

INTERNATIONAL KENDO FEDERATION (FIK)

ANTI-DOPING RULES

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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 is stipulated.*1

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

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 an effort to prevent it.

FIK Anti-Doping Rules are adopted and implemented in conformance with FIK’s responsibilities under the *Code*.

These *Anti-Doping Rules*, like KENDO SHIAI (Match) Regulations and Refereeing rules, are rules governing the conditions under a kendo match. *Shiai-shas* accept these rules as a condition of participation.

A *Shiai-sha* who dose not observe these *Anti-Doping Rules* or who is found to have been guilty of doping is sanctioned and disqualified from a *Shiai* (*Shiai* is synonymous with the term “Competition” in the *Code*, the same below.).

The policies and minimum standards set forth in the *Code* and implemented in these *Anti-Doping Rules* represent the consensus of a broad spectrum of stakeholders with an interest in fair sport and should be respected by all courts.

***1 FIK KENDO SHIAI (Match) Regulations and Refereeing Rules Article 1 : The purpose of the Regulations is to get Shiai-sha to play fair at Shiai of INTERNATIONAL KENDO FEDERATION in accordance with the principles of the sword and to properly referee the Shiai without prejudice.**

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*.

The *National Federation* must guarantee that all *Participants* entered in *International Event* organized by or under the auspices of the Rules of FIK,, including these FIK Anti-Doping Rules compiled in accordance with the *Code*.

It is the responsibility of each *National Federation* to ensure that all national-level *Testing* on the *National Federation's Shiai-shas* 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 to a *National Anti-Doping Organization*. In those countries, references in these Anti-Doping Rules to the *National Federation* shall apply, as applicable, to the *National Federation's 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

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* bodily *Specimen*

2.1.1 It is each *Shiai-sha's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Shiai-shas* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their bodily *Specimens*. 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 Excepting those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, the detected 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.

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

2.2 *Use* or *Attempted Use* of a *Prohibited Substance* or a *Prohibited Method*

2.2.1 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 the requirements regarding *Shiai-sha* availability for *Out-of-Shiai Testing* including failure to provide required whereabouts information set forth in Article 5.5 (*Shiai-sha* whereabouts requirements) and missed tests which are declared based on reasonable rules.

2.5 *Tampering, or Attempting to tamper, with any part of Doping Control.*

2.6 Possession of Prohibited Substances and Methods

2.6.1 *Possession by a Shiai-sha at any time or place of a substance that is prohibited in Out-of-Shiai Testing or a Prohibited Method unless the Shiai-sha establishes that the Possession is pursuant to a therapeutic use exemption granted in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.*

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

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

2.8 *Administration or Attempted administration of a Prohibited Substance or Prohibited Method to any Shiai-sha, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an Anti-Doping Rule violation or any Attempted 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 *Union* or its *National Federation* has established an Anti-Doping Rule violation to the comfortable satisfaction of the hearing body 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.

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 laboratory analysis. The Shiai-sha may*

rebut this presumption by establishing that a departure from the *International Standard* occurred.

If the *Shiai-sha* rebuts the preceding presumption by showing that a departure from the *International Standard* occurred, 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 the *International Standard* for *Testing* which did not cause an *Adverse Analytical Finding* or other Anti-Doping Rule violation shall not invalidate such results. If the *Shiai-sha* establishes that departures from the *International Standard* occurred during *Testing* then FIK, its *Union* or its *National Federation* shall have the burden to establish that such departures did not cause the *Adverse Analytical Finding* or the factual basis for 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 provide with information of the current *Prohibited List* to each *Union* and *National Federation*.

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

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 ninety (90) days 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 request that *WADA* expand the *Prohibited List* for the Kendo *Shiai*. FIK may also request that *WADA* include additional substances or methods, which have the potential for abuse in the Kendo *Shiai*, 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.

4.3 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* shall be final and shall not be subject to challenge by a *Shiai-sha* or other *Person*.

4.4 Therapeutic Use

4.4.1 *Shiai-shas* with a documented medical condition requiring the use of a *Prohibited Substance* or a *Prohibited Method* must first obtain a Therapeutic Use Exemption ("TUE").

