

L.N. 104 of 2021

**SPORTS ACT
(CAP. 455)**

Anti-Doping Regulations, 2021

IN exercise of the powers conferred by articles 6(1)(n) and 53 of the Sports Act, the Minister responsible for Sport has made the following regulations:-

1. The title of these regulations is the Anti-Doping Regulations, 2021. Citation.

2. In these regulations, unless the context otherwise requires or specified in the Code: Interpretation.

"Act" means the Sports Act;

Cap. 455

"ADAMS" means the Anti-Doping Administration and Management System, which is a web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation;

"ADC" and "NADOMALTA" mean the Anti-Doping Commission appointed by the Minister responsible for Sport to oversee all aspects of NADOMALTA's Anti-Doping Program in accordance with the International Standard for Testing and Investigations. The ADC is to consist of a chairperson and a minimum of three and a maximum of five other members with expertise in the field of anti-doping;

"Administration" means 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" means a report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories, establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method;

"Adverse Passport Finding" means a report identified as an Adverse Passport Finding as described in the applicable International Standards;

"Aggravating Circumstances" means circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility;

"Anti-Doping Activities" means anti-doping Education and information, test distribution planning, maintenance of a Registered Testing Pool, managing Athlete Biological Passports, conducting Testing, organizing analysis of Samples, gathering of intelligence and conduct of investigations, processing of TUE applications, Results Management, monitoring and enforcing compliance with any Consequences imposed, and all other activities related to anti-doping to be carried out by or on behalf of an Anti-Doping Organisation, as set out in the Code and/or the International Standards;

"Anti-Doping Organisation" means WADA or a Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process, which include but are not limited to the International Olympic Committee, the International Paralympic Committee, other Major Event Organisations that conduct Testing at their Events, International Federations, and National Anti-Doping Organisations;

"Athlete" means 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). NADOMALTA has discretion to apply anti-doping rules and regulations 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 anti-doping rule violation under Regulation 2(1), (3) or (5) of the Schedule is committed by any Athlete over whom an Anti-Doping Organisation has elected to exercise its authority to test and who competes below the international or national level, then the Consequences set forth in the Schedule must be applied. For purposes of Regulation 2(8) and (9) of the Schedule and for purposes of anti-doping information and Education, any Person who participates in sport under the authority of any Signatory, government, or other sports Organisation accepting the Code is considered an Athlete;

"Athlete Biological Passport" means 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" means 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" means 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" means a report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding;

"Atypical Passport Finding" means a report described as an Atypical Passport Finding as described in the applicable International Standards;

"CAS" means the Court of Arbitration for Sport, which currently has its seat in Lausanne, Switzerland;

"Code" means the World Anti-Doping Code first adopted by WADA on 5 March, 2003, and any other subsequent amendments;

"Competition" means a single race, match, game or singular sport contest. 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 and regulations of the applicable International Federation;

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

- (a) Disqualification;
- (b) Ineligibility;
- (c) Provisional Suspension;
- (d) Financial Consequences; and
- (e) Public Disclosure.

Teams in Team Sports may also be subject to Consequences as provided in Regulation 11 of the Schedule;

"Contaminated Product" means a product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search;

"Decision Limit" means the value of the result for a threshold substance in a Sample, above which an Adverse Analytical Finding shall be reported, as defined in the International Standard for Laboratories;

"Delegated Third Party" means any Person to which an Anti-Doping Organization delegates any aspect of Doping Control or anti-doping Education programs including, but not limited to, third parties or other Anti-Doping Organisations that conduct Sample collection or other Doping Control services or anti-doping Educational programs for the Anti-Doping Organization, or individuals serving as

independent contractors who perform Doping Control services for the Anti-Doping Organization (e.g. non-employee Doping Control officers or chaperones). This definition does not include the CAS;

"Disqualification" means the Athlete's results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes;

"Doping" means the occurrence of one or more of the anti-doping rule violations set forth in Regulation 2 of the Schedule;

"Doping Control" means all steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of Consequences, including all steps and processes in between, including but not limited to, Testing, investigations, whereabouts, TUEs, Sample collection and handling, laboratory analysis, Results Management and investigations or proceedings relating to violations of Regulation 10(14) of the Schedule (Status During Ineligibility or Provisional Suspension);

"Education" means the process of learning to instill values and develop behaviours that foster and protect the spirit of sport, and to prevent intentional and unintentional doping;

"Event" means a series of individual Competitions conducted together under one ruling body;

"Event Period" means the time between the beginning and end of an Event, as established by the ruling body of the Event;

"Event Venues" means those venues so designated by the ruling body for the Event;

"Fault" means any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete's or other Person's degree of Fault include, the Athlete's or other Person's experience, whether the Athlete or other Person is a Protected Person, 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 behaviour. However, 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 a

career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Regulation 10(6)(a) or (b) of the Schedule;

"Financial Consequences" means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation;

"In-Competition" means the period commencing at 11:59 p.m. on the day 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:

Provided that, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all Major Event Organisations for that particular sport;

"Independent Observer Program" means a team of observers and, or auditors, under the supervision of WADA, who observe and provide guidance on the Doping Control process prior to or during certain Events and report on their observations as part of WADA's compliance monitoring program;

"Individual Sport" means any sport that is not a Team Sport;

"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 Regulation 10(14) of the Schedule;

"Institutional Independence" means hearing panels on appeal which shall be fully independent institutionally from the Anti-Doping Organisation responsible for Results Management. They must therefore not in any way be administered by, connected or subject to the Anti-Doping Organisation responsible for Results Management;

"International Event" means 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;

"International-Level Athlete" means Athletes who compete in sport at the international level, as defined by each International

Federation, consistent with the International Standard for Testing and Investigations;

"International Standard" means 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" means 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" means a compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method;

"Metabolite" means any substance produced by a biotransformation process;

"Minimum Reporting Level" means the estimated concentration of a Prohibited Substance or its Metabolite(s) or Marker(s) in a sample below which WADA-accredited laboratories should not report that Sample as an Adverse Analytical Finding;

"Minor" means natural Person who has not reached the age of eighteen (18) years;

"National Event" means a sport Event or Competition involving International-Level or National-Level Athletes that is not an International Event;

"NADAP" means the National Anti-Doping Appeals Panel appointed by the government to adjudicate on appeals from decisions of the national anti-doping disciplinary panel as established in Regulation 13 of the Schedule;

"NADDP" means the National Anti-Doping Disciplinary Panel appointed by government to adjudicate on alleged violations of these regulations, unless the CAS is preferred;

"National Anti-Doping Organisation" means the entity or entities designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping regulations, direct the collection of samples, the management of test

results, and the conduct of hearings, at the national level. For the purposes of these regulations, the NADOMALTA is the designated entity;

"National Sports Organisation" means a national Sports Organisation that is registered or recognised by SportMalta as the entity governing a particular sporting discipline in Malta, and is a member of or is recognized by an international federation as the entity governing the international federation's sporting discipline in Malta;

"National-Level Athlete" means Athletes who compete in sport at the national level, as defined by each National Anti-Doping Organisation, consistent with the International Standard for Testing and Investigations;

"National Olympic Committee" means the Maltese Olympic Committee, recognised by the International Olympic Committee as the national Olympic committee in Malta;

"No Fault or Negligence" means the Athlete or other Person's establishing that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Athlete, for any violation of Regulation 2(1) of the Schedule, the Athlete must also establish how the Prohibited Substance entered the Athlete's system;

"No Significant Fault or Negligence" means the Athlete or other Person's establishing that any 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 Protected Person or Recreational Athlete, for any violation of Regulation 2(1) of the Schedule, the Athlete must also establish how the Prohibited Substance entered the Athlete's system;

"Operational Independence" means that board members, staff members, commission members, consultants and officials of the Anti-Doping Organisation with responsibility for Results Management or its affiliates (e.g., member federation or confederation) as well as any Person involved in the investigation and pre-adjudication of the matter cannot be appointed as members and, or clerks (to the extent that such clerk is involved in the deliberation process and, or drafting of any decision) of hearing panels of that Anti-Doping Organisation with responsibility for Results Management and hearing panels shall

be in a position to conduct the hearing and decision-making process without interference from the Anti-Doping Organisation or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case;

"Out-of-Competition" means any period which is not In-Competition;

"Participant" means any Athlete or Athlete Support Person;

"Person" means a natural Person or an Organisation or other entity;

"Possession" means 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 that, however, 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 further that 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;

"Prohibited List" means the WADA list identifying the Prohibited Substances and the Prohibited Methods as amended from time to time;

"Prohibited Method" means any method so described on the Prohibited List;

"Prohibited Substance" means any substance, or class of

substances, so described on the Prohibited List;

"Protected Person" means an Athlete or other natural Person who at the time of the anti-doping rule violation:

- (a) has not reached the age of sixteen (16) years;
- (b) has not reached the age of eighteen (18) years and is not included in any Registered Testing Pool and has never competed in any International Event in an open category; or
- (c) for reasons other than age, has been determined to lack legal capacity under the applicable national legislation;

"Provisional Hearing" means an expedited abbreviated hearing occurring prior to a hearing under Regulation 8 of the Schedule that provides the Athlete with notice and an opportunity to be heard in either written or oral form;

"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 Regulation 8 of the Schedule;

"Public Disclosure" means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Regulation 14 of the Schedule;

"Recreational Athlete" means any Person who engages or participates in sport or fitness activities for recreational purposes but who would not otherwise compete in Competitions or Events organized, recognized, or hosted by a National Sports Organisation, or by any affiliated or non-affiliated association, Organisation, club, team, or league and who, within the five (5) years prior to committing any anti-doping rule violation, has not been an International-Level Athlete (as defined by each International Federation consistent with the International Standard for Testing and Investigations) or National-Level Athlete (as defined by NADOMALTA or other National Anti-Doping Organisation consistent with the International Standard for Testing and Investigations); has not represented Malta or any other country in an International Event in an open category; or has not been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation, NADOMALTA or other National Anti-Doping Organisation;

"Registered Testing Pool" means the pool of highest-priority

Athletes established separately at the international level by International Federations and at the national level by National Anti-Doping Organisations, 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 set forth in Article 5(5) of the International Standard for Testing and Investigations;

"Results Management" means the process encompassing the timeframe between notification in accordance with Article 5 of the International Standard for Results Management, or in certain cases, such pre-notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged);

"Sample or Specimen" means any biological material collected for the purposes of Doping Control;

"Signatories" means those entities accepting the Code and agreeing to implement the Code;

"Specified Method" shall have the same meaning as that given under Regulation 4(2)(b) of the Schedule;

"specified substance" shall have the same meaning as that given under Regulation 4(2)(b) of the Schedule;

"SportMalta" shall have the same meaning as that established in article 4 of the Sports Act;

Cap. 455.

"Strict Liability" means the rule which provides that under Regulation 2(1) and (2) of the Schedule, 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;

"Substance of Abuse" shall have the same meaning as that given under Regulation 4(2)(c) of the Schedule;

"Substantial Assistance" means a Person providing Substantial Assistance that fully disclosed in a signed written statement or recorded interview all information he possesses in relation to anti-doping rule violations or other proceeding described in Regulation 10(7)(a)(i) of the Schedule, and shall fully cooperate with the investigation and adjudication of any case or matter related to that

information, including, 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 or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought;

"Tampering" means intentional 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, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organisation or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organisation or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference or Attempted interference with any aspect of Doping Control;

"Target Testing" means selection of specific athletes for testing based on criteria set forth in the International Standard for Testing and Investigations;

"Team Sport" means a sport in which the substitution of players is permitted during a Competition;

"Technical Document" means a document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an International Standard;

"Testing" means the parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory;

"Therapeutic Use Exemption (TUE)" means an exemption that allows an Athlete with a medical condition to Use a Prohibited Substance or Prohibited Method, but only if the conditions set out in Regulation 4(4) of the Schedule and the International Standard for Therapeutic Use Exemptions are met;

"Therapeutic Use Exemption Committee" ("TUEC") means the panel to consider applications for the grant of TUEs;

"Trafficking" means 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 Person or any other Person subject to the authority 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;

"UNESCO Convention" means the International Convention against Doping in Sport adopted by the UNESCO General Conference held 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" means the utilization, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method;

"WADA" means the World Anti-Doping Agency;

"Without Prejudice Agreement" means a written agreement between an Anti-Doping Organisation and an Athlete or other Person that allows the Athlete or other Person to provide information to the Anti-Doping Organisation in a defined time-limited setting with the understanding that, if an agreement for Substantial Assistance or a case resolution agreement is not finalized, the information provided by the Athlete or other Person in this particular setting may not be used by the Anti-Doping Organisation against the Athlete or other Person in any Results Management proceeding under the Code, and that the information provided by the Anti-Doping Organisation in this particular setting may not be used by the Athlete or other Person against the Anti-Doping Organisation in any Results Management proceeding under the Code. Such an agreement shall not preclude the Anti-Doping Organisation, Athlete or other Person from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

3. (1) The applicable provisions of the Code shall, notwithstanding anything to the contrary in any other law, but subject to the provisions of these regulations, have force of law throughout Malta and subject to such conditions as the Minister may prescribe.

Applicability of
the Code and
these
regulations.

(2) The applicable provisions of the Code are set out in the Schedule to these regulations and shall be interpreted in a manner that is consistent with applicable provisions of the Code. The comments annotating various provisions of the Code shall be used to, where applicable, assist in the understanding and interpretation of the provisions found in the Schedule.

(3) The Schedule shall be considered an integral part of these regulations.

(4) NADOMALTA may from time to time issue commentaries and guidelines referring to the provisions found in these regulations.

(5) The provisions of these regulations shall not apply retrospectively to matters pending before the date these regulations came into effect.

Conflict
between texts.

4. In these regulations, if there is any conflict between the English and Maltese texts, the English text shall prevail.

Revocation of
the Anti-Doping
Regulations.
S.L. 455.08

5. The Anti-Doping Regulations, 2015, are hereby revoked, without prejudice to anything done or omitted to be done thereunder.

SCHEDULE

REGULATION 1 APPLICABILITY AND ENFORCABILITY

1. (1) These *Anti-Doping Regulations* shall apply to:
 - (a) *NADOMALTA*, including its board members, directors, officers and specified employees, and *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*;
 - (b) *National Sports Organisations* of Malta, including their board members, directors, officers and specified employees, and *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*;
 - (c) the following *Athletes*, *Athlete Support Personnel* and other *Persons* (including *Protected Persons*), in each case, whether or not such *Person* is a national or resident of Malta:
 - (i) all *Athletes* and *Athlete Support Personnel* who are members or license-holders of any *National Sports Organisation* in Malta, or of any member or affiliate *Organisation* of any *National Sports Organisation* in Malta (including any clubs, teams, associations, or leagues);
 - (ii) all *Athletes* and *Athlete Support Personnel* who participate in such capacity in *Events*, *Competitions*, and other activities organized, convened, authorized or recognized by any *National Sports Organisation* in Malta, or by any member or affiliate *Organisation* of any *National Sports Organisation* in Malta (including any clubs, teams, associations or leagues), wherever held;
 - (iii) any other *Athlete* or *Athlete Support Person* or other *Person* who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the authority of any *National Sports Organisation* in Malta, or of any member or affiliate *Organisation* of any *National Sports Organisation* in Malta (including any clubs, teams, associations or leagues), for purposes of anti-doping;
 - (iv) all *Athletes* and *Athlete Support Personnel* who participate in any capacity in any activity organized, held, convened or authorized by the organizer of a *National Event* or of a national league that is not affiliated with a *National Sports Organisation*;
 - (v) *Recreational Athletes*; and
 - (d) all other *Persons* over whom the *Code* gives *NADOMALTA* authority, including all *Athletes* who are nationals or residents of Malta, and

B 828

all *Athletes* who are present in Malta, whether to compete or to train or otherwise:

Provided that each of the above-mentioned *Persons* is deemed, as a condition of his or her participation or involvement in sport in Malta, to have agreed to and be bound by these *Anti-doping Regulations* and to have submitted to the authority of *NADOMALTA* to enforce these *Anti-doping Regulations*, including any *Consequences* for the breach thereof, and to the jurisdiction of the hearing panels specified in Regulations 8 and 13 to hear and determine cases and appeals brought under these *Anti-doping Regulations*.

(2) Within the overall pool of *Athletes* set out above who are bound by and required to comply with these *Anti-doping Regulations*, the following *Athletes* shall be considered to be *National-Level Athletes* for the purposes of these *Anti-doping Regulations*, and, therefore, the specific provisions in these *Anti-doping Regulations* applicable to *National-Level Athletes* shall apply to such *Athletes*:

(a) *Athletes* who are members or license holders of any *National Sports Organisation* in Malta or any other *Organisation* affiliated with a *National Sports Organisation* including associations, clubs, teams or leagues;

(b) *Athletes* who participate or compete at any *Competition, Event*, or activity, which is organized, recognized, or hosted by a *National Sports Organisation*, by any affiliated association, *Organisation*, club, team, or league or by the Government in Malta;

(c) any other *athlete* who by virtue of an accreditation, a license or any other contractual arrangement, falls within the competence of a *National Sports Organisation* in Malta or any affiliated association, *Organisation*, club, team, or league in Malta for the purposes of fighting doping in sport in Malta;

(d) *Athletes* who participate in any activity organized, recognized, or hosted by a *National Event* organizer or any other national league and which is not otherwise affiliated with a *National Sports Organisation*:

Provided that, if any such *Athletes* are classified by their respective *International Federations* as *International-level athletes* then they shall be considered to be *International-Level Athletes* (and not *National-Level Athletes*) for purposes of these *Anti-doping Regulations*.

REGULATION 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

(1) Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*

(a) It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *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 rule violation under Regulation 2(1).

(b) Sufficient proof of an anti-doping rule violation under Regulation 2(1) is established by any 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 A* or *B Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.

(c) Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

(d) As an exception to the general rule of Regulation 2(1), the *Prohibited List*, *International Standards*, or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

(2) Use or Attempted Use by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*

(a) It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies 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*.

B 830

(b) 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.

(3) Evading, Refusing or Failing to Submit to *Sample* collection by an *athlete*

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.

(4) Whereabouts failures by an *athlete*

Any combination of three (3) missed tests and, or filing failures, as defined in the *International Standard for Results Management*, within a twelve (12) month period by an *Athlete* in a *Registered Testing Pool*.

(5) *Tampering* or *attempted tampering* with any Part of *Doping Control* by an *Athlete* or *Other Person*

(6) *Possession* of a *Prohibited Substance* or a *Prohibited Method* by an *Athlete* or *Athlete Support Person*

(a) *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 Regulation 4(4) or other acceptable justification.

(b) *Possession* by an *Athlete Support Person In-Competition* of any *prohibited substance* or any *Prohibited Method*, or *Possession* by an *Athlete Support Person Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete*, *Competition* or training, unless the *Athlete Support Person* establishes that the possession is consistent with a *TUE* granted to an *Athlete* in accordance with Regulation 4(4) or other acceptable justification.

(7) *Trafficking* or *Attempted trafficking* in any *Prohibited Substance* or *Prohibited Method* by an *Athlete* or *Other Person*

(8) *Administration* or *Attempted Administration* by an *Athlete* or *Other Person* 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*

(9) *Complicity or Attempted Complicity by an Athlete or Other Person*

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Regulation 10(14)(a) by another *Person*.

(10) *Prohibited association by an Athlete or Other Person*

(a) 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 Person* who:

(i) If subject to the authority of an *Anti-Doping Organisation*, is serving a period of *Ineligibility*; or

(ii) 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 (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

(iii) is serving as a front or intermediary for an individual described in sub-paragraph (i) or (ii).

(b) To establish a violation of sub-regulation (10), an *Anti-doping organisation* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person*'s disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in paragraph (a)(i) or (ii) is not in a professional or sport-related capacity and, or that such association could not have been reasonably avoided.

Anti-Doping Organisations that are aware of *Athlete Support Personnel* who meet the criteria described in paragraph (a)(i), (ii) or (iii) shall submit that information to *WADA*.

(11) *Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*

Where such conduct does not otherwise constitute a violation of sub-regulation (5):

B 832

(a) any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organisation*;

(b) retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organisation*.

For purposes of this sub-regulation, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.

REGULATION 3 PROOF OF DOPING

3. (1) Burdens and Standards of Proof

The ADC shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the ADC has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Regulations place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in sub-regulation (2)(b) and (c), the standard of proof shall be by a balance of probability.

