

27/08/2009

INTERNATIONAL KENDO FEDERATION

ANTI-DOPING RULES

Version 1.0
(Based upon the
2009 revised WADA Code)

TABLE OF CONTENTS

INTRODUCTION	3
ARTICLE 1 DEFINITION OF DOPING.....	5
ARTICLE 2 ANTI-DOPING RULE VIOLATIONS	5
ARTICLE 3 PROOF OF DOPING	7
ARTICLE 4 THE PROHIBITED LIST.....	9
ARTICLE 5 TESTING.....	11
ARTICLE 6 ANALYSIS OF SAMPLES	14
ARTICLE 7 RESULTS MANAGEMENT	15
ARTICLE 8 RIGHT TO A FAIR HEARING	22
ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS.....	24
ARTICLE 10 SANCTIONS ON INDIVIDUALS	24
ARTICLE 11 CONSEQUENCES TO TEAMS.....	33
ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL FEDERATIONS	34
ARTICLE 13 APPEALS.....	34
ARTICLE 14 NATIONAL FEDERATIONS' INCORPORATION OF FIK RULES, REPORTING AND RECOGNITION	37
ARTICLE 15 RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS	39
ARTICLE 16 STATUTE OF LIMITATIONS	39
ARTICLE 17 FIK Compliance Reports to WADA.....	39
ARTICLE 18 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES	39

FIK ANTI-DOPING RULES

INTRODUCTION

Preface

The concept of Kendo is "to discipline the human character through the application of the principles of the Katana". On the basis of the concept of Kendo, the purpose of International Kendo Federation ("FIK"), KENDO SHIAI (Match) Regulations and refereeing rules are stipulated.¹ These Anti-Doping Rules, like KENDO SHIAI (Match) Regulations, and Refereeing rules, are in furtherance of FIK's continuing efforts to prevent doping in Kendo, Iaido and Jodo (the "Disciplines").

The use of performance enhancing drug ("dope") conflicts with *Shiai-sha's* health, the concept of Kendo and the purpose of KENDO SHIAI (Match) Regulations and Refereeing rules. *Shiai-sha* is synonymous with the term "Athlete" in the World Anti-Doping Code (the "Code"); *Shiai* is synonymous with the term "Competition" in the Code.

Since these FIK's position is harmonized with the philosophy provided by World Anti-Doping Association ("WADA"), FIK accepts the Code, and condemns competitors' doping and make any effort to prevent it.

The FIK Board of Directors Meeting held on 27/08/09 in Sao Paulo, Brasil, FIK accepted the revised (2009) World Anti-Doping Code (the "Code"). The present Anti-Doping Rules are adopted and implemented in conformity with FIK's responsibilities under the Code.

Anti-Doping Rules, like Competition rules, are sport rules governing the conditions under which the Disciplines are played. *Shiai-sha* and other *Persons* accept these rules as a condition of participation and shall be bound by them. These sport-specific rules and procedures, aimed at enforcing anti-doping principles in a global and harmonized manner, are distinct in nature and, therefore, not intended to be subject to, or limited by any national requirements and legal standards applicable to criminal proceedings or employment matters. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the Code and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

A *Shiai-sha* who does not observe these Anti-Doping Rules or who is found to have been guilty of doping is sanctioned and disqualified from a Shiai.

¹ FIK KENDO SHIAI (Match) Regulations and Refereeing Rules Article 1

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

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

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

Doping is fundamentally contrary to the spirit of sport.

Scope

These Anti-Doping Rules shall apply to FIK, each *Union* and each *National Federation* of FIK, and each *Participant* in the activities of FIK, its *Unions* or any of its *National Federations* by virtue of the *Participant's* membership, accreditation, or participation in FIK, its *Unions* and, its *National Federations*, or their activities or *Events*. *Participants* entered in *International Event* organized by or under the auspices of the FIK accept the Rules of FIK, including these FIK Anti-Doping Rules compiled in accordance with the *Code*.

It is the responsibility of each *Union* and each *National Federation* to ensure that all *Union* – and/or national-level *Testing* on the *National Federation's Shiai-sha/Athletes* complies with these Anti-Doping Rules. In some cases, *Unions* themselves and the *National Federation* itself will be conducting the *Doping Control* described in these Anti-Doping Rules. In other countries, many of the *Doping Control* responsibilities of the *National Federation* have been delegated or assigned by statute or agreement to a *National Anti-Doping Organization*. In those countries, references in these Anti-Doping Rules to the *National Federation* shall apply, as appropriate, to the *National Anti-Doping Organization*.

These Anti-Doping Rules shall apply to all *Doping Controls* over which FIK, its *Unions* and its *National Federations* have jurisdiction.

ARTICLE 1 DEFINITION OF DOPING

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

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

The following constitute anti-doping rule violations:

2.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Shiai-sha's Sample*

2.1.1 It is each *Shiai-sha's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Shiai-sha* 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 *Shiai-sha's* part be demonstrated in order to establish an anti-doping violation under Article 2.1.

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

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

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

2.2 Use or Attempted Use by a *Shiai-sha* of a Prohibited Substance or a Prohibited Method

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

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

2.3 Refusing or failing without compelling justification to submit to *Sample* collection after notification as authorized in these Anti-Doping Rules, or otherwise evading *Sample* collection.

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

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

2.6 Possession of Prohibited Substances and Methods

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

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

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

2.8 Administration or Attempted administration to any *Shiai-sha In-Competition* of any *Prohibited Method* or *Prohibited Substance*, or administration or Attempted administration to any *Shiai-sha Out-of-Competition* of any *Prohibited Method* or any *Prohibited Substance* that is prohibited *Out-of-Competition*, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

FIK, its *Unions* and its *National Federations* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FIK, its *Unions* or its *National Federation* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Rules place the burden of proof upon the *Shiai-sha* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified

facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Articles 10.4 and 10.6, where the *Shiai-sha* must satisfy a higher burden of proof.