4.4.2 *Shiai-shas* included by FIK in its *Registered Testing Pool* and other *Shiai-shas* prior to their participation in any *International Event* must obtain a TUE from FIK (regardless of whether the *Shiai-sha* previously has received a TUE at the national level). TUE's granted by FIK shall be reported to the *Shiai-sha's National Federation* and to WADA. Other *Shiai-shas* subject to *Testing* must obtain a TUE from their *National Anti-Doping Organization* or other body designated by their *National Federation*. *National Federations* shall promptly report any such TUE's to FIK and WADA.

4.4.3 The FIK Executive shall appoint a panel of three (3) physicians to consider requests for TUE's (the "TUE Panel") either on the FIK level or at the *Union* level in certain cases. Upon FIK's receipt of a TUE request, the TUE Panel shall consider such request. The TUE Panel members 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.

4.4.3.1 *International-Level Shiai-shas* who are included in the FIK's *Registered Testing Pool*, should apply to FIK (or to the concerned *Union* under special agreement granted to this *Union* by FIK) for the TUE at the same time the *Shiai-sha* first provides whereabouts information to the FIK and, except in emergency situations or the *Shiai-shas* apply for the Abbreviated Therapeutic Use Exemption (ATUE), no later than twenty one (21) days before the *Shiai-sha's* participation at an *International Event*.

4.4.3.2 *Shiai-shas* participating in *International Events* who are not included in the FIK *Registered Testing Pool* must, except in emergency situations or the *Shiai-shas* apply for the Abbreviated Therapeutic Use Exemption (ATUE), request a TUE from FIK no later than twenty-one (21) days before the *Shiai-sha's* participation at an *International Event*.

4.4.4 WADA, at the request of a *Shiai-sha* or on its own initiation, may review the granting or denial of any TUE to an *International Level Shiai-sha* or a national level *Shiai-sha* that is included in a *Registered Testing Pool*. 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-shas* affiliated with a *National Federation* shall be subject to *In-Shiai Testing* by FIK, its *Unions*, the *Shiai-sha's National Federation*, and any other *Anti-Doping Organization* responsible for *Testing* at a *Shiai* or an *Event* in which they participate. All *Shiai-shas* affiliated with a *National Federation* shall also be subject to *Out-of-Shiai Testing* at any time or place, with or without advance notice, by FIK, its *Unions*, *WADA*, the *Shiai-sha's National Federation* and the *National Anti-Doping Organization* of any country where the *Shiai-sha* is present.

5.2 Responsibility for FIK Testing

The FIK Executive Committee member in charge of anti-doping policy shall be responsible for overseeing all *Testing* conducted by FIK. *Testing* may be conducted by qualified *Persons* so authorized by FIK.

5.3 Testing Standards

Testing conducted by FIK its *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 either to detect *Prohibited Substances* or *Prohibited Methods* or for screening procedure purposes only. If the blood is collected for screening only, it will have no other consequences for the *Shiai-sha* other than to identify him/her for a urine test under these Anti-Doping Rules.

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 shall identify a *Registered Testing Pool* of those *Shiai-shas* who are required to provide up-to-date whereabouts information to FIK. FIK may revise its *Registered Testing Pool* from time to time as appropriate. Each *Shiai-sha* in the *Registered Testing Pool* shall file semi-annual reports with FIK on forms provided by FIK. *Shiai-shas* shall update this information as necessary so that it is current at all times. The ultimate responsibility for providing whereabouts information rests with each *Shiai-sha*, however, it shall be the responsibility of each *National Federation* to use its best efforts to assist FIK and its *Unions* in obtaining whereabouts information as requested by FIK.

5.5.2 Any *Shiai-sha* in the FIK *Registered Testing Pool* who is unavailable for *Testing* on three (3) attempts during any period of twelve (12) consecutive months shall be considered to have committed an Anti-Doping Rule violation pursuant to Article 2.4. For each attempt, the *Doping Control Officer* shall visit all locations during the times specified by the *Shiai-sha* for that date and shall stay two (2) hours at each location. Notification shall be sent to the *Shiai-sha* between each attempt which is to be counted as an unavailable test.

