual Sport**: Any discipline of Motor Sport that is not a *Team Sport*.

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

**International event**: An *Event* entered on the International Sporting Calendar of the FIA.

**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 International Olympic Committee, the International Paralympic Committee and the continental associations of *National Olympic Committees* serving as the body responsible for any continental, regional or other *International Event*.

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

Metabolite: Any substance produced by a biotransformation process.

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

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

Where reference is made to the *National Anti-Doping Organisation* of the *Athlete*, this means the *National Anti-Doping Organisation* of the country of the *ASN* which issued the licence to the *Athlete*.

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

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

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

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

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

Out-of-Competition: This concerns any *Doping Control* which is not *In-Competition*.

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

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 over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or over the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. 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*. The purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

**Prohibited List:** The List published by WADA identifying the *Prohibited Substances* and *Prohibited Methods* (available on the WADA website [www.wada-ama.org](http://www.wada-ama.org)).

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

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

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

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

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

**Registered Testing Pool:** The pool of top level *Athletes* established separately by the FIA and each *National Anti-Doping Organisation* that are subject to both *In-Competition* and *Out-of-Competition Testing* as part of the control plan of the FIA or the *National Anti-Doping Organisation* in question.

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

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

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

**Substantial Assistance:** For purposes of Article 10.5.3, a *Person* providing *Substantial Assistance* must:

- (1) fully disclose in a signed written statement all information he 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 a 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 a result for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring; or providing fraudulent information to an *Anti-Doping Organisation*.

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

*Team Sport*: A discipline of Motor Sport in which a crew (driver and passenger) competes with other crews or which authorises the replacement or relaying of *Athletes* during a *Competition*.

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

*Trafficking*: Selling, giving, transporting, sending, delivering or distributing a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Personnel* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include:

- the actions of bona fide medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification;
- the actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes.

*TUE*: Therapeutic Use Exemption, as defined in Article 4.5.

*TUEC*: Therapeutic Use Exemption Committee, as defined in Article 4.5.

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

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

*WADA*: The World Anti-Doping Agency.

## SUPPLEMENT B

### RULES OF PROCEDURE FOR AN FIA ANTI-DOPING DISCIPLINARY COMMITTEE

#### B.1

A disciplinary body known as the FIA Anti-Doping Disciplinary Committee (hereinafter “ADC”) has been set up, which is invested with disciplinary power in the first instance over *Athletes* and other *Persons* subject to the provisions of the FIA Anti-Doping Regulations (hereinafter “the Regulations”), who are suspected of having infringed the Regulations. In order to decide the cases submitted to it, the ADC shall apply the provisions of the Regulations and the Rules of Procedure below.

In case of any divergence of opinion on their interpretation, only the French text of the Regulations will be considered authentic.

#### B.2

The ADC comprises seven Members appointed each year by the World Motor Sport Council, including a legally qualified Chairman and six other Members nominated from among the Members of the Medical Commission by virtue of their competence in the field of medicine and/or law. The members thus appointed and the President of the ADC may be re-appointed by the World Motor Sport Council year after year.

The Secretariat of the Medical Commission shall issue the summonses for each hearing. The decisions shall be reached by majority vote.

Should a Member withdraw from the case or definitively relinquish his appointment on the Commission, a replacement shall be appointed by the FIA World Motor Sport Council, under the same conditions as his predecessor, for the remaining duration of the mandate.

#### B.3

The deliberations of the ADC are valid only if at least the Chairman and two of its Members are present.

The Members of the ADC shall not participate in the deliberations if they have an interest in the case.

The Members of the ADC shall be obliged to maintain professional secrecy with regard to any facts, acts and information of which they have become aware through the execution of their duties. Any violation of this provision shall result in the immediate exclusion of the Member by the World Motor Sport Council.

Except for the possible presence of representatives of WADA and the ASN that issued the licence to the *Athlete* or other *Person*, the arguments before the ADC shall not be made in public, unless a request to the contrary has been filed by the *Athlete* or other *Person* or by his Defence Counsel before the opening of the session.

#### B.4

The representative of the Medical Commission shall be tasked with conducting the inquiry at each hearing (hereinafter “Investigator”). He must obtain from the competent officials, the written report of the anti-doping control, as completed by Doping Control Officer, that states the conditions under which the samples were taken and the tests were carried out; he must also obtain the written report of the result of the analysis that was established in conformity with the Regulations, as well as all other elements pertinent to the investigation of the case.

The Investigator shall be bound by an obligation of confidentiality with regard to any facts, acts and information of which he becomes aware through the execution of his duties.

#### **B.5**

Where a violation of the Regulations is confirmed, the Investigator may not dismiss a case himself, even if therapeutic justifications are pleaded by the *Athlete* or other *Person*. In all circumstances, the *ADC* shall remain the competent body. It is the duty of the *ADC* to reach a decision in each case submitted, including the possible dismissal of the case.

#### **B.6**

The Investigator informs the *Athlete* or other *Person* and, as the case may be, his legal representatives, that disciplinary proceedings have been instigated against him by sending him a document specifying the complaints filed, in the form of a registered letter with a request for proof of receipt, or by any other means, such as delivery by hand against a chit providing proof of its receipt by the addressee.

The Investigator also informs the *ASN* that issued the licence to the *Athlete* or other *Person*, the *National Anti-Doping Organisation* of the *Athlete* or other *Person* and *WADA*.

#### **B.7**

The document specifying the complaints that have been filed must, should such a case arise, be accompanied by the result of the analysis and the notification to the *Athlete* of his right to request, by registered letter with a request for proof of receipt, that a second analysis be carried out in accordance with the provisions of the Regulations and at his own expense. This document shall be sent, by registered letter with a request for proof of receipt, within four days of the receipt of the registered letter provided for in the above article.

As soon as this request has been received, the Investigator shall advise the anti-doping control laboratory accordingly.

#### **B.8**

As soon as the four-day deadline established in the above article has expired, or upon receipt of the result of the second analysis confirming or rejecting the use of a prohibited substance or procedure, based on the contents of the dossier, the Investigator shall compile a report that he shall send to the members of the *ADC* within a deadline of two weeks.

#### **B.9**

The *Athlete* or other *Person*, accompanied or not, as the case may be, by his legal representatives, shall be summonsed by the Investigator by means of a registered letter with a request for proof of receipt or by a letter delivered by hand against a receipt, at least fifteen days prior to the date of the hearing before the *ADC*.

The *Athlete* or other *Person* may be assisted by one or more Defence Counsels of his own choice. Upon receipt of the summons, he shall specify if he requires the services of an interpreter for the hearing before the *ADC* and, should this be the case, the language of interpretation.

By addressing a written request to the FIA Secretariat (to the Investigator), the *Athlete* or his Defence Counsel may request copies of the A and B *Sample* laboratory documentation package which includes information as required by the *International Standard* for Laboratories.

The *Athlete* or other *Person* may request that certain persons of his choice be called to testify and he shall furnish the Investigator with a list of such names at least eight days before the

meeting of the *ADC*. The President of the *ADC* may refuse any such requests that are of an improper nature. The *Athlete* or other *Person* shall be notified of any such refusal within forty-eight hours of the receipt of his request.

#### **B.10**

During the hearing, the Investigator shall present his report orally.

The President of the *ADC* may call upon any person to testify at the hearing, if he regards such testimony to be useful. Should it be decided to hear such a witness, the President shall inform the *Athlete* or other *Person* in writing, ahead of the meeting, at least forty-eight hours before the hearing begins.

After this, the *Athlete* or other *Person* and, as the case may be, any person whose presence he may have solicited, shall be invited to present the case for the defence. In all cases, the *Athlete* or other *Person*, his representative or his Defence Counsel shall retain the right to make the closing argument.

#### **B.11**

The *ADC* shall conduct its deliberations in camera, without the presence of the *Athlete* or other *Person*, his Defence Counsel, any people having been called to testify, possible representatives of *WADA* and the *ASN* that issued the licence to the respondent or the Investigator. Its decision shall be reasoned.

The decision shall be signed by the President of the *ADC*.

The decision is immediately notified to the *Athlete* or other *Person* by registered letter, with a request for proof of receipt, or in a letter delivered by hand to the *Athlete* or other *Person* against a receipt. The notification shall state the procedure and the deadline for an appeal.

The decision shall also then be notified by registered letter, with a request for proof of receipt, to the *ASN* that issued the licence to the *Athlete* or other *Person*, his *National Anti-Doping Organisation* and *WADA*.

#### **B.12**

Generally, the *ADC* shall reach its decision within a maximum of three months of the receipt, by the *FIA Secretariat*, of the results of the initial anti-doping control, or, as the case may be, the results of the second analysis requested by the *Athlete*.

Should the *ADC* fail to reach a decision before the expiry of the statutory deadline, it shall be divested of the case and the entire dossier shall be forwarded to the disciplinary appeals body, the *CAS*, Switzerland, which must then definitively decide the case in accordance with the Code of sports-related arbitration.

#### **B.13**

Each decision taken by the *ADC* can be the subject of an appeal exclusively brought before the *CAS*, either by the *Athlete* or other *Person*, whom the *ASN* that issued his licence is obliged to help, or by the *FIA*. The procedure that applies before the *CAS* is the Code of sports-related arbitration.

The time limit for appeal is twenty-one days after receipt of the decision concerning the appeal. All parties filing an appeal with the *CAS* shall act with due diligence in accordance with the provisions applicable before such court.

**SUPPLEMENT C**  
**RECOGNITION AND ACCEPTANCE FORM**

I, as a licence holder of [name of the *ASN*] and/or a *participant* in a [name of the *ASN* or the FIA] authorised or recognised event, hereby declare as follows:

1. I confirm that I shall comply with and be bound by all of the provisions of the FIA Anti-Doping Regulations, including but not limited to, all amendments to the Anti-Doping Regulations and all *International Standards* as issued by the World Anti-Doping Agency and permanently published on its website.
2. I acknowledge that the *ASNs*, the FIA and the *National Anti-Doping Organisations* have jurisdiction to impose sanctions as provided in the FIA Anti-Doping Regulations.
3. I have read and understood the present declaration.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name (Last Name, First Name)

\_\_\_\_\_  
Date of Birth  
(Day/Month/Year)

\_\_\_\_\_  
Signature (or, if a minor, signature of  
legal guardian)

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**SUPPLEMENT D**  
**WADA INTERNATIONAL STANDARDS**

The following *WADA International Standards* are available on the *WADA* website ([www.wada-ama.org](http://www.wada-ama.org)):

- the ***Prohibited List***;
- the ***International Standard for Therapeutic Use Exemptions***;
- the ***International Standard for Testing***;
- the ***International Standard for the Protection of Privacy and Personal Information***;
- the ***International Standard for Laboratories***.