3.2 Methods of Establishing Facts and Presumptions

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

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

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

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

3.2.3 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Shiai-sha* or other *Person* to whom the decision pertained of those facts unless the *Shiai-sha* or other *Person* establishes that the decision violated principles of natural justice. **3.2.4** The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Shiai-sha* or other *Person* who is asserted to have committed an anti-doping rule violation based on the

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

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the *Prohibited List*

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

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

4.2.1 *Prohibited Substances and Prohibited Methods*

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication of the *Prohibited List* by *WADA* without requiring any further action by *FIK*. As described in Article 4.2 of the *Code*, *FIK* may - upon the recommendation of its Anti-Doping Commission - request that *WADA* expand the *Prohibited List* for the *Kendo Shiai* or competition in any of the other Disciplines. *FIK* may also - upon the recommendation of its Anti-Doping Commission - request that *WADA* include additional substances or methods, which have the potential for abuse in the Disciplines in the monitoring program described in Article 4.5 of the *Code*. As provided in the *Code*, *WADA* shall make the final decision on such requests by *FIK*.

4.2.2 Specified Substances

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

4.2.3 New Classes of *Prohibited Substances*

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

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

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

4.4 Therapeutic Use

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

4.4.2 Subject to Article 4.4.3, *Shiai-sha* included by FIK in its *Registered Testing Pool* and other *Shiai-sha* participating in any *International Event* must obtain a TUE from FIK or, if applicable, the *Union* organizing the or being the ruling body of the event, (regardless of whether the *Shiai-sha* previously has received a TUE at the national level). The application for a TUE must be made as soon as possible (in the case of a *Shiai-sha* in the *Registered Testing Pool*, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 21 days before the *Shiai-sha's* participation in the *Event*.

4.4.3 The only exception to Article 4.4.2 is that, in accordance with Article 7.13 of the *International Standard* for

Therapeutic Use Exemptions, *Shiai-sha* not in FIK's *Registered Testing Pool* who inhale Glucocorticosteroids and/or formoterol, salbutamol, salmeterol or terbutaline to treat asthma or one of its clinical variants do not need a *TUE* in advance of participating in an *International Event* unless so specified by FIK. Instead, if necessary, any such *Shiai-sha* may apply for a Retroactive *TUE* after the *Event* in accordance with Article 7.13 of the *International Standard* for Therapeutic Use Exemptions and Article 7.1.3 of these Anti-Doping Rules.

4.4.4 *TUE's* granted by FIK or any *Union* shall be reported to the *Shiai-sha's National Federation* and to *WADA*. Other *Shiai-sha* subject to *Testing* who need to use a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons must obtain a *TUE* from their *National Anti-Doping Organization* or other body designated by their *National Federation*, as required under the rules of the *National Anti-Doping Organization/other body*. *National Federations* shall promptly report any such *TUE's* to FIK and *WADA*.

4.4.5 The FIK Executive shall appoint a panel of physicians to consider requests for *TUE's* (the "**TUE Panel**" on the FIK level. Upon FIK's receipt of a *TUE* request, the Chair of the *TUE* Panel shall appoint one or more members of the *TUE* Panel (which may include the Chair) to consider such request. The *TUE* Panel member(s) so designated shall promptly evaluate such request in accordance with the *International Standard* for Therapeutic Use Exemptions and render a decision on such request, which shall be the final decision of FIK.

4.4.6 *WADA*, at the request of a *Shiai-sha* or on its own initiation, may review the granting or denial of any *TUE* by FIK or a *Union*. If *WADA* determines that the granting or denial of a *TUE* did not comply with the *International Standard* for Therapeutic Use Exemptions in force at the time then *WADA* may reverse that decision. Decisions on *TUE's* are subject to further appeal as provided in Article 13.

ARTICLE 5 TESTING

5.1 Authority to Test

All *Shiai-sha* under the jurisdiction of a *National Federation* shall be subject to *In-Competition Testing* by FIK, the *Union*, *Shiai-sha's National Federation*, and any other *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate. All *Shiai-sha* under the jurisdiction of a *National Federation*, including *Shiai-sha* serving a period of ineligibility or a *Provisional Suspension*, shall also be subject to *Out-of-Competition Testing* at any time or place, with or without advance notice, by FIK, the relevant *Union*, *WADA*, the *Shiai-sha's National Federation*, the *National Anti-Doping Organization* of any country where the *Shiai-sha*

is present, the IOC during the Olympic Games, and the IPC during Paralympic Games. *Target Testing* will be made a priority.

5.2 Responsibility for Testing by FIK or a Union

The FIK, the applicable *Union* with their respective Anti-Doping Commissions shall be responsible for drawing up a test distribution plan for Kendo and the other Disciplines in accordance with Article 4 of the *International Standard for Testing*, and for the implementation of that plan, including overseeing all *Testing* conducted by or on behalf of FIK. *Testing* may be conducted by members of the FIK Anti-Doping Commission or by other qualified persons so authorized by FIK.

5.3 Testing Standards

Testing conducted by FIK, the *Unions* and its *National Federations* shall be in substantial conformity with the *International Standard for Testing* in force at the time of *Testing*.

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

5.4 Coordination of Testing

FIK, *Unions* and *National Federations* shall promptly report completed tests through the WADA clearinghouse to avoid unnecessary duplication in *Testing*.