5.5.3 Any *Shiai-sha* in the FIK *Registered Testing Pool* who fails to timely submit a required semi-annual whereabouts report after receipt of two formal written warnings from FIK or a *National Federation* to do so in the preceding twelve (12) months shall be considered to have committed an Anti-Doping Rule violation pursuant to Article 2.4.

5.5.4 Each *National Federation* shall also assist their *National Anti-Doping Organization* in establishing a national level *Registered Testing Pool* of top level national *Shiai-shas* who are not already included in FIK's *Registered Testing Pool*. The *National Federation/National Anti-Doping Organization* may establish its own whereabouts reporting requirements and criteria for Article 2.4 violations applicable to those *Shiai-shas*.

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* on the strict condition that it be used only for *Doping Control* purposes.

5.6 Retirement and Return to *Shiai*

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 be available for *No Advance Notice Out-of-Shiai 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 the 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 a hundred eighty (180) days before he or she expects to return to *Shiai* and is available for unannounced *Out-of-Shiai Testing*, at any time during the period before actual return to *Shiai*.

5.7 Selection of *Shiai-shas* to be Tested

5.7.1 At International *Events*, an *Event Committee* shall determine the number of *Shiai-shas* selected for *Testing* in each *Shiai*, the procedures and members (constituting a small committee) for

selecting the *Shiai-shas* for *Testing* in each *Shiai*. This determination must be approved by FIK.

5.7.2 Members (constituting a small committee) for selecting the *Shiai-shas* for *Testing* follow below.

- An *Event* Committee selects its *Doping Control* officer and he/she operates a selection.

- FIK selects two members.

- A selection of *Shiai-shas* for *Testing* must be as rational, non-arbitrary, and judicious as possible.

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

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

5.7.5 *Shiai-shas* shall be selected for *Out-of-Shiai Testing* by the FIK *Union* and *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 and its *Unions* 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 method approved by *WADA*) used for the *Sample* analysis shall be determined exclusively by FIK.

6.2 Substances Subject to Detection

Doping Control 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*.

6.3 Research on *Samples*

No *Sample* may be used for any purpose other than the detection of substances (or classes of substances) or methods on the *Prohibited List*, or as otherwise identified by *WADA* pursuant to its Monitoring Program, without the *Shiai-sha's* written consent.

6.4 Standards for *Sample* Analysis and Reporting

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

ARTICLE 7 RESULTS MANAGEMENT

7.1 Results Management for *Tests* Initiated by FIK

Results management for *Tests* initiated by FIK and 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 and its *Unions* (when concerned) in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in such a way that the results of the analyses are confidential.

7.1.2 Upon receipt of an *A Sample Adverse Analytical Finding*, the FIK Anti-Doping Administrator shall conduct a review to determine whether: (a) an applicable therapeutic use exemption has been granted, or (b) there is any apparent departure from the *International Standards* for *Testing* or Laboratory Analysis that undermines the validity of the *Adverse Analytical Finding*.

7.1.3 If the initial review under Article 7.1.2 does not reveal an applicable therapeutic use exemption or departure from the *International Standard* for *Testing* or the *International Standard* for laboratory analysis in force at the time of *Testing* or analysis that undermines the validity of the *Adverse Analytical Finding*, FIK (*Union* if relevant) shall promptly notify the *Shiai-sha* of: (a) the *Adverse Analytical Finding*; (b) the Anti-Doping Rule violated, or, in a case under Articles 7.1.8 or 7.1.9, a description of the additional investigation that will be conducted as to whether there is an Anti-Doping Rule violation; (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 right of the *Shiai-sha* and/or the *Shiai-sha's* representative to attend the *B Sample* opening and analysis if such analysis is requested; and (e) 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 Laboratory Analysis.

7.1.4 Arrangements shall be made for *Testing* the B *Sample* within twenty-one (21) days of the notification described in Article 7.1.3. A *Shiai-sha* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. FIK, (*Union* if relevant) may nonetheless elect to proceed with the B *Sample* analysis.

7.1.5 The *Shiai-sha* and/or his representative shall be allowed to be present at the analysis of the B *Sample*. Also a representative of the *Shiai-sha's National Federation* as well as a representative of FIK (*Union* if relevant) shall be allowed to be present.

7.1.6 If the B *Sample* proves negative, the entire test shall be considered negative and the *Shiai-sha*, his *National Federation*, and FIK shall be so informed.

7.1.7 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, (*Union* if relevant) and to WADA.

7.1.8 The FIK Anti-Doping Administrator shall conduct any follow-up investigation as may be required by the *Prohibited List*. Upon completion of such follow-up investigation, FIK shall promptly notify the *Shiai-sha* regarding the results of the follow-up investigation and whether or not FIK asserts that an Anti-Doping Rule was violated.

7.1.9 For apparent Anti-Doping Rule violations that do not involve *Adverse Analytical Findings*, FIK shall conduct any necessary follow-up investigation and 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 Tests Initiated During Other International Events

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

7.3 Results Management for Tests initiated by the FIK Unions

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 *National Federation* or national law. Apparent Anti-Doping Rule violations by *Shiai-shas* 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 7.1. Results of all *Doping Controls* shall be reported to FIK within fourteen (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-shas* who are members of another *National Federation* shall be referred to the *Shiai-sha's National Federation* for hearing.

7.5 Provisional Suspensions

The FIK Executive Committee may Provisionally Suspend a *Shiai-sha* prior to the opportunity for a full hearing based on an *Adverse Analytical Finding* from the *Shiai-sha's A Sample* or *A and B Samples* and the review described in Article 7.1. If a *Provisional Suspension* is imposed, either the hearing in accordance with Article 8 shall be advanced to a date which avoids substantial prejudice to the *Shiai-sha*, or the *Shiai-sha* shall be given an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*. *National Federations* may impose *Provisional Suspensions* in accordance with the principles set forth in this Article 7.4.

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 Executive Committee shall appoint a standing panel ("FIK Doping Hearing Panel") consisting of a Chair (one of the FIK Executive Committee members), other members of the FIK Executive Committee and a representative of *National Federation* appointed by FIK. It will be possible to invite to this standing panel experts and a lawyer depending the case and if necessary.

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 *Testing* or *Testing* at an *International Event*

then the case shall be assigned to the FIK Doping Hearing Panel for adjudication.

8.1.3 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 *Shiais* 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 shall keep WADA fully apprised as to the result of all hearings and shall report to WADA the status of pending cases as necessary.

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.

8.1.8 Decisions of the FIK 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 *Testing* or *Testing* at an *International Event*, the *Shiai-sha* or other *Person* involved shall be brought before *Shiai-sha* or other *Person's National Federation* for holding 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 ninety (90) days of the completion of the Results Management process described in Article 7. Hearings held in connection with *Shiais* may be conducted by an expedited process. If the completion of the hearing is delayed beyond ninety (90) days, FIK may elect to bring the case directly before the FIK 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 results of all hearings and shall report to FIK and WADA all the status of pending cases as requested.

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*.

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 body;
- the right to be represented by counsel at the *Person's* own expense;
- the right to be fairly and timely informed 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 body's discretion to accept testimony by telephone or written submission);
- the *Person's* right to an interpreter at the hearing, with the Doping Panel to determine the identity, and responsibility for the cost of the interpreter; and
- a timely, written, reasoned decision.

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of these Anti-Doping Rules in connection with an *In-Shiai Testing* automatically leads to *Disqualification* of the individual result obtained in that *Shiai*

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 other *Shiais* shall not be *Disqualified* unless the *Shiai-sha's* results in *Shiais* other than the *Shiai* 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 Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*

Except for the specified substances identified in Article 10.3, 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*) and Article 2.6 (*Possession* of *Prohibited Substances* and *Methods*) shall be:

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

Second violation: Lifetime *Ineligibility*.

However, the *Shiai-sha* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing this sanction as provided in Article 10.5.

10.3 Specified Substances

The *Prohibited List* may identify specified substances which are particularly susceptible to unintentional *Anti-Doping Rules* violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents. Where a *Shiai-sha* can establish that the *Use* of such a specified substance was not intended to enhance performance, the period of *Ineligibility* found in Article 10.2 shall be replaced with the following:

First violation: At a minimum, a warning and reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, one (1) year's *Ineligibility*.

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

Third violation: Lifetime *Ineligibility*.

However, the *Shiai-sha* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) this sanction as provided in Article 10.5.

10.4 *Ineligibility* for Other *Anti-Doping Rule* Violations

The period of *Ineligibility* for other violations of these *Anti-Doping Rules* shall be:

10.4.1 For violations of Article 2.3 (refusing or failing to submit to *Sample* collection) or Article 2.5 (*Tampering* with *Doping Control*), the *Ineligibility* periods set forth in Article 10.2 shall apply.

10.4.2 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*. 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 referenced in Article 10.3, shall result in lifetime *Ineligibility* for such *Shiai-sha Support Personnel*. In addition, violations of such Articles which also violate non-sporting laws and regulations may be reported to the competent administrative, professional or judicial authorities.

10.4.3 For violations of Article 2.4 (*Whereabouts Violations* or *Missed Tests*), the period of *Ineligibility* shall be:

First violation: Three (3) months to one (1) year *Ineligibility*.

Second and subsequent violations: Two (2) years' *Ineligibility*.

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

10.5.1 If the *Shiai-sha* establishes in an individual case involving an *Anti-Doping Rule* violation under Article 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*) or *Use of a Prohibited Substance* or *Prohibited Method* under Article 2.2 that he or she bears *No Fault or Negligence* for the violation, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance*

or its *Markers* or *Metabolites* is detected in a *Shiai-sha's Specimen* 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 10.2, 10.3 and 10.6.

10.5.2 This Article 10.5.2 applies only to Anti-Doping Rule violations involving Article 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Use of a Prohibited Substance* or *Prohibited Method* under Article 2.2, failing to submit to *Sample* collection under Article 2.3, or administration of a *Prohibited Substance* or *Prohibited Method* under Article 2.8. If a *Shiai-sha* establishes in an individual case involving such violations 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 minimum 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 a *Shiai-sha's Specimen* 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* reduced.

10.5.3 The FIK Executive Committee may also reduce the period of *Ineligibility* in an individual case where the *Shiai-sha* has provided substantial assistance to FIK which results in FIK discovering or establishing an Anti-Doping Rule violation by another *Person* involving *Possession* under Article 2.6.2 (*Possession by Shiai-sha Support Personnel*), Article 2.7 (*Trafficking*), or Article 2.8 (administration to a *Shiai-sha*). The reduced period of *Ineligibility* may not, however, be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than 8 years.

10.6 Rules for Certain Potential Multiple Violations

10.6.1 For purposes of imposing sanctions under Article 10.2, 10.3 and 10.4, a second Anti-Doping Rule violation may be considered for purposes of imposing sanctions only if the FIK (its *Unions* when relevant 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, or after FIK (its *Unions* when relevant or its *National Federation*) made a reasonable attempt

to give notice, of the first Anti-Doping Rule violation; if the FIK (its *Unions* when relevant or its *National Federation*) cannot establish this, the violations shall be considered as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.6.2 Where a *Shiai-sha*, based on the same *Doping Control*, is found to have committed an Anti-Doping Rule violation involving both a specified substance under Article 10.3 and another *Prohibited Substance* or *Prohibited Method*, the *Shiai-sha* shall be considered to have committed a single Anti-Doping Rule violation, but the sanction imposed shall be based on the *Prohibited Substance* or *Prohibited Method* that carries the most severe sanction.

10.6.3 Where a *Shiai-sha* is found to have committed two (2) separate Anti-Doping Rule violations, one involving a specified substance governed by the sanctions set forth in Article 10.3 (specified substances) and the other involving a *Prohibited Substance* or *Prohibited Method* governed by the sanctions set forth in Article 10.2 or a violation governed by the sanctions in Article 10.4.1, the period of *Ineligibility* imposed for the second offense shall be at a minimum two years' *Ineligibility* and at a maximum three years' *Ineligibility*. Any *Shiai-sha* found to have committed a third Anti-Doping Rule violation involving any combination of specified substances under Article 10.3 and any other Anti-Doping Rule violation under Article 10.2 or 10.4.1 shall receive a sanction of lifetime *Ineligibility*.

10.7 Disqualification of Results in Shiais Subsequent to Sample Collection

In addition to the automatic *Disqualification* of the results in the *Shiai* 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-Shiai