(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:

(a) analytical methods or *Decision Limits* approved by *WADA* after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or 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. The initial hearing body,

appellate body or *CAS*, on its own initiative, may also inform *WADA* of any such challenge. Within ten (10) days of *WADA*'s receipt of such notice and the case file related to such challenge, *WADA* shall also have the right to intervene as a party, appear as *amicus curiae* or otherwise provide evidence in such proceeding. In cases before *CAS*, at *WADA*'s request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge;

(b) *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 the ADC shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

(c) departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Anti-Doping Regulations shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defence to an anti-doping rule violation:

Provided that if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then the ADC shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

(i) a departure from the *International Standard* for *Testing* and *Investigations* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the ADC shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

(ii) a departure from the *International Standard for Results Management* or *International Standard* for *Testing* and *Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case the ADC shall have the burden to establish that such departure did not cause the anti-doping rule violation;

(iii) a departure from the *International Standard for Results Management* related to the requirement to provide notice to the *Athlete* of the *B Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the ADC shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

(iv) a departure from the *International Standard for Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the ADC shall have the burden to establish that such departure did not cause the whereabouts failure.

(d) 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;

(e) 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 the NADDP.

REGULATION 4 THE *PROHIBITED LIST*

4. (1) Incorporation of the *Prohibited List*

These Anti-Doping Regulations incorporate the *Prohibited List* which is published and revised by *WADA*. *NADOMALTA* will publish the *Prohibited List*, as amended and published by *WADA* in accordance with Article 4.1 of the *Code*, in the Gazette and further make the current *Prohibited List* available to each national sports organisation, and each national sports organisation shall ensure that the current *Prohibited List* is available to its registered members.

Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall come into force under these Anti-Doping Regulations three (3) months after publication by *WADA* without requiring any further action by *NADOMALTA*. All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they come into force, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarize themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

(2) ***Prohibited Substances and Prohibited Methods Identified on the Prohibited List***

(a) *Prohibited Substances and Prohibited Methods*

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by *WADA* for a particular sport. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category or by specific reference to a particular substance or method.

(b) *Specified Substances or Specified Methods*

For purposes of the application of Regulation 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.

(c) *Substances of Abuse*

For purposes of applying Regulation 10, *Substances of Abuse* shall include those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are frequently abused in society outside of the context of sport.

(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*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

(4) *Therapeutic Use Exemptions ("TUEs")*

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

Standard for Therapeutic Use Exemptions.(b) *TUE* application process

(i) Any *Athlete* who is not an *International-Level Athlete* shall apply to *NADOMALTA* for a *TUE* as soon as possible, save where sub-regulations (1) or (3) of the *International Standard for Therapeutic Use Exemptions* apply. The application shall be made in accordance with Regulation 6 of the *International Standard for Therapeutic Use Exemptions* as posted on *NADOMALTA*'s website.

(ii) The Minister responsible for Sport shall establish a panel (*Therapeutic Use Exemption Committee* ("TUEC")) to consider applications for the grant of *TUEs* in accordance with indents (A) to (D) hereunder:

(A) The TUEC shall consist of a Chairperson and six (6) other members with experience in the care and treatment of *Athletes* and sound knowledge of clinical, sports and exercise medicine. Each appointed member shall serve a term of three (3) years.

(B) Before serving as a member of the TUEC, each member must sign a conflict of interest and confidentiality declaration. The appointed members shall not be employees of *NADOMALTA*.

(C) When an application to *NADOMALTA* for the grant of a *TUE* is made, the Chairperson of the TUEC shall appoint three (3) members (which may include the Chairperson) to consider the application.

(D) Before considering a *TUE* application, each member shall disclose to the Chairperson any circumstances likely to affect their impartiality with respect to the *Athlete* making the application. If a member appointed by the Chairperson to consider an application is unwilling or unable to assess the *Athlete's TUE* application, for any reason, the Chairperson may appoint a replacement or appoint a new TUEC. The Chairperson cannot serve as a member of the TUEC if there are any circumstances which are likely to affect the impartiality of the *TUE* decision.

(iii) The TUEC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and usually, unless exceptional circumstances apply, within no more than twenty-

one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to an *Event*, the TUEC must use its best endeavours to issue its decision before the start of the *Event*.

(iv) The TUEC decision shall be the final decision of *NADOMALTA* and may be appealed in accordance with paragraph (f). The decision shall be notified in writing to the *Athlete*, and to *WADA* and other *Anti-Doping Organisations* in accordance with the *International Standard for Therapeutic Use Exemptions*. It shall also promptly be reported into *ADAMS*.

(c) Retroactive *TUE* Applications

If the ADC chooses to test an *Athlete* who is not an *International-Level* or a *National-Level Athlete*, *NADOMALTA* shall permit that *Athlete* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that he or she is *Using* for therapeutic reasons.

(d) *TUE* Recognition

A *TUE* granted by the TUEC is valid at any national level in any country and does not need to be formally recognized by any other *National Anti-Doping Organisation*.

However, it is not automatically valid if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, unless it is recognized by the relevant *International Federation* or *Major Event Organisation* in accordance with the *International Standard for Therapeutic Use Exemptions* as follows:

(i) Where the *Athlete* already has a *TUE* granted by the TUEC for the substance or method in question, unless their *TUE* will be automatically recognized by the *International Federation* or *Major Event Organisation*, the *Athlete* shall apply to their *International Federation* or to the *Major Event Organisation* to recognize that *TUE*. If that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the *International Federation* or *Major Event Organisation* must recognize it.

If the *International Federation* or *Major Event Organisation* considers that the *TUE* granted by the TUEC does not meet those criteria and so refuses to recognize it, the *International Federation* shall promptly notify the *Athlete* and *NADOMALTA* with reasons. The *Athlete* and, or *NADOMALTA* shall have twenty-one (21) days from such notification to refer the matter to *WADA* for review in accordance with paragraph (f).

If the matter is referred to *WADA* for review in accordance with paragraph (f), the *TUE* granted by the TUEC 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 within the twenty-one (21) day deadline, *NADOMALTA* must determine whether the original *TUE* that it granted should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in international-level *Competition*). Pending *NADOMALTA*'s decision, the *TUE* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*).

(ii) If the *Athlete* does not already have a *TUE* granted by the TUEC for the substance or method in question, the *Athlete* must apply directly to the International Federation for a *TUE* in accordance with the process set out in the *International Standard for Therapeutic Use Exemptions* as soon as the need arises.

If the *International Federation* denies the *Athlete*'s application, it shall notify the athlete promptly, with reasons.

If the *International Federation* grants the *Athlete*'s application, it shall notify the *Athlete* and *NADOMALTA*. If *NADOMALTA* considers that the *TUE* granted by the *International Federation* does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has twenty-one (21) days from such notification to refer the matter to *WADA* for review.

If *NADOMALTA* refers the matter to *WADA* for review, the *TUE* granted by the *International Federation* remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA*'s decision.

If *NADOMALTA* does not refer the matter to *WADA* for review, the *TUE* granted by the *International Federation* becomes valid for national-level *Competition* as well when the twenty-one (21) day review deadline expires.

(e) Expiration, Withdrawal or Reversal of a *TUE*

(i) A *TUE* granted pursuant to these Anti-Doping Regulations:

(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) shall be withdrawn if the *Athlete* does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the *TUE*;

(C) may be withdrawn by the TUEC if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met; or

(D) may be reversed on review by *WADA* or on appeal.

(ii) In such event, the *Athlete* shall not be subject to any *Consequences* based on their *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, withdrawal, or reversal of the *TUE*. The review pursuant to Article 5.1.1.1 of the *International Standard for Results Management* of an *Adverse Analytical Finding*, reported shortly after the *TUE* expiry, withdrawal, or reversal, 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.

(f) Reviews and Appeals of *TUE* Decisions

(i) If the TUEC denies an application for a *TUE*, the *Athlete* may appeal exclusively to the national-level appeal body described in Regulation 13(2)(b).

(ii) *WADA* must review an *International Federation's* decision not to recognize a *TUE* granted by the TUEC that is referred to *WADA* by the *Athlete* or *NADOMALTA*. In addition, *WADA* must review an *International Federation's* decision to grant a *TUE* that is referred to *WADA* by *NADOMALTA*. *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.

(iii) Any *TUE* decision by an *International Federation* (or by the TUEC where it has agreed to consider the application on behalf of an *International Federation*) 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 *NADOMALTA*, exclusively to *CAS*.

(iv) A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, *NADOMALTA* and, or the *International Federation* affected, exclusively to *CAS*.

(v) A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

REGULATION 5 *TESTING AND INVESTIGATIONS*

5. (1) **Purpose of *Testing* and Investigations**

(a) *Testing* and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the *International Standard for Testing and Investigations*.

(b) *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Regulation 2(1) (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Regulation 2(2) (*Use or Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*).

(2) **Authority to Test**

(a) Subject to the limitations for *Event Testing* set out in sub-regulation (3), the ADC shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* specified in Regulation 1.

(b) The ADC 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.

(c) *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Regulation 20(7)(j).

(d) If an *International Federation* or *Major Event Organisation* delegates or contracts any part of *Testing* to the ADC directly or through a *National Sports Organisation*, the ADC may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the ADC's expense. If additional *Samples* are collected or additional types of analysis are performed, the *International Federation* or *Major Event Organisation* shall be notified.

(3) ***Event Testing***

(a) Except as otherwise provided hereunder, only a single *Organisation* shall have authority to conduct *Testing* at *Event Venues* during

an *Event Period*. At *International Events* held in Malta, the international organisation which is the ruling body for the *Event* shall have authority to conduct *Testing*. At *National Events* held in Malta, the ADC shall have authority to conduct *Testing*. At the request of the ruling body for an *Event*, any *Testing* conducted during the *Event Period* outside of the *Event Venues* shall be coordinated with the ruling body of the *Event*.

(b) If an *Anti-Doping Organisation*, which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event*, desires to conduct *Testing* of *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 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, in accordance with procedures described in the *International Standard for Testing and Investigations*, ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing*. *WADA* shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. *WADA's* decision shall be final and not subject to appeal. Unless otherwise provided in the authorization 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*.

(4) **Testing Requirements**

(a) The ADC shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing and Investigations*.

(b) Where reasonably feasible, *Testing* shall be coordinated through *ADAMS* in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

(5) **Athlete Whereabouts Information**

(a) The ADC has established a *Registered Testing Pool* of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and who shall be subject to *Consequences* for Regulation 2(4) violations as provided in Regulation 10(3)(b). The ADC shall coordinate with International Federations to identify such *Athletes* and to collect their whereabouts information.

(b) The ADC shall make available through *ADAMS* a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. The ADC shall regularly review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall periodically (but not less

B 842

than quarterly) review the list of *Athletes* in its *Registered Testing Pool* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* shall be notified before they are included in the *Registered Testing Pool* and when they are removed from that pool. The notification shall contain the information set out in the *International Standard for Testing and Investigations*.

(c) Where an *Athlete* is included in an international *Registered Testing Pool* by their International Federation and in a national *Registered Testing Pool* by the ADC, the ADC and the International Federation shall agree between themselves which of them shall accept that *Athlete's* whereabouts filings; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them.

(d) In accordance with the *International Standard for Testing and Investigations*, each *Athlete* in the *Registered Testing Pool* shall do the following:

(i) advise the ADC of his/her whereabouts on a quarterly basis;

(ii) update that information as necessary so that it remains accurate and complete at all times; and

(iii) make himself available for *Testing* at such whereabouts.

(e) For purposes of Regulation 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.

(f) An *Athlete* in the ADC's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements set in the *International Standard for Testing and Investigations* unless and until -

(i) the *Athlete* gives written notice to the ADC that he has retired; or

(ii) the ADC has informed him that he no longer satisfies the criteria for inclusion in the ADC's *Registered Testing Pool*.

(g) Whereabouts information provided by an *Athlete* while in the *Registered Testing Pool* shall be accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organisations* having authority to test that *Athlete* as provided in sub-regulation (2). Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to

support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard* for the Protection of Privacy and Personal Information.

(h) In accordance with the *International Standard* for Testing and Investigations, the ADC has established a *Testing Pool*, which includes *Athletes* who are subject to less stringent whereabouts requirements than *Athletes* included in the ADC's *Registered Testing Pool*.

(i) The ADC shall notify *Athletes* before they are included in the *Testing Pool* and when they are removed. Such notification shall include the whereabouts requirements and the *Consequences* that apply in case of non-compliance, as indicated in paragraphs (j) and (k).

(j) *Athletes* included in the *Testing Pool* shall provide the ADC with the following whereabouts information so that they may be located and subjected to *Testing*:

- an overnight address;
- *Competition / Event* schedule; and
- regular training activities.

Such whereabouts information shall be filed in *ADAMS* to enable better *Testing* coordination with other *Anti-Doping Organisations*.

(k) An *Athlete's* failure to provide whereabouts information on or before the date required by the ADC or the *Athlete's* failure to provide accurate whereabouts information shall result in the ADC elevating the *Athlete* to the ADC's *Registered Testing Pool*.

(l) The ADC may, in accordance with the *International Standard* for Testing and Investigations, collect whereabouts information from *Athletes* who are not included within a *Registered Testing Pool*. If it chooses to do so, an *Athlete's* failure to provide requested whereabouts information on or before the date required by the ADC or the *Athlete's* failure to provide accurate whereabouts information shall result in the ADC elevating the *Athlete* to the ADC's *Registered Testing Pool*.

(6) Retired *Athletes* Returning to *Competition*

(a) if an *International-Level Athlete* or *National-Level Athlete* in the ADC's *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself available for *Testing*, by giving six (6) months prior written notice to their International Federation

B 844

and the ADC.

WADA, in consultation with the ADC and the *Athlete's* International Federation, may grant an exemption to the six (6) month written notice rule where the strict application of that rule would be unfair to the *Athlete*. This decision may be appealed under Regulation 13.

Any competitive results obtained in violation of this paragraph shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Event* or a *National Event*.

(b) If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify the *Anti-Doping Organisation* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself available for *Testing* by giving six (6) 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 (6) months) to the ADC and to their *International Federation*.

(7) *Independent Observer Program*

The ADC and any organizing committees for *National Events* in Malta shall authorize and facilitate the *Independent Observer Program* at such *Events*.

REGULATION 6 ANALYSIS OF SAMPLES

Samples shall be analysed in accordance with the following principles:

(1) Use of Accredited, Approved Laboratories and Other Laboratories

(a) For purposes of directly establishing an *Adverse Analytical Finding* under Regulation 2(1), *Samples* shall be analysed only in *WADA*-accredited laboratories or laboratories otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by the ADC.

(b) As provided in Regulation 3(2), facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*-accredited or approved laboratories.

(2) Purpose of Analysis of Samples and Data

Samples and related analytical data or *Doping Control* information shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on

the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the monitoring program described in Regulation 4(5), or to assist the ADC in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.

(3) Research on *Samples* and Data

Samples, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Athlete's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*. Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*.

(4) Standards for *Sample* Analysis and Reporting

The ADC shall ask laboratories to analyse *Samples* in conformity with the *International Standard* for Laboratories and Article 4.7 of the *International Standard* for Testing and Investigations.

Laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by the ADC. Results from any such analysis shall be reported to the ADC and have the same validity and *Consequences* as any other analytical result.

(5) Further Analysis of a *Sample* prior to or During *Results Management*

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time the ADC notifies an *Athlete* that the *Sample* is the basis for an Regulation 2(1) anti-doping rule violation charge. If after such notification the ADC wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

(6) Further Analysis of a *Sample* after it has been Reported as Negative or has Otherwise not Resulted in an Anti-doping Rule Violation Charge

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of sub-regulation (2) at any time exclusively at the direction of either the *Anti-Doping Organisation* that initiated and directed *Sample* collection or *WADA*. Any other *Anti-Doping Organisation* with authority to test the *Athlete* that wishes to conduct further analysis on a stored

B 846

Sample may do so with the permission of the *Anti-Doping Organisation* that initiated and directed *Sample* collection or *WADA*, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by *WADA* or another *Anti-Doping Organisation* shall be at *WADA*'s or that *Organisation*'s expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

(7) Split of A or B Sample

Where *WADA*, an *Anti-Doping Organisation* with *Results Management* authority, and, or a *WADA*-accredited laboratory (with approval from *WADA* or the *Anti-Doping Organisation* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard* for Laboratories shall be followed.

(8) Wada's Right to Take Possession of Samples and Data

WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organisation*. Upon request by *WADA*, the laboratory or *Anti-Doping Organisation* in possession of the *Sample* or data shall immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data. If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organisation* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and each *Anti-Doping Organisation* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organisation* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.

REGULATION 7 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS

Results Management under these Anti-Doping Regulations establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

(1) Responsibility for Conducting Results Management

(a) Except as otherwise provided in Regulation 6(6) and (8) and *Code* Article 7(1), *Results Management* shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organisation* that initiated and directed *Sample* collection (or, if no *Sample* collection is

involved, the *Anti-Doping Organisation* which first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation).

(b) In circumstances where the rules of a *National Anti-Doping Organisation* do not give the *National Anti-Doping Organisation* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport *Organisation* of that country, or the *National Anti-Doping Organisation* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party with authority over the *Athlete* or other *Person* as directed by the rules of the applicable International Federation.

(c) *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by the International Federation or the ADC with whom the *Athlete* in question files whereabouts information, as provided in the *International Standard for Results Management*. If *NADOMALTA* determines a filing failure or a missed test, it shall submit that information to *WADA* through *ADAMS*, where it will be made available to other relevant *Anti-Doping Organisations*.

(d) Other circumstances in which the ADC shall take responsibility for conducting *Results Management* in respect of anti-doping rule violations involving *Athletes* and other *Persons* under its authority shall be determined by reference to and in accordance with Article 7 of the *Code*.

(e) *WADA* may direct the ADC to conduct *Results Management* in particular circumstances. If the ADC refuses to conduct *Results Management* within a reasonable deadline set by *WADA*, such refusal shall be considered an act of non-compliance, and *WADA* may direct another *Anti-Doping Organisation* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* responsibility in place of the ADC or, if there is no such *Anti-Doping Organisation*, any other *Anti-Doping Organisation* that is willing to do so. In such case, the ADC shall reimburse the costs and attorney's fees of conducting *Results Management* to the other *Anti-Doping Organisation* designated by *WADA*, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

(2) Review and Notification Regarding Potential Anti-Doping Rule Violations

The ADC shall carry out the review and notification with respect to any potential anti-doping rule violation in accordance with the *International Standard for Results Management*.

B 848

(3) **Identification of Prior *Anti-doping Rule Violations***

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

(4) ***Provisional Suspensions***

(a) ***Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding***

If the ADC receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, it shall impose a *Provisional Suspension* on the *Athlete* promptly upon or after the review and notification required by sub-regulation (2).

A mandatory *Provisional Suspension* may be eliminated if:

(i) the *Athlete* demonstrates to the *NADDP* that the violation is likely to have involved a *Contaminated Product*, or

(ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Regulation 10(2)(d)(i).

NADDP's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete*'s assertion regarding a *Contaminated Product* shall not be appealable.

(b) ***Optional Provisional Suspension based on an Adverse Analytical Finding for Specified Substances, Specified Methods, Contaminated Products, or Other Anti-Doping Rule Violations***

The ADC may impose a *Provisional Suspension* for anti-doping rule violations not covered by paragraph (a) prior to the analysis of the *Athlete*'s *B Sample* or final hearing as described in Regulation 8.

An optional *Provisional Suspension* may be lifted at the discretion of the ADC at any time prior to the *NADDP*'s decision under Regulation 8, unless provided otherwise in the *International Standard for Results Management*.

(c) **Opportunity for Hearing or Appeal**

Notwithstanding the provisions of paragraphs (a) and (b), a

Provisional Suspension may not be imposed unless the *Athlete* or other *Person* is given:

- (i) an opportunity for a *Provisional Hearing*, either before or on a timely basis after the imposition of the *Provisional Suspension*; or
- (ii) an opportunity for an expedited hearing in accordance with Regulation 8 on a timely basis after the imposition of the *Provisional Suspension*.

The imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, may be appealed in an expedited process in accordance with Regulation 13(2).

(d) *Voluntary Acceptance of Provisional Suspension*

Athletes on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of:

- (i) the expiration of ten (10) days from the report of the *B Sample* (or waiver of the *B Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or
- (ii) the date on which the *Athlete* first competes after such report or notice.

Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under paragraphs (a) or (b):

Provided that at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

(e) If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested by the *Athlete* or the ADC) 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 Regulation 2(1). In circumstances where the *Athlete* or the *Athlete's* team has been removed from an *Event* based on a violation of Regulation 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 *Event*, the *Athlete* or team may

B 850

continue to take part in the *Event*.

(5) *Results Management Decisions*

Results Management decisions or adjudications by the ADC or adjudications by the *NADDP* and, or *NADAP* must not purport to be limited to a particular geographic area or sport and shall address and determine without limitation the following issues:

(a) whether an anti-doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific regulations that have been violated, and

(b) all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Regulations 9 and 10(10), any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.