5.5 Shiai-sha Whereabouts Requirements

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

criteria. Each *Shiai-sha* in the *Registered Testing Pool* (a) shall advise FIK or the relevant *Union* of his/her whereabouts on a quarterly basis, in the manner set out in Article 11.3 of the *International Standard for Testing*; (b) shall update that information as necessary, in accordance with Article 11.4.2 of the *International Standard for Testing*, so that it remains accurate and complete at all times; and (c) shall make him/herself available for Testing at such whereabouts, in accordance with Article 11.4 of the *International Standard for Testing*.

5.5.2 A *Shiai-sha's* failure to advise FIK or the relevant *Union* of his/her whereabouts shall be deemed a Filing Failure for purposes of Article 2.4 where the conditions of Article 11.3.5 of the *International Standard for Testing* are met.

5.5.3 A *Shiai-sha's* failure to be available for Testing at his/her declared whereabouts shall be deemed a Missed Test for purposes of Article 2.4 where the conditions of Article 11.4.3 of the *International Standard for Testing* are met.

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

5.5.5 Whereabouts information provided pursuant to Articles 5.5.1 and 5.5.4 shall be shared with WADA and other *Anti-Doping Organizations* having jurisdiction to test a *Shiai-sha* in accordance with Articles 11.7.1(d) and 11.7.3(d) of the *International Standard for Testing*, including the strict condition that it be used only for *Doping Control* purposes.

5.6 Retirement and Return to Competition

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

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

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

5.7 Selection of *Shiai-sha* to be Tested

5.7.1 At *International Events*, the FIK Anti-Doping Commission shall determine the number of finishing placement tests, random tests and target tests to be performed.

5.7.2 At *National Events*, each *National Federation* shall determine the number of *Shiai-sha* selected for *Testing* in each *Competition* and the procedures for selecting the *Shiai-sha* for *Testing*.

5.7.3 In addition to the selection procedures set forth in Articles 5.7.1 and 5.7.2 above, the FIK Anti-Doping Commission or, where applicable, the respective *Union*, at *International Events*, and the *National Federation* at *National Events*, may also select *Shiai-sha* or teams for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate *Doping Control* purposes.

5.7.4 *Shiai-sha* shall be selected for *Out-of-Competition Testing* by the FIK Anti-Doping Commission and by *National Federations* through a process that substantially complies with the *International Standard for Testing* in force at the time of selection.

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

ARTICLE 6 ANALYSIS OF SAMPLES

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

6.1 Use of Approved Laboratories

FIK shall send *Doping Control Samples* for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other laboratory or

method approved by WADA) used for the *Sample* analysis shall be determined exclusively by FIK.

6.2 Purpose of Collection and Analysis of Samples

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

6.3 Research on Samples

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

6.4 Standards for Sample Analysis and Reporting

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

6.5 Retesting Samples

A *Sample* may be reanalyzed for the purposes described in Article 6.2 at any time exclusively at the direction of FIK or WADA. The circumstances and conditions for retesting *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

ARTICLE 7 RESULTS MANAGEMENT

7.1 Results Management for Tests Initiated by FIK

Results management for tests initiated by FIK and/or its *Unions* (including tests performed by WADA pursuant to agreement with FIK) shall proceed as set forth below:

7.1.1 The results from all analyses must be sent to FIK or its *Unions* (when concerned) in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in confidentiality and in conformity with *ADAMS*, a database management tool developed by WADA. *ADAMS* is consistent with data privacy statutes and norms applicable to WADA and other organizations using it.

7.1.2 Upon receipt of an *A Sample Adverse Analytical Finding*, the FIK or, if applicable, the *Union's* Anti-Doping Administrator(s) appointed from the FIK or the *Union's* Independent Doping Review Panel shall conduct a review to determine whether: (a) the *Adverse Analytical Finding* is consistent with an applicable *TUE*, or (b) there is any apparent departure from the *International Standard for Testing* or *International Standard for Laboratories* that caused the *Adverse Analytical Finding*.

7.1.2.1 The FIK Executive shall appoint an Independent Doping Review Panel consisting of a Chair and 4 other members with experience in anti-doping. All members of the panel shall be otherwise independent from FIK. Each panel member shall serve a term of four years. In each case the Chair of the panel shall appoint 1 or more members of the panel (which may include the Chair) to conduct the review discussed in Articles 7.1.2 and 7.1.8 and to review any other potential violations of these Anti-Doping Rules as may be requested by FIK.

7.1.3 In the following circumstances:

- (a) The *Adverse Analytical Finding* is for a Glucocorticosteroid, formoterol, salbutamol, salmeterol or terbutaline; and
- (b) The *Sample* in question was provided by a *Shiai-sha* who is not in FIK's *Registered Testing Pool*, during his/her participation in an *International Event* for which (in accordance with Article 7.13 of the *International Standard for Therapeutic Use Exemptions* and Article 4.4.3 of these Anti-Doping Rules and FIK or the *Union* does not require a *TUE* for asthma medication in advance;

then, before the matter is referred to the FIK or the *Union's* Independent Review Panel under Article 7.1, the *Shiai-sha* shall be given an opportunity to apply to the *TUE* Committee for a Retroactive *TUE* in accordance with Article 7.13 of the *International Standard for Therapeutic Use Exemptions*. The result of that application shall be forwarded to the FIK or the *Union's* Independent Review Panel for consideration in its review of the *Adverse Analytical Finding* under Article 7.1.2.

7.1.4 If the initial review of an *Adverse Analytical Finding* under Article 7.1.2 does not reveal an applicable *TUE*, or departure from the *International Standard for Testing* or the *International Standard for Laboratories* that caused the *Adverse*

Analytical Finding, FIK or the *Union* shall promptly notify the *Shiai-sha* of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Shiai-sha's* right to promptly request the analysis of the *B Sample* or, failing such request, that the *B Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the *B Sample* analysis (which shall be within the time period specified in the *International Standard* for Laboratories) if the *Shiai-sha* or FIK or the *Union* chooses to request an analysis of the *B Sample*; (e) the opportunity for the *Shiai-sha* and/or the *Shiai-sha's* representative to attend the *B Sample* opening and analysis at the scheduled date, time and place if such analysis is requested; and (f) the *Shiai-sha's* right to request copies of the *A and B Sample* laboratory documentation package which includes information as required by the *International Standard* for Laboratories. FIK or the *Union* shall also notify the *Shiai-sha's* *National Anti-Doping Organization* and *WADA*. If FIK or the *Union* decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Shiai-sha*, the *Shiai-sha's* *National Anti-Doping Organization* and *WADA*.

7.1.5 Where requested by the *Shiai-sha* or FIK or the *Union*, arrangements shall be made for *Testing* the *B Sample* within the time period specified in the *International Standard* for *Testing*. A *Shiai-sha* may accept the *A Sample* analytical results by waiving the requirement for *B Sample* analysis. FIK or the *Union* may nonetheless elect to proceed with the *B Sample* analysis.

7.1.6 The *Shiai-sha* and/or his representative shall be allowed to be present at the analysis of the *B Sample* within the time period specified in the *International Standard* for Laboratories. Also a representative of the *Shiai-sha's* *National Federation* as well as a representative of FIK or the *Union* shall be allowed to be present.

7.1.7 If the *B Sample* proves negative, then (unless FIK or the *Union* takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Shiai-sha*, his *National Federation*, and FIK shall be so informed.

7.1.8 If a *Prohibited Substance* or the *Use of a Prohibited Method* is identified, the findings shall be reported to the *Shiai-sha*, his *National Federation*, FIK or the *Union* if relevant, and to *WADA*.

7.1.9 For apparent anti-doping rule violations that do not involve *Adverse Analytical Findings*, FIK or the *Union* shall conduct any necessary follow-up investigation and, at such time as it is satisfied that an anti-doping rule violation has occurred, it shall then promptly notify the *Shiai-sha* of the anti-doping rule

which appears to have been violated, and the basis of the violation.

7.2 Results Management for Atypical Findings

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

7.2.2 If a laboratory reports an *Atypical Finding* in respect of a *Sample* collected from a *Shiai-sha* by or on behalf of FIK or the *Union*, the FIK or the *Union* Anti-Doping Administrator as appointed from the FIK Independent Doping Review Panel shall conduct a review to determine whether: (a) the *Atypical Finding* is consistent with an applicable *TUE* that has been granted as provided in the *International Standard* for Therapeutic Use Exemptions, or (b) there is any apparent departure from the *International Standard* for Testing or *International Standard* for Laboratories that caused the *Atypical Analytical Finding*.

7.2.3 If the initial review of an *Atypical Finding* under Article 7.2.2 reveals an applicable *TUE* or departure from the *International Standard* for Testing or the *International Standard* for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Shiai-sha*, his *National Federation*, and FIK shall be so informed .

7.2.4 If the initial review of an *Atypical Finding* under Article 7.2.2 does not reveal an applicable *TUE* or departure from the *International Standard* for Testing or the *International Standard* for Laboratories that caused the *Atypical Finding*, FIK or the *Union* shall conduct the follow-up investigation required by the *International Standards*. If, once that investigation is completed, it is concluded that the *Atypical Finding* should be considered an *Adverse Analytical Finding*, FIK shall pursue the matter in accordance with Article 7.1.3.

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

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

(b) If FIK or the *Union* receives a request, either from a *Major Event Organization* shortly before one of its *International*

Events or from a sports organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Shiai-sha* identified on a list provided but the *Major Event Organization* or sports organization has a pending *Atypical Finding*, FIK or the *Union* shall so identify any such *Shiai-sha* after first providing notice of the *Atypical Finding* to the *Shiai-sha*.

7.3 Results Management for Tests Initiated During Other International Events

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

Results management conducted by the *Unions* of the FIK shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in Article 7.1. Results of all *Doping Controls* shall be reported to the FIK within fourteen (14) days of the conclusion of the *Union's* results management process. Any apparent Anti-Doping Rule violation by a *Shiai-sha* who is a member of that *National Federation belonging to the Union* shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the *Union* or *National Federation* or national law. Apparent Anti-Doping Rule violations by *Shiai-sha* who are members of a *National Federation* belonging to another *Union* shall be referred to the concerned *Union* to which this *Shiai-sha's National Federation* belongs for hearing.

7.4 Results Management for Tests initiated by National Federations

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

7.5 Results Management for Whereabouts Violations

7.5.1 Results management in respect of an apparent *Filing Failure* by a *Shiai-sha* in FIK's *Registered Testing Pool* shall be conducted by FIK in accordance with Article 11.6.2 of the

International Standard for Testing (unless it has been agreed in accordance with Article 5.5.4 that the *National Federation* or *National Anti-Doping Organization* shall take such responsibility).

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

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

7.6 *Provisional Suspensions*

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

7.6.2 In any case not covered by Article 7.6.1 where FIK or the *Union* decide to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, the FIK Executive, after consultation with the FIK or the *Union* Anti-Doping Administrator as appointed from the Independent Review Panel, may *Provisionally Suspend* the *Shiai-sha* pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.

7.6.3 Where a *Provisional Suspension* is imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, the *Shiai-sha* shall be given either (a) an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8

(Right to a Fair Hearing) on a timely basis after imposition of a *Provisional Suspension*. *National Federations* shall impose *Provisional Suspensions* in accordance with the principles set forth in this Article 7.6.

7.6.4 If a *Provisional Suspension* is imposed based on an *Adverse Analytical Finding* in respect of an *A Sample*, and any subsequent analysis of the *B Sample* analysis does not confirm the *A Sample* analysis, then the *Shiai-sha* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1 of the *Code* (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*). In circumstances where the *Shiai-sha* (or the *Shiai-sha's* team as may be provided in the rules of the applicable FIK) has been removed from a *Competition* based on a violation of Article 2.1 and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, if, without otherwise affecting the *Competition*, it is still possible for the *Shiai-sha* or team to be reinserted, the *Shiai-sha* or team may continue to take part in the *Competition*.

7.7 Retirement from Sport

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

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1 Hearings arising out of FIK Testing or Tests at International Events

8.1.1 The FIK and/or the *Union* Executive shall appoint a standing panel consisting of a Chair and six other experts with experience in anti-doping ("FIK Doping Hearing Panel"). The Chair shall be a lawyer. Each panel member shall be otherwise independent of FIK or the *Union*. Each panel member shall serve a term of four years.

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

8.1.3 The Chair of the FIK or the *Union* Doping Hearing Panel shall appoint three members from the panel (which may include the Chair) to hear each case. At least one appointed member shall be a lawyer. The appointed members shall have had no prior involvement with the case and shall not have the same nationality as the *Shiai-sha* or other *Person* alleged to have violated these Anti-Doping Rules.

8.1.4 Hearings pursuant to this Article shall be completed expeditiously following the completion of the results management process described in Article 7. Hearings held in connection with *Events* may be conducted on an expedited basis.

8.1.5 The *National Federation* of the *Shiai-sha* or other *Person* alleged to have violated these Anti-Doping Rules may attend the hearing as an observer.

8.1.6 FIK or the *Union* shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

8.1.7 A *Shiai-sha* or other *Person* may forego a hearing by acknowledging the Anti-Doping Rule violation and accepting *Consequences* consistent with Articles 9 and 10 as proposed by FIK or the *Union*. The right to a hearing may be waived either expressly or by the *Shiai-sha's* or other *Person's* failure to challenge FIK's assertion that an anti-doping rule violation has occurred within six weeks. Where no hearing occurs, FIK or the *Union* shall submit to the persons described in Article 13.2.3 a reasoned decision explaining the action taken.

8.1.8 Decisions of the FIK or the *Union* Doping Hearing Panel may be appealed to Court of Arbitration for Sport as provided in Article 13.

8.2 Hearings Arising Out of National Testing

8.2.1 When it appears, following the Results Management process described in Article 7, that these Anti-Doping Rules have been violated in connection with *Testing* other than in connection with FIK or the *Union Testing* or *Testing* at an *International Event*, the *Shiai-sha* or other *Person* involved shall be brought before a disciplinary panel of the *Shiai-sha* or other *Person's National Federation* for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what *Consequences* should be imposed.

8.2.2 Hearings pursuant to this Article 8.2 shall be completed expeditiously and in all cases within three months of the completion of the Results Management process described in Article 7. Hearings held in connection with *Events* may be conducted by an expedited process. If the completion of the hearing is delayed beyond three months, FIK or the *Union* may elect to bring the case directly before the FIK or the Union Doping Hearing Panel at the responsibility and at the expense of the *National Federation*.

8.2.3 *National Federations* shall keep FIK and WADA fully apprised as to the status of pending cases and the results of all hearings.

8.2.4 FIK, *Union* concerned and WADA shall have the right to attend hearings as an observer.

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

8.2.6 Decisions by *National Federations*, whether as the result of a hearing or the *Shiai-sha* or other *Person's* acceptance of *Consequences*, may be appealed as provided in Article 13.

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

8.3 Principles for a Fair Hearing All hearings pursuant to either Article 8.1 or 8.2 shall respect the following principles:

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

- the right to be informed in a fair and timely manner of the asserted anti-doping rule violation;
- the right to respond to the asserted anti-doping rule violation and resulting *Consequences*;
- the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone or written submission);
- the *Person's* right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for the cost of the interpreter; and
- a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of *Ineligibility*.

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of these Anti-Doping Rules 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.

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

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

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

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

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

First violation: Two (2) years' *Ineligibility*.

10.3 *Ineligibility for Other Anti-Doping Rule Violations*

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

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

10.3.2 For violations of Article 2.7 (*Trafficking*) or Article 2.8 (Administration of *Prohibited Substance* or *Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility* unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Shiai-sha Support Personnel* for violations other than Specified Substances shall result in lifetime *Ineligibility* for such *Shiai-sha Support Personnel*. In addition, significant violations of such Articles which also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.

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

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

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

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

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

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

10.5.1 *No Fault or Negligence*

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

10.5.2 *No Significant Fault or Negligence*

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

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

The FIK Doping Hearing Panel may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Shiai-sha* or other *Person* has provided *Substantial Assistance* to

an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in the *Anti-Doping Organization* discovering or establishing an anti-doping rule violation by another *Person* or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another *Person*. After a final appellate decision under Article 13 or the expiration of time to appeal, FIK may only suspend a part of the applicable period of *Ineligibility* with the approval of WADA. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Shiai-sha* or other *Person* and the significance of the *Substantial Assistance* provided by the *Shiai-sha* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than 8 years. If FIK suspends any part of the period of *Ineligibility* under this Article, it shall promptly provide a written justification for its decision to each *Anti-Doping Organization* having a right to appeal the decision. If FIK subsequently reinstates any part of the suspended period of *Ineligibility* because the *Shiai-sha* or other *Person* has failed to provide the *Substantial Assistance* which was anticipated, the *Shiai-sha* or other *Person* may appeal the reinstatement pursuant to Article 13.2.

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

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

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

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

10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

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

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

10.7 Multiple Violations

10.7.1 Second Anti-Doping Rule Violation

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

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

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

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

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

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

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

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

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

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

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

10.7.3 Third Anti-Doping Rule Violation

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

10.7.4 Additional Rules for Certain Potential Multiple Violations

- For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the FIK (or its *National Federation*) can establish that the *Shiai-sha* or other *Person* committed the second anti-doping rule violation after

the *Shiai-sha* or other *Person* received notice pursuant to Article 7 (Results Management), or after FIK (or its *National Federation*) made reasonable efforts to give notice, of the first anti-doping rule violation; if the FIK (or its *National Federation*) cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining Aggravating Circumstances (Article 10.6).

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

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

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

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

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

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

10.8.2 Allocation of Forfeited Prize Money.

Forfeited prize money shall be allocated first to reimburse the collection expenses incurred by the *Anti-Doping Organization* in order to perform the necessary steps to collect the prize money back, then to reimburse the expenses incurred by the *Anti-Doping Organization* in order to conduct results management in the case, with the balance, if any, allocated in accordance with FIK's specific rules.

10.9 Commencement of *Ineligibility* Period

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

10.9.1 Delays Not Attributable to the *Shiai-sha* or other *Person*

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

10.9.2 Timely Admission

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

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

10.9.4 If a *Shiai-sha* voluntarily accepts a *Provisional Suspension* in writing from *FIK* and thereafter refrains from competing, the *Shiai-sha* 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 *Shiai-sha's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Article 14.1.

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

10.10 Status During *Ineligibility*

10.10.1 Prohibition against Participation during *Ineligibility*

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

A *Shiai-sha* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport events in a sport other than sports subject to the jurisdictions of FIK and its *National Federations*, but only so long as the local sport event is not at a level that could otherwise qualify such *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*.

A *Shiai-sha* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

10.10.2 Violation of the Prohibition of Participation during *Ineligibility*

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

10.10.3 Withholding of Financial Support during *Ineligibility*

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

10.11 Reinstatement Testing

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, a *Shiai-sha* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by FIK, the applicable *National Federation*, and any other *Anti-Doping Organization* having *Testing* jurisdiction, and must comply with the whereabouts requirements of Article 11 of the *International Standard for Testing*. If a *Shiai-sha* subject to a period of *Ineligibility* retires from sport and is removed from *Out-of-Competition Testing* pools and later seeks reinstatement, the *Shiai-sha* shall not be eligible for reinstatement until the *Shiai-sha* has notified FIK and the applicable *National Federation* and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of (a) the period set forth in Article 5.6 and (b) period of *Ineligibility* remaining as of the date the *Shiai-sha* had retired. During such remaining period of *Ineligibility*, a minimum of 2 tests must be conducted on the *Shiai-sha* with at least three months between each test. The *National Federation* shall be responsible for conducting the necessary tests, but tests by any *Anti-Doping Organization* may be used to satisfy the requirement. The results of such tests shall be reported to FIK. In addition, immediately prior to the end of the period of *Ineligibility*, a *Shiai-sha* must undergo *Testing* by FIK for the *Prohibited Substances* and *Methods* that are prohibited in *Out-of-Competition Testing*. Once the period of an *Shiai-sha's Ineligibility* has expired, and the *Shiai-sha* has fulfilled the conditions of reinstatement, then the *Shiai-sha* will become automatically re-eligible and no application by the *Shiai-sha* or by the *Shiai-sha's National Federation* will then be necessary.

ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 If a member of a team is found to have committed a violation of these Anti-Doping Rules during an *Event* where a team ranking is based on the addition of individual results, the results of the *Shiai-sha* committing the violation will be subtracted from the team result and replaced with the results of the next applicable team member. If by removing the *Shiai-sha's* results from the team results, the number of *Shiai-sha* counting for the team is less than the required number, the team shall be eliminated from the ranking.

ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL FEDERATIONS

12.1 The FIK Executive has the authority to withhold some or all funding or other non financial support to *Unions* or *National Federations* that are not in compliance with these Anti-Doping Rules.

12.2 FIK may elect to take additional disciplinary action against *National Federations* with respect to recognition, the eligibility of its officials and *Shiai-sha* to participate in International Events and fines based on the following:

12.2.1 Four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed by *Shiai-sha* or other *Persons* affiliated with a *National Federation* within a 12-month period in testing conducted by FIK or Anti-Doping Organizations other than the *National Federation* or its *National Anti-Doping Organization*. In such event the FIK may in its discretion elect to: (a) ban all officials from that *National Federation* for participation in any FIK activities for a period of up to two years

12.2.1.1 If four or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4 and 10.3) are committed in addition to the violations described in Article 12.3.1 by *Shiai-sha* or other *Persons* affiliated with a *National Federation* within a 12-month period in testing conducted by FIK or Anti-Doping Organizations other than the *National Federation* or its *National Anti-Doping Organization*, then the FIK may suspend that *National Federation's* membership for a period of up to 4 years.

12.2.2 More than one *Shiai-sha* or other *Person* from a *National Federation* commits an *Anti-Doping Rule* violation during an *International Event*.

12.2.3 A *National Federation* has failed to make diligent efforts to keep FIK informed about an *Shiai-sha's* whereabouts after receiving a request for that information from FIK

ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.4 or as otherwise provided in these Anti-Doping Rules. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorized in these rules must be exhausted (except as provided in Article 13.1.1).

13.1.1 *WADA* Not Required to Exhaust Internal Remedies

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

13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Article 10.10.2 (prohibition of participation during *Ineligibility*); a decision that the *FIK*, its *Unions* or its *National Federations* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision by any *National Federation* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.4; and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or otherwise in violation of Article 7.4 may be appealed exclusively as provided in this Article 13.2. Notwithstanding any other provision herein, the only *Person* that may appeal from a *Provisional Suspension* is the *Shiai-sha* or other *Person* upon whom the *Provisional Suspension* is imposed.

13.2.1 Appeals Involving International-Level *Shiai-sha*

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

13.2.2 Appeals Involving National-Level *Shiai-sha*

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

13.2.3 Persons Entitled to Appeal

In cases under Article 13.2.1, the following parties shall have the right to appeal to *CAS*: (a) the *Shiai-sha* 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) FIK and any other *Anti-Doping Organization* under whose rules a sanction could have been imposed; (d) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (e) *WADA*. In cases under Article 13.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the *National Federation's* rules but, at a minimum, shall include the following parties: (a) the *Shiai-sha* 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) FIK; and (d) *WADA*. For cases under Article 13.2.2, *WADA* and FIK shall also have the right to appeal to *CAS* with respect to the decision of the national-level reviewing body.

13.3 Failure to Render a Timely Decision by FIK and its *National Federations*

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

13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

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

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

13.5 Appeal from Decisions Pursuant to Article 12

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

13.6 Time for Filing Appeals

The time to file an appeal to *CAS* shall be 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 having lead to the decision subject to appeal:

- a) Within ten (10) days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;
- b) If such a request is made within the ten-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to *CAS*.

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

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

ARTICLE 14 NATIONAL FEDERATIONS' INCORPORATION OF FIK RULES, REPORTING AND RECOGNITION

14.1 Incorporation of FIK Anti-Doping Rules

All *Unions* and *National Federations* shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each *Union* and *National Federations* Rules. All *Unions* and *National Federations* shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules. Each *National Federation* shall obtain the written acknowledgement and agreement, in the form attached as Appendix 2, of all *Shiai-sha* subject to *Doping Control* and *Shiai-sha Support Personnel* for such *Shiai-sha*. Notwithstanding whether or not the required form has been signed, the Rules of each *National Federation* shall specifically provide that all *Shiai-sha*, *Shiai-sha Support Personnel* and other *Persons* under the jurisdiction of the *National Federation* shall be bound by these Anti-Doping Rules.

14.2 Statistical Reporting

Unions and **14.2.1** *National Federations* shall report to FIK at the end of every year results of all *Doping Controls* within their jurisdiction

sorted by *Shiai-sha* and identifying each date on which the *Shiai-sha* was tested, the entity conducting the test, and whether the test was *In-Competition* or *Out-of-Competition*. FIK may periodically publish *Testing* data received from *Unions* and *National Federations* as well as comparable data from *Testing* under FIK's jurisdiction.

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

14.3 Doping Control Information Clearinghouse

When a *National Federation* has received an *Adverse Analytical Finding* on one of its *Shiai-sha* it shall report the following information to FIK and WADA within fourteen (14) days of the process described in Article 7.1.2 and 7.1.3: the *Shiai-sha's* name, country, sport and discipline within the sport, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory. The *National Federation* shall also regularly update FIK and WADA on the status and findings of any review or proceedings conducted pursuant to Article 7 (*Results Management*), Article 8 (*Right to a Fair Hearing*) or Article 13 (*Appeals*), and comparable information shall be provided to FIK and WADA within 14 days of the notification described in Article 7.1.9, with respect to other violations of these Anti-Doping Rules. In any case in which the period of *Ineligibility* is eliminated under Article 10.5.1 (*No Fault or Negligence*) or reduced under Article 10.5.2 (*No Significant Fault or Negligence*), FIK and WADA shall be provided with a written reasoned decision explaining the basis for the elimination or reduction. Neither FIK nor WADA shall disclose this information beyond those persons within their organisations with a need to know until the *National Federation* has made public disclosure or has failed to make public disclosure as required in Article 14.4 below.

14.4 Public Disclosure

14.4.1 Neither FIK nor its *National Federation* shall publicly identify *Shiai-sha* whose *Samples* have resulted in *Adverse Analytical Findings*, or who were alleged to have violated other Articles of these Anti-Doping Rules until it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged or the *Shiai-sha* has been *Provisionally Suspended*]. Once a violation of these Anti-Doping Rules has been established, it shall be publicly reported within 20 days. FIK, its *Unions* or its *National Federation* must also report within 20 days appeal decisions on an anti-doping rule violation. FIK, its *Unions* or its *National Federation* shall also, within the time period for publication, send all hearing and appeal decisions to WADA.

14.4.2 In any case where it is determined, after a hearing or appeal, that the *Shiai-sha* or other *Person* did not commit an anti-doping rule violation, the decision may be disclosed publicly only with the consent of the *Shiai-sha* or other *Person* who is the subject of the decision. FIK,

its *Unions* or its *National Federation* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the *Shiai-sha* or other *Person* may approve.

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

14.5 Recognition of Decisions by FIK, Unions and National Federations

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

ARTICLE 15 RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS

Subject to the right to appeal provided in Article 13, the *Testing*, *TUE's* and hearing results or other final adjudications of any *Signatory* to the *Code* which are consistent with the *Code* and are within the *Signatory's* authority, shall be recognized and respected by FIK, its *Unions* and its *National Federations*. FIK its *Unions* and its *National Federations* may recognize the same actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

ARTICLE 16 STATUTE OF LIMITATIONS

No action may be commenced under these Anti-Doping Rules against a *Shiai-sha* or other *Person* for a violation of an anti-doping rule contained in these Anti-Doping Rules unless such action is commenced within eight years from the date the violation occurred.

ARTICLE 17 FIK Compliance Reports to WADA

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

ARTICLE 18 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

18.1 These Anti-Doping Rules may be amended from time to time by the *FIK Executive*.

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

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

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

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

18.6 Notice to an *Shiai-sha* or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

18.7 These Anti-Doping Rules shall come into full force and effect on 1 January 2010 (the "**Effective Date**"). They shall not apply retrospectively to matters pending before the Effective Date; provided, however, that:

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

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

a.a filing failure that is carried forward in this manner may only be combined with (post-Effective Date) Filing Failures;

b.a missed test that is carried forward in this manner may only be combined with (post-Effective Date) Missed Tests; and

c.a filing failure or missed test declared by any Anti-Doping Organization other than FIK and a *National Federation* prior to the Effective Date may not be combined with any Filing Failure or Missed Test declared under these Anti-Doping Rules.

18.7.3 Where a period of *Ineligibility* imposed by FIK under rules in force prior to the Effective Date has not yet expired as of the Effective

Date, the *Person* who is *Ineligible* may apply to FIK for a reduction in the period of *Ineligibility* in light of the amendments made to the *Code* as from the Effective Date. To be valid, such application must be made before the period of *Ineligibility* has expired.

18.7.4 Subject always to Article 10.7.5, anti-doping rule violations committed under rules in force prior to the Effective Date shall be taken into account as prior offences for purposes of determining sanctions under Article 10.7. Where such pre-Effective Date anti-doping rule violation involved a substance that would be treated as a Specified Substance under these Anti-Doping Rules, for which a period of *Ineligibility* of less than two years was imposed, such violation shall be considered a Reduced Sanction violation for purposes of Article 10.7.1.

APPENDIX 1 - DEFINITIONS

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

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

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

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

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

CAS. The Court of Arbitration for Sport.

Code. The World Anti-Doping *Code*.

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

Consequences of anti-doping rule violations. An *Shiai-sha's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the *Shiai-sha's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the *Shiai-sha* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.9; and (c) Provisional Suspension means the *Shiai-sha* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

Disciplines: The Disciplines as administrated by FIK are the traditional Japanese Arts of Kendo, Iaido and Jodo.

Disqualification. See *Consequences of anti-doping rule violations*, above.

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

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

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

In-Competition. Unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organization*, "*In-Competition*" means the period commencing twelve hours before a *Competition* in which the *Shiai-sha* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

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

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

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

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

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

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

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

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

Metabolite. Any substance produced by a biotransformation process.

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

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

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

National Federation. A national or regional entity which is a member of or is recognized by FIK as the entity governing the FIK's sport in that nation or region.

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

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

No Fault or Negligence. The *Shiai-sha's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the

exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method*.

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

Out-of-Competition. Any *Doping Control* which is not *In-Competition*.

Participant. Any *Shiai-sha* or *Shiai-sha Support Personnel*.

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

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

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

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

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

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

Provisional Suspension. See *Consequences* above.

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

Registered Testing Pool. The pool of top level *Shiai-sha* established separately by each International Federation and *National Anti-Doping Organization* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that

International Federation's or National Anti-Doping Organization's test distribution plan.

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

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

Shiai Synonymous with the term "Competition" in the *Code*. A match where an individual or a team competes with each other for wins and losses subject to FIK KENDO SHIAI Regulations and Refereeing Rules or the regulations and refereeing rules stipulated by each *National Federation* or *Event Committee*

Shiai-sha Those who play *Shiai*. synonymous with the term "Athlete" in the *Code*. In relation to *Doping Control*, it includes all the *Participants* of both international and national level *Shiai*. Even if the one does not achieve either international nor national level, he/she would be included when he/she were designated by *National Anti-Doping Organization* having its jurisdiction over him/her. In relation to information or education of Anti-Doping, it includes those who play Kendo under jurisdiction of FIK, *Union* and each *National Federation*.

Shiai-sha Support Personnel. Any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel working with or treating *Shiai-sha* participating in or preparing for *Shiai*.

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

Specified Substances. As defined in Article 4.2.2.

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

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

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

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

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

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

TUE. As defined in Article 2.6.1.

TUE Panel. As defined in Article 4.4.3.

Union. The Union consist of *National Federations* and regional federations, to which FIK grant an approval

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

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

WADA. The World Anti-Doping Agency.

APPENDIX 2 - Acknowledgment and Agreement

I, as a member of [National Federation] and/or a participant in a [National Federation or FIK] authorized or recognized event, hereby acknowledge and agree as follows:

1. I have received and had an opportunity to review the FIK Anti-Doping Rules.
2. I consent and agree to comply with and be bound by all of the provisions of the [FIK] Anti-Doping Rules, including but not limited to, all amendments to the Anti-Doping Rules and all International Standards incorporated in the Anti-Doping Rules.
3. I acknowledge and agree that National Federations and FIK have jurisdiction to impose sanctions as provided in the FIK Anti-Doping Rules.
4. I also acknowledge and agree that any dispute arising out of a decision made pursuant to the FIK Anti-Doping Rules, after exhaustion of the process expressly provided for in the FIK Anti-Doping Rules, may be appealed exclusively as provided in Article 13 of the FIK Anti-Doping Rules to an appellate body for final and binding arbitration, which in the case of International-Level *Shiai-sha* is the Court of Arbitration for Sport.
5. I acknowledge and agree that the decisions of the arbitral appellate body referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.
6. I have read and understand this Acknowledgement and Agreement.

Date

Print Name (Last Name, First Name)

Date of Birth
of
(Day/Month/Year)

Signature (or, if a minor, signature
legal guardian)