

5 ANTI-DOPING RULES

INTRODUCTION

Preface

At the ITTF Board of Directors meeting held on 2 May 2014 in Tokyo ITTF accepted the revised (2015) World Anti-Doping Code (the "Code") to be implemented with effect from 1 January 2015. These Anti-Doping Rules are adopted and implemented in accordance with ITTF's responsibilities under the Code, and are in furtherance of ITTF's continuing efforts to eradicate doping in the sport of Table Tennis.

These Anti-Doping Rules are sport rules governing the conditions under which sport is played. Aimed at enforcing anti-doping principles in a global and harmonised manner, they are distinct in nature from criminal and civil proceedings and are not intended to be subject to, or limited by any national requirements and legal standards applicable to such proceedings. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of these anti-doping rules implementing the Code and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect fair sport.

Fundamental Rationale for the Code and ITTF's Anti-Doping Rules

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport". It is the essence of Olympism; the pursuit of human excellence through the dedicated perfection of each person's natural talents; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in values we find in and through sport, including:

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

Doping is fundamentally contrary to the spirit of sport.

Scope

These Anti-Doping Rules shall apply to ITTF, each *National Association* of ITTF and to *Athletes, Athlete Support Personnel* and other *Persons* in the activities of ITTF or any of its *National Associations* by virtue of the *Participant's* membership, accreditation, or participation in ITTF, its *National Associations*, or their activities or *Events*. Such *Persons*, who are deemed to have accepted and to be bound by these Anti-Doping Rules (and to have submitted to the authority of ITTF to enforce these Anti-Doping Rules and to the jurisdiction of the hearing panels specified in Article 5.8 and Article 5.13 to hear and determine cases and appeals brought under these Anti-Doping Rules) as a condition of their membership, accreditation and/or participation in the sport:

- a. all *Athletes* and *Athlete Support Personnel* who are members of ITTF, or of any *National Association*, or of any member or affiliate organisation of any *National Association* (including any clubs, teams, associations or leagues);
- b. all *Athletes* and *Athlete Support Personnel* participating in such capacity in *Events, Competitions* and other activities organised, convened, authorised or recognised by ITTF, or any *National Association*, or any member or affiliate organisation of any *National Association* (including any clubs, teams, associations or leagues), wherever held;
- c. any other *Athlete* or *Athlete Support Personnel* or other *Person* who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of ITTF, or of any *National Association*, or of any member or affiliate organisation of any *National Association* (including any clubs, teams, associations or leagues), for purposes of anti-doping; and
- d. *Athletes* who are not regular members of ITTF or of one of its *National Associations* but who want to be eligible to compete in a particular *International Event*. ITTF may include such *Athletes* in its *Registered Testing Pool* so that they are required to provide information about their whereabouts for purposes of *Testing* under these Anti-Doping Rules for at least three months prior to the *International Event* in question.

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

These Anti-Doping Rules shall apply to all *Doping Control* over which ITTF and its *National Associations* have jurisdiction.

Within the overall pool of *Athletes* set out above who are bound by and required to comply with these Anti-Doping Rules, the following *Athletes* shall be considered to be *International-Level*

Athletes for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to *International-Level Athletes* (as regards *Testing* but also as regards *TUEs*, whereabouts information, results management, and appeals) shall apply to such *Athletes*:

The first 250 Men and 200 Women in the General List of ITTF World Ranking, available on http://www.ittf.com/ittf_ranking/, and,

The following *Athletes* in the Para Table Tennis rating, available on <http://www.ipttc.org/rating/>:

	Men	Women
Class 1-5 (Sitting)	Top 80	Top 30
Class 6-10 (Standing)	Top 90	Top 30
Class 11 (Mentally impaired)	Top 15	Top 10

5.1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 5.2.1 through Article 5.2.10 of these Anti-Doping Rules.

5.2 ANTI-DOPING RULE VIOLATIONS

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

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:

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

5.2.1.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping violation under Article 5.2.1.

[Comment to Article 5.2.1.1: An anti-doping rule violation is committed under this Article without regard to an *Athlete's Fault*. This rule has been referred to in various CAS decisions as "Strict Liability". An *Athlete's Fault* is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 5.10. This principle has consistently been upheld by CAS.]

5.2.1.2 Sufficient proof of an anti-doping rule violation under Article 5.2.1 is established by either of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analysed; or, where the *Athlete's B Sample* is analysed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or, where the *Athlete's B Sample* is split into two bottles and the analysis of the second bottle confirms the *Presence* of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

[Comment to Article 5.2.1.2: The Anti-Doping Organisation with results management responsibility may in its discretion choose to have the *B Sample* analysed even if the *Athlete* does not request the analysis of the *B Sample*.]

5.2.1.3 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.

5.2.1.4 As an exception to the general rule of Article 5.2.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

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

[Comment to Article 5.2.2: It has always been the case that Use or Attempted Use of a *Prohibited Substance* or *Prohibited Method* may be established by any reliable means. As noted in the Comment to Article 5.3.2, unlike the proof required to establish an anti-doping rule violation under Article 5.2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the *Athlete*, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a *Prohibited Substance* under Article 5.2.1. For example, Use may be established based upon reliable analytical data from the analysis of an *A Sample* (without confirmation from an analysis of a *B Sample*) or from the analysis of a *B Sample* alone where the Anti-Doping Organisation provides a satisfactory explanation for the lack of confirmation in the other *Sample*.]

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

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

[Comment to Article 5.2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 5.2.1 and violations of Article 5.2.2 in respect of Use of a Prohibited Substance or Prohibited Method.]

An Athlete's "Use" of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition will be a violation of Article 5.2.1 (Presence of a Prohibited Substance or its Metabolites or Markers) regardless of when that substance might have been administered.)]

5.2.3 Evading, Refusing or Failing to submit to Sample Collection

Evading Sample collection, or without compelling justification refusing or failing to submit to Sample collection after notification as authorised in these Anti-Doping Rules or other applicable anti-doping rules.

[Comment to Article 5.2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]

5.2.4 Whereabouts Failures

Any combination of three Missed Tests and/or Filing Failures as defined in the *International Standard for Testing and Investigations* committed within a twelve-month period, by an Athlete, in a *Registered Testing Pool*.

5.2.5 Tampering or Attempted Tampering with any part of Doping Control

Conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, intentionally interfering or attempting to interfere with a *Doping Control* official, providing fraudulent information to the *Anti-Doping Organisation* or intimidating or attempting to intimidate a potential witness.

[Comment to Article 5.2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organisations.]

5.2.6 Possession of a Prohibited Substance or a Prohibited Method

5.2.6.1 *Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a*

therapeutic use exemption (“TUE”) granted in accordance with Article 5.4.4 or other acceptable justification.

5.2.6.2 *Possession by Athlete Support Personnel In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Personnel Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition, in connection with an Athlete, Competition or training, unless the Athlete Support Personnel establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 5.4.4 or other acceptable justification.*

[Comment to Article 5.2.6.1 and 5.2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician’s prescription, e.g., buying Insulin for a diabetic child.]

[Comment to Article 5.2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]

5.2.7 **Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method**

5.2.8 **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.**

5.2.9 **Complicity**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 5.10.12.1 by another *Person*.

5.2.10 **Prohibited Association**

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

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

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

or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

5.2.10.3 is serving as a front or intermediary for an individual described in Article 5.2.10.1 or 5.2.10.2.

In order for this provision to apply, it is necessary (a) that the *Athlete* or other *Person* has previously been advised in writing by an *Anti-Doping Organisation* with jurisdiction over the *Athlete* or other *Person*, or by *WADA*, of the *Athlete Support Personnel's* disqualifying status and the potential *Consequence* of prohibited association; and (b) that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organisation* shall also use reasonable efforts to advise the *Athlete Support Personnel* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Personnel* may, within 15 days, come forward to the *Anti-Doping Organisation* to explain that the criteria described in Articles 5.2.10.1 and 5.2.10.2 do not apply to him or her. (Notwithstanding Article 5.17, this Article applies even when the *Athlete Support Personnel's* disqualifying conduct occurred prior to the effective date provided in Article 5.20.7.)

The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in Articles 5.2.10.1 or 5.2.10.2 is not in a professional or sport-related capacity.

Anti-Doping Organisations that are aware of *Athlete Support Personnel* who meet the criteria described in Articles 5.2.10.1, 5.2.10.2, or 5.2.10.3 shall submit that information to *WADA*.

[Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Personnel to serve as an agent or representative. Prohibited association need not involve any form of compensation.]

5.3 PROOF OF DOPING

5.3.1 Burdens and Standards of Proof

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

[Comment to Article 5.3.1: This standard of proof required to be met by ITTF is comparable to the standard which is applied in most countries to cases involving professional misconduct.]

5.3.2 Methods of Establishing Facts and Presumptions

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

[Comment to Article 5.3.2: For example, ITTF may establish an anti-doping rule violation under Article 5.2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 5.2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples.]

5.3.2.1 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear *amicus curiae*, or otherwise provide evidence in such proceeding.

5.3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for Laboratories. The *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 ITTF shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

[Comment to Article 5.3.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to ITTF to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

5.3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or

results. If the *Athlete* or other *Person* establishes that a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then ITTF shall have the burden to establish that such a departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

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

5.3.2.5 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 from the hearing panel or ITTF.

5.4 THE PROHIBITED LIST

5.4.1 Incorporation of the *Prohibited List*

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

[Comment to Article 5.4.1: The current Prohibited List is available on WADA's website at www.wada-ama.org.]

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

5.4.2.1 *Prohibited Substances and Prohibited Methods*

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication of the *Prohibited List* by WADA without requiring any further action by ITTF. All *Participants* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Participants* to familiarise themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

5.4.2.2 Specified Substances

For purposes of the application of Article 5.10, all *Prohibited Substances* shall be “Specified Substances” except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.

[Comment to Article 5.4.2.2: *Specified Substances* identified in Article 5.4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an *Athlete* for a purpose other than the enhancement of sport performance.]

5.4.3 WADA’s Determination of the *Prohibited List*

WADA’s determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List* and the classification of a substance as prohibited at all times or *In-Competition* only is final and shall not be subject to challenge by 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.

5.4.4 Therapeutic Use

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

5.4.4.2 If an *International-Level Athlete* is using a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons:

5.4.4.2.1 Where the *Athlete* already has a *TUE* granted by his or her *National Anti-Doping Organisation* for the substance or method in question, then that *TUE* is not automatically valid for international-level *Competition*. However, the *Athlete* may apply to ITTF to recognise that *TUE*, in accordance with Article 7 of the *International Standard* for Therapeutic Use Exemptions. If that *TUE* meets the criteria set out in the *International Standard* for Therapeutic Use Exemptions, then ITTF shall recognise it for purposes of international-level *Competition* as well. If ITTF considers that the *TUE* does not meet those criteria and so refuses to recognise it, ITTF shall notify the *Athlete* and his or her *National Anti-Doping Organisation* promptly, with reasons. The *Athlete* and the *National Anti-Doping Organisation* shall have 21 days from such notification to refer the matter to WADA for review in accordance with Article 5.4.4.6. If the matter is referred to WADA for review, the *TUE* granted by the *National Anti-Doping Organisation* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for

international-level *Competition*) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.

[Comment to Article 5.4.4.2.1: Further to Articles 5.5.6 and 5.7.1(a) of the International Standard for Therapeutic Use Exemptions, ITTF may publish a notice on its website http://www.ittf.com/_front_page/ittf4.asp?category=anti_doping that it will automatically recognise TUE decisions (or categories of such decisions, e.g. as to particular substances or methods) made by National Anti-Doping Organisations. If an Athlete's TUE falls into a category of automatically recognised TUEs, then he or she does not need to apply to ITTF for recognition of that TUE.

If ITTF refuses to recognise a TUE granted by a National Anti-Doping Organisation only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to ITTF.]

5.4.4.2.2 If the Athlete does not already have a TUE granted by his or her National Anti-Doping Organisation for the substance or method in question, the Athlete must apply directly to ITTF for a TUE in accordance with the process set out in the *International Standard for Therapeutic Use Exemptions* using the form posted on http://www.ittf.com/_front_page/ittf4.asp?category=anti_doping If ITTF denies the Athlete's application, it must notify the Athlete promptly, with reasons. If ITTF grants the Athlete's application, it shall notify not only the Athlete but also his or her National Anti-Doping Organisation. If the National Anti-Doping Organisation considers that the TUE does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has 21 days from such notification to refer the matter to WADA for review in accordance with Article 5.4.4.6. If the National Anti-Doping Organisation refers the matter to WADA for review in accordance with Article 5.4.4.6, the TUE granted by ITTF remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending WADA's decision. If the National Anti-Doping Organisation does not refer the matter to WADA for review, the TUE granted by ITTF becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

[Comment to Article 5.4.4.2: ITTF may agree with a National Anti-Doping Organisation that the National Anti-Doping Organisation will consider TUE applications on behalf of ITTF.]

5.4.4.3 If ITTF chooses to test an Athlete who is not an *International-Level Athlete*, ITTF shall recognise a TUE granted to that Athlete by his or her National Anti-Doping Organisation. If ITTF chooses to test an Athlete who is not an *International-Level* or a *National-Level Athlete*, ITTF shall permit that Athlete to apply for a retroactive TUE for any *Prohibited Substance* or *Prohibited Method* he or she is using for therapeutic reasons.

5.4.4.4 An application to ITTF to grant or recognise a TUE must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where

Article 4.3 of the *International Standard for Therapeutic Use Exemptions* applies) at least 30 days before the *Athlete's* next *Competition*. The ITTF Executive Committee shall appoint a panel to consider applications to grant or recognise a *TUE* (the "TUE Committee"). The TUE Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of *International Standard for Therapeutic Use Exemptions* and the specific protocols posted on the ITTF website. Its decision shall be the final decision of ITTF and shall be reported to WADA and other relevant *Anti-Doping Organisations*, including the *Athlete's National Anti-Doping Organisation*, through ADAMS, in accordance with the *International Standard for Therapeutic Use Exemptions*.

[Comment to Article 5.4.4.4: The submission of false or misleadingly incomplete information in support of a *TUE* application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another *Anti-Doping Organisation* for such a *TUE*) may result in a charge of Tampering or Attempted Tampering under Article 2.5.

An Athlete should not assume that his or her application to grant or recognise a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.]

5.4.4.5 Expiry, Cancellation, Withdrawal or Reversal of a TUE

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

5.4.4.5.2 In such event, the *Athlete* shall not be subject to any *Consequences* based on his or her *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, cancellation, withdrawal or reversal of the *TUE*. The review pursuant to Article 5.7.2 of any subsequent *Adverse Analytical Finding* shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

5.4.4.6 Reviews and Appeals of TUE Decisions

5.4.4.6.1 WADA shall review any decision by ITTF not to recognise a *TUE* granted by the *National Anti-Doping Organisation* that is referred to WADA by the *Athlete* or the *Athlete's National Anti-Doping Organisation*. In addition, WADA shall review any decision by ITTF to grant a *TUE* that is referred to WADA by the *Athlete's National Anti-Doping Organisation*. WADA may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision

being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

- 5.4.4.6.2 Any TUE decision by ITTF (or by a *National Anti-Doping Organisation* where it has agreed to consider the application on behalf of ITTF) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organisation* exclusively to CAS, in accordance with Article 13.

[Comment to Article 5.4.4.6.2: In such cases, the decision being appealed is ITTF's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the deadline to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]

- 5.4.4.6.3 A decision by WADA to reverse a TUE decision may be appealed by the *Athlete*, the *National Anti-Doping Organisation* and/or ITTF exclusively to CAS, in accordance with Article 5.13.

- 5.4.4.6.4 A failure to take action within a reasonable time on a properly submitted application for granting/recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.

5.5 TESTING AND INVESTIGATION

5.5.1 Purpose of Testing and Investigations

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

- 5.5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete's* compliance (or non-compliance) with the strict Code prohibition on the presence/Use of a *Prohibited Substance* or *Prohibited Method*. Test Distribution Planning, *Testing*, post-*Testing* activity and all related activities conducted by ITTF shall be in conformity with the *International Standard for Testing and Investigations*. ITTF shall determine the number of finishing placement tests, random tests and target tests to be performed, in accordance with the criteria established by the *International Standard for Testing and Investigations*. All provisions of the *International Standard for Testing and Investigations* shall apply automatically in respect of all such *Testing*.

- 5.5.1.2 Investigations shall be undertaken:

- 5.5.1.2.1 in relation to *Atypical Findings*, *Atypical Passport Findings* and *Adverse Passport Findings*, in accordance with Articles 5.7.4 and 5.7.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 5.2.1 and/or Article 5.2.2; and
- 5.5.1.2.2 in relation to other indications of potential anti-doping rule violations, in accordance with Articles 5.7.6 and 5.7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 5.2.2 to 5.2.10.
- 5.5.1.3 ITTF may obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate Test Distribution Plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s).

5.5.2 Authority to conduct *Testing*

- 5.5.2.1 Subject to the jurisdictional limitations for *Event Testing* set out in Article ~~5.3~~ 5.5.3 of the *Code*, ITTF shall have *In-Competition* and *Out-of-Competition Testing* authority over all of the *Athletes* specified in the Introduction to these Anti-Doping Rules (under the heading "Scope").
- 5.5.2.2 ITTF may require any Athlete over whom it has *Testing* authority (including any Athlete serving a period of Ineligibility) to provide a Sample at any time and at any place.

[Comment to Article 5.5.2.2: Unless the Athlete has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, ITTF will not test an Athlete during that period unless it has serious and specific suspicions that the Athlete may be engaged in doping. A challenge to whether ITTF had sufficient suspicion for Testing in that period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

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

5.5.3 *Event Testing*

- 5.5.3.1 Except as provided in Article 5.3 of the *Code*, only a single organisation should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event*

Period. At *International Events*, the collection of *Samples* shall be initiated and directed by ITTF (or any other international organisation which is the ruling body for the *Event*).

- 5.5.3.2** If an *Anti-Doping Organisation* which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* wishes to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organisation* shall first confer with the ruling body of the *Event* to obtain permission to conduct and to coordinate such *Testing*. If the *Anti-Doping Organisation* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organisation* may ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing* in accordance with the procedures set out in the *International Standard for Testing and Investigations*. WADA shall not grant approval for such *Testing* before consulting and informing the ITTF (or any other international organisation which is the ruling body for the *Event*). WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organisation* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

5.5.4 Test Distribution Planning

Consistent with the *International Standard for Testing and Investigations*, and in coordination with other *Anti-Doping Organisations* conducting *Testing* on the same *Athletes*, ITTF shall develop and implement an effective, intelligent and proportionate Test Distribution Plan that prioritises appropriately between disciplines, categories of *Athletes*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the *International Standard for Testing and Investigations*. ITTF shall provide WADA upon request with a copy of its current Test Distribution Plan.

5.5.5 Coordination of Testing

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

5.5.6 Athlete Whereabouts Information

- 5.5.6.1** ITTF 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 Investigations*, and shall make available through ADAMS, a list which identifies those *Athletes* to be included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. ITTF shall coordinate with *National Anti-Doping Organisations* the identification of such *Athletes* and the collection of their

whereabouts information. ITTF 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. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. Each *Athlete* in the *Registered Testing Pool* shall do the following, in each case in accordance with the *International Standard for Testing and Investigations*: (a) advise ITTF of his or her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make him or herself available for Testing at such whereabouts.

5.5.6.2 For purposes of Article 5.2.4, an *Athlete's* failure to comply with the requirements of the *International Standard for Testing and Investigations* shall be deemed a *Filing Failure* or a *Missed Test* (as defined in the *International Standard for Testing and Investigations*) where the conditions set forth in the *International Standard for Testing and Investigations* for declaring a *Filing Failure* or *Missed Test* are met.

5.5.6.3 An *Athlete* in ITTF's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements of the *International Standard for Testing and Investigations* unless and until (a) the *Athlete* gives written notice to ITTF that he or she has retired or (b) until he or she no longer satisfies the criteria for inclusion in ITTF's *Registered Testing Pool*.

5.5.6.4 Whereabouts information relating to an *Athlete* shall be shared (through ADAMS) with WADA and other *Anti-Doping Organisations* having authority to test that *Athlete*, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the *Code*, and shall be destroyed in accordance with the *International Standard for the Protection of Privacy and Personal Information* once it is no longer relevant for these purposes.

5.5.7 Retired *Athletes* returning to *Competition*

5.5.7.1 An *Athlete* in ITTF's *Registered Testing Pool* who has given notice of retirement to ITTF may not resume competing in *International or National Events* until he or she has given ITTF written notice of his or her intent to resume competing and has made him/herself available for *Testing* for a period of at least six months before returning to *Competition*, including (if requested) complying with the whereabouts requirements of the *International Standard for Testing and Investigations*. WADA, in consultation with ITTF and the *Athlete's National Anti-Doping Organisation*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under Article 5.13. Any competitive results obtained in violation of this Article 5.5.7.1 shall be *Disqualified*.

5.5.7.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* shall not resume competing in *International or National Events* until the *Athlete* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to ITTF and to his or her *National Anti-Doping Organisation* of his or her intent to resume competing and has made him or herself available for *Testing* for that notice period, including (if requested) complying with whereabouts requirements of Annex I to the *International Standard for Testing and Investigations*.

5.5.7.3 An *Athlete* who is not in ITTF's *Registered Testing Pool* who has given notice of retirement to ITTF may not resume competing unless he or she notifies ITTF and his or her *National Anti-Doping Organisation* at least six months before he or she wishes to return to *Competition* and makes him or herself available for unannounced *Out-of-Competition Testing*, including (if requested) complying with the whereabouts requirements of the *International Standard for Testing and Investigations*, during the period before actual return to *Competition*.

5.5.8 Independent Observer Program

ITTF and the organising committees for ITTF's *Events* as well as the *National Association Events* shall authorise and facilitate the *Independent Observer Program* at such *Events*.

5.6 ANALYSIS OF SAMPLES

Samples shall be analysed in accordance with the following principles:

5.6.1 Use of Accredited and Approved Laboratories

For the purposes of Article 5.2.1 *Samples* shall be analysed only in laboratories accredited or otherwise approved by WADA. The choice of the WADA-accredited or approved laboratory used for the *Sample* analysis shall be determined exclusively by ITTF.

[Comment to Article 5.6.1: Violations of Article 5.2.1 may be established only by Sample analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]

5.6.2 Purpose of Analysis of Samples

5.6.2.1 *Samples* shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the *Code*; or to assist ITTF in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

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[Comment to Article 5.6.2.1: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 5.2.2 or both.]

5.6.2.2 ITTF shall ask laboratories to analyse *Samples* in conformity with Article 6.4 of the Code and Article 4.7 of the *International Standards for Testing and Investigations*.

5.6.3 Research on Samples

No *Sample* may be used for research without the *Athlete's* written consent. *Samples* used for purposes other than Article 5.6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.

5.6.4 Standards for Sample Analysis and Reporting

Laboratories shall analyse *Samples* and report results in conformity with the *International Standard for Laboratories*. To ensure effective *Testing*, the Technical Document referenced at Article 5.4.1 of the Code will establish risk assessment-based *Sample* analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyse *Samples* in conformity with those menus, except as follows:

5.6.4.1 ITTF may request that laboratories analyse its *Samples* using more extensive menus than those described in the Technical Document.

5.6.4.2 ITTF may request that laboratories analyse its *Samples* using less extensive menus than those described in the Technical Document only if it has satisfied WADA that, because of the particular circumstances of its sport, as set out in its Test Distribution Plan, less extensive analysis would be appropriate.

5.6.4.3 As provided in the *International Standard for Laboratories*, laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the *Sample* analysis menu described in the Technical Document or specified by the *Testing* authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

[Comment to Article 5.6.4: The objective of this Article is to extend the principle of “intelligent Testing” to the *Sample* analysis menu so as to detect doping most effectively and efficiently. It is recognised that the resources available to fight doping are limited and that increasing the *Sample* analysis menu may, in some sports and countries, reduce the number of *Samples* which can be analysed.]

5.6.5 Further Analysis of Samples

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes described in Article 5.6.2: (a) by WADA at any time; and/or (b) by ITTF at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by ITTF to the *Athlete* as the asserted basis of an Article 5.2.1 anti-

doping rule violation. Such further analysis of *Samples* shall conform to the requirements of the *International Standard for Laboratories* and the *International Standard for Testing and Investigations*.

5.7 RESULTS MANAGEMENT

5.7.1 Responsibility for Conducting Results Management

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

5.7.1.2 ITTF Anti-Doping Manager or his/her delegate, or, as may be requested by ITTF, an ad-hoc Doping Review Panel (which may include the ITTF Anti-Doping Manager or his/her delegate) appointed by the ITTF CEO, consisting of a Chair and at least two other members with experience in anti-doping and/or investigations, shall conduct the review discussed in Articles 5.7.2, 5.7.3, 5.7.4, 5.7.5, 5.7.6 and 5.7.7 of any potential violations of these Anti-Doping Rules.

5.7.2 Review of Adverse Analytical Findings from Tests Initiated by ITTF

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

5.7.2.1 The results from all analyses must be sent to ITTF 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 *ADAMS*.

5.7.2.2 Upon receipt of an *Adverse Analytical Finding*, ITTF shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the *International Standard for Therapeutic Use Exemptions*, or (b) there is any apparent departure from the *International Standard for Testing and Investigations* or *International Standard for Laboratories* that caused the *Adverse Analytical Finding*.

5.7.2.3 If the review of an *Adverse Analytical Finding* under Article 5.7.2.2 reveals an applicable *TUE* or departure from the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Atypical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA shall be so informed.

5.7.3 Notification After Review Regarding Adverse Analytical Findings

5.7.3.1 If the review of an *Adverse Analytical Finding* under Article 5.7.2.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the *International Standard for Therapeutic Use Exemptions* or departure the *International Standard for Testing and Investigation* or the *International Standard for Laboratories* that caused the *Adverse*

Analytical Finding, ITTF shall promptly notify the *Athlete*, and simultaneously the *Athlete's National Anti-Doping Organisation* and WADA, in the manner set out in Article 5.14.1 of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete's* right promptly to request the analysis of the *B Sample* or, failing such request, that the *B Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the *B Sample* analysis if the *Athlete* or ITTF chooses to request an analysis of the *B Sample*; (e) the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis in accordance with the *International Standard for Laboratories* if such analysis is requested; 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*. If ITTF decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA.

5.7.3.2 Where requested by the *Athlete* or ITTF, arrangements shall be made to analyse the *B Sample* in accordance with the *International Standard for Laboratories*. An *Athlete* may accept the *A Sample* analytical results by waiving the requirement for *B Sample* analysis. ITTF may nonetheless elect to proceed with the *B Sample* analysis.

5.7.3.3 The *Athlete* and/or his or her representative shall be allowed to be present at the analysis of the *B Sample*. Also a representative of ITTF as well as the *Athlete's National Association* shall be allowed to be present.

5.7.3.4 If the *B Sample* analysis does not confirm the *A Sample* analysis, then (unless ITTF takes the case forward as an anti-doping rule violation under Article 5.2.2) the entire test shall be considered negative and the *Athlete*, his or her *National Anti-Doping Organisation*, and WADA shall be so informed.

5.7.3.5 If the *B Sample* analysis confirms the *A Sample* analysis, the findings shall be reported to the *Athlete*, his or her *National Anti-Doping Organisation* and to WADA.

5.7.4 Review of Atypical Findings

5.7.4.1 As provided in the *International Standard for Laboratories*, in certain circumstances laboratories are directed to report the presence of *Prohibited Substances* that may also be produced endogenously as *Atypical Findings* i.e. as findings that are subject to further investigation.

5.7.4.2 Upon receipt of an *Atypical Finding* ITTF shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the *International Standard for Therapeutic Use Exemptions*, or (b) there is any apparent departure from the *International Standard for Testing and Investigations* or *International Standard for Laboratories* that caused the *Atypical Analytical Finding*.

- 5.7.4.3** If the review of an *Atypical Finding* under Article 5.7.4.2 reveals an applicable TUE or departure from the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Atypical Finding*, the entire test shall be considered negative and the *Athlete*, his or her *National Anti-Doping Organisation*, and WADA shall be so informed.
- 5.7.4.4** If the review does not reveal an applicable TUE or departure from the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Atypical Finding*, ITTF shall conduct the required investigation or cause it to be conducted. After the investigation is completed either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding* in accordance with Article 5.7.3.1 or else the *Athlete*, the *Athlete's National Anti-Doping Organisation* and WADA shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.
- 5.7.4.5** ITTF will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:
- 5.7.4.5.1** If ITTF determines the B *Sample* should be analysed prior to the conclusion of its investigation, it may conduct the B *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 5.7.3.1 (d) to (f).
- 5.7.4.5.2** If ITTF is asked by (a) a *Major Event Organisation* shortly before one of its *International Events* or (b) a sports organisation responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list provided by the *Major Event Organisation* or sports organisation has a pending *Atypical Finding*, ITTF shall so advise the *Major Event Organisation* or sports organisation after first providing notice of the *Atypical Finding* to the *Athlete*.

5.7.5 Review of Atypical Passport Findings and Adverse Passport Findings

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

5.7.6 Review of Whereabouts Failures

- 5.7.6.1** ITTF shall review potential *Filing Failures* and *Missed Tests* as defined in the *International Standard for Testing and Investigations*, in respect of *Athletes* who file their whereabouts information with ITTF in accordance with Annex I to the

International Standard for Testing and Investigations. At such time as ITTF is satisfied that an Article 5.2.4 anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the *Athlete's National Anti-Doping Organisation and WADA*) notice that it is asserting a violation of Article 5.2.4 and the basis for that assertion.

5.7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 5.7.2–5.7.6

ITTF shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 5.7.2-5.7.6. At such time as ITTF is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* (and simultaneously the *Athlete's* or other *Person's National Anti-Doping Organisation and WADA*) notice of the anti-doping rule violation asserted and the basis of that assertion.

5.7.8 Identification of Prior Anti-Doping Rule Violations

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

5.7.9 Provisional Suspensions

5.7.9.1 Mandatory Provisional Suspensions

If analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance* or for a *Prohibited Method*, and a review in accordance with Article 5.7.2.2 does not reveal an applicable *TUE* or departure from the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Adverse Analytical Finding*, a *Provisional Suspension* shall be imposed upon or promptly after the notification described in Articles 5.7.2, 5.7.3 and 5.7.5.

5.7.9.2 Optional Provisional Suspension

In case of an *Adverse Analytical Finding* for a *Specified Substance* or a *Contaminated Product*, or in the case of any other anti-doping rule violations not covered by Article 5.7.9.1, ITTF may impose a *Provisional Suspension* on the *Athlete* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 5.7.2–5.7.7 and prior to the final hearing as described in Article 5.8.

5.7.9.3 Where a *Provisional Suspension* is imposed, pursuant to Article 5.7.9.1 or Article 5.7.9.2, the *Athlete* or other *Person* shall be given either (a) an opportunity for a

Provisional Hearing either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Article 5.8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Athlete* or other *Person* has a right to appeal from the *Provisional Suspensions* in accordance with 5.13.2.

- 5.7.9.3.1 The *Provisional Suspension* may be lifted if the *Athlete* or other *Person* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. The hearing panel's decision not to lift a *Provisional Suspension* on account of the *Athlete's* or other *Person's* assertion regarding a *Contaminated Product* shall not be appealable.
- 5.7.9.3.2 At a *Provisional Hearing*, the *Provisional Suspension* shall be imposed (or shall not be lifted) unless the *Athlete* or other *Person* establishes that: (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g. because of a patent flaw in the case against the *Athlete* or other *Person*; or (b) the *Athlete* or other *Person* has a strong arguable case that he or she bears *No Fault* or *Negligence* for the anti-doping rule violation(s) asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 5.10.4; or (c) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 5.8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.
- 5.7.9.4 If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and any subsequent *B Sample* analysis 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 5.2.1. In circumstances where the *Athlete* (or the *Athlete's* team as provided in the rules of ITTF) has been removed from a *Competition* based on a violation of Article 5.2.1 and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, then if it is still possible for the *Athlete* or team to be reinserted, without otherwise affecting the *Competition*, the *Athlete* or team may continue to take part in the *Competition*. In addition, the *Athlete* or team may thereafter take part in other *Competitions* in the same *Event*.
- 5.7.9.5 In all cases where an *Athlete* or other *Person* has been notified of an anti-doping rule violation but a *Provisional Suspension* has not been imposed on him or her, the *Athlete* or other *Person* shall be offered the opportunity to accept a *Provisional Suspension* voluntarily pending the resolution of the matter.

[Comment to Article 5.7.9: *Athletes* and other *Persons* shall receive credit for a *Provisional Suspension* against any period of *Ineligibility* which is ultimately imposed as provided in Article 5.10.11.3 and 10.11.4.]

5.7.10 Resolution Without a Hearing

5.7.10.1 An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the Consequences that are mandated by these Anti-Doping Rules or (where some discretion as to sanction exists under these Anti-Doping Rules) that have been offered by ITTF.

5.7.10.2 Alternatively, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by ITTF asserting the violation, then he or she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to sanction exists under these Anti-Doping Rules) that have been offered by ITTF.

5.7.10.3 In cases where Article 5.7.10.1 or Article 5.7.10.2 applies, a hearing before a hearing panel shall not be required. Instead ITTF shall promptly issue a written decision confirming the commission of the anti-doping rule violation and the Consequences imposed as a result, and setting out the full reasons for any period of Ineligibility imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. ITTF shall send copies of that decision to other *Anti-Doping Organisations* with a right to appeal under Article 5.13.2.3, and shall Publicly Disclose that decision in accordance with Article 5.14.3.2.

5.7.11 Notification of Results Management Decisions

In all cases where ITTF has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, or agreed with an *Athlete* or other *Person* to the imposition of a sanction without a hearing, ITTF shall give notice thereof in accordance with Article 5.14.2.1 to other *Anti-Doping Organisations* with a right to appeal under Article 5.13.2.3.

5.7.12 Retirement from Sport

If an *Athlete* or other *Person* retires while ITTF is conducting the results management process, ITTF retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun and ITTF would have had results management authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, ITTF has authority to conduct results management in respect of that anti-doping rule violation.

[Comment to Article 5.7.12 Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organisation.]

5.8 RIGHT TO A FAIR HEARING

5.8.1 Principles for a Fair Hearing

5.8.1.1 When ITTF sends a notice to an *Athlete* or other *Person* asserting an anti-doping rule violation and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 5.7.10.1 or 5.7.10.2, then the case shall be referred to the ITTF doping hearing panel for hearing and adjudication.

5.8.1.2 Hearings shall be scheduled and completed within a reasonable time. Hearings held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organisation* and the hearing panel.

[Comment to Article 5.8.1.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]

5.8.1.3 The ITTF doping hearing panel shall determine the procedure to be followed at the hearing.

5.8.1.4 WADA and the *National Association* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, ITTF shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

5.8.1.5 The ITTF doping hearing panel shall act in a fair and impartial manner towards all parties at all times.

5.8.2 Decisions

5.8.2.1 At the end of the hearing, or on a timely basis thereafter, the ITTF doping hearing panel shall issue a written decision that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential *Consequences* were not imposed.

5.8.2.2 The decision may be appealed to the CAS as provided in Article 5.13. Copies of the decision shall be provided to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Article 5.13.2.3.

5.8.2.3 If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Article 5.14.3.2; but (b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Athlete* or other *Person* who is the subject of the decision. ITTF 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. The principles contained at Article 5.14.3.6 shall be applied in cases involving a *Minor*.

5.8.3 Single Hearing Before CAS

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

[Comment to Article 5.8.3: Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organisation that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]

5.9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

[Comment to Article 5.9: In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of ITTF.]

5.10 SANCTIONS ON INDIVIDUALS

5.10.1 *Disqualification* of Results in the *Event* during which an Anti-Doping Rule Violation Occurs

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all titles, medals, computer ranking points and prizes, except as provided in Article 5.10.1.1.

[Comment to Article 5.10.1: Whereas Article 5.9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g. the individual event), this Article may lead to Disqualification of all results in all events during the Event. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the severity of the Athlete's anti-doping rule violation and whether the Athlete tested negative in the other Competitions.]

5.10.1.1 If the *Athlete* establishes that he or she bears *No Fault or Negligence* for the violation, the *Athlete's* individual results in the other *Competitions* shall not be *Disqualified* unless the *Athlete's* results in *Competitions* other than the *Competition*

in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

5.10.2 *Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods*

The period of *Ineligibility* imposed for a violation of Article 5.2.1, Article 5.2.2 or Article 5.2.6 shall be as follows subject to potential reduction of suspension of sanction pursuant to Articles 5.10.4, 5.10.5 or Article 5.10.6:

5.10.2.1 The period of *Ineligibility* shall be four (4) years where:

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

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

5.10.2.2 If Article 10.2.1 does not apply, the period of *Ineligibility* shall be two (2) years.

5.10.2.3 As used in Articles 5.10.2 and 5.10.3, the term “intentional” is meant to identify those *Athletes* who cheat. The term therefore requires that the *Athlete* or other *Person* engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not intentional if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered intentional if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

5.10.3 *Ineligibility for Other Anti-Doping Rule Violations*

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 5.10.2 shall be as follows unless Articles 5.10.5 or 5.10.6 are applicable:

5.10.3.1 For violations of Article 5.2.3 or Article 5.2.5, the *Ineligibility* period shall be four (4) years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 5.10.2.3) in which case the period of *Ineligibility* shall be two (2) years.

5.10.3.2 For violations of Article 5.2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete's* degree of *Fault*. The flexibility between two (2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes of other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

5.10.3.3 For violations of Articles 5.2.7 or 5.2.8, the period of *Ineligibility* shall be at a minimum four (4) years up to a lifetime *Ineligibility* depending on the severity of the violation. An Article 5.2.7 or 5.2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances* shall result in a lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Articles 5.2.7 or 5.2.8 which may also violate non-sport laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

[Comment to Article 5.10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organisations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

5.10.3.4 For violations of Article 5.2.9, the period of *Ineligibility* shall be a minimum of two (2) years, up to four years, depending on the seriousness of the violation.

5.10.3.5 For violations of Article 5.2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.

[Comment to Article 5.10.3.5: Where the "other Person" referenced in Article 5.2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 5.12.]

5.10.4 Elimination or Reduction of Period of *Ineligibility* where there is *No Fault or Negligence*

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

[Comment to 5.10.4: This Article and Article 5.10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred.]

They will only apply in exceptional circumstances, for example where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 5.2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the

Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 5.10.5 based on No Significant Fault or Negligence].

5.10.5 Reduction of the Period of Ineligibility based No Significant Fault or Negligence

5.10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Articles 5.2.1, 5.2.2 or 5.2.6

5.10.5.1.1 Specified Substances

Where the anti-doping rule violation involves a *Specified Substance*, and the *Athlete* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at minimum, a reprimand and no period of *Ineligibility* and at a maximum, two (2) years of *Ineligibility* depending on the *Athlete's* or other *Person's* degree of *Fault*.

5.10.5.1.2 Contaminated Products

In cases where the *Athlete* or other *Person* can establish *No Significant Fault or Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

[Comment to Article 5.10.5.1.2: In assessing that Athlete's degree of Fault, it would, for example, be favorable for the Athlete if the Athlete had declared the product which was subsequently determined to be Contaminated on his or her Doping Control form.]

5.10.5.2 Application of No Significant Fault or Negligence beyond the Application of Article 5.10.5.1

If an *Athlete* or other *Person* establishes in an individual case where Article 5.10.5.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 5.10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years.

[Comment to Article 5.10.5.2: Article 5.10.5.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (e.g., Articles 5.2.5, 5.2.7, 5.2.8 or 5.2.9) or an element of a particular sanction (e.g., Article 5.10.2.1) or a range of Ineligibility is already provided in an Article based on the Athlete or other Person's degree of Fault.]

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

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

5.10.6.1.1 ITTF may, prior to a final appellate decision under Article 5.13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it has results management authority where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in (i) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person* or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to ITTF.

After a final appellate decision under Article 5.13 or the expiration of time to appeal, ITTF may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA*. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, ITTF shall reinstate the original period of *Ineligibility*. If ITTF decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 5.13.

5.10.6.1.2 To encourage further *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of ITTF or at the request of the *Athlete* or other *Person* who has (or has been asserted to have) committed an anti-doping rule violation, *WADA* may agree at any stage of the results management process, including after a final appellate decision under Article 5.13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. *WADA*'s approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 5.13, *WADA*'s decisions in the context of this Article may not be appealed by any other *Anti-Doping Organisation*.

5.10.6.1.3 If ITTF suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organisations* with a right to appeal under Article 5.13.2.3 as provided in Article 5.14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise ITTF to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

[Comment to Article 5.10.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.]

This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorised.]

5.10.6.2 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 5.2.1, before receiving first notice of the admitted violation pursuant to Article 5.7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

[Comment to Article 5.10.6.2: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person knows he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he or she not come forward voluntarily.]

5.10.6.3 Prompt admission of an anti-doping rule violation after being confronted with a violation sanctionable under Article 5.10.2.1 or 5.10.3.1

An *Athlete* or other *Person* potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or tampering with *Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by ITTF, and also upon the approval and at the discretion of both WADA and ITTF, may receive a reduction in the period of *Ineligibility* down to a minimum of two (2) years, depending on the severity of the violation and the *Athlete* or other *Person's* degree of *Fault*.

5.10.6.4 Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Articles 5.10.4, 5.10.5 or 5.10.6

Before applying any reduction or suspension under Articles 5.10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 5.10.2, 5.10.3, 5.10.4 and 5.10.5. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Articles 5.10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

[Comment to Article 5.10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 5.10.2, 5.10.3, 5.10.4 or 5.10.5) applies to the particular anti-doping rule violation. Second step, if the basic sanction provides for a range of sanction, the hearing panel must determine the applicable sanction within that range according to the *Athlete* or other *Person's* degree of *Fault*. In a third step, the hearing panel establishes whether there is a basis for elimination or reduction of the sanction (Articles 5.10.5.1 through 5.10.5.4). Note, however, not all grounds for elimination, suspension or reduction of the sanction. Finally, the hearing panel decides on the commencement of the period of *Ineligibility* under Article 5.10.11. Several examples of how Article 5.10 is to be applied are found in Appendix 2.]

5.10.7 Multiple Violations

5.10.7.1 For an *Athlete* or other *Person's* second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

- (a) six months;
- (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 5.10.6; or
- (c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 5.10.6.

The period of *Ineligibility* established above may then be further reduced by the application of Article 5.10.6.

5.10.7.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 5.10.4 or 5.10.5 or involves a violation of Article 5.2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

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

5.10.7.4 Additional Rules for Certain Potential Multiple Violations

5.10.7.4.1 For purposes of imposing sanctions under Article 5.10.7, an anti-doping rule violation will only be considered a second violation if ITTF can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 5.7, or after ITTF made reasonable efforts to give notice, of the first anti-doping rule violation; if ITTF 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.

5.10.7.4.2 If, after the imposition of a sanction for first anti-doping rule violation, ITTF discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then ITTF shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 5.10.8.

5.10.7.5 Multiple Anti-Doping Rule Violations during a Ten-Year Period

For purposes of Article 5.10.7, each anti-doping rule violation must take place within the same ten (10) year period in order to be considered multiple violations.

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

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 5.9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting consequences including forfeiture of any medals, points and prizes.

[Comment to Article 5.10.8: Nothing in these Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

5.10.9 **Allocation of CAS Cost Awards and Forfeited Prize Money**

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

5.10.10 **Financial Consequences**

Where an *Athlete* or other *Person* commits an anti-doping rule violation, ITTF may, in its discretion and subject to the principle of proportionality, elect to (a) recover from the *Athlete* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed and/or (b) fine the *Athlete* or other *Person* in an amount up to \$500.00 US Dollars, only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

The imposition of a financial sanction or ITTF's recovery of costs shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under these Anti-Doping Rules or the *Code*.

5.10.11 Commencement of *Ineligibility*

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

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

[Comment to Article 5.10.11.1: In cases of anti-doping rule violations other than under Article 5.2.1, the time required for an Anti-Doping Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

5.10.11.2 Timely Admission

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

This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 5.10.6.3.

5.10.11.3 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

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

5.10.11.4 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from ITTF and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 5.14.1.

[Comment to Article 5.10.11.3.2: An *Athlete's* voluntary acceptance of a *Provisional Suspension* is not an admission by the *Athlete* and shall not be used in any way as to draw an adverse inference against the *Athlete*.]

5.10.11.3.5 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 or her team.

5.10.11.3.6 In *Team Sports*, where a period of *Ineligibility* is imposed upon a *Team*, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Team Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

[Comment to Article 5.10.11: 5.10.11 makes clear that delays not attributable to the *Athlete*, timely admission by the *Athlete* and *Provisional Suspension* are the only justifications for starting the period of *Ineligibility* earlier than the date of the hearing decision.]

5.10.12 Status During *Ineligibility*

5.10.12.1 Prohibition against Participation during *Ineligibility*

No *Athlete* or other *Person* (including *Athlete Support Personnel*) 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 programs) authorised or organised by ITTF or any *National Association* or a club or other member organisation of ITTF or any *National Association*, or in *Competitions* authorised or organised by any professional league or any international or national level *Event* organisation or any elite or national-level sporting activity funded by a governmental agency.

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the jurisdiction of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event* and does not involve the *Athlete* or other *Person* working in any capacity with *Minors*.

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

[Comment to Article 5.10.12.1: For example, subject to Article 5.10.12.2 below an *Ineligible Athlete* cannot participate in a training camp, exhibition or practice organised by his or her *National Association* or a club which is a member of that *National Association* or which is funded by a governmental agency. Further, an *Ineligible Athlete* may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organised by a non-Signatory *International Event* organisation or a non-Signatory national-level event organisation without triggering the Consequences set forth in Article 5.10.12.3. The term “activity” also includes, for example, administrative activities, such as serving as an official, director, officer, employee or volunteer of the organisation described in this Article. *Ineligibility* imposed in one sport will also be recognised by other sports (see Article 5.15.1).]

5.10.12.2 Return to Training

As an exception to Article 5.10.12.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of ITTF’s member organisation during the shorter of (a) the last two (2) months of the *Athlete*’s period of *Ineligibility* or (b) the last one-quarter of the period of *Ineligibility* imposed.

[Comment to Article 5.10.12.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), an *Athlete* cannot effectively train on his or her own so as to be ready to compete at the end of the *Athlete*’s period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described in Article 5.10.12.1 other than training.]

5.10.12.3 Violation of the Prohibition of Participation during *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 5.10.12.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by ITTF. This decision may be appealed under Article 5.13.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, ITTF shall impose sanctions for a violation of Article 5.2.9 for such assistance.

5.10.12.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 5.10.4 or 5.10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by ITTF and its *National Associations*.

5.10.13 Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Article 5.14.3.

[Comment to Article 5.10: Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favour of harmonisation is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organisations.]

5.11 CONSEQUENCES TO TEAMS

5.11.1 Where one member of a team (outside of *Team Sports*) has been notified of an anti-doping rule violation under Article 5.7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of all members of the team during the *Event Period*.

5.11.2 Consequences for Teams

- 5.11.2.1** An anti-doping rule violation committed by a member of a team in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained by the team in that *Competition* with all resulting consequences for the team and its members, including forfeiture of any medals, points and prizes.
- 5.11.2.2** An anti-doping rule violation committed by a member of a team occurring during or in connection with an *Event* may lead to *Disqualification* of all of the results obtained by the team in that *Event* with all consequences for the team and its members, including forfeiture of all medals, points and prizes, except as provided in Article 5.11.2.3.
- 5.11.2.3** Where an *Athlete* who is a member of a doubles pair or a team committed an anti-doping rule violation during or in connection with one *Competition* in an *Event*, if the other member(s) of the doubles pair or the team establish(es) that they bear *No Fault or Negligence* for that violation, the results of the team in any other *Competition(s)* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

5.12 SANCTIONS AND COSTS ASSESSED AGAINST SPORTING BODIES

- 5.12.1** ITTF Executive Committee has the authority to withhold some or all funding or other non financial support to *National Associations* that are not in compliance with these Anti-Doping Rules.
- 5.12.2** *National Associations* shall be obliged to reimburse ITTF for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by an *Athlete* or other *Person* affiliated with that *National Association*.
- 5.12.3** ITTF may elect to take additional disciplinary action against National Associations with respect to recognition, the eligibility of its officials and *Athletes* to participate in *International Events* and fined based on the following:
- 5.12.3.1** Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 5.2.4) are committed by *Athletes* or other *Persons* affiliated with a *National Association* within a 12-month period in testing conducted by ITTF or *Anti-Doping Organisations* other than the *National Association* or its *National Anti-Doping Organisation*. In such event ITTF may in its discretion elect to: (a) ban all officials from that *National Association* from participation in any ITTF activities for a period of up to two (2) years and/or (b) fine the *National Federation* in an amount up to US\$500.00. (For purposes of this Rule, any fine paid pursuant to Rule 5.12.3.2 shall be credited against any fine assessed.)
- 5.12.3.1.1** If four (4) or more violations of these Anti-Doping Rules (other than violations involving Articles 5.2.4) are committed in addition to the violations described in Article 5.12.3.1 by *Athletes* or other *Persons* affiliated with a *National Association*

within a 12-month period in *Testing* conducted by ITTF or *Anti-Doping Organisations* other than the *National Association* or its *National Anti-Doping Organisation*, then ITTF may suspend that *National Association's* membership for a period of up to four (4) years.

5.12.3.2 More than one *Athlete* or other *Person* from a *National Association* commits an *Anti-Doping Rule* violation during an *International Event*. In such event ITTF may fine that *National Association* in an amount up to US\$500.00.

5.12.3.3 A *National Association* has failed to make diligent efforts to keep the ITTF informed about an *Athlete's* whereabouts after receiving a request for that information from ITTF. In such event ITTF may fine the *National Association* in an amount up to US\$500.00 per *Athlete* in addition to all of ITTF's costs incurred in *Testing* that *National Association's Athletes*.

5.13 APPEALS

5.13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 5.13.2 through 5.13.7 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organisation's* rules must be exhausted provided that such review respects the principles set forth in Article 5.13.2.2 below (except as provided in Article 5.13.1.3).

5.13.1.1 Scope of Review Not Limited

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

5.13.1.2 CAS Shall Not Defer to the Findings Being Appealed

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

[Comment to Article 5.13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]

5.13.1.3 WADA Not Required to Exhaust Internal Remedies

Where *WADA* has a right to appeal under Article 5.13 and no other party has appealed a final decision within ITTF's process, *WADA* may appeal such decision directly to CAS without having to exhaust other remedies in the ITTF's process.

[Comment to Article 5.13.1.3: Where a decision has been rendered before the final stage of ITTF's process (for example, a first hearing) and no party elects to appeal that decision to the next level of ITTF's process, then WADA may bypass the remaining steps in ITTF's internal process and appeal directly to CAS.]

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six (6) months' notice requirement for a retired *Athlete* to return to *Competition* under Article 5.5.7.1; a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by ITTF not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 5.7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or for ITTF's failure to comply with Article 5.7.9; a decision that ITTF lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 5.10.6.1; a decision under Article 5.10.12.3; and a decision by ITTF not to recognise another *Anti-Doping Organisation's* decision under Article 5.15 may be appealed exclusively as provided in Articles 5.13.2 through 5.13.7.

5.13.2.1 Appeals Involving *International-Level Athletes* or *International Events*

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

[Comment to Article 5.13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]

5.13.2.2 Appeals Involving Other *Athletes* or *Persons*

In cases where Article 5.13.2.1 is not applicable, the decision may be appealed to a national-level appeal body, being an independent and impartial body established in accordance with rules adopted by the *National Anti-Doping Organisation* having jurisdiction over the *Athlete* or other *Person*. The rules for such an appeal shall respect the following principles: a timely hearing, a fair and impartial hearing panel; the right to be represented by counsel at the *Person's* own expense; and a timely, written, reasoned decision. If the *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.

5.13.2.3 *Persons* Entitled to Appeal

In cases under Article 5.13.2.1, 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) ITTF; (d) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or 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 (e) *WADA*.

In cases under Article 5.13.2.2, the parties having the right to appeal to the national-level appeal body shall be as provided in the *National Anti-Doping Organisation's* rules 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) ITTF; (d) the *National Anti-Doping Organisation* of the *Person's* country of residence; (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*. For cases under Article 5.13.2.2, *WADA*, the International Olympic Committee, the International Paralympic Committee and ITTF shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organisation* whose decision is being appealed and the information shall be provided if CAS so directs.

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

5.13.2.4 Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *Code* are specifically permitted. Any party with a right to appeal under this Article 5.13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

[Comment to Article 5.13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organisation appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]

5.13.3 Failure to Render a Timely Decision

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

[Comment to Article 5.13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for ITTF to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult ITTF and give ITTF an opportunity to explain why it has not yet rendered a decision.]

5.13.4 Appeals a relating to Therapeutic Use Exemptions

TUE decisions may be appealed as provided in Article 5.4.4 above.

5.13.5 Notification of Appeal Decisions

Any *Anti-Doping Organisation* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organisations* that would have been entitled to appeal under Article 5.13.2.3 as provided under Article 5.14.2.

5.13.6 Appeal from Decisions Pursuant to Article 5.12

Decisions by ITTF pursuant to Article 5.12 may be appealed exclusively to CAS by the *National Association*.

5.13.7 Time for Filing Appeals

5.13.7.1 Appeals to CAS

The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- (a) Within fifteen (15) days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- (b) If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

The above notwithstanding, the filing deadline for an appeal 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.

5.13.7.2 Appeals Under Article 5.13.2.2

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

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.

5.14 CONFIDENTIALITY AND REPORTING

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

5.14.1.1 Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons*

Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Articles 5.7 and 5.14 of these Anti-Doping Rules. Notice to an *Athlete* or other *Person* who is a member of a *National Association* may be accomplished by delivery of the notice to the *National Association*.

5.14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organisations* and WADA

Notice of the assertion of an anti-doping rule violation to *National Anti-Doping Organisations* and WADA shall occur as provided under Articles 5.7 and 5.14 of these Anti-Doping Rules, simultaneously with the notice to the *Athlete* or other *Person*.

5.14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation under Article 5.2.1 shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the *International Standard for Testing and Investigations*.

Notice of anti-doping rule violations other than under Article 5.2.1 shall include the rule violated and the basis of the asserted violation.

5.14.1.4 Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 5.14.1.1, *National Anti-Doping Organisations* and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 5.7, 5.8 or 5.13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

5.14.1.5 Confidentiality

The recipient organisations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Association*, and team in a *Team Sport*) until ITTF has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 5.14.3 below.

5.14.1.6 ITTF shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 5.14.3, and shall include provisions for the protection of such confidential information as well as for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information in any contract entered into between ITTF and any of its employees (whether permanent or otherwise), contractors, agents and consultants.

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

5.14.2.1 Anti-doping rule violation decisions rendered pursuant to Articles 5.7.11, 5.8.2, 5.10.4, 5.10.5, 5.10.6, 5.10.12.3 or 5.13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, ITTF shall provide a short English or French summary of the decision and the supporting reasons.

5.14.2.2 An *Anti-Doping Organisation* having a right to appeal a decision received pursuant to Article 5.14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

5.14.3 Public Disclosure

5.14.3.1 The identity of any *Athlete* or other *Person* who is asserted by ITTF to have committed an anti-doping rule violation may be *Publicly Disclosed* by ITTF only after notice has been provided to the *Athlete* or other *Person* in accordance with Articles 5.7.3 through 5.7.7, and simultaneously to WADA and the *National Anti-Doping Organisation* of the *Athlete* or other *Person* in accordance with Article 5.14.1.2.

5.14.3.2 No later than twenty (20) days after it has been determined in a final appellate decision under Articles 5.13.2.1 or 5.13.2.2, or such appeal has been waived, or a hearing in accordance with Article 5.8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, ITTF must *Publicly Report* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. ITTF must also *Publicly Report* within twenty (20) days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

5.14.3.3 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 *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. ITTF shall use reasonable efforts to obtain such consent. If consent is obtained, ITTF shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

5.14.3.4 Publication shall be accomplished at a minimum by placing the required information on ITTF's website or publishing it through other means and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

5.14.3.5 Neither ITTF, nor its *National Associations*, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.

5.14.3.6 The mandatory *Public Reporting* required in 5.14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

5.14.4 Statistical Reporting

ITTF shall publish at least annually a general statistical report of its Doping Control activities with a copy to *WADA*. ITTF may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*.

5.14.5 Doping Control Information Clearinghouse

To facilitate coordinated Test Distribution Planning and to avoid unnecessary duplication in *Testing* by the various *Anti-Doping Organisations*, ITTF shall report all *In-Competition* and *Out-of-Competition* tests on such *Athletes* to the *WADA* clearinghouse, using *ADAMS*, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and any other *Anti-Doping Organisations* with *Testing* authority over the *Athlete*.

5.14.6 Data Privacy

5.14.6.1 ITTF may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *Code*, the *International Standards* (including specifically the *International Standard for the Protection of Privacy and Personal Information*) and these Anti-Doping Rules.

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

5.15 APPLICATION AND RECOGNITION OF DECISIONS

5.15.1 Subject to the right to appeal provided in Article 5.13, the *Testing*, and hearing results or other final adjudications of any *Signatory* to the *Code* which are consistent with the *Code* and are within that *Signatory's* authority shall be applicable worldwide and shall be recognised and respected by ITTF and its *National Associations*.

[Comment to Article 5.15.1: The extent of recognition of TUE decisions of other Anti-Doping Organisations shall be determined by Article 5.4.4 and the International Standard for Therapeutic Use Exemptions.]

5.15.2 ITTF and its *National Associations* shall recognise measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

[Comment to Article 5.15.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, ITTF and its National Associations should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in these Anti-Doping Rules, then ITTF shall recognise the finding of an anti-doping rule violation and may conduct a hearing consistent with Article 5.8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]

5.15.3 Subject to the right to appeal provided in Article 5.13, any decision of ITTF regarding a violation of these Anti-Doping Rules shall be recognised by all *National Associations*, which shall take all necessary action to render such decision effective.

5.16 INCORPORATION OF ITTF ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL ASSOCIATIONS

5.16.1 All *National Associations* and their members shall comply with these Anti-Doping Rules. All *National Associations* and other members shall include in their regulations the provisions necessary to ensure that ITTF may enforce these Rules directly as against *Athletes* under their anti-doping jurisdiction (including *National-Level Athletes*). These Anti-Doping Rules shall also be incorporated either directly or by reference into each *National Association's* rules so that the *National Association* may enforce them itself directly as against *Athletes* under its anti-doping jurisdiction (including *National-Level Athletes*).

5.16.2 All *National Associations* shall establish rules requiring all *Athletes* and each *Athlete Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorised or organised by a *National Association* or one of its member organisations to agree to be bound by these Anti-Doping Rules and to submit to ITTF's results management authority under these Anti-Doping Rules as a condition of such participation.

5.16.3 All *National Associations* shall report any information suggesting or relating to an anti-doping rule violation to ITTF and to their *National Anti-Doping Organisations*, and shall cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.

5.16.4 All *National Associations* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the jurisdiction of ITTF or the *National Association*.

5.16.5 All *National Associations* shall be required to conduct anti-doping education in coordination with their *National Anti-Doping Organisations*.

5.17 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless she or she has been notified of the anti-doping rule violation as provided in Article 5.7, or notification has been reasonably attempted, within ten (10) years from the date the violation asserted to have occurred.

5.18 ITTF COMPLIANCE REPORTS TO WADA

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

5.19 EDUCATION

ITTF shall plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Article 18.2 of the *Code*, and shall support active participation by *Athletes* and *Athlete Support Personnel* in such programs.

5.20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

5.20.1 These Anti-Doping Rules may be amended from time to time by the ITTF Board of Directors but upon publication of any changes to the *WADA Code*, the Executive Committee shall amend these Rules and report such amendments to the Board of Directors for ratification.

5.20.2 These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

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

5.20.4 The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Rules and shall prevail in case of conflict.

5.20.5 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The Introduction shall be considered an integral part of these Anti-Doping Rules.

5.20.6 The comments annotating various provisions of the *Code* and these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.

5.20.7 These Anti-Doping Rules shall come into full force and effect on 1 January 2015 (the "Effective Date"). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

- 5.20.7.1** Anti-doping rule violations taking place prior to the Effective Date count as “first violations” or “second violations” for purposes of determining sanctions under Article 5.10 for violations taking place after the Effective Date.
- 5.20.7.2** The retrospective period in which prior violations can be considered for purposes of multiple violations under Article 5.10.7.5 and the statute of limitations set forth in Article 5.17 are procedural rules and should be applied retroactively; provided, however, that Article 5.17 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation that occurred prior to the Effective Date, the case shall be governed by the substantive Anti-Doping Rules in effect at the time of 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.
- 5.20.7.3 Any Article 5.2.4 whereabouts failure (whether a *Filing Failure* or a *Missed Test*, as those terms are defined in the *International Standard for Testing and Investigations* prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Testing and Investigation*, but it shall be deemed to have expired twelve (12) months after it occurred.
- 5.20.7.4** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* may apply to the *Anti-Doping Organisation* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 5.13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.
- 5.20.7.5** For purposes of assessing the period of *Ineligibility* for a second violation under Article 5.10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

5.21 INTERPRETATION OF THE CODE

- 5.21.1** The official text of the *Code* shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 5.21.2** The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.

- 5.21.3** The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.
- 5.21.4** The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.
- 5.21.5** The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "first violations" or "second violations" for purposes of determining sanctions under Article 5.10 for subsequent post-*Code* violations.
- 5.21.6** The Purpose, Scope and Organisation of the World Anti-Doping Program and the *Code* and the *Code's* APPENDIX 1, DEFINITIONS and APPENDIX 2, EXAMPLES OF THE APPLICATION OF ARTICLE 5.10, shall be considered integral parts of the *Code*.

5.22 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

5.22.1 Roles and Responsibilities of Athletes

- 5.22.1.1** To be knowledgeable of and comply with these Anti-Doping Rules.
- 5.22.1.2** To be available for *Sample* collection at all times.

[Comment to Article 5.22.1.2: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes use low doses of EPO during these hours so that it will be undetectable in the morning.]

- 5.22.1.3** To take responsibility, in the context of anti-doping, for what they ingest and *Use*.
- 5.22.1.4** To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.
- 5.22.1.5** To disclose to their *National Anti-Doping Organisation* and to ITTF any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.
- 5.22.1.6** To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.
- 5.22.1.7** Failure by any *Athlete* to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may result in a charge of misconduct under ITTF's disciplinary rules.

5.22.2 Roles and Responsibilities of *Athlete Support Personnel*

- 5.22.2.1 To be knowledgeable of and comply with these Anti-Doping Rules.
- 5.22.2.2 To cooperate with the *Athlete Testing* program.
- 5.22.2.3 To use their influence on *Athlete* values and behavior to foster anti-doping attitudes.
- 5.22.2.4 To disclose to his or her *National Anti-Doping Organisation* and to ITTF any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten (10) years.
- 5.22.2.5 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.
- 5.22.2.6 Failure by any *Athlete Support Personnel* to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may result in a charge of misconduct under ITTF's disciplinary rules.
- 5.22.2.7 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.
- 5.22.2.8 *Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Personnel* without valid justification may result in a charge of misconduct under ITTF's disciplinary rules.

APPENDIX 1 - DEFINITIONS

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

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

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved 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.

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

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

Athlete: Any Person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-Doping Organisation). An Anti-Doping Organisation has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of "Athlete." In relation to Athletes who are neither International-Level nor National-Level Athletes, an Anti-Doping Organisation may elect to: conduct limited Testing or no Testing at all; analyse Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 5.2.1, 5.2.3 or 5.2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organisation has authority who competes below the international or national level, then the Consequences set forth in the Code (except Article 5.14.3.2) must be applied. For purposes of Article 5.2.8 and for purposes of anti-doping information and education, any Person who competes in sport under the authority of any Signatory, government, or other sports organisation accepting the Code is an Athlete.

[Comment: This definition makes it clear that all International and National-Level athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organisations, respectively. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping control program beyond International or National-Level athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organisation could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 5.14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]

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

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

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

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

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

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

activity or funding as provided in Article 5.12.12; and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 5.8; (d) *Financial Consequences* means a CAS cost award or a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure or Reporting* means the disclosure of information related to anti-doping rule violations as provided in Article 5.14. *Teams* in *Team Sports* may also be subject to *Consequences* as provided in Article 5.11 of the *Code*.

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, *TUE's*, results management and hearings.

Doubles Pair: Set of two table tennis players associated to compete together according to the table tennis rules for doubles events.

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

Event Period. The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*. For ITTF, it means from the day before the first day of the *Competition*, to the last day of the *Competition*, inclusive.

Event Venues: Those venues so designated by the ruling body for the *Event*. For ITTF, it means that part of the event building used for Table Tennis and its related activities, facilities and public area (as in 3.2.4.5).

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 5.10.5.1 or 5.10.5.2.

[*Comment*: The criteria for assessing an *Athlete's* degree of *Fault* is the same under all *Articles* where *Fault* is to be considered. However, under Article 5.10.5.2, no reduction of sanction is appropriate unless, when the degree of *Fault* is assessed, the conclusion is that No Significant *Fault* or *Negligence* on the part of the *Athlete* or other *Person* was involved.]

In-Competition: “*In-Competition*” means the period commencing twelve (12) 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*.

[*Comment: An International Federation or ruling body for an Event may establish an “In-Competition” period that is different than the Event Period.*]

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

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

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

International Event: An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organisation*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*. *ITTF International Events can be downloaded on*

http://www.ittf.com/_front_page/ittf2.asp?category=calendar

International-Level Athlete. *Athletes* who participate in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing and Investigations*. For the sport of table tennis *International-Level Athletes* are defined as set out in the Introduction to these Anti-Doping Rules.

[*Comment: Consistent with the International Standard for Testing and Investigations, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g. by ranking, by participation in particular International Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation must publish a list of those International Events.*]

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

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

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

Metabolite: Any substance produced by a biotransformation process.

Minor. A natural *Person* who has not reached the age of 18 years.

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

National Association. A national or regional entity which is a member of or is recognised by ITTF as the entity governing ITTF's sport in that nation or region.

National Event. A sport *Event* or *Competition* 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 Fault or Negligence: The *Athlete* or other *Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Minor*, for any violation of Article 5.2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

No Significant Fault or Negligence: The *Athlete* or other *Person's* establishing that his or her *Fault* or *Negligence*, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Minor*, for any violation of Article 5.2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

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

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

Participant: Any *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 or intends to exercise 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 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. Provided, however, there shall be no anti-doping rule violation based solely on possession if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have possession and has renounced possession by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance or Prohibited Method* constitutes possession by the *Person* who makes the purchase.

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

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

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

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

Provisional Hearing: For purposes of Article 5.7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 5.8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

[Comment: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 5.7.9, is a full hearing on the merits conducted on an expedited time schedule.]

Provisional Suspension: See *Consequences* of anti-doping rule violations above.

Publicly Disclose or Publicly Report: See *Consequences* of anti-doping rule violations.

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

Registered Testing Pool. The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organisation* who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organisation's* test

distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the *Code* and the *International Standard for Testing and Investigations*.

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

[*Comment: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.*]

Signatories: Those entities signing the *Code* and agreeing to comply with the *Code*, as provided in Article 23 of the *Code*.

Specified Substances: See Article 5.4.2.2.

Strict Liability: The rule which provides that under Article 5.2.1 and Article 5.2.2, it is not necessary that intent, *Fault*, negligence, or knowing *Use* on the *Athlete's* part be demonstrated by the Anti-Doping Organisation in order to establish an anti-doping rule violation.

Substantial Assistance: For purposes of Article 5.10.6.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Table Tennis Team: A group of 2 or more table tennis players associated as a unit for competing according to the table tennis rules for team events.

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

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

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

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

such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

TUE: Therapeutic Use Exemption as described in Article 5.4.4.

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

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

WADA. The World Anti-Doping Agency.

APPENDIX 2 - EXAMPLES OF THE APPLICATION OF ARTICLE 5.10

EXAMPLE 1

Facts: An Adverse Analytical Finding results from the presence of an anabolic steroid in an In-Competition test (Article 5.2.1); the Athlete promptly admits the anti-doping rule violation; the Athlete establishes No Significant Fault or Negligence; and the Athlete provides Substantial Assistance.

Application of Consequences:

1. The starting point would be Article 5.10.2. Because the Athlete is deemed to have No Significant Fault that would be sufficient corroborating evidence (Articles 5.10.2.1.1 and 5.10.2.3) that the anti-doping rule violation was not intentional, the period of Ineligibility would thus be two years, not four years (Article 5.10.2.2).
2. In a second step, the panel would analyze whether the Fault-related reductions (Articles 5.10.4 and 5.10.5) apply. Based on No Significant Fault or Negligence (Article 5.10.5.2) since the anabolic steroid is not a Specified Substance, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The panel would then determine the applicable period of Ineligibility within this range based on the Athlete's degree of Fault. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of Ineligibility of 16 months.)
3. In a third step, the panel would assess the possibility for suspension or reduction under Article 5.10.6 (reductions not related to Fault). In this case, only Article 5.10.6.1 (Substantial Assistance) applies. (Article 5.10.6.3, Prompt Admission, is not applicable because the period of Ineligibility is already below the two-year minimum set forth in Article 5.10.6.3.) Based on Substantial Assistance, the period of Ineligibility could be suspended by three-quarters of 16 months.* The minimum period of Ineligibility would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of Ineligibility would thus be six months.)
4. Under Article 5.10.11, the period of Ineligibility, in principle, starts on the date of the final hearing decision. However, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event the Athlete would have to serve at least one-half of the Ineligibility period (i.e., three months) after the date of the hearing decision (Article 5.10.11.2).
5. Since the Adverse Analytical Finding was committed in a Competition, the panel would have to automatically Disqualify the result obtained in that Competition (Article 5.9).
6. According to Article 5.10.8, all results obtained by the Athlete subsequent to the date of the Sample collection until the start of the period of Ineligibility would also be Disqualified unless fairness requires otherwise.

7. The information referred to in Article 5.14.3.2 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 5.10.13).
8. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 5.10.12.1). However, the Athlete may return to train with a Team or to use the facilities of a club or other member organisation of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 5.10.12.2). Thus, the Athlete would be allowed to return to training one and one-half months before the end of the period of Ineligibility.

EXAMPLE 2

Facts: An Adverse Analytical Finding results from the presence of a stimulant which is a Specified Substance in an In-Competition Test (Article 5.2.1); the Anti-Doping Organisation is able to establish that the Athlete committed the anti-doping rule violation intentionally; the Athlete is not able to establish that the Prohibited Substance was used Out-of-Competition in a context unrelated to sport performance; the Athlete does not promptly admit the anti-doping rule violation as alleged; the Athlete does provide Substantial Assistance.

Application of Consequences:

1. The starting point would be Article 5.10.2. Because the Anti-Doping Organisation can establish that the anti-doping rule violation was committed intentionally and the Athlete is unable to establish that the substance was permitted Out-of-Competition and the use was unrelated to the Athlete's sport performance (Article 5.10.2.3), the period of Ineligibility would be four years (Article 5.10.2.1.2).
2. Because the violation was intentional, there is no room for a reduction based on Fault (no application of Article 5.10.4 and 5.10.5). Based on Substantial Assistance, the sanction could be suspended by up to three-quarters of the four years.* The minimum period of Ineligibility would thus be one year.
3. Under Article 5.10.11, the period of Ineligibility would start on the date of the final hearing decision.
4. Since the Adverse Analytical Finding was committed in a Competition, the panel would automatically Disqualify the result obtained in the Competition.
5. According to Article 5.10.8, all results obtained by the Athlete subsequent to the date of Sample collection until the start of the period of Ineligibility would also be Disqualified unless fairness requires otherwise.
6. The information referred to in Article 5.14.3.2 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 5.10.13).

7. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 5.10.12.1). However, the Athlete may return to train with a Team or to use the facilities of a club or other member organisation of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 5.10.12.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of Ineligibility.

EXAMPLE 3

Facts: An Adverse Analytical Finding results from the presence of an anabolic steroid in an Out-of-Competition Test (Article 5.2.1); the Athlete establishes that he had No Significant Fault or Negligence; the Athlete also establishes that the Adverse Analytical Finding was caused by a Contaminated Product.

Application of Consequences:

1. The starting point would be Article 5.10.2. Because the Athlete can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally—he had No Significant Fault in using a Contaminated Product (Article 5.10.2.1.1 and 5.10.2.3), the period of Ineligibility would be two years (Article 5.10.2.2).
2. In a second step, the panel would analyze the Fault-related possibilities for reductions (Articles 5.10.4 and 5.10.5). Since the Athlete can establish that the anti-doping rule violation was caused by a Contaminated Product and that he acted with No Significant Fault or Negligence based on Article 5.10.5.1.2, the applicable range for the period of Ineligibility would be reduced to a range of two years to a reprimand. The panel would determine the period of Ineligibility within this range, based on the Athlete's degree of Fault. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of Ineligibility of four months.)
3. According to Article 5.10.8, all results obtained by the Athlete subsequent to the date of Sample collection until the start of the period of Ineligibility would be Disqualified unless fairness requires otherwise.
4. The information referred to in Article 5.14.3.2 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 5.10.13).
5. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 5.10.12.1). However, the Athlete may return to train with a Team or to use the facilities of a club or other member organisation of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 5.10.12.2). Thus, the

Athlete would be allowed to return to training one month before the end of the period of Ineligibility.

EXAMPLE 4

Facts: An Athlete who has never had an Adverse Analytical Finding or been confronted with an anti-doping rule violation spontaneously admits that he used an anabolic steroid to enhance his performance. The Athlete also provides Substantial Assistance.

Application of Consequences:

1. Since the violation was intentional, Article 5.10.2.1 would be applicable and the basic period of Ineligibility imposed would be four years.
2. There is no room for Fault-related reductions of the period of Ineligibility (no application of Articles 5.10.4 and 5.10.5).
3. Based on the Athlete's spontaneous admission (Article 5.10.6.2) alone, the period of Ineligibility could be reduced by up to one-half of the four years. Based on the Athlete's Substantial Assistance (Article 5.10.6.1) alone, the period of Ineligibility could be suspended up to three-quarters of the four years.* Under Article 5.10.6.4, in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of Ineligibility would be one year.
4. The period of Ineligibility, in principle, starts on the day of the final hearing decision (Article 5.10.11). If the spontaneous admission is factored into the reduction of the period of Ineligibility, an early start of the period of Ineligibility under Article 5.10.11.2 would not be permitted. The provision seeks to prevent an Athlete from benefitting twice from the same set of circumstances. However, if the period of Ineligibility was suspended solely on the basis of Substantial Assistance, Article 5.10.11.2 may still be applied, and the period of Ineligibility started as early as the Athlete's last use of the anabolic steroid.
5. According to Article 10.8, all results obtained by the Athlete subsequent to the date of the anti-doping rule violation until the start of the period of Ineligibility would be Disqualified unless fairness requires otherwise.
6. The information referred to in Article 5.14.3.2 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 5.10.13).
7. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 5.10.12.1). However, the Athlete may return to train with a Team or to use the facilities of a club or other member organisation of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 5.10.12.2). Thus, the

Athlete would be allowed to return to training two months before the end of the period of Ineligibility.

EXAMPLE 5

Facts:

An Athlete Support Personnel helps to circumvent a period of Ineligibility imposed on an Athlete by entering him into a Competition under a false name. The Athlete Support Personnel comes forward with this anti-doping rule violation (Article 5.2.9) spontaneously before being notified of an anti-doping rule violation by an Anti-Doping Organisation.

Application of Consequences:

1. According to Article 5.10.3.4, the period of Ineligibility would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of Ineligibility of three years.)
2. There is no room for Fault-related reductions since intent is an element of the anti-doping rule violation in Article 5.2.9 (see comment to Article 5.10.5.2).
3. According to Article 5.10.6.2, provided that the admission is the only reliable evidence, the period of Ineligibility may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of Ineligibility of 18 months.)
4. The information referred to in Article 5.14.3.2 must be Publicly Disclosed unless the Athlete Support Personnel is a Minor, since this is a mandatory part of each sanction (Article 5.10.13).

EXAMPLE 6

Facts: An Athlete was sanctioned for a first anti-doping rule violation with a period of Ineligibility of 14 months, of which four months were suspended because of Substantial Assistance. Now, the Athlete commits a second anti-doping rule violation resulting from the presence of a stimulant which is not a Specified Substance in an In-Competition Test (Article 5.2.1); the Athlete establishes No Significant Fault or Negligence; and the Athlete provided Substantial Assistance. If this were a first violation, the panel would sanction the Athlete with a period of Ineligibility of 16 months and suspend six months for Substantial Assistance.

Application of Consequences:

1. Article 5.10.7 is applicable to the second anti-doping rule violation because Article 5.10.7.4.1 and Article 5.10.7.5 apply.
2. Under Article 5.10.7.1, the period of Ineligibility would be the greater of:

- (a) six months;
- (b) one-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Article 5.10.6 (in this example, that would equal one-half of 14 months, which is seven months); or
- (c) two times the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 5.10.6 (in this example, that would equal two times 16 months, which is 32 months).

Thus, the period of Ineligibility for the second violation would be the greater of (a), (b) and (c), which is a period of Ineligibility of 32 months.

3. In a next step, the panel would assess the possibility for suspension or reduction under Article 5.10.6 (non-Fault-related reductions). In the case of the second violation, only Article 5.10.6.1 (Substantial Assistance) applies. Based on Substantial Assistance, the period of Ineligibility could be suspended by three-quarters of 32 months.* The minimum period of Ineligibility would thus be eight months. (Assume for purposes of illustration in this example that the panel suspends eight months of the period of Ineligibility for Substantial Assistance, thus reducing the period of Ineligibility imposed to two years.)
4. Since the Adverse Analytical Finding was committed in a Competition, the panel would automatically Disqualify the result obtained in the Competition.
5. According to Article 5.10.8, all results obtained by the Athlete subsequent to the date of Sample collection until the start of the period of Ineligibility would also be Disqualified unless fairness requires otherwise.
6. The information referred to in Article 5.14.3.2 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 5.10.13).
7. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 5.10.12.1). However, the Athlete may return to train with a Team or to use the facilities of a club or other member organisation of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 5.10.12.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of Ineligibility

* Upon the approval of WADA in exceptional circumstances, the maximum suspension of the period of Ineligibility for Substantial Assistance may be greater than three-quarters, and reporting and publication may be delayed.