(6) Notification of *Results Management Decisions*

The *NADDP* shall notify *Athletes*, other *Persons*, *Signatories* and *WADA* of *Results Management* decisions as provided in Regulation 14(2) and in the *International Standard for Results Management*.

(7) Retirement from Sport

If an *Athlete* or other *Person* retires while *NADOMALTA's Results Management* process is underway, *NADOMALTA* retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and *NADOMALTA* 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, *NADOMALTA* has authority to conduct *Results Management*.

REGULATION 8 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION

For any *Person* who is asserted to have committed an anti-doping rule violation, the *NADDP* shall provide a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *Code* and the *International Standard for Results Management*.

(1) Fair hearings

(a) Fair, impartial and *Operationally Independent* Hearing Panel

(i) The Minister responsible for Sport shall establish a hearing

panel referred to as the *NADDP* that shall have jurisdiction to hear and determine whether an *Athlete* or other *Person*, subject to these Anti-Doping Regulations, has committed an anti-doping rule violation and, if applicable, to impose relevant *Consequences*.

(ii) The Minister shall ensure that the *NADDP* is free of conflict of interest and that its composition, term of office, professional experience, *Operational Independence* and adequate financing comply with the requirements of the *International Standard for Results Management*.

(iii) Board members, staff members, commission members, consultants and officials of *NADOMALTA* or its bodies, as well as any *Person* involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and, or clerks of *NADDP*. In particular, no member shall have previously considered any *TUE* application, *Results Management* decision, or appeals in the same given case.

(iv) The *NADDP* shall consist of an independent Chairperson and six (6) other independent members.

(v) Each member shall be appointed by taking into consideration their requisite anti-doping experience including their legal, sports, medical and, or scientific expertise. Each member shall be appointed for a once renewable term of three (3) years.

(vi) The *NADDP* shall be in a position to conduct the hearing and decision-making process without interference from the ADC or any third party.

(b) Hearing Process

(i) When the ADC sends a notice to an *Athlete* or other *Person* notifying them of a potential anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with sub-regulation (3)(a) or (b), then the case shall be referred to the *NADDP* for hearing and adjudication, which shall be conducted in accordance with the principles described in Regulations 8 and 9 of the *International Standard for Results Management*.

(ii) The Chairperson shall appoint three (3) members (which may include the Chairperson) to hear that case. When hearing a case, one (1) panel member shall be a qualified lawyer, with no less than three (3) years of relevant legal experience, and one (1) panel member shall be a qualified medical practitioner, with no less than three (3) years of relevant medical experience.

(iii) Upon appointment by the Chairperson as a member of *NADDP*, each member must also sign a declaration that there are no facts or circumstances known to him which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

(iv) Hearings held in connection with *Events* in respect to *Athletes* and other *Persons* who are subject to these Anti-Doping Regulations may be conducted by an expedited process where permitted by the *NADDP*.

(v) *WADA*, the International Federation, and the *National Sports Organisation* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, the *NADDP* shall keep them fully apprised as to the status of pending cases and the result of all hearings.

(2) Notice of Decisions

(a) At the end of the hearing, or promptly thereafter, the *NADDP* shall issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Regulation 10(10) and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

(b) The *NADDP* shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Regulation 13(2)(c), and shall promptly report it into *ADAMS*. The decision may be appealed as provided in Regulation 13.

(3) Waiver of Hearing

(a) An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may waive a hearing expressly and agree with the *Consequences* proposed by the ADC.

(b) However, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline otherwise specified in the notice sent by the ADC asserting the violation, then they shall be deemed to have waived a hearing, to have admitted the violation and to have accepted the proposed *Consequences*.

(c) In cases where paragraph (a) or paragraph (b) applies, a hearing before *NADDP* shall not be required. Instead the ADC shall promptly issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under

Regulation 10(10) and, if applicable, a justification for the reasons why the greatest potential *Consequences* were not imposed.

(d) The ADC shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Regulation 13(2)(c), and shall promptly report it into *ADAMS*. The ADC shall *Publicly Disclose* that decision in accordance with Regulation 14(3)(b).

(4) Single Hearing Before *CAS*

Anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, the ADC and *WADA*, be heard in a single hearing directly at *CAS*.

REGULATION 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 medals, points and prizes.

REGULATION 10 SANCTIONS ON INDIVIDUALS

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

(a) 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 medals, points and prizes, except as provided in paragraph (b).

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

(b) If the *Athlete* establishes that he 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.

(2) *Ineligibility* for Presence, Use or Attempted Use or Possession of a *Prohibited Substance* or *Prohibited Method*

B 854

The period of *Ineligibility* for a violation of paragraph (a), paragraph (b) or paragraph (f) shall be as follows, subject to potential elimination, reduction or suspension pursuant to sub-regulations (5), (6) or (7):

(a) The period of *Ineligibility*, subject to paragraph (d), shall be four (4) years where:

(i) the anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional;

(ii) the anti-doping rule violation involves a *Specified Substance* or a *Specified Method*, and *NADOMALTA* can establish that the anti-doping rule violation was intentional.

(b) If paragraph (a) does not apply, subject to paragraph (c)(i), the period of *Ineligibility* shall be two (2) years.

(c) As used in this sub-regulation, the term "intentional" is meant to identify those *Athletes* or other *Persons* who engage in conduct which they 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.

(d) Notwithstanding any other provision in this sub-regulation, where the anti-doping rule violation involves a *Substance of Abuse*:

(i) if the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three (3) months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this sub-paragraph may be reduced to one (1) month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by *NADOMALTA*. The period of *Ineligibility* established in this sub-paragraph is not subject to any reduction based on any provision in sub-regulation (6);

(ii) if the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of paragraph (a) and shall not provide a basis for a finding of *Aggravating Circumstances* under sub-regulation (4).

(3) *Ineligibility* for Other Anti-Doping Rule Violations

The period of *Ineligibility* for anti-doping rule violations other than as provided in sub-regulation (2) shall be as follows, unless sub-regulations (6) or (7) are applicable:

(a) For violations of Regulation 2(3) or (5), the period of *Ineligibility* shall be four (4) years except:

(i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years;

(ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person's* degree of *Fault*; or

(iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

(b) For violations of Regulation 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 paragraph is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for testing.

(c) For violations of Regulation 2(7) or (8), the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. A Regulation 2(7) or (8) violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support*

B 856

Personnel. In addition, significant violations of Regulation 2(7) or (8) which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

(d) For violations of Regulation 2(9), the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.

(e) For violations of Regulation 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.

(f) For violations of Regulation 2(11), the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.

(4) *Aggravating Circumstances* which may Increase the Period of *Ineligibility*

If the *NADDP* establishes in an individual case involving an anti-doping rule violation other than violations under Regulation 2(7) (*Trafficking* or *Attempted Trafficking*), 2(8) (*Administration* or *Attempted Administration*), 2(9) (*Complicity* or *Attempted Complicity*) or 2(11) (*Acts by an Athlete* or other *Person* to Discourage or Retaliate Against Reporting) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that he did not knowingly commit the anti-doping rule violation.

(5) Elimination of the 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.

(6) Reduction of the Period of *Ineligibility* based on *No Significant Fault* or *Negligence*

(a) Reduction of Sanctions in Particular Circumstances for Violations of Regulation 2(1), (2) or (6).

All reductions under this paragraph are mutually exclusive and not cumulative.

(i) *Specified Substances or Specified Methods*

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

(ii) *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) 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* or other *Person's* degree of *Fault*.

(iii) *Protected Persons or Recreational Athletes*

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

(b) Application of *No Significant Fault or Negligence* beyond the application of paragraph (a)

If an *Athlete* or other *Person* establishes in an individual case where paragraph (a) is not applicable, that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in sub-regulation (7), 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 paragraph may be no less than eight (8) years.

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

(a) *Substantial Assistance* in Discovering or Establishing *Code*

Violations

(i) The ADC may, prior to an appellate decision under Regulation 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in:

(A) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*; or

(B) which results in a criminal or disciplinary body discovering or bringing forward a criminal 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 the ADC or other *Anti-Doping Organisation* with *Results Management* responsibility; or

(C) which results in *WADA* initiating a proceeding against a *Signatory*, *WADA*-accredited laboratory, or *Athlete* passport management unit (as defined in the *International Standard* for Laboratories) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or

(D) with the approval by *WADA*, which results in a criminal or disciplinary body bringing forward a criminal offence or the breach of professional or sport rules arising out of a sport integrity violation other than doping. After an appellate decision under Regulation 13 or the expiration of time to appeal, *NADOMALTA* may only suspend a part of the otherwise applicable *Consequences* with the approval of *WADA* and the applicable International Federation.

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, non-compliance with the *Code* and, or sport integrity violations. 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 sub-paragraph must be no less than eight (8) years. For purposes of this sub-paragraph, the otherwise applicable period of *Ineligibility* shall not include any period

of *Ineligibility* that could be added under sub-regulation (9)(c)(ii).

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, *NADOMALTA* shall allow the *Athlete* or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*.

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 *Consequences* was based, *NADOMALTA* shall reinstate the original *Consequences*. If *NADOMALTA* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Regulation 13.

(ii) To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of the ADC or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, or other violation of these regulations, *WADA* may agree at any stage of the *Results Management* process, including after an appellate decision under Regulation 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 sub-paragraph, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and, or no return of prize money or payment of fines or costs. *WADA*'s approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this sub-paragraph. Notwithstanding the provisions of Regulation 13, *WADA*'s decisions in the context of this sub-paragraph may not be appealed.

(iii) If *NADOMALTA* 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 Regulation 13(2)(c) as provided in Regulation 14(2). In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize *NADOMALTA* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

(b) 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 Regulation 2(1), before receiving first notice of the admitted violation pursuant to Regulation 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.

(c) Application of Multiple Grounds for Reduction of a Sanction

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of sub-regulations (5), (6) or this sub-regulation, before applying any reduction or suspension under this sub-regulation, the otherwise applicable period of *Ineligibility* shall be determined in accordance with sub-regulations (2), (3), (5) and (6). If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under this sub-regulation, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

(8) Results Management Agreements

(a) One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

Where an *Athlete* or other *Person*, after being notified by the ADC of a potential anti-doping rule violation that carries an asserted period of *Ineligibility* of four (4) or more years (including any period of *Ineligibility* asserted under sub-regulation (4)), admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the *Athlete* or other *Person* may receive a one (1) year reduction in the period of *Ineligibility* asserted by the ADC. Where the *Athlete* or other *Person* receives the one (1) year reduction in the asserted period of *Ineligibility* under this paragraph, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other regulation.

(b) Case Resolution Agreement

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by the ADC and agrees to *Consequences* acceptable to the ADC and *WADA*, at their sole discretion, then:

(i) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by the ADC and *WADA* of

the application of sub-regulations (1) to (7) to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or other *Person*'s degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and

(ii) 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 paragraph is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*. The decision by *WADA* and the ADC to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of the period of *Ineligibility*, are not matters for determination or review by a hearing body and are not subject to appeal under Regulation 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this paragraph, the ADC shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.

(9) Multiple Violations

(a) Second or Third Anti-Doping Rule Violation

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

(A) a six (6) month period of *Ineligibility*; or

(B) a period of *Ineligibility* in the range between:

- the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and

- twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or other *Person*'s degree of *Fault* with respect to the second violation.

(ii) A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under sub-regulations (5) or (6), or involves a violation of Regulation 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

(iii) The period of *Ineligibility* established in sub-paragraphs (i) and (ii) may then be further reduced by the application of sub-regulation (7).

(b) 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 sub-regulation. In addition, an anti-doping rule violation sanctioned under sub-regulation (2)(d)(i) shall not be considered a violation for purposes of this sub-regulation.

(c) Additional Regulations for Certain Potential Multiple Violations

(i) For purposes of imposing sanctions under this sub-regulation, except as provided in paragraph (c)(ii) and (iii), an anti-doping rule violation will only be considered a second violation if the ADC can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Regulation 7, or after the ADC made reasonable efforts to give notice of the first anti-doping rule violation. If the ADC 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, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in sub-regulation (10).

(ii) If the ADC establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this sub-paragraph applies, the violations taken together shall constitute a single violation for purposes of paragraph (a).

(iii) If the ADC establishes that an *Athlete* or other *Person* committed a violation of Regulation 2(5) in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation,

the violation of Regulation 2(5) shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this sub-paragraph is applied, the violations taken together shall constitute a single violation for purposes of paragraph (a).

(iv) If the ADC establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

(d) Multiple Anti-Doping Rule Violations during Ten (10) Year Period

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

(10) *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 Regulation 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.

(11) Forfeited Prize Money

If *NADOMALTA* recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.

(12) *Financial Consequences*

(a) Where an *Athlete* or other *Person* commits an anti-doping rule violation, *NADOMALTA* may, in its discretion and subject to the principle of proportionality, elect to recover from the *Athlete* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed.

(b) The imposition of *NADOMALTA*'s recovery of costs shall not be considered a basis for reducing the *Ineligibility* or other sanction which would

B 864

otherwise be applicable under these Anti-Doping Regulations.

(13) Commencement of *Ineligibility* Period

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, 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.

(a) 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*, and the *Athlete* or other *Person* can establish that such delays are not attributable to the *Athlete* or other *Person*, *NADOMALTA* or *NADDP*, if applicable, 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*.

(b) Credit for *Provisional Suspension* or Period of *Ineligibility* Served

(i) If a *Provisional Suspension* is 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 the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. 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.

(ii) If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from the ADC 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 Regulation 14(1).

(iii) 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 a team.

(iv) 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.

(14) Status during *Ineligibility* or *Provisional Suspension*

(a) Prohibition Against Participation during *Ineligibility* or *Provisional Suspension*

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member Organisation, or a club or other member Organisation of a *Signatory's* member Organisation, or in *Competitions* authorized or organized 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 authority 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 *Protected Persons*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by the ADC to provide whereabouts information.

(b) Return to Training

As an exception to paragraph (a), an *Athlete* may return to train with a team or to use the facilities of a club or of a national sports Organisation during the shorter of:

B 866

(i) the last two months of the *Athlete's* period of *Ineligibility*,
or

(ii) the last one-quarter of the period of *Ineligibility* imposed.

(C) Violation of the Prohibition of Participation During *Ineligibility* or *Provisional Suspension*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in paragraph (a), the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no 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 the *Anti-Doping Organisation* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Regulation 13.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in paragraph (a) shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, the *NADDP* shall impose sanctions for a violation of Regulation 2(9) for such assistance.

(d) Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in sub-regulation (5) or (6), some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by the national sports organisation, the Government of Malta, the *National Olympic Committee* of Malta and the *National Paralympic Committee* of Malta.

(15) Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Regulation 14(3).

REGULATION 11 CONSEQUENCES TO TEAMS**(1) Testing of Team Sports**

Where more than one (1) member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Regulation 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

(2) Consequences for Team Sports

If more than two (2) members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

(3) Event Ruling Body may Establish Stricter Consequences for Team Sports

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences* for *Team Sports* stricter than those in sub-regulation (2) for purposes of the *Event*.

REGULATION 12 SANCTIONS BY SPORTMALTA AGAINST OTHER SPORTING BODIES

When the Government, SportMalta or *NADOMALTA* becomes aware that a national sports organisation in Malta or any other sporting body in Malta over which it has authority has failed to comply with, implement, uphold, and enforce these Anti-Doping Regulations within that Organisation's or body's area of competence, *NADOMALTA* may take the following additional disciplinary actions:

(1) Exclude all, or some group of, members of that Organisation or body from specified future *Events* or all *Events* conducted within a specified period of time.

(2) Take additional disciplinary actions with respect to that Organisation's or body's recognition, the eligibility of their members to participate in the Organisation or body's activities based on the following:

(a) Four (4) or more violations of these Anti-Doping Regulations (other than violations involving Regulation 2(4)) are committed by *Athletes* or other *Persons* affiliated with that Organisation or body during a twelve (12) month period. In such event all or some group of members of that Organisation or body may be banned from participation in any *NADOMALTA*

activities for a period of up to two (2) years.

(b) Four (4) or more violations of these Anti-Doping Regulations (other than violations involving Regulation 2(4)) are committed in addition to the violations described in paragraph (a) by *Athletes* or other *Persons* affiliated with that Organisation or body during a twelve (12) month period in testing conducted by the international federation or by the anti-doping organisations including *NADOMALTA*. In such event, that Organisation or body may be suspended for a period of up to four (4) years.

(c) More than one *Athlete* or other *Person* affiliated with that Organisation or body commits an anti-doping rule violation during an *International Event*. In such event, that Organisation or body may, at SportMalta's discretion, withhold any assistance proposed or already committed to the national sports organisation involved; and

(d) That Organisation or body has failed to make diligent efforts to keep *NADOMALTA* informed about an *Athlete's* whereabouts after receiving a request for that information from *NADOMALTA*. In such event, the Government or SportMalta, at its discretion, may withhold any assistance proposed or already committed to the national association involved, in addition to all of *NADOMALTA's* costs incurred in testing that national sports organisation's *Athletes*.

(3) Withhold some or all funding or other financial and non-financial support to that Organisation or body.

(4) Oblige that Organisation or body to reimburse *NADOMALTA* for all costs (including but not limited to laboratory fees, hearing expenses, and travel) related to a violation of these Anti-Doping Regulations committed by an *Athlete* or other *Person* affiliated with that Organisation or body.

REGULATION 13 RESULTS MANAGEMENT: APPEALS

(1) Decisions Subject to Appeal

Decisions made under the *Code* or these Anti-Doping Regulations may be appealed as set forth below in sub-regulations (2) to (7) or as otherwise provided in these Anti-Doping Regulations, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

(a) 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. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long

as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

(b) *CAS* shall Not Defer to the Findings Being Appealed

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

(c) *WADA* Not Required to Exhaust Internal Remedies

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

(2) Appeals from Decisions Regarding Anti-doping Rule Violations, *Consequences*, *Provisional Suspensions*, Implementation of Decisions and Authority

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) month notice requirement for a retired *Athlete* to return to competition under Regulation 5(6)(a); a decision by *WADA* assigning *Results Management* under Article 7(1) of the *Code*; a decision by the ADC 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 in accordance with the *International Standard for Results Management*; a decision to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*; the ADC's failure to comply with Regulation 7(4); a decision that the ADC lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Regulation 10(7)(a); failure to comply with Article 7.1.4 and 7.1.5 of the *Code*; failure to comply with Regulation 10(8)(a); a decision under Regulation 10(14)(c); a decision by *NADOMALTA* not to implement another anti-doping organisation's decision under Regulation 15; and a decision under Article 27.3 of the *Code* may be appealed exclusively as provided in this sub-regulation.

(a) Appeals Involving *International-Level Athletes* or *International Events*

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

(b) Appeals Involving Other *Athletes* or Other *Persons*

In cases where paragraph (a) is not applicable, the decision may be appealed to the *NADAP*. The appeal process shall be carried out in accordance with the *International Standard for Results Management*.

(i) Hearings before the *NADAP*

(A) The *NADAP* shall consist of an independent Chairperson and six (6) other independent members.

(B) Each member shall be appointed by taking into consideration their requisite anti-doping experience including their legal, sports, medical and, or scientific expertise. Each member shall be appointed for a once renewable term of three (3) years.

(C) The appointed members shall be *Operationally* and *Institutionally Independent*. Board members, staff members, commission members, consultants and officials of *NADOMALTA* or its affiliates (such as a *Delegated Third Party*), as well as any *Person* involved in the investigation, pre-adjudication or *Results Management* of the matter, cannot be appointed as members and, or clerks of the *NADAP*. In particular, no member shall have previously considered any *TUE* application, *Results Management* decision, first instance, or appeal involving the same *Athlete* in a given case.

(D) The *NADAP* shall be in a position to conduct the hearing and decision-making process without interference from *NADOMALTA* or any third party.

(E) If a member appointed by the Chairperson to hear a case is unwilling or unable, for whatever reason, to hear the case, the Chairperson may appoint a replacement or appoint a new hearing panel.

(F) The *NADAP* has the power, at its absolute discretion, to appoint an expert to assist or advise the panel.

(G) The International Federation, the *National Sports Organisation* concerned, the *National Olympic Committee*, if not a party (or parties) to the proceedings, and *WADA* each have the right to attend hearings of the *NADAP* as an observer.

(H) Hearings pursuant to this regulation should be completed as expeditiously as possible. Hearings held in connection with events may be conducted on an expedited basis.

(ii) Proceedings of the *NADAP*

(A) The proceedings of the *NADAP* shall respect the principles described in Articles 8, 9, and 10 of the *International Standard for Results Management*.

(B) The Chairperson shall appoint three (3) members (which may include the Chairperson) to hear the appeal. When hearing an appeal, one (1) panel member shall be a qualified lawyer, with no less than three (3) years of relevant legal experience, and one (1) panel member shall be a qualified medical practitioner, with no less than three (3) years of relevant medical experience.

(C) Upon appointment by the Chairperson as a member of an *NADAP*, each member must also sign a declaration that there are no facts or circumstances known to him which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

(D) The appellant shall present his case and the respondent party or parties shall present his or their case(s) in reply.

(E) If any party or his representative fail to attend a hearing after notification, the hearing may nevertheless proceed.

(F) Each party shall have the right to be represented by counsel at a hearing at that party's own expense.

(G) Each party shall have the right to an interpreter at the hearing at that party's expense.

(H) Each party to the proceedings has the right to access and present relevant evidence, to submit written and oral submissions, and to call and examine witnesses.

(iii) Decisions of the *NADAP*

(A) At the end of the hearing, or promptly thereafter, the *NADAP* shall issue a written, dated and signed decision that respects the principles of Article 9 of the *International Standard for Results Management*.

(B) The decision shall notably include the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum

potential sanction was not imposed.

(C) *NADAP* shall notify the decision to the *Athlete* or other *Person*, to his or her *National Federation*, and to *Anti-Doping Organisations* with a right to appeal under paragraph (c) (appeal to *CAS*), and shall promptly report it into *ADAMS*.

(D) The decision may be appealed as provided in paragraph (c) and publicly disclosed as provided in Regulation 14(3).

(c) *Persons Entitled to Appeal*

(i) *Appeals involving International-Level Athletes or International Events*

In cases under sub-regulation (2)(a), the following parties shall have the right to appeal to *CAS*:

(A) the *Athlete* or other *Person* who is the subject of the decision being appealed;

(B) the other party to the case in which the decision was rendered;

(C) the relevant International Federation;

(D) *NADOMALTA* and (if different) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder;

(E) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and

(F) *WADA*.

(ii) *Appeals Involving Other Athletes or Other Persons*

In cases under sub-regulation (2)(b), the following parties shall have the right to appeal:

(A) the *Athlete* or other *Person* who is the subject of the decision being appealed;

(B) the other party to the case in which the decision

was rendered;

(C) the relevant International Federation;

(D) NADOMALTA and (if different) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder;

(E) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and

(F) *WADA*.

For cases under sub-regulation (2)(b), *WADA*, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to *CAS* with respect to the decision of the *NADAP*.

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.

(iii) Duty to Notify

All parties to any *CAS* appeal must ensure that *WADA* and all other parties with a right to appeal have been given timely notice of the appeal.

(iv) Appeal from Imposition of *Provisional Suspension*

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

(v) Appeal from Decisions under Regulation 12

Decisions by *NADOMALTA* pursuant to Regulation 12 may be appealed to *NADAP* by the *National Sports Organisation* or other body.

(d) Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent

B 874

named in cases brought to *CAS* under the *Code* are specifically permitted. Any party with a right to appeal under this regulation must file a cross appeal or subsequent appeal at the latest with the party's answer.

(3) Failure to Render a Timely Decision by *NADDP*

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

(4) Appeals Relating to *TUE*s

TUE decisions may be appealed exclusively as provided in Regulation 4(4).

(5) Notification of Appeal Decisions

The *NADAP* 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 sub-regulation (2)(c) as provided under Regulation 14(2).

(6) Time for Filing Appeals

(a) 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:

(i) within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organisation* that had *Results Management* authority;

(ii) if such a request is made within the fifteen (15) 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*.

Notwithstanding the above, the filing deadline for an appeal filed by *WADA* shall be the later of:

(i) twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or

(ii) twenty-one (21) days after *WADA's* receipt of the complete file relating to the decision.

(b) Appeals under sub-regulation (2)(b)

The time to file an appeal to *NADAP* shall be twenty (20) days from the date of receipt of the decision by the appealing party. Notwithstanding the above, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the decision subject to appeal:

(i) within fifteen (15) days from notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organisation* that had *Results Management* authority;

(ii) if such a request is made within the fifteen (15) day period, then the party making such request shall have twenty (20) days from receipt of the file to file an appeal to *NADAP*.

Notwithstanding the above, the filing deadline for an appeal filed by *WADA* shall be the later of:

(i) twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or

(ii) twenty-one (21) days after *WADA's* receipt of the complete file relating to the decision.

REGULATION 14 CONFIDENTIALITY AND REPORTING

(1) Information Concerning *Adverse Analytical Findings, Atypical Findings*, and Other Asserted Anti-doping Rule Violations

(a) 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 this Regulation and Regulation 7.

If at any point during *Results Management* up until the anti-doping rule violation charge, the ADC decides not to move forward with a matter, it must notify the *Athlete* or other *Person* (provided that the *Athlete* or other *Person* had been already informed of the ongoing *Results*

B 876

Management).

(b) Notice of anti-doping rule violations to *National Anti-Doping Organisations, International Federations* and *WADA*

Notice of the assertion of an anti-doping rule violation to the *Athlete's* or other *Person's National Anti-Doping Organisation*, if different from the ADC, International Federation and *WADA* shall occur as provided under this Regulation and Regulation 7, simultaneously with the notice to the *Athlete* or other *Person*.

If at any point during *Results Management* up until the anti-doping rule violation charge, the ADC decides not to move forward with a matter, it must give notice (with reasons) to the *Anti-Doping Organisations* with a right of appeal under Regulation 13(2)(c).

(c) Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation shall include: the *Athlete's* or other *Person'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 Results Management*.

Notification of anti-doping rule violations other than under Regulation 2(1) shall also include the rule violated and the basis of the asserted violation.

(d) Status Reports

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to paragraph (a), the *Athlete's* or other *Person's National Anti-Doping Organisation*, if different from the ADC, International Federation and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Regulations 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

(e) 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 Sports Organisation*, and team in a Team Sport) until the ADC has made *Public Disclosure* as permitted by sub-regulation (3).

(f) Protection of Confidential Information by an Employee or Agent

of *NADOMALTA*

The ADC 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 sub-regulation (3). The ADC shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and, or unauthorized disclosure of such confidential information.

(2) Notice of Anti-Doping Rule Violation or Violations of *Ineligibility* or *Provisional Suspension* Decisions and Request for Files

(a) Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Regulations 7(6), 8(2), 10(5), (6), and (7), 10(14)(c) or 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, ADC shall provide an English or French summary of the decision and the supporting reasons.

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

(3) *Public Disclosure*

(a) After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organisations* in accordance with sub-regulation (1)(b), the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by the ADC.

(b) No later than twenty (20) days after it has been determined in an appellate decision under sub-regulation (2)(a) or (2)(b), or such appeal has been waived, or a hearing in accordance with Regulation 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Regulation 10(8), or a new period of *Ineligibility*, or reprimand, has been imposed under Regulation 10(14)(c), the ADC must *Publicly Disclose* the disposition of the anti-doping 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. The ADC must also *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above.

(c) After an anti-doping rule violation has been determined to have been committed in an appellate decision under Regulation 13(2)(a) or (b) or such appeal has been waived, or in a hearing in accordance with Regulation 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Regulation 10(8), the ADC may make public such determination or decision and may comment publicly on the matter.

(d) 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 fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. The ADC 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.

(e) Publication shall be accomplished at a minimum by placing the required information on *NADOMALTA's* website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

(f) Except as provided in paragraphs (a) and (c), no *Anti-Doping Organisation*, *National Sports Organisation* or *WADA*-accredited laboratory, or any official of any such 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, or based on information provided by, the *Athlete*, other *Person* or their entourage or other representatives.

(g) The mandatory *Public Disclosure* required in paragraph (b) 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*, *Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

(4) Statistical Reporting

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

each *Testing*.

(5) *Doping Control* Information Database and Monitoring of Compliance

To enable *WADA* to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* information among *Anti-Doping Organisations*, the ADC shall report to *WADA* through *ADAMS Doping Control*-related information, including, in particular:

(a) *Athlete Biological Passport Data* for *International-Level Athletes* and *National-Level Athletes*;

(b) *Whereabouts* information for *Athletes* including those in *Registered Testing Pools*;

(c) *TUE* decisions; and

(d) *Results Management* decisions, as required under the applicable *International Standard(s)*.

(5)(1) To facilitate coordinated test distribution planning, avoid unnecessary duplication in *Testing* by various *Anti-Doping Organisations*, and to ensure that *Athlete Biological Passport* profiles are updated, the ADC shall report all *In-Competition* and *Out-of-Competition* tests to *WADA* by entering the *Doping Control* forms into *ADAMS* in accordance with the requirements and time-lines contained in the *International Standard for Testing and Investigations*.

(5)(2) To facilitate *WADA's* oversight and appeal rights for *TUEs*, the ADC shall report all *TUE* applications, decisions and supporting documentation using *ADAMS* in accordance with the requirements and time-lines contained in the *International Standard for Therapeutic Use Exemptions*.

(5)(3) To facilitate *WADA's* oversight and appeal rights for *Results Management*, the ADC shall report the following information into *ADAMS* in accordance with the requirements and time-lines outlined in the *International Standard for Results Management*:

(a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*;

(b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*;

(c) whereabouts failures; and

(d) any decision imposing, lifting or reinstating a *Provisional Suspension*.

(5)(4) The information described in this regulation will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and International Federation, and any other *Anti-Doping Organisations* with *Testing* authority over the *Athlete*.

(6) Data Privacy

(a) *NADOMALTA* may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct its anti-doping activities under the *Code*, the *International Standards* (including specifically the *International Standard* for the Protection of Privacy and Personal Information), these Anti-Doping Regulations, and in compliance with applicable law.

(b) Without limiting the foregoing, *NADOMALTA* shall:

(i) only process personal information in accordance with a valid legal ground;

(ii) notify any *Participant* or *Person* subject to these Anti-Doping Regulations, in a manner and form that complies with applicable laws and the *International Standard* for the Protection of Privacy and Personal Information, that their personal information may be processed by *NADOMALTA* and other *Persons* for the purpose of the implementation of these Anti-Doping Regulations;

(iii) ensure that any third-party agents (including any *Delegated Third Party*) with whom *NADOMALTA* shares the personal information of any *Participant* or *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

REGULATION 15 IMPLEMENTATION OF DECISIONS

(1) Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organisations*

(a) A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organisation*, an appellate body (Regulation 13(2)(b)) or *CAS* shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon *NADOMALTA* and any *National Sports Organisation* in Malta, as well as every *Signatory* in every sport with the effects described below:

(i) a decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited

hearing or expedited appeal offered in accordance with Regulation 7(4)(c) automatically prohibits the *Athlete* or other *Person* from participation (as described in Regulation 10(14)(a)) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

(ii) a decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Regulation 10(14)(a)) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

(iii) a decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.

(iv) a decision by any of the above-described bodies to *Disqualify* results under Regulation 10(10) for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.

(b) The ADC and any *National Sports Organisation* in Malta shall recognize and implement a decision and its effects as required by paragraph (a), without any further action required, on the earlier of the date the ADC receives actual notice of the decision or the date the decision is placed into *ADAMS*.

(c) A decision by an *Anti-Doping Organisation*, an appellate body or *CAS* to suspend, or lift, *Consequences* shall be binding upon the ADC, and any *National Sports Organisation* in Malta, without any further action required, on the earlier of the date the ADC receives actual notice of the decision or the date the decision is placed into *ADAMS*.

(d) Notwithstanding any provision in paragraph (a), however, a decision of an anti-doping rule violation by a *Major Event Organisation* made in an expedited process during an *Event* shall not be binding on the ADC or *National Sports Organisation* in Malta unless the rules of the *Major Event Organisation* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.

(2) Implementation of Other Decisions by *Anti-Doping Organisations*

NADOMALTA and any *National Sports Organisation* in Malta may decide to implement other anti-doping decisions rendered by *Anti-Doping Organisations* not described in sub-regulation (1)(a) above, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.

(3) Implementation of Decisions by Body that is not a *Signatory*

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by *NADOMALTA* and any *National Sports Organisation* in Malta, if *NADOMALTA* finds that the decision purports to be within the authority of that body and the anti-doping rules and regulations of that body are otherwise consistent with the *Code*.

REGULATION 16 PRESCRIPTION

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he has been notified of the anti-doping rule violation as provided in Regulation 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

REGULATION 17 EDUCATION

NADOMALTA shall plan, implement, evaluate and promote *Education* in line with the requirements of Article 18.2 of the *Code* and the *International Standard for Education*.

REGULATION 18 ADDITIONAL ROLES AND RESPONSIBILITIES OF NATIONAL SPORTS ORGANISATION

(1) All *National Sports Organisations* of Malta and their members shall comply with the *Code*, *International Standards*, and these Anti-Doping Regulations. All *National Sports Organisations* of Malta and other members shall include in their policies, rules and programs the provisions necessary to recognise the authority and responsibility of *NADOMALTA* for implementing Malta's National Anti-Doping Program and enforcing these Anti-Doping Regulations (including carrying out *Testing*) directly in respect of *Athletes* and other *Persons* under their anti-doping authority.

(2) Each *National Sports Organisation* of Malta shall accept and abide by the spirit and terms of Malta's National Anti-Doping Program and these Anti-Doping Regulations as a condition of receiving financial and, or other assistance from the Government of Malta and, or the *National Olympic Committee* of Malta.

(3) Each *National Sports Organisation* of Malta shall incorporate these Anti-Doping Regulations either directly or by reference into its governing documents, constitution and, or rules as part of the rules of sport that bind their members so that the *National Sports Organisation* may enforce them itself directly in respect of *Athletes* and other *Persons* under its anti-doping authority.

(4) By adopting these Anti-Doping Regulations, and incorporating them into their governing documents and rules of sport, *National Sports Organisations* shall cooperate with and support *NADOMALTA* in that function. They shall also

recognize, abide by and implement the decisions made pursuant to these Anti-Doping Regulations, including the decisions imposing sanctions on *Persons* under their authority.

(5) All *National Sports Organisations* of Malta shall take appropriate action to enforce compliance with the *Code*, International Standards, and these Anti-Doping Regulations by *inter alia*:

(a) conducting *testing* only under the documented authority of their International Federation and using the ADC or other *Sample* collection authority to collect *Samples* in compliance with the *International Standard for Testing and Investigations*;

(b) recognising the authority of the ADC in accordance with Regulation 5(2)(a) and assisting as appropriate with the ADC's implementation of the national *Testing* program for their sport;

(c) analysing all *Samples* collected using a *WADA*-accredited or *WADA*-approved laboratory in accordance with Regulation 6(1); and

(d) ensuring that any national level anti-doping rule violation cases discovered by *National Sports Organisations* are adjudicated by the *NADDP* in accordance with Regulation 8(1) and the *International Standard for Results Management*.

(6) All *National Sports Organisations* shall establish rules requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a *National Sports Organisation* or one of its member organisations, and all *Athlete Support Personnel* associated with such *Athletes* to agree to be bound by these Anti-Doping Regulations and to submit to the *Results Management* authority of the *Anti-Doping Organisation* in conformity with the *Code* as a condition of such participation.

(7) All *National Sports Organisations* shall report any information suggesting or relating to an anti-doping rule violation to *NADOMALTA* and to their International Federation and shall cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.

(8) All *National Sports Organisations* 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 authority of *NADOMALTA* or the *National Sports Organisation*.

(9) All *National Sports Organisations* shall conduct anti-doping *Education* in coordination with *NADOMALTA*.

REGULATION 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF NADOMALTA

(1) In addition to the roles and responsibilities described in Regulation 20(5) for *National Anti-doping Organisations*, NADOMALTA shall report to WADA on NADOMALTA's compliance with the *Code* and *International Standards* in accordance with Article 24.1.2 of the *Code*.

(2) Subject to applicable law, and in accordance with Article 20.5.10 of the *Code*, all NADOMALTA's board members, directors, officers, and employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, must sign a form provided by NADOMALTA, agreeing to be bound by these Anti-Doping Regulations as *Persons* in conformity with the *Code* for direct and intentional misconduct.

(3) Subject to applicable law, and in accordance with Article 20.5.11 of the *Code*, any NADOMALTA employee who is involved in *Doping Control* (other than authorised anti-doping *Education* or rehabilitation programs) must sign a statement provided by NADOMALTA confirming that they are not *Provisionally Suspended* or serving a period of *Ineligibility* and have not been directly or intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to them.

REGULATION 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES

(1) To be knowledgeable of and comply with these Anti-Doping Regulations.

(2) To be available for *Sample* collection at all times.

(3) To take responsibility, in the context of anti-doping, for what they ingest and use.

(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 Regulations.

(5) To disclose to NADOMALTA and their International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.

(6) To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

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 *NADOMALTA's* disciplinary rules/code of conduct.

(7) To disclose the identity of their *Athlete Support Personnel* upon request by *NADOMALTA* or a *National Sports Organisation*, or any other *Anti-Doping Organisation* with authority over the *Athlete*.

(8) Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under *NADOMALTA's* disciplinary rules/code of conduct.

**REGULATION 21 ADDITIONAL ROLES AND
RESPONSIBILITIES OF ATHLETE SUPPORT
PERSONNEL**

(1) To be knowledgeable of and comply with these Anti-Doping Regulations.

(2) To cooperate with the *Athlete Testing* program.

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

(4) To disclose to *NADOMALTA* and their International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

(5) To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

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 *NADOMALTA's* disciplinary rules/code of conduct.

(6) *Athlete Support Personnel* shall not use or possess any *Prohibited Substance* or *Prohibited Method* without valid justification.

Any such *Use* or *Possession* may result in a charge of misconduct under *NADOMALTA's* disciplinary rules/code of conduct.

(7) Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by *Athlete Support Personnel*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under *NADOMALTA's* disciplinary rules/code of conduct.

B 886

REGULATION 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING REGULATIONS

(1) To be knowledgeable of and comply with these Anti-Doping Regulations.

(2) To disclose to *NADOMALTA* and their International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

(3) To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

Failure by any other *Person* subject to these Anti-Doping Regulations to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may result in a charge of misconduct under *NADOMALTA*'s disciplinary rules/code of conduct.

(4) Not to *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.

(5) Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a *Person*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under *NADOMALTA*'s disciplinary rules/code of conduct.

REGULATION 23 FINAL PROVISIONS

(1) Where the term "days" is used in these Anti-Doping Regulations, it shall mean calendar days unless otherwise specified.

(2) These Anti-Doping Regulations shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

(3) These Anti-Doping Regulations have been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Regulations and shall prevail in case of conflict.

(4) The definitions are to be considered integral parts of these Anti-Doping Regulations.

(5) The comments annotating various provisions of the *Code* are incorporated by reference into these Anti-Doping Regulations, shall be treated as if

set out fully herein, and shall be used to interpret these Anti-Doping Regulations.

(6) These Anti-Doping Regulations shall not apply retroactively to matters pending before the *Effective Date*. However:

(a) anti-doping rule violations taking place prior to the *Effective Date* count as "first violations" or "second violations" for purposes of determining sanctions under Regulation 10 for violations taking place after the *Effective Date*;

(b) any anti-doping rule violation case which is pending as of the *Effective Date* and any anti-doping rule violation case brought after the *Effective Date* based on an anti-doping rule violation which occurred prior to the *Effective Date*, shall be governed by the substantive anti-doping regulations in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping regulations set out in these Anti-Doping Regulations, unless the panel hearing the case determines the principle of "*lex mitior*" appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Regulation 10(9)(d) and the prescription period set forth in Regulation 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Regulations (provided, however, that Regulation 16 shall only be applied retroactively if the period of prescription has not already expired by the *Effective Date*);

(c) any Regulation 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard for Results Management*) prior to the *Effective Date* shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred;

(d) with respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the *Effective Date*, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the *Effective Date*, the *Athlete* or other *Person* may apply to NADOMALTA or other *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 Regulations. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Regulation 13(2). These Anti-Doping Regulations 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.

(e) for purposes of assessing the period of *Ineligibility* for a second

violation under Regulation 10(9)(a), 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 Regulations been applicable, shall be applied.

(7) Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to *NADOMALTA* or other *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 the removal of the substance or method from the *Prohibited List*.

REGULATION 24 INTERPRETATION OF THE CODE

24. (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.

(2) The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.

(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.

(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) Where the term "days" is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.

(6) The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

(7) The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions, shall be considered integral parts of the *Code*.

L.N. 104 of 2021

**SPORTS ACT
(CAP. 455)**

Anti-Doping Regulations, 2021

IN exercise of the powers conferred by articles 6(1)(n) and 53 of the Sports Act, the Minister responsible for Sport has made the following regulations:-

1. The title of these regulations is the Anti-Doping Regulations, 2021. Citation.

2. In these regulations, unless the context otherwise requires or specified in the Code: Interpretation.

"Act" means the Sports Act;

Cap. 455

"ADAMS" means the Anti-Doping Administration and Management System, which is a web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation;

"ADC" and "NADOMALTA" mean the Anti-Doping Commission appointed by the Minister responsible for Sport to oversee all aspects of NADOMALTA's Anti-Doping Program in accordance with the International Standard for Testing and Investigations. The ADC is to consist of a chairperson and a minimum of three and a maximum of five other members with expertise in the field of anti-doping;

"Administration" means 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" means a report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories, establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method;

"Adverse Passport Finding" means a report identified as an Adverse Passport Finding as described in the applicable International Standards;

"Aggravating Circumstances" means circumstances involving, or actions by, an Athlete or other Person which may justify the imposition of a period of Ineligibility greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods, Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of Ineligibility; the Athlete or Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the Athlete or other Person engaged in Tampering during Results Management. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of Ineligibility;

"Anti-Doping Activities" means anti-doping Education and information, test distribution planning, maintenance of a Registered Testing Pool, managing Athlete Biological Passports, conducting Testing, organizing analysis of Samples, gathering of intelligence and conduct of investigations, processing of TUE applications, Results Management, monitoring and enforcing compliance with any Consequences imposed, and all other activities related to anti-doping to be carried out by or on behalf of an Anti-Doping Organisation, as set out in the Code and/or the International Standards;

"Anti-Doping Organisation" means WADA or a Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process, which include but are not limited to the International Olympic Committee, the International Paralympic Committee, other Major Event Organisations that conduct Testing at their Events, International Federations, and National Anti-Doping Organisations;

"Athlete" means 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). NADOMALTA has discretion to apply anti-doping rules and regulations 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 anti-doping rule violation under Regulation 2(1), (3) or (5) of the Schedule is committed by any Athlete over whom an Anti-Doping Organisation has elected to exercise its authority to test and who competes below the international or national level, then the Consequences set forth in the Schedule must be applied. For purposes of Regulation 2(8) and (9) of the Schedule and for purposes of anti-doping information and Education, any Person who participates in sport under the authority of any Signatory, government, or other sports Organisation accepting the Code is considered an Athlete;

"Athlete Biological Passport" means 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" means 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" means 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" means a report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding;

"Atypical Passport Finding" means a report described as an Atypical Passport Finding as described in the applicable International Standards;

"CAS" means the Court of Arbitration for Sport, which currently has its seat in Lausanne, Switzerland;

"Code" means the World Anti-Doping Code first adopted by WADA on 5 March, 2003, and any other subsequent amendments;

"Competition" means a single race, match, game or singular sport contest. 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 and regulations of the applicable International Federation;

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

- (a) Disqualification;
- (b) Ineligibility;
- (c) Provisional Suspension;
- (d) Financial Consequences; and
- (e) Public Disclosure.

Teams in Team Sports may also be subject to Consequences as provided in Regulation 11 of the Schedule;

"Contaminated Product" means a product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search;

"Decision Limit" means the value of the result for a threshold substance in a Sample, above which an Adverse Analytical Finding shall be reported, as defined in the International Standard for Laboratories;

"Delegated Third Party" means any Person to which an Anti-Doping Organization delegates any aspect of Doping Control or anti-doping Education programs including, but not limited to, third parties or other Anti-Doping Organisations that conduct Sample collection or other Doping Control services or anti-doping Educational programs for the Anti-Doping Organization, or individuals serving as

independent contractors who perform Doping Control services for the Anti-Doping Organization (e.g. non-employee Doping Control officers or chaperones). This definition does not include the CAS;

"Disqualification" means the Athlete's results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes;

"Doping" means the occurrence of one or more of the anti-doping rule violations set forth in Regulation 2 of the Schedule;

"Doping Control" means all steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of Consequences, including all steps and processes in between, including but not limited to, Testing, investigations, whereabouts, TUEs, Sample collection and handling, laboratory analysis, Results Management and investigations or proceedings relating to violations of Regulation 10(14) of the Schedule (Status During Ineligibility or Provisional Suspension);

"Education" means the process of learning to instill values and develop behaviours that foster and protect the spirit of sport, and to prevent intentional and unintentional doping;

"Event" means a series of individual Competitions conducted together under one ruling body;

"Event Period" means the time between the beginning and end of an Event, as established by the ruling body of the Event;

"Event Venues" means those venues so designated by the ruling body for the Event;

"Fault" means any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete's or other Person's degree of Fault include, the Athlete's or other Person's experience, whether the Athlete or other Person is a Protected Person, 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 behaviour. However, 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 a

career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Regulation 10(6)(a) or (b) of the Schedule;

"Financial Consequences" means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation;

"In-Competition" means the period commencing at 11:59 p.m. on the day 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:

Provided that, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all Major Event Organisations for that particular sport;

"Independent Observer Program" means a team of observers and, or auditors, under the supervision of WADA, who observe and provide guidance on the Doping Control process prior to or during certain Events and report on their observations as part of WADA's compliance monitoring program;

"Individual Sport" means any sport that is not a Team Sport;

"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 Regulation 10(14) of the Schedule;

"Institutional Independence" means hearing panels on appeal which shall be fully independent institutionally from the Anti-Doping Organisation responsible for Results Management. They must therefore not in any way be administered by, connected or subject to the Anti-Doping Organisation responsible for Results Management;

"International Event" means 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;

"International-Level Athlete" means Athletes who compete in sport at the international level, as defined by each International

Federation, consistent with the International Standard for Testing and Investigations;

"International Standard" means 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" means 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" means a compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method;

"Metabolite" means any substance produced by a biotransformation process;

"Minimum Reporting Level" means the estimated concentration of a Prohibited Substance or its Metabolite(s) or Marker(s) in a sample below which WADA-accredited laboratories should not report that Sample as an Adverse Analytical Finding;

"Minor" means natural Person who has not reached the age of eighteen (18) years;

"National Event" means a sport Event or Competition involving International-Level or National-Level Athletes that is not an International Event;

"NADAP" means the National Anti-Doping Appeals Panel appointed by the government to adjudicate on appeals from decisions of the national anti-doping disciplinary panel as established in Regulation 13 of the Schedule;

"NADDP" means the National Anti-Doping Disciplinary Panel appointed by government to adjudicate on alleged violations of these regulations, unless the CAS is preferred;

"National Anti-Doping Organisation" means the entity or entities designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping regulations, direct the collection of samples, the management of test

results, and the conduct of hearings, at the national level. For the purposes of these regulations, the NADOMALTA is the designated entity;

"National Sports Organisation" means a national Sports Organisation that is registered or recognised by SportMalta as the entity governing a particular sporting discipline in Malta, and is a member of or is recognized by an international federation as the entity governing the international federation's sporting discipline in Malta;

"National-Level Athlete" means Athletes who compete in sport at the national level, as defined by each National Anti-Doping Organisation, consistent with the International Standard for Testing and Investigations;

"National Olympic Committee" means the Maltese Olympic Committee, recognised by the International Olympic Committee as the national Olympic committee in Malta;

"No Fault or Negligence" means the Athlete or other Person's establishing that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Protected Person or Recreational Athlete, for any violation of Regulation 2(1) of the Schedule, the Athlete must also establish how the Prohibited Substance entered the Athlete's system;

"No Significant Fault or Negligence" means the Athlete or other Person's establishing that any 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 Protected Person or Recreational Athlete, for any violation of Regulation 2(1) of the Schedule, the Athlete must also establish how the Prohibited Substance entered the Athlete's system;

"Operational Independence" means that board members, staff members, commission members, consultants and officials of the Anti-Doping Organisation with responsibility for Results Management or its affiliates (e.g., member federation or confederation) as well as any Person involved in the investigation and pre-adjudication of the matter cannot be appointed as members and, or clerks (to the extent that such clerk is involved in the deliberation process and, or drafting of any decision) of hearing panels of that Anti-Doping Organisation with responsibility for Results Management and hearing panels shall

be in a position to conduct the hearing and decision-making process without interference from the Anti-Doping Organisation or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case;

"Out-of-Competition" means any period which is not In-Competition;

"Participant" means any Athlete or Athlete Support Person;

"Person" means a natural Person or an Organisation or other entity;

"Possession" means 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 that, however, 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 further that 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;

"Prohibited List" means the WADA list identifying the Prohibited Substances and the Prohibited Methods as amended from time to time;

"Prohibited Method" means any method so described on the Prohibited List;

"Prohibited Substance" means any substance, or class of

substances, so described on the Prohibited List;

"Protected Person" means an Athlete or other natural Person who at the time of the anti-doping rule violation:

- (a) has not reached the age of sixteen (16) years;
- (b) has not reached the age of eighteen (18) years and is not included in any Registered Testing Pool and has never competed in any International Event in an open category; or
- (c) for reasons other than age, has been determined to lack legal capacity under the applicable national legislation;

"Provisional Hearing" means an expedited abbreviated hearing occurring prior to a hearing under Regulation 8 of the Schedule that provides the Athlete with notice and an opportunity to be heard in either written or oral form;

"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 Regulation 8 of the Schedule;

"Public Disclosure" means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Regulation 14 of the Schedule;

"Recreational Athlete" means any Person who engages or participates in sport or fitness activities for recreational purposes but who would not otherwise compete in Competitions or Events organized, recognized, or hosted by a National Sports Organisation, or by any affiliated or non-affiliated association, Organisation, club, team, or league and who, within the five (5) years prior to committing any anti-doping rule violation, has not been an International-Level Athlete (as defined by each International Federation consistent with the International Standard for Testing and Investigations) or National-Level Athlete (as defined by NADOMALTA or other National Anti-Doping Organisation consistent with the International Standard for Testing and Investigations); has not represented Malta or any other country in an International Event in an open category; or has not been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation, NADOMALTA or other National Anti-Doping Organisation;

"Registered Testing Pool" means the pool of highest-priority

Athletes established separately at the international level by International Federations and at the national level by National Anti-Doping Organisations, 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 set forth in Article 5(5) of the International Standard for Testing and Investigations;

"Results Management" means the process encompassing the timeframe between notification in accordance with Article 5 of the International Standard for Results Management, or in certain cases, such pre-notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged);

"Sample or Specimen" means any biological material collected for the purposes of Doping Control;

"Signatories" means those entities accepting the Code and agreeing to implement the Code;

"Specified Method" shall have the same meaning as that given under Regulation 4(2)(b) of the Schedule;

"specified substance" shall have the same meaning as that given under Regulation 4(2)(b) of the Schedule;

"SportMalta" shall have the same meaning as that established in article 4 of the Sports Act;

Cap. 455.

"Strict Liability" means the rule which provides that under Regulation 2(1) and (2) of the Schedule, 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;

"Substance of Abuse" shall have the same meaning as that given under Regulation 4(2)(c) of the Schedule;

"Substantial Assistance" means a Person providing Substantial Assistance that fully disclosed in a signed written statement or recorded interview all information he possesses in relation to anti-doping rule violations or other proceeding described in Regulation 10(7)(a)(i) of the Schedule, and shall fully cooperate with the investigation and adjudication of any case or matter related to that

information, including, 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 or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought;

"Tampering" means intentional 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, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organisation or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organisation or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference or Attempted interference with any aspect of Doping Control;

"Target Testing" means selection of specific athletes for testing based on criteria set forth in the International Standard for Testing and Investigations;

"Team Sport" means a sport in which the substitution of players is permitted during a Competition;

"Technical Document" means a document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an International Standard;

"Testing" means the parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory;

"Therapeutic Use Exemption (TUE)" means an exemption that allows an Athlete with a medical condition to Use a Prohibited Substance or Prohibited Method, but only if the conditions set out in Regulation 4(4) of the Schedule and the International Standard for Therapeutic Use Exemptions are met;

"Therapeutic Use Exemption Committee" ("TUEC") means the panel to consider applications for the grant of TUEs;

"Trafficking" means 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 Person or any other Person subject to the authority 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;

"UNESCO Convention" means the International Convention against Doping in Sport adopted by the UNESCO General Conference held 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" means the utilization, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method;

"WADA" means the World Anti-Doping Agency;

"Without Prejudice Agreement" means a written agreement between an Anti-Doping Organisation and an Athlete or other Person that allows the Athlete or other Person to provide information to the Anti-Doping Organisation in a defined time-limited setting with the understanding that, if an agreement for Substantial Assistance or a case resolution agreement is not finalized, the information provided by the Athlete or other Person in this particular setting may not be used by the Anti-Doping Organisation against the Athlete or other Person in any Results Management proceeding under the Code, and that the information provided by the Anti-Doping Organisation in this particular setting may not be used by the Athlete or other Person against the Anti-Doping Organisation in any Results Management proceeding under the Code. Such an agreement shall not preclude the Anti-Doping Organisation, Athlete or other Person from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

3. (1) The applicable provisions of the Code shall, notwithstanding anything to the contrary in any other law, but subject to the provisions of these regulations, have force of law throughout Malta and subject to such conditions as the Minister may prescribe.

Applicability of
the Code and
these
regulations.

(2) The applicable provisions of the Code are set out in the Schedule to these regulations and shall be interpreted in a manner that is consistent with applicable provisions of the Code. The comments annotating various provisions of the Code shall be used to, where applicable, assist in the understanding and interpretation of the provisions found in the Schedule.

(3) The Schedule shall be considered an integral part of these regulations.

(4) NADOMALTA may from time to time issue commentaries and guidelines referring to the provisions found in these regulations.

(5) The provisions of these regulations shall not apply retrospectively to matters pending before the date these regulations came into effect.

Conflict
between texts.

4. In these regulations, if there is any conflict between the English and Maltese texts, the English text shall prevail.

Revocation of
the Anti-Doping
Regulations.
S.L. 455.08

5. The Anti-Doping Regulations, 2015, are hereby revoked, without prejudice to anything done or omitted to be done thereunder.

SCHEDULE

REGULATION 1 APPLICABILITY AND ENFORCABILITY

1. (1) These *Anti-Doping Regulations* shall apply to:
 - (a) *NADOMALTA*, including its board members, directors, officers and specified employees, and *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*;
 - (b) *National Sports Organisations* of Malta, including their board members, directors, officers and specified employees, and *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*;
 - (c) the following *Athletes*, *Athlete Support Personnel* and other *Persons* (including *Protected Persons*), in each case, whether or not such *Person* is a national or resident of Malta:
 - (i) all *Athletes* and *Athlete Support Personnel* who are members or license-holders of any *National Sports Organisation* in Malta, or of any member or affiliate *Organisation* of any *National Sports Organisation* in Malta (including any clubs, teams, associations, or leagues);
 - (ii) all *Athletes* and *Athlete Support Personnel* who participate in such capacity in *Events*, *Competitions*, and other activities organized, convened, authorized or recognized by any *National Sports Organisation* in Malta, or by any member or affiliate *Organisation* of any *National Sports Organisation* in Malta (including any clubs, teams, associations or leagues), wherever held;
 - (iii) any other *Athlete* or *Athlete Support Person* or other *Person* who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the authority of any *National Sports Organisation* in Malta, or of any member or affiliate *Organisation* of any *National Sports Organisation* in Malta (including any clubs, teams, associations or leagues), for purposes of anti-doping;
 - (iv) all *Athletes* and *Athlete Support Personnel* who participate in any capacity in any activity organized, held, convened or authorized by the organizer of a *National Event* or of a national league that is not affiliated with a *National Sports Organisation*;
 - (v) *Recreational Athletes*; and
 - (d) all other *Persons* over whom the *Code* gives *NADOMALTA* authority, including all *Athletes* who are nationals or residents of Malta, and

B 828

all *Athletes* who are present in Malta, whether to compete or to train or otherwise:

Provided that each of the above-mentioned *Persons* is deemed, as a condition of his or her participation or involvement in sport in Malta, to have agreed to and be bound by these *Anti-doping Regulations* and to have submitted to the authority of *NADOMALTA* to enforce these *Anti-doping Regulations*, including any *Consequences* for the breach thereof, and to the jurisdiction of the hearing panels specified in Regulations 8 and 13 to hear and determine cases and appeals brought under these *Anti-doping Regulations*.

(2) Within the overall pool of Athletes set out above who are bound by and required to comply with these *Anti-doping Regulations*, the following Athletes shall be considered to be *National-Level Athletes* for the purposes of these *Anti-doping Regulations*, and, therefore, the specific provisions in these *Anti-doping Regulations* applicable to *National-Level Athletes* shall apply to such Athletes:

(a) Athletes who are members or license holders of any *National Sports Organisation* in Malta or any other *Organisation* affiliated with a *National Sports Organisation* including associations, clubs, teams or leagues;

(b) *Athletes* who participate or compete at any *Competition, Event*, or activity, which is organized, recognized, or hosted by a *National Sports Organisation*, by any affiliated association, *Organisation*, club, team, or league or by the Government in Malta;

(c) any other *athlete* who by virtue of an accreditation, a license or any other contractual arrangement, falls within the competence of a *National Sports Organisation* in Malta or any affiliated association, *Organisation*, club, team, or league in Malta for the purposes of fighting doping in sport in Malta;

(d) Athletes who participate in any activity organized, recognized, or hosted by a *National Event* organizer or any other national league and which is not otherwise affiliated with a *National Sports Organisation*:

Provided that, if any such Athletes are classified by their respective *International Federations* as *International-level athletes* then they shall be considered to be *International-Level Athletes* (and not *National-Level Athletes*) for purposes of these *Anti-doping Regulations*.

REGULATION 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

(1) Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*

(a) It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *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 rule violation under Regulation 2(1).

(b) Sufficient proof of an anti-doping rule violation under Regulation 2(1) is established by any 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 A* or *B Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.

(c) Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

(d) As an exception to the general rule of Regulation 2(1), the *Prohibited List*, *International Standards*, or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

(2) Use or Attempted Use by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*

(a) It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies 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*.

B 830

(b) 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.

(3) Evading, Refusing or Failing to Submit to *Sample* collection by an *athlete*

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.

(4) Whereabouts failures by an *athlete*

Any combination of three (3) missed tests and, or filing failures, as defined in the *International Standard for Results Management*, within a twelve (12) month period by an *Athlete* in a *Registered Testing Pool*.

(5) *Tampering* or *attempted tampering* with any Part of *Doping Control* by an *Athlete* or *Other Person*

(6) *Possession* of a *Prohibited Substance* or a *Prohibited Method* by an *Athlete* or *Athlete Support Person*

(a) *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 Regulation 4(4) or other acceptable justification.

(b) *Possession* by an *Athlete Support Person In-Competition* of any *prohibited substance* or any *Prohibited Method*, or *Possession* by an *Athlete Support Person Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete*, *Competition* or training, unless the *Athlete Support Person* establishes that the possession is consistent with a *TUE* granted to an *Athlete* in accordance with Regulation 4(4) or other acceptable justification.

(7) *Trafficking* or *Attempted trafficking* in any *Prohibited Substance* or *Prohibited Method* by an *Athlete* or *Other Person*

(8) *Administration* or *Attempted Administration* by an *Athlete* or *Other Person* 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*

(9) *Complicity or Attempted Complicity by an Athlete or Other Person*

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Regulation 10(14)(a) by another *Person*.

(10) *Prohibited association by an Athlete or Other Person*

(a) 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 Person* who:

(i) If subject to the authority of an *Anti-Doping Organisation*, is serving a period of *Ineligibility*; or

(ii) 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 (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

(iii) is serving as a front or intermediary for an individual described in sub-paragraph (i) or (ii).

(b) To establish a violation of sub-regulation (10), an *Anti-doping organisation* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person*'s disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in paragraph (a)(i) or (ii) is not in a professional or sport-related capacity and, or that such association could not have been reasonably avoided.

Anti-Doping Organisations that are aware of *Athlete Support Personnel* who meet the criteria described in paragraph (a)(i), (ii) or (iii) shall submit that information to *WADA*.

(11) *Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*

Where such conduct does not otherwise constitute a violation of sub-regulation (5):

B 832

(a) any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organisation*;

(b) retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organisation*.

For purposes of this sub-regulation, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.

REGULATION 3 PROOF OF DOPING

3. (1) Burdens and Standards of Proof

The ADC shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the ADC has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Regulations place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in sub-regulation (2)(b) and (c), the standard of proof shall be by a balance of probability.

(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:

(a) analytical methods or *Decision Limits* approved by *WADA* after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or 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. The initial hearing body,

appellate body or *CAS*, on its own initiative, may also inform *WADA* of any such challenge. Within ten (10) days of *WADA*'s receipt of such notice and the case file related to such challenge, *WADA* shall also have the right to intervene as a party, appear as *amicus curiae* or otherwise provide evidence in such proceeding. In cases before *CAS*, at *WADA*'s request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge;

(b) *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 the ADC shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

(c) departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Anti-Doping Regulations shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defence to an anti-doping rule violation:

Provided that if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then the ADC shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

(i) a departure from the *International Standard* for *Testing* and *Investigations* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the ADC shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

(ii) a departure from the *International Standard for Results Management* or *International Standard* for *Testing* and *Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case the ADC shall have the burden to establish that such departure did not cause the anti-doping rule violation;

(iii) a departure from the *International Standard for Results Management* related to the requirement to provide notice to the *Athlete* of the *B Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the ADC shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

(iv) a departure from the *International Standard for Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the ADC shall have the burden to establish that such departure did not cause the whereabouts failure.

(d) 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;

(e) 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 the NADDP.

REGULATION 4 THE *PROHIBITED LIST*

4. (1) Incorporation of the *Prohibited List*

These Anti-Doping Regulations incorporate the *Prohibited List* which is published and revised by *WADA*. *NADOMALTA* will publish the *Prohibited List*, as amended and published by *WADA* in accordance with Article 4.1 of the *Code*, in the Gazette and further make the current *Prohibited List* available to each national sports organisation, and each national sports organisation shall ensure that the current *Prohibited List* is available to its registered members.

Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall come into force under these Anti-Doping Regulations three (3) months after publication by *WADA* without requiring any further action by *NADOMALTA*. All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they come into force, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarize themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

(2) ***Prohibited Substances and Prohibited Methods Identified on the Prohibited List***

(a) *Prohibited Substances and Prohibited Methods*

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by *WADA* for a particular sport. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category or by specific reference to a particular substance or method.

(b) *Specified Substances or Specified Methods*

For purposes of the application of Regulation 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.

(c) *Substances of Abuse*

For purposes of applying Regulation 10, *Substances of Abuse* shall include those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are frequently abused in society outside of the context of sport.

(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*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

(4) *Therapeutic Use Exemptions ("TUEs")*

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

Standard for Therapeutic Use Exemptions.(b) *TUE* application process

(i) Any *Athlete* who is not an *International-Level Athlete* shall apply to *NADOMALTA* for a *TUE* as soon as possible, save where sub-regulations (1) or (3) of the *International Standard for Therapeutic Use Exemptions* apply. The application shall be made in accordance with Regulation 6 of the *International Standard for Therapeutic Use Exemptions* as posted on *NADOMALTA*'s website.

(ii) The Minister responsible for Sport shall establish a panel (*Therapeutic Use Exemption Committee* ("TUEC")) to consider applications for the grant of *TUEs* in accordance with indents (A) to (D) hereunder:

(A) The TUEC shall consist of a Chairperson and six (6) other members with experience in the care and treatment of *Athletes* and sound knowledge of clinical, sports and exercise medicine. Each appointed member shall serve a term of three (3) years.

(B) Before serving as a member of the TUEC, each member must sign a conflict of interest and confidentiality declaration. The appointed members shall not be employees of *NADOMALTA*.

(C) When an application to *NADOMALTA* for the grant of a *TUE* is made, the Chairperson of the TUEC shall appoint three (3) members (which may include the Chairperson) to consider the application.

(D) Before considering a *TUE* application, each member shall disclose to the Chairperson any circumstances likely to affect their impartiality with respect to the *Athlete* making the application. If a member appointed by the Chairperson to consider an application is unwilling or unable to assess the *Athlete's TUE* application, for any reason, the Chairperson may appoint a replacement or appoint a new TUEC. The Chairperson cannot serve as a member of the TUEC if there are any circumstances which are likely to affect the impartiality of the *TUE* decision.

(iii) The TUEC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and usually, unless exceptional circumstances apply, within no more than twenty-

one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to an *Event*, the TUEC must use its best endeavours to issue its decision before the start of the *Event*.

(iv) The TUEC decision shall be the final decision of *NADOMALTA* and may be appealed in accordance with paragraph (f). The decision shall be notified in writing to the *Athlete*, and to *WADA* and other *Anti-Doping Organisations* in accordance with the *International Standard for Therapeutic Use Exemptions*. It shall also promptly be reported into *ADAMS*.

(c) Retroactive *TUE* Applications

If the ADC chooses to test an *Athlete* who is not an *International-Level* or a *National-Level Athlete*, *NADOMALTA* shall permit that *Athlete* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that he or she is *Using* for therapeutic reasons.

(d) *TUE* Recognition

A *TUE* granted by the TUEC is valid at any national level in any country and does not need to be formally recognized by any other *National Anti-Doping Organisation*.

However, it is not automatically valid if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, unless it is recognized by the relevant *International Federation* or *Major Event Organisation* in accordance with the *International Standard for Therapeutic Use Exemptions* as follows:

(i) Where the *Athlete* already has a *TUE* granted by the TUEC for the substance or method in question, unless their *TUE* will be automatically recognized by the *International Federation* or *Major Event Organisation*, the *Athlete* shall apply to their *International Federation* or to the *Major Event Organisation* to recognize that *TUE*. If that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the *International Federation* or *Major Event Organisation* must recognize it.

If the *International Federation* or *Major Event Organisation* considers that the *TUE* granted by the TUEC does not meet those criteria and so refuses to recognize it, the *International Federation* shall promptly notify the *Athlete* and *NADOMALTA* with reasons. The *Athlete* and, or *NADOMALTA* shall have twenty-one (21) days from such notification to refer the matter to *WADA* for review in accordance with paragraph (f).

If the matter is referred to *WADA* for review in accordance with paragraph (f), the *TUE* granted by the TUEC 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 within the twenty-one (21) day deadline, *NADOMALTA* must determine whether the original *TUE* that it granted should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in international-level *Competition*). Pending *NADOMALTA*'s decision, the *TUE* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*).

(ii) If the *Athlete* does not already have a *TUE* granted by the TUEC for the substance or method in question, the *Athlete* must apply directly to the International Federation for a *TUE* in accordance with the process set out in the *International Standard for Therapeutic Use Exemptions* as soon as the need arises.

If the *International Federation* denies the *Athlete*'s application, it shall notify the athlete promptly, with reasons.

If the *International Federation* grants the *Athlete*'s application, it shall notify the *Athlete* and *NADOMALTA*. If *NADOMALTA* considers that the *TUE* granted by the *International Federation* does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has twenty-one (21) days from such notification to refer the matter to *WADA* for review.

If *NADOMALTA* refers the matter to *WADA* for review, the *TUE* granted by the *International Federation* remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA*'s decision.

If *NADOMALTA* does not refer the matter to *WADA* for review, the *TUE* granted by the *International Federation* becomes valid for national-level *Competition* as well when the twenty-one (21) day review deadline expires.

(e) Expiration, Withdrawal or Reversal of a *TUE*

(i) A *TUE* granted pursuant to these Anti-Doping Regulations:

(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) shall be withdrawn if the *Athlete* does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the *TUE*;

(C) may be withdrawn by the TUEC if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met; or

(D) may be reversed on review by *WADA* or on appeal.

(ii) In such event, the *Athlete* shall not be subject to any *Consequences* based on their *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, withdrawal, or reversal of the *TUE*. The review pursuant to Article 5.1.1.1 of the *International Standard for Results Management* of an *Adverse Analytical Finding*, reported shortly after the *TUE* expiry, withdrawal, or reversal, 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.

(f) Reviews and Appeals of *TUE* Decisions

(i) If the TUEC denies an application for a *TUE*, the *Athlete* may appeal exclusively to the national-level appeal body described in Regulation 13(2)(b).

(ii) *WADA* must review an *International Federation's* decision not to recognize a *TUE* granted by the TUEC that is referred to *WADA* by the *Athlete* or *NADOMALTA*. In addition, *WADA* must review an *International Federation's* decision to grant a *TUE* that is referred to *WADA* by *NADOMALTA*. *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.

(iii) Any *TUE* decision by an *International Federation* (or by the TUEC where it has agreed to consider the application on behalf of an *International Federation*) 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 *NADOMALTA*, exclusively to *CAS*.

(iv) A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, *NADOMALTA* and, or the *International Federation* affected, exclusively to *CAS*.

(v) A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

REGULATION 5 *TESTING AND INVESTIGATIONS*

5. (1) **Purpose of *Testing* and Investigations**

(a) *Testing* and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the *International Standard for Testing and Investigations*.

(b) *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Regulation 2(1) (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Regulation 2(2) (*Use or Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*).

(2) **Authority to Test**

(a) Subject to the limitations for *Event Testing* set out in sub-regulation (3), the ADC shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* specified in Regulation 1.

(b) The ADC 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.

(c) *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Regulation 20(7)(j).

(d) If an *International Federation* or *Major Event Organisation* delegates or contracts any part of *Testing* to the ADC directly or through a *National Sports Organisation*, the ADC may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the ADC's expense. If additional *Samples* are collected or additional types of analysis are performed, the *International Federation* or *Major Event Organisation* shall be notified.

(3) ***Event Testing***

(a) Except as otherwise provided hereunder, only a single *Organisation* shall have authority to conduct *Testing* at *Event Venues* during

an *Event Period*. At *International Events* held in Malta, the international organisation which is the ruling body for the *Event* shall have authority to conduct *Testing*. At *National Events* held in Malta, the ADC shall have authority to conduct *Testing*. At the request of the ruling body for an *Event*, any *Testing* conducted during the *Event Period* outside of the *Event Venues* shall be coordinated with the ruling body of the *Event*.

(b) If an *Anti-Doping Organisation*, which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event*, desires to conduct *Testing* of *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 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, in accordance with procedures described in the *International Standard for Testing and Investigations*, ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing*. *WADA* shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. *WADA's* decision shall be final and not subject to appeal. Unless otherwise provided in the authorization 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*.

(4) **Testing Requirements**

(a) The ADC shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing and Investigations*.

(b) Where reasonably feasible, *Testing* shall be coordinated through *ADAMS* in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

(5) **Athlete Whereabouts Information**

(a) The ADC has established a *Registered Testing Pool* of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and who shall be subject to *Consequences* for Regulation 2(4) violations as provided in Regulation 10(3)(b). The ADC shall coordinate with International Federations to identify such *Athletes* and to collect their whereabouts information.

(b) The ADC shall make available through *ADAMS* a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. The ADC shall regularly review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall periodically (but not less

B 842

than quarterly) review the list of *Athletes* in its *Registered Testing Pool* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* shall be notified before they are included in the *Registered Testing Pool* and when they are removed from that pool. The notification shall contain the information set out in the *International Standard for Testing and Investigations*.

(c) Where an *Athlete* is included in an international *Registered Testing Pool* by their International Federation and in a national *Registered Testing Pool* by the ADC, the ADC and the International Federation shall agree between themselves which of them shall accept that *Athlete's* whereabouts filings; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them.

(d) In accordance with the *International Standard for Testing and Investigations*, each *Athlete* in the *Registered Testing Pool* shall do the following:

(i) advise the ADC of his/her whereabouts on a quarterly basis;

(ii) update that information as necessary so that it remains accurate and complete at all times; and

(iii) make himself available for *Testing* at such whereabouts.

(e) For purposes of Regulation 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.

(f) An *Athlete* in the ADC's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements set in the *International Standard for Testing and Investigations* unless and until -

(i) the *Athlete* gives written notice to the ADC that he has retired; or

(ii) the ADC has informed him that he no longer satisfies the criteria for inclusion in the ADC's *Registered Testing Pool*.

(g) Whereabouts information provided by an *Athlete* while in the *Registered Testing Pool* shall be accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organisations* having authority to test that *Athlete* as provided in sub-regulation (2). Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to

support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard* for the Protection of Privacy and Personal Information.

(h) In accordance with the *International Standard* for Testing and Investigations, the ADC has established a *Testing Pool*, which includes *Athletes* who are subject to less stringent whereabouts requirements than *Athletes* included in the ADC's *Registered Testing Pool*.

(i) The ADC shall notify *Athletes* before they are included in the *Testing Pool* and when they are removed. Such notification shall include the whereabouts requirements and the *Consequences* that apply in case of non-compliance, as indicated in paragraphs (j) and (k).

(j) *Athletes* included in the *Testing Pool* shall provide the ADC with the following whereabouts information so that they may be located and subjected to *Testing*:

- an overnight address;
- *Competition / Event* schedule; and
- regular training activities.

Such whereabouts information shall be filed in *ADAMS* to enable better *Testing* coordination with other *Anti-Doping Organisations*.

(k) An *Athlete's* failure to provide whereabouts information on or before the date required by the ADC or the *Athlete's* failure to provide accurate whereabouts information shall result in the ADC elevating the *Athlete* to the ADC's *Registered Testing Pool*.

(l) The ADC may, in accordance with the *International Standard* for Testing and Investigations, collect whereabouts information from *Athletes* who are not included within a *Registered Testing Pool*. If it chooses to do so, an *Athlete's* failure to provide requested whereabouts information on or before the date required by the ADC or the *Athlete's* failure to provide accurate whereabouts information shall result in the ADC elevating the *Athlete* to the ADC's *Registered Testing Pool*.

(6) Retired *Athletes* Returning to *Competition*

(a) if an *International-Level Athlete* or *National-Level Athlete* in the ADC's *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself available for *Testing*, by giving six (6) months prior written notice to their International Federation

B 844

and the ADC.

WADA, in consultation with the ADC and the *Athlete's* International Federation, may grant an exemption to the six (6) month written notice rule where the strict application of that rule would be unfair to the *Athlete*. This decision may be appealed under Regulation 13.

Any competitive results obtained in violation of this paragraph shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Event* or a *National Event*.

(b) If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify the *Anti-Doping Organisation* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself available for *Testing* by giving six (6) 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 (6) months) to the ADC and to their *International Federation*.

(7) *Independent Observer Program*

The ADC and any organizing committees for *National Events* in Malta shall authorize and facilitate the *Independent Observer Program* at such *Events*.

REGULATION 6 ANALYSIS OF SAMPLES

Samples shall be analysed in accordance with the following principles:

(1) Use of Accredited, Approved Laboratories and Other Laboratories

(a) For purposes of directly establishing an *Adverse Analytical Finding* under Regulation 2(1), *Samples* shall be analysed only in *WADA*-accredited laboratories or laboratories otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by the ADC.

(b) As provided in Regulation 3(2), facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*-accredited or approved laboratories.

(2) Purpose of Analysis of Samples and Data

Samples and related analytical data or *Doping Control* information shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on

the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the monitoring program described in Regulation 4(5), or to assist the ADC in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.

(3) Research on *Samples* and Data

Samples, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Athlete's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*. Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*.

(4) Standards for *Sample* Analysis and Reporting

The ADC shall ask laboratories to analyse *Samples* in conformity with the *International Standard* for Laboratories and Article 4.7 of the *International Standard* for Testing and Investigations.

Laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by the ADC. Results from any such analysis shall be reported to the ADC and have the same validity and *Consequences* as any other analytical result.

(5) Further Analysis of a *Sample* prior to or During *Results Management*

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time the ADC notifies an *Athlete* that the *Sample* is the basis for an Regulation 2(1) anti-doping rule violation charge. If after such notification the ADC wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

(6) Further Analysis of a *Sample* after it has been Reported as Negative or has Otherwise not Resulted in an Anti-doping Rule Violation Charge

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of sub-regulation (2) at any time exclusively at the direction of either the *Anti-Doping Organisation* that initiated and directed *Sample* collection or *WADA*. Any other *Anti-Doping Organisation* with authority to test the *Athlete* that wishes to conduct further analysis on a stored

B 846

Sample may do so with the permission of the *Anti-Doping Organisation* that initiated and directed *Sample* collection or *WADA*, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by *WADA* or another *Anti-Doping Organisation* shall be at *WADA*'s or that *Organisation*'s expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

(7) Split of A or B Sample

Where *WADA*, an *Anti-Doping Organisation* with *Results Management* authority, and, or a *WADA*-accredited laboratory (with approval from *WADA* or the *Anti-Doping Organisation* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard* for Laboratories shall be followed.

(8) Wada's Right to Take Possession of Samples and Data

WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organisation*. Upon request by *WADA*, the laboratory or *Anti-Doping Organisation* in possession of the *Sample* or data shall immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data. If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organisation* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and each *Anti-Doping Organisation* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organisation* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.

REGULATION 7 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS

Results Management under these Anti-Doping Regulations establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

(1) Responsibility for Conducting Results Management

(a) Except as otherwise provided in Regulation 6(6) and (8) and *Code* Article 7(1), *Results Management* shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organisation* that initiated and directed *Sample* collection (or, if no *Sample* collection is

involved, the *Anti-Doping Organisation* which first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation).

(b) In circumstances where the rules of a *National Anti-Doping Organisation* do not give the *National Anti-Doping Organisation* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport *Organisation* of that country, or the *National Anti-Doping Organisation* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party with authority over the *Athlete* or other *Person* as directed by the rules of the applicable International Federation.

(c) *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by the International Federation or the ADC with whom the *Athlete* in question files whereabouts information, as provided in the *International Standard for Results Management*. If *NADOMALTA* determines a filing failure or a missed test, it shall submit that information to *WADA* through *ADAMS*, where it will be made available to other relevant *Anti-Doping Organisations*.

(d) Other circumstances in which the ADC shall take responsibility for conducting *Results Management* in respect of anti-doping rule violations involving *Athletes* and other *Persons* under its authority shall be determined by reference to and in accordance with Article 7 of the *Code*.

(e) *WADA* may direct the ADC to conduct *Results Management* in particular circumstances. If the ADC refuses to conduct *Results Management* within a reasonable deadline set by *WADA*, such refusal shall be considered an act of non-compliance, and *WADA* may direct another *Anti-Doping Organisation* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* responsibility in place of the ADC or, if there is no such *Anti-Doping Organisation*, any other *Anti-Doping Organisation* that is willing to do so. In such case, the ADC shall reimburse the costs and attorney's fees of conducting *Results Management* to the other *Anti-Doping Organisation* designated by *WADA*, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

(2) Review and Notification Regarding Potential Anti-Doping Rule Violations

The ADC shall carry out the review and notification with respect to any potential anti-doping rule violation in accordance with the *International Standard for Results Management*.

B 848

(3) **Identification of Prior *Anti-doping Rule Violations***

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

(4) ***Provisional Suspensions***

(a) ***Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding***

If the ADC receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, it shall impose a *Provisional Suspension* on the *Athlete* promptly upon or after the review and notification required by sub-regulation (2).

A mandatory *Provisional Suspension* may be eliminated if:

(i) the *Athlete* demonstrates to the *NADDP* that the violation is likely to have involved a *Contaminated Product*, or

(ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Regulation 10(2)(d)(i).

NADDP's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete*'s assertion regarding a *Contaminated Product* shall not be appealable.

(b) ***Optional Provisional Suspension based on an Adverse Analytical Finding for Specified Substances, Specified Methods, Contaminated Products, or Other Anti-Doping Rule Violations***

The ADC may impose a *Provisional Suspension* for anti-doping rule violations not covered by paragraph (a) prior to the analysis of the *Athlete*'s *B Sample* or final hearing as described in Regulation 8.

An optional *Provisional Suspension* may be lifted at the discretion of the ADC at any time prior to the *NADDP*'s decision under Regulation 8, unless provided otherwise in the *International Standard for Results Management*.

(c) **Opportunity for Hearing or Appeal**

Notwithstanding the provisions of paragraphs (a) and (b), a

Provisional Suspension may not be imposed unless the *Athlete* or other *Person* is given:

- (i) an opportunity for a *Provisional Hearing*, either before or on a timely basis after the imposition of the *Provisional Suspension*; or
- (ii) an opportunity for an expedited hearing in accordance with Regulation 8 on a timely basis after the imposition of the *Provisional Suspension*.

The imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, may be appealed in an expedited process in accordance with Regulation 13(2).

(d) *Voluntary Acceptance of Provisional Suspension*

Athletes on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of:

- (i) the expiration of ten (10) days from the report of the *B Sample* (or waiver of the *B Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or
- (ii) the date on which the *Athlete* first competes after such report or notice.

Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under paragraphs (a) or (b):

Provided that at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

(e) If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested by the *Athlete* or the ADC) 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 Regulation 2(1). In circumstances where the *Athlete* or the *Athlete's* team has been removed from an *Event* based on a violation of Regulation 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 *Event*, the *Athlete* or team may

B 850

continue to take part in the *Event*.

(5) *Results Management Decisions*

Results Management decisions or adjudications by the ADC or adjudications by the *NADDP* and, or *NADAP* must not purport to be limited to a particular geographic area or sport and shall address and determine without limitation the following issues:

(a) whether an anti-doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific regulations that have been violated, and

(b) all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Regulations 9 and 10(10), any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.

(6) Notification of *Results Management Decisions*

The *NADDP* shall notify *Athletes*, other *Persons*, *Signatories* and *WADA* of *Results Management* decisions as provided in Regulation 14(2) and in the *International Standard for Results Management*.

(7) Retirement from Sport

If an *Athlete* or other *Person* retires while *NADOMALTA's Results Management* process is underway, *NADOMALTA* retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and *NADOMALTA* 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, *NADOMALTA* has authority to conduct *Results Management*.

REGULATION 8 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION

For any *Person* who is asserted to have committed an anti-doping rule violation, the *NADDP* shall provide a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *Code* and the *International Standard for Results Management*.

(1) Fair hearings

(a) Fair, impartial and *Operationally Independent* Hearing Panel

(i) The Minister responsible for Sport shall establish a hearing

panel referred to as the *NADDP* that shall have jurisdiction to hear and determine whether an *Athlete* or other *Person*, subject to these Anti-Doping Regulations, has committed an anti-doping rule violation and, if applicable, to impose relevant *Consequences*.

(ii) The Minister shall ensure that the *NADDP* is free of conflict of interest and that its composition, term of office, professional experience, *Operational Independence* and adequate financing comply with the requirements of the *International Standard for Results Management*.

(iii) Board members, staff members, commission members, consultants and officials of *NADOMALTA* or its bodies, as well as any *Person* involved in the investigation and pre-adjudication of the matter, cannot be appointed as members and, or clerks of *NADDP*. In particular, no member shall have previously considered any *TUE* application, *Results Management* decision, or appeals in the same given case.

(iv) The *NADDP* shall consist of an independent Chairperson and six (6) other independent members.

(v) Each member shall be appointed by taking into consideration their requisite anti-doping experience including their legal, sports, medical and, or scientific expertise. Each member shall be appointed for a once renewable term of three (3) years.

(vi) The *NADDP* shall be in a position to conduct the hearing and decision-making process without interference from the ADC or any third party.

(b) Hearing Process

(i) When the ADC sends a notice to an *Athlete* or other *Person* notifying them of a potential anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with sub-regulation (3)(a) or (b), then the case shall be referred to the *NADDP* for hearing and adjudication, which shall be conducted in accordance with the principles described in Regulations 8 and 9 of the *International Standard for Results Management*.

(ii) The Chairperson shall appoint three (3) members (which may include the Chairperson) to hear that case. When hearing a case, one (1) panel member shall be a qualified lawyer, with no less than three (3) years of relevant legal experience, and one (1) panel member shall be a qualified medical practitioner, with no less than three (3) years of relevant medical experience.

(iii) Upon appointment by the Chairperson as a member of *NADDP*, each member must also sign a declaration that there are no facts or circumstances known to him which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

(iv) Hearings held in connection with *Events* in respect to *Athletes* and other *Persons* who are subject to these Anti-Doping Regulations may be conducted by an expedited process where permitted by the *NADDP*.

(v) *WADA*, the International Federation, and the *National Sports Organisation* of the *Athlete* or other *Person* may attend the hearing as observers. In any event, the *NADDP* shall keep them fully apprised as to the status of pending cases and the result of all hearings.

(2) Notice of Decisions

(a) At the end of the hearing, or promptly thereafter, the *NADDP* shall issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Regulation 10(10) and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

(b) The *NADDP* shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Regulation 13(2)(c), and shall promptly report it into *ADAMS*. The decision may be appealed as provided in Regulation 13.

(3) Waiver of Hearing

(a) An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may waive a hearing expressly and agree with the *Consequences* proposed by the ADC.

(b) However, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline otherwise specified in the notice sent by the ADC asserting the violation, then they shall be deemed to have waived a hearing, to have admitted the violation and to have accepted the proposed *Consequences*.

(c) In cases where paragraph (a) or paragraph (b) applies, a hearing before *NADDP* shall not be required. Instead the ADC shall promptly issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under

Regulation 10(10) and, if applicable, a justification for the reasons why the greatest potential *Consequences* were not imposed.

(d) The ADC shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Regulation 13(2)(c), and shall promptly report it into *ADAMS*. The ADC shall *Publicly Disclose* that decision in accordance with Regulation 14(3)(b).

(4) Single Hearing Before *CAS*

Anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, the ADC and *WADA*, be heard in a single hearing directly at *CAS*.

REGULATION 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 medals, points and prizes.

REGULATION 10 SANCTIONS ON INDIVIDUALS

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

(a) 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 medals, points and prizes, except as provided in paragraph (b).

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

(b) If the *Athlete* establishes that he 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.

(2) *Ineligibility* for Presence, Use or Attempted Use or Possession of a *Prohibited Substance* or *Prohibited Method*

B 854

The period of *Ineligibility* for a violation of paragraph (a), paragraph (b) or paragraph (f) shall be as follows, subject to potential elimination, reduction or suspension pursuant to sub-regulations (5), (6) or (7):

(a) The period of *Ineligibility*, subject to paragraph (d), shall be four (4) years where:

(i) the anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional;

(ii) the anti-doping rule violation involves a *Specified Substance* or a *Specified Method*, and *NADOMALTA* can establish that the anti-doping rule violation was intentional.

(b) If paragraph (a) does not apply, subject to paragraph (c)(i), the period of *Ineligibility* shall be two (2) years.

(c) As used in this sub-regulation, the term "intentional" is meant to identify those *Athletes* or other *Persons* who engage in conduct which they 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.

(d) Notwithstanding any other provision in this sub-regulation, where the anti-doping rule violation involves a *Substance of Abuse*:

(i) if the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three (3) months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this sub-paragraph may be reduced to one (1) month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by *NADOMALTA*. The period of *Ineligibility* established in this sub-paragraph is not subject to any reduction based on any provision in sub-regulation (6);

(ii) if the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of paragraph (a) and shall not provide a basis for a finding of *Aggravating Circumstances* under sub-regulation (4).

(3) *Ineligibility* for Other Anti-Doping Rule Violations

The period of *Ineligibility* for anti-doping rule violations other than as provided in sub-regulation (2) shall be as follows, unless sub-regulations (6) or (7) are applicable:

(a) For violations of Regulation 2(3) or (5), the period of *Ineligibility* shall be four (4) years except:

(i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years;

(ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person's* degree of *Fault*; or

(iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

(b) For violations of Regulation 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 paragraph is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for testing.

(c) For violations of Regulation 2(7) or (8), the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. A Regulation 2(7) or (8) violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support*

B 856

Personnel. In addition, significant violations of Regulation 2(7) or (8) which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

(d) For violations of Regulation 2(9), the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.

(e) For violations of Regulation 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.

(f) For violations of Regulation 2(11), the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.

(4) *Aggravating Circumstances* which may Increase the Period of *Ineligibility*

If the *NADDP* establishes in an individual case involving an anti-doping rule violation other than violations under Regulation 2(7) (*Trafficking* or *Attempted Trafficking*), 2(8) (*Administration* or *Attempted Administration*), 2(9) (*Complicity* or *Attempted Complicity*) or 2(11) (*Acts by an Athlete* or other *Person* to Discourage or Retaliate Against Reporting) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that he did not knowingly commit the anti-doping rule violation.

(5) Elimination of the 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.

(6) Reduction of the Period of *Ineligibility* based on *No Significant Fault* or *Negligence*

(a) Reduction of Sanctions in Particular Circumstances for Violations of Regulation 2(1), (2) or (6).

All reductions under this paragraph are mutually exclusive and not cumulative.

(i) *Specified Substances or Specified Methods*

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

(ii) *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) 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* or other *Person's* degree of *Fault*.

(iii) *Protected Persons or Recreational Athletes*

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

(b) Application of *No Significant Fault or Negligence* beyond the application of paragraph (a)

If an *Athlete* or other *Person* establishes in an individual case where paragraph (a) is not applicable, that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in sub-regulation (7), 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 paragraph may be no less than eight (8) years.

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

(a) *Substantial Assistance* in Discovering or Establishing *Code*

Violations

(i) The ADC may, prior to an appellate decision under Regulation 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in:

(A) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*; or

(B) which results in a criminal or disciplinary body discovering or bringing forward a criminal 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 the ADC or other *Anti-Doping Organisation* with *Results Management* responsibility; or

(C) which results in *WADA* initiating a proceeding against a *Signatory*, *WADA*-accredited laboratory, or *Athlete* passport management unit (as defined in the *International Standard for Laboratories*) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or

(D) with the approval by *WADA*, which results in a criminal or disciplinary body bringing forward a criminal offence or the breach of professional or sport rules arising out of a sport integrity violation other than doping. After an appellate decision under Regulation 13 or the expiration of time to appeal, *NADOMALTA* may only suspend a part of the otherwise applicable *Consequences* with the approval of *WADA* and the applicable International Federation.

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, non-compliance with the *Code* and, or sport integrity violations. 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 sub-paragraph must be no less than eight (8) years. For purposes of this sub-paragraph, the otherwise applicable period of *Ineligibility* shall not include any period

of *Ineligibility* that could be added under sub-regulation (9)(c)(ii).

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, *NADOMALTA* shall allow the *Athlete* or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*.

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 *Consequences* was based, *NADOMALTA* shall reinstate the original *Consequences*. If *NADOMALTA* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Regulation 13.

(ii) To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of the ADC or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, or other violation of these regulations, *WADA* may agree at any stage of the *Results Management* process, including after an appellate decision under Regulation 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 sub-paragraph, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and, or no return of prize money or payment of fines or costs. *WADA's* approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this sub-paragraph. Notwithstanding the provisions of Regulation 13, *WADA's* decisions in the context of this sub-paragraph may not be appealed.

(iii) If *NADOMALTA* 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 Regulation 13(2)(c) as provided in Regulation 14(2). In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize *NADOMALTA* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

(b) 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 Regulation 2(1), before receiving first notice of the admitted violation pursuant to Regulation 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.

(c) Application of Multiple Grounds for Reduction of a Sanction

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of sub-regulations (5), (6) or this sub-regulation, before applying any reduction or suspension under this sub-regulation, the otherwise applicable period of *Ineligibility* shall be determined in accordance with sub-regulations (2), (3), (5) and (6). If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under this sub-regulation, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

(8) Results Management Agreements

(a) One (1) Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

Where an *Athlete* or other *Person*, after being notified by the ADC of a potential anti-doping rule violation that carries an asserted period of *Ineligibility* of four (4) or more years (including any period of *Ineligibility* asserted under sub-regulation (4)), admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the *Athlete* or other *Person* may receive a one (1) year reduction in the period of *Ineligibility* asserted by the ADC. Where the *Athlete* or other *Person* receives the one (1) year reduction in the asserted period of *Ineligibility* under this paragraph, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other regulation.

(b) Case Resolution Agreement

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by the ADC and agrees to *Consequences* acceptable to the ADC and *WADA*, at their sole discretion, then:

(i) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by the ADC and *WADA* of

the application of sub-regulations (1) to (7) to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or other *Person*'s degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and

(ii) 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 paragraph is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*. The decision by *WADA* and the ADC to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of the period of *Ineligibility*, are not matters for determination or review by a hearing body and are not subject to appeal under Regulation 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this paragraph, the ADC shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.

(9) Multiple Violations

(a) Second or Third Anti-Doping Rule Violation

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

(A) a six (6) month period of *Ineligibility*; or

(B) a period of *Ineligibility* in the range between:

- the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and

- twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or other *Person*'s degree of *Fault* with respect to the second violation.

(ii) A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under sub-regulations (5) or (6), or involves a violation of Regulation 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

(iii) The period of *Ineligibility* established in sub-paragraphs (i) and (ii) may then be further reduced by the application of sub-regulation (7).

(b) 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 sub-regulation. In addition, an anti-doping rule violation sanctioned under sub-regulation (2)(d)(i) shall not be considered a violation for purposes of this sub-regulation.

(c) Additional Regulations for Certain Potential Multiple Violations

(i) For purposes of imposing sanctions under this sub-regulation, except as provided in paragraph (c)(ii) and (iii), an anti-doping rule violation will only be considered a second violation if the ADC can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Regulation 7, or after the ADC made reasonable efforts to give notice of the first anti-doping rule violation. If the ADC 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, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in sub-regulation (10).

(ii) If the ADC establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this sub-paragraph applies, the violations taken together shall constitute a single violation for purposes of paragraph (a).

(iii) If the ADC establishes that an *Athlete* or other *Person* committed a violation of Regulation 2(5) in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation,

the violation of Regulation 2(5) shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this sub-paragraph is applied, the violations taken together shall constitute a single violation for purposes of paragraph (a).

(iv) If the ADC establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

(d) Multiple Anti-Doping Rule Violations during Ten (10) Year Period

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

(10) *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 Regulation 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.

(11) Forfeited Prize Money

If *NADOMALTA* recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.

(12) *Financial Consequences*

(a) Where an *Athlete* or other *Person* commits an anti-doping rule violation, *NADOMALTA* may, in its discretion and subject to the principle of proportionality, elect to recover from the *Athlete* or other *Person* costs associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed.

(b) The imposition of *NADOMALTA*'s recovery of costs shall not be considered a basis for reducing the *Ineligibility* or other sanction which would

B 864

otherwise be applicable under these Anti-Doping Regulations.

(13) Commencement of *Ineligibility* Period

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, 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.

(a) 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*, and the *Athlete* or other *Person* can establish that such delays are not attributable to the *Athlete* or other *Person*, *NADOMALTA* or *NADDP*, if applicable, 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*.

(b) Credit for *Provisional Suspension* or Period of *Ineligibility* Served

(i) If a *Provisional Suspension* is 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 the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. 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.

(ii) If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from the ADC 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 Regulation 14(1).

(iii) 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 a team.

(iv) 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.

(14) Status during *Ineligibility* or *Provisional Suspension*

(a) Prohibition Against Participation during *Ineligibility* or *Provisional Suspension*

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation programs) authorized or organized by any *Signatory*, *Signatory's* member Organisation, or a club or other member Organisation of a *Signatory's* member Organisation, or in *Competitions* authorized or organized 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 authority 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 *Protected Persons*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by the ADC to provide whereabouts information.

(b) Return to Training

As an exception to paragraph (a), an *Athlete* may return to train with a team or to use the facilities of a club or of a national sports Organisation during the shorter of:

B 866

(i) the last two months of the *Athlete's* period of *Ineligibility*,
or

(ii) the last one-quarter of the period of *Ineligibility* imposed.

(C) Violation of the Prohibition of Participation During *Ineligibility* or *Provisional Suspension*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in paragraph (a), the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no 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 the *Anti-Doping Organisation* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Regulation 13.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in paragraph (a) shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, the *NADDP* shall impose sanctions for a violation of Regulation 2(9) for such assistance.

(d) Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in sub-regulation (5) or (6), some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by the national sports organisation, the Government of Malta, the *National Olympic Committee* of Malta and the *National Paralympic Committee* of Malta.

(15) Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Regulation 14(3).

REGULATION 11 CONSEQUENCES TO TEAMS**(1) Testing of Team Sports**

Where more than one (1) member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Regulation 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

(2) Consequences for Team Sports

If more than two (2) members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

(3) Event Ruling Body may Establish Stricter Consequences for Team Sports

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences* for *Team Sports* stricter than those in sub-regulation (2) for purposes of the *Event*.

REGULATION 12 SANCTIONS BY SPORTMALTA AGAINST OTHER SPORTING BODIES

When the Government, SportMalta or *NADOMALTA* becomes aware that a national sports organisation in Malta or any other sporting body in Malta over which it has authority has failed to comply with, implement, uphold, and enforce these Anti-Doping Regulations within that Organisation's or body's area of competence, *NADOMALTA* may take the following additional disciplinary actions:

(1) Exclude all, or some group of, members of that Organisation or body from specified future *Events* or all *Events* conducted within a specified period of time.

(2) Take additional disciplinary actions with respect to that Organisation's or body's recognition, the eligibility of their members to participate in the Organisation or body's activities based on the following:

(a) Four (4) or more violations of these Anti-Doping Regulations (other than violations involving Regulation 2(4)) are committed by *Athletes* or other *Persons* affiliated with that Organisation or body during a twelve (12) month period. In such event all or some group of members of that Organisation or body may be banned from participation in any *NADOMALTA*

activities for a period of up to two (2) years.

(b) Four (4) or more violations of these Anti-Doping Regulations (other than violations involving Regulation 2(4)) are committed in addition to the violations described in paragraph (a) by *Athletes* or other *Persons* affiliated with that Organisation or body during a twelve (12) month period in testing conducted by the international federation or by the anti-doping organisations including *NADOMALTA*. In such event, that Organisation or body may be suspended for a period of up to four (4) years.

(c) More than one *Athlete* or other *Person* affiliated with that Organisation or body commits an anti-doping rule violation during an *International Event*. In such event, that Organisation or body may, at SportMalta's discretion, withhold any assistance proposed or already committed to the national sports organisation involved; and

(d) That Organisation or body has failed to make diligent efforts to keep *NADOMALTA* informed about an *Athlete's* whereabouts after receiving a request for that information from *NADOMALTA*. In such event, the Government or SportMalta, at its discretion, may withhold any assistance proposed or already committed to the national association involved, in addition to all of *NADOMALTA's* costs incurred in testing that national sports organisation's *Athletes*.

(3) Withhold some or all funding or other financial and non-financial support to that Organisation or body.

(4) Oblige that Organisation or body to reimburse *NADOMALTA* for all costs (including but not limited to laboratory fees, hearing expenses, and travel) related to a violation of these Anti-Doping Regulations committed by an *Athlete* or other *Person* affiliated with that Organisation or body.

REGULATION 13 RESULTS MANAGEMENT: APPEALS

(1) Decisions Subject to Appeal

Decisions made under the *Code* or these Anti-Doping Regulations may be appealed as set forth below in sub-regulations (2) to (7) or as otherwise provided in these Anti-Doping Regulations, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

(a) 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. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long

as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

(b) *CAS* shall Not Defer to the Findings Being Appealed

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

(c) *WADA* Not Required to Exhaust Internal Remedies

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

(2) Appeals from Decisions Regarding Anti-doping Rule Violations, *Consequences*, *Provisional Suspensions*, Implementation of Decisions and Authority

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) month notice requirement for a retired *Athlete* to return to competition under Regulation 5(6)(a); a decision by *WADA* assigning *Results Management* under Article 7(1) of the *Code*; a decision by the ADC 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 in accordance with the *International Standard for Results Management*; a decision to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*; the ADC's failure to comply with Regulation 7(4); a decision that the ADC lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Regulation 10(7)(a); failure to comply with Article 7.1.4 and 7.1.5 of the *Code*; failure to comply with Regulation 10(8)(a); a decision under Regulation 10(14)(c); a decision by *NADOMALTA* not to implement another anti-doping organisation's decision under Regulation 15; and a decision under Article 27.3 of the *Code* may be appealed exclusively as provided in this sub-regulation.

(a) Appeals Involving *International-Level Athletes* or *International Events*

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

(b) Appeals Involving Other *Athletes* or Other *Persons*

In cases where paragraph (a) is not applicable, the decision may be appealed to the *NADAP*. The appeal process shall be carried out in accordance with the *International Standard for Results Management*.

(i) Hearings before the *NADAP*

(A) The *NADAP* shall consist of an independent Chairperson and six (6) other independent members.

(B) Each member shall be appointed by taking into consideration their requisite anti-doping experience including their legal, sports, medical and, or scientific expertise. Each member shall be appointed for a once renewable term of three (3) years.

(C) The appointed members shall be *Operationally* and *Institutionally Independent*. Board members, staff members, commission members, consultants and officials of *NADOMALTA* or its affiliates (such as a *Delegated Third Party*), as well as any *Person* involved in the investigation, pre-adjudication or *Results Management* of the matter, cannot be appointed as members and, or clerks of the *NADAP*. In particular, no member shall have previously considered any *TUE* application, *Results Management* decision, first instance, or appeal involving the same *Athlete* in a given case.

(D) The *NADAP* shall be in a position to conduct the hearing and decision-making process without interference from *NADOMALTA* or any third party.

(E) If a member appointed by the Chairperson to hear a case is unwilling or unable, for whatever reason, to hear the case, the Chairperson may appoint a replacement or appoint a new hearing panel.

(F) The *NADAP* has the power, at its absolute discretion, to appoint an expert to assist or advise the panel.

(G) The International Federation, the *National Sports Organisation* concerned, the *National Olympic Committee*, if not a party (or parties) to the proceedings, and *WADA* each have the right to attend hearings of the *NADAP* as an observer.

(H) Hearings pursuant to this regulation should be completed as expeditiously as possible. Hearings held in connection with events may be conducted on an expedited basis.

(ii) Proceedings of the *NADAP*

(A) The proceedings of the *NADAP* shall respect the principles described in Articles 8, 9, and 10 of the *International Standard for Results Management*.

(B) The Chairperson shall appoint three (3) members (which may include the Chairperson) to hear the appeal. When hearing an appeal, one (1) panel member shall be a qualified lawyer, with no less than three (3) years of relevant legal experience, and one (1) panel member shall be a qualified medical practitioner, with no less than three (3) years of relevant medical experience.

(C) Upon appointment by the Chairperson as a member of an *NADAP*, each member must also sign a declaration that there are no facts or circumstances known to him which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.

(D) The appellant shall present his case and the respondent party or parties shall present his or their case(s) in reply.

(E) If any party or his representative fail to attend a hearing after notification, the hearing may nevertheless proceed.

(F) Each party shall have the right to be represented by counsel at a hearing at that party's own expense.

(G) Each party shall have the right to an interpreter at the hearing at that party's expense.

(H) Each party to the proceedings has the right to access and present relevant evidence, to submit written and oral submissions, and to call and examine witnesses.

(iii) Decisions of the *NADAP*

(A) At the end of the hearing, or promptly thereafter, the *NADAP* shall issue a written, dated and signed decision that respects the principles of Article 9 of the *International Standard for Results Management*.

(B) The decision shall notably include the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum

potential sanction was not imposed.

(C) *NADAP* shall notify the decision to the *Athlete* or other *Person*, to his or her *National Federation*, and to *Anti-Doping Organisations* with a right to appeal under paragraph (c) (appeal to *CAS*), and shall promptly report it into *ADAMS*.

(D) The decision may be appealed as provided in paragraph (c) and publicly disclosed as provided in Regulation 14(3).

(c) *Persons Entitled to Appeal*

(i) *Appeals involving International-Level Athletes or International Events*

In cases under sub-regulation (2)(a), the following parties shall have the right to appeal to *CAS*:

(A) the *Athlete* or other *Person* who is the subject of the decision being appealed;

(B) the other party to the case in which the decision was rendered;

(C) the relevant International Federation;

(D) *NADOMALTA* and (if different) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder;

(E) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and

(F) *WADA*.

(ii) *Appeals Involving Other Athletes or Other Persons*

In cases under sub-regulation (2)(b), the following parties shall have the right to appeal:

(A) the *Athlete* or other *Person* who is the subject of the decision being appealed;

(B) the other party to the case in which the decision

was rendered;

(C) the relevant International Federation;

(D) NADOMALTA and (if different) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder;

(E) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and

(F) *WADA*.

For cases under sub-regulation (2)(b), *WADA*, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to *CAS* with respect to the decision of the *NADAP*.

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.

(iii) Duty to Notify

All parties to any *CAS* appeal must ensure that *WADA* and all other parties with a right to appeal have been given timely notice of the appeal.

(iv) Appeal from Imposition of *Provisional Suspension*

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

(v) Appeal from Decisions under Regulation 12

Decisions by *NADOMALTA* pursuant to Regulation 12 may be appealed to *NADAP* by the *National Sports Organisation* or other body.

(d) Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent

B 874

named in cases brought to *CAS* under the *Code* are specifically permitted. Any party with a right to appeal under this regulation must file a cross appeal or subsequent appeal at the latest with the party's answer.

(3) Failure to Render a Timely Decision by *NADDP*

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

(4) Appeals Relating to *TUE*s

TUE decisions may be appealed exclusively as provided in Regulation 4(4).

(5) Notification of Appeal Decisions

The *NADAP* 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 sub-regulation (2)(c) as provided under Regulation 14(2).

(6) Time for Filing Appeals

(a) 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:

(i) within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organisation* that had *Results Management* authority;

(ii) if such a request is made within the fifteen (15) 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*.

Notwithstanding the above, the filing deadline for an appeal filed by *WADA* shall be the later of:

(i) twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or

(ii) twenty-one (21) days after *WADA*'s receipt of the complete file relating to the decision.

(b) Appeals under sub-regulation (2)(b)

The time to file an appeal to *NADAP* shall be twenty (20) days from the date of receipt of the decision by the appealing party. Notwithstanding the above, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the decision subject to appeal:

(i) within fifteen (15) days from notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organisation* that had *Results Management* authority;

(ii) if such a request is made within the fifteen (15) day period, then the party making such request shall have twenty (20) days from receipt of the file to file an appeal to *NADAP*.

Notwithstanding the above, the filing deadline for an appeal filed by *WADA* shall be the later of:

(i) twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or

(ii) twenty-one (21) days after *WADA*'s receipt of the complete file relating to the decision.

REGULATION 14 CONFIDENTIALITY AND REPORTING

(1) Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and Other Asserted Anti-doping Rule Violations

(a) 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 this Regulation and Regulation 7.

If at any point during *Results Management* up until the anti-doping rule violation charge, the ADC decides not to move forward with a matter, it must notify the *Athlete* or other *Person* (provided that the *Athlete* or other *Person* had been already informed of the ongoing *Results*

B 876

Management).

(b) Notice of anti-doping rule violations to *National Anti-Doping Organisations, International Federations* and *WADA*

Notice of the assertion of an anti-doping rule violation to the *Athlete's* or other *Person's National Anti-Doping Organisation*, if different from the ADC, International Federation and *WADA* shall occur as provided under this Regulation and Regulation 7, simultaneously with the notice to the *Athlete* or other *Person*.

If at any point during *Results Management* up until the anti-doping rule violation charge, the ADC decides not to move forward with a matter, it must give notice (with reasons) to the *Anti-Doping Organisations* with a right of appeal under Regulation 13(2)(c).

(c) Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation shall include: the *Athlete's* or other *Person'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 Results Management*.

Notification of anti-doping rule violations other than under Regulation 2(1) shall also include the rule violated and the basis of the asserted violation.

(d) Status Reports

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to paragraph (a), the *Athlete's* or other *Person's National Anti-Doping Organisation*, if different from the ADC, International Federation and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Regulations 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

(e) 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 Sports Organisation*, and team in a Team Sport) until the ADC has made *Public Disclosure* as permitted by sub-regulation (3).

(f) Protection of Confidential Information by an Employee or Agent

of *NADOMALTA*

The ADC 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 sub-regulation (3). The ADC shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and, or unauthorized disclosure of such confidential information.

(2) Notice of Anti-Doping Rule Violation or Violations of *Ineligibility* or *Provisional Suspension* Decisions and Request for Files

(a) Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Regulations 7(6), 8(2), 10(5), (6), and (7), 10(14)(c) or 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, ADC shall provide an English or French summary of the decision and the supporting reasons.

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

(3) *Public Disclosure*

(a) After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organisations* in accordance with sub-regulation (1)(b), the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by the ADC.

(b) No later than twenty (20) days after it has been determined in an appellate decision under sub-regulation (2)(a) or (2)(b), or such appeal has been waived, or a hearing in accordance with Regulation 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Regulation 10(8), or a new period of *Ineligibility*, or reprimand, has been imposed under Regulation 10(14)(c), the ADC must *Publicly Disclose* the disposition of the anti-doping 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. The ADC must also *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning anti-doping rule violations, including the information described above.

(c) After an anti-doping rule violation has been determined to have been committed in an appellate decision under Regulation 13(2)(a) or (b) or such appeal has been waived, or in a hearing in accordance with Regulation 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Regulation 10(8), the ADC may make public such determination or decision and may comment publicly on the matter.

(d) 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 fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. The ADC 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.

(e) Publication shall be accomplished at a minimum by placing the required information on *NADOMALTA's* website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

(f) Except as provided in paragraphs (a) and (c), no *Anti-Doping Organisation*, *National Sports Organisation* or *WADA*-accredited laboratory, or any official of any such 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, or based on information provided by, the *Athlete*, other *Person* or their entourage or other representatives.

(g) The mandatory *Public Disclosure* required in paragraph (b) 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*, *Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

(4) Statistical Reporting

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

each *Testing*.

(5) *Doping Control* Information Database and Monitoring of Compliance

To enable *WADA* to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* information among *Anti-Doping Organisations*, the ADC shall report to *WADA* through *ADAMS Doping Control*-related information, including, in particular:

(a) *Athlete Biological Passport Data* for *International-Level Athletes* and *National-Level Athletes*;

(b) *Whereabouts* information for *Athletes* including those in *Registered Testing Pools*;

(c) *TUE* decisions; and

(d) *Results Management* decisions, as required under the applicable *International Standard(s)*.

(5)(1) To facilitate coordinated test distribution planning, avoid unnecessary duplication in *Testing* by various *Anti-Doping Organisations*, and to ensure that *Athlete Biological Passport* profiles are updated, the ADC shall report all *In-Competition* and *Out-of-Competition* tests to *WADA* by entering the *Doping Control* forms into *ADAMS* in accordance with the requirements and time-lines contained in the *International Standard for Testing and Investigations*.

(5)(2) To facilitate *WADA's* oversight and appeal rights for *TUEs*, the ADC shall report all *TUE* applications, decisions and supporting documentation using *ADAMS* in accordance with the requirements and time-lines contained in the *International Standard for Therapeutic Use Exemptions*.

(5)(3) To facilitate *WADA's* oversight and appeal rights for *Results Management*, the ADC shall report the following information into *ADAMS* in accordance with the requirements and time-lines outlined in the *International Standard for Results Management*:

(a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*;

(b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*;

(c) whereabouts failures; and

(d) any decision imposing, lifting or reinstating a *Provisional Suspension*.

(5)(4) The information described in this regulation will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and International Federation, and any other *Anti-Doping Organisations* with *Testing* authority over the *Athlete*.

(6) Data Privacy

(a) *NADOMALTA* may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct its anti-doping activities under the *Code*, the *International Standards* (including specifically the *International Standard* for the Protection of Privacy and Personal Information), these Anti-Doping Regulations, and in compliance with applicable law.

(b) Without limiting the foregoing, *NADOMALTA* shall:

(i) only process personal information in accordance with a valid legal ground;

(ii) notify any *Participant* or *Person* subject to these Anti-Doping Regulations, in a manner and form that complies with applicable laws and the *International Standard* for the Protection of Privacy and Personal Information, that their personal information may be processed by *NADOMALTA* and other *Persons* for the purpose of the implementation of these Anti-Doping Regulations;

(iii) ensure that any third-party agents (including any *Delegated Third Party*) with whom *NADOMALTA* shares the personal information of any *Participant* or *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

REGULATION 15 IMPLEMENTATION OF DECISIONS

(1) Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organisations*

(a) A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organisation*, an appellate body (Regulation 13(2)(b)) or *CAS* shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon *NADOMALTA* and any *National Sports Organisation* in Malta, as well as every *Signatory* in every sport with the effects described below:

(i) a decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited

hearing or expedited appeal offered in accordance with Regulation 7(4)(c) automatically prohibits the *Athlete* or other *Person* from participation (as described in Regulation 10(14)(a)) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

(ii) a decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Regulation 10(14)(a)) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

(iii) a decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.

(iv) a decision by any of the above-described bodies to *Disqualify* results under Regulation 10(10) for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.

(b) The ADC and any *National Sports Organisation* in Malta shall recognize and implement a decision and its effects as required by paragraph (a), without any further action required, on the earlier of the date the ADC receives actual notice of the decision or the date the decision is placed into *ADAMS*.

(c) A decision by an *Anti-Doping Organisation*, an appellate body or *CAS* to suspend, or lift, *Consequences* shall be binding upon the ADC, and any *National Sports Organisation* in Malta, without any further action required, on the earlier of the date the ADC receives actual notice of the decision or the date the decision is placed into *ADAMS*.

(d) Notwithstanding any provision in paragraph (a), however, a decision of an anti-doping rule violation by a *Major Event Organisation* made in an expedited process during an *Event* shall not be binding on the ADC or *National Sports Organisation* in Malta unless the rules of the *Major Event Organisation* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.

(2) Implementation of Other Decisions by *Anti-Doping Organisations*

NADOMALTA and any *National Sports Organisation* in Malta may decide to implement other anti-doping decisions rendered by *Anti-Doping Organisations* not described in sub-regulation (1)(a) above, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.

(3) Implementation of Decisions by Body that is not a *Signatory*

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by *NADOMALTA* and any *National Sports Organisation* in Malta, if *NADOMALTA* finds that the decision purports to be within the authority of that body and the anti-doping rules and regulations of that body are otherwise consistent with the *Code*.

REGULATION 16 PRESCRIPTION

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he has been notified of the anti-doping rule violation as provided in Regulation 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

REGULATION 17 EDUCATION

NADOMALTA shall plan, implement, evaluate and promote *Education* in line with the requirements of Article 18.2 of the *Code* and the *International Standard for Education*.

REGULATION 18 ADDITIONAL ROLES AND RESPONSIBILITIES OF NATIONAL SPORTS ORGANISATION

(1) All *National Sports Organisations* of Malta and their members shall comply with the *Code*, *International Standards*, and these Anti-Doping Regulations. All *National Sports Organisations* of Malta and other members shall include in their policies, rules and programs the provisions necessary to recognise the authority and responsibility of *NADOMALTA* for implementing Malta's National Anti-Doping Program and enforcing these Anti-Doping Regulations (including carrying out *Testing*) directly in respect of *Athletes* and other *Persons* under their anti-doping authority.

(2) Each *National Sports Organisation* of Malta shall accept and abide by the spirit and terms of Malta's National Anti-Doping Program and these Anti-Doping Regulations as a condition of receiving financial and, or other assistance from the Government of Malta and, or the *National Olympic Committee* of Malta.

(3) Each *National Sports Organisation* of Malta shall incorporate these Anti-Doping Regulations either directly or by reference into its governing documents, constitution and, or rules as part of the rules of sport that bind their members so that the *National Sports Organisation* may enforce them itself directly in respect of *Athletes* and other *Persons* under its anti-doping authority.

(4) By adopting these Anti-Doping Regulations, and incorporating them into their governing documents and rules of sport, *National Sports Organisations* shall cooperate with and support *NADOMALTA* in that function. They shall also

recognize, abide by and implement the decisions made pursuant to these Anti-Doping Regulations, including the decisions imposing sanctions on *Persons* under their authority.

(5) All *National Sports Organisations* of Malta shall take appropriate action to enforce compliance with the *Code*, International Standards, and these Anti-Doping Regulations by *inter alia*:

(a) conducting *testing* only under the documented authority of their International Federation and using the ADC or other *Sample* collection authority to collect *Samples* in compliance with the *International Standard for Testing and Investigations*;

(b) recognising the authority of the ADC in accordance with Regulation 5(2)(a) and assisting as appropriate with the ADC's implementation of the national *Testing* program for their sport;

(c) analysing all *Samples* collected using a *WADA*-accredited or *WADA*-approved laboratory in accordance with Regulation 6(1); and

(d) ensuring that any national level anti-doping rule violation cases discovered by *National Sports Organisations* are adjudicated by the *NADDP* in accordance with Regulation 8(1) and the *International Standard for Results Management*.

(6) All *National Sports Organisations* shall establish rules requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a *National Sports Organisation* or one of its member organisations, and all *Athlete Support Personnel* associated with such *Athletes* to agree to be bound by these Anti-Doping Regulations and to submit to the *Results Management* authority of the *Anti-Doping Organisation* in conformity with the *Code* as a condition of such participation.

(7) All *National Sports Organisations* shall report any information suggesting or relating to an anti-doping rule violation to *NADOMALTA* and to their International Federation and shall cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.

(8) All *National Sports Organisations* 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 authority of *NADOMALTA* or the *National Sports Organisation*.

(9) All *National Sports Organisations* shall conduct anti-doping *Education* in coordination with *NADOMALTA*.

REGULATION 19 ADDITIONAL ROLES AND RESPONSIBILITIES OF NADOMALTA

(1) In addition to the roles and responsibilities described in Regulation 20(5) for *National Anti-doping Organisations*, NADOMALTA shall report to WADA on NADOMALTA's compliance with the *Code* and *International Standards* in accordance with Article 24.1.2 of the *Code*.

(2) Subject to applicable law, and in accordance with Article 20.5.10 of the *Code*, all NADOMALTA's board members, directors, officers, and employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, must sign a form provided by NADOMALTA, agreeing to be bound by these Anti-Doping Regulations as *Persons* in conformity with the *Code* for direct and intentional misconduct.

(3) Subject to applicable law, and in accordance with Article 20.5.11 of the *Code*, any NADOMALTA employee who is involved in *Doping Control* (other than authorised anti-doping *Education* or rehabilitation programs) must sign a statement provided by NADOMALTA confirming that they are not *Provisionally Suspended* or serving a period of *Ineligibility* and have not been directly or intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to them.

REGULATION 20 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES

(1) To be knowledgeable of and comply with these Anti-Doping Regulations.

(2) To be available for *Sample* collection at all times.

(3) To take responsibility, in the context of anti-doping, for what they ingest and use.

(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 Regulations.

(5) To disclose to NADOMALTA and their International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.

(6) To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

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 *NADOMALTA*'s disciplinary rules/code of conduct.

(7) To disclose the identity of their *Athlete Support Personnel* upon request by *NADOMALTA* or a *National Sports Organisation*, or any other *Anti-Doping Organisation* with authority over the *Athlete*.

(8) Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under *NADOMALTA*'s disciplinary rules/code of conduct.

**REGULATION 21 ADDITIONAL ROLES AND
RESPONSIBILITIES OF ATHLETE SUPPORT
PERSONNEL**

(1) To be knowledgeable of and comply with these Anti-Doping Regulations.

(2) To cooperate with the *Athlete Testing* program.

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

(4) To disclose to *NADOMALTA* and their International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

(5) To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

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 *NADOMALTA*'s disciplinary rules/code of conduct.

(6) *Athlete Support Personnel* shall not use or possess any *Prohibited Substance* or *Prohibited Method* without valid justification.

Any such *Use* or *Possession* may result in a charge of misconduct under *NADOMALTA*'s disciplinary rules/code of conduct.

(7) Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by *Athlete Support Personnel*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under *NADOMALTA*'s disciplinary rules/code of conduct.

B 886

REGULATION 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF OTHER PERSONS SUBJECT TO THESE ANTI-DOPING REGULATIONS

(1) To be knowledgeable of and comply with these Anti-Doping Regulations.

(2) To disclose to *NADOMALTA* and their International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

(3) To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

Failure by any other *Person* subject to these Anti-Doping Regulations to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may result in a charge of misconduct under *NADOMALTA*'s disciplinary rules/code of conduct.

(4) Not to *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.

(5) Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by a *Person*, which does not otherwise constitute *Tampering*, may result in a charge of misconduct under *NADOMALTA*'s disciplinary rules/code of conduct.

REGULATION 23 FINAL PROVISIONS

(1) Where the term "days" is used in these Anti-Doping Regulations, it shall mean calendar days unless otherwise specified.

(2) These Anti-Doping Regulations shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

(3) These Anti-Doping Regulations have been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code* and the *International Standards* shall be considered integral parts of these Anti-Doping Regulations and shall prevail in case of conflict.

(4) The definitions are to be considered integral parts of these Anti-Doping Regulations.

(5) The comments annotating various provisions of the *Code* are incorporated by reference into these Anti-Doping Regulations, shall be treated as if

set out fully herein, and shall be used to interpret these Anti-Doping Regulations.

(6) These Anti-Doping Regulations shall not apply retroactively to matters pending before the *Effective Date*. However:

(a) anti-doping rule violations taking place prior to the *Effective Date* count as "first violations" or "second violations" for purposes of determining sanctions under Regulation 10 for violations taking place after the *Effective Date*;

(b) any anti-doping rule violation case which is pending as of the *Effective Date* and any anti-doping rule violation case brought after the *Effective Date* based on an anti-doping rule violation which occurred prior to the *Effective Date*, shall be governed by the substantive anti-doping regulations in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping regulations set out in these Anti-Doping Regulations, unless the panel hearing the case determines the principle of "*lex mitior*" appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Regulation 10(9)(d) and the prescription period set forth in Regulation 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Regulations (provided, however, that Regulation 16 shall only be applied retroactively if the period of prescription has not already expired by the *Effective Date*);

(c) any Regulation 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard for Results Management*) prior to the *Effective Date* shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred;

(d) with respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the *Effective Date*, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the *Effective Date*, the *Athlete* or other *Person* may apply to NADOMALTA or other *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 Regulations. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Regulation 13(2). These Anti-Doping Regulations 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.

(e) for purposes of assessing the period of *Ineligibility* for a second

violation under Regulation 10(9)(a), 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 Regulations been applicable, shall be applied.

(7) Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to *NADOMALTA* or other *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 the removal of the substance or method from the *Prohibited List*.

REGULATION 24 INTERPRETATION OF THE CODE

24. (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.

(2) The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.

(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.

(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) Where the term "days" is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.

(6) The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

(7) The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions, shall be considered integral parts of the *Code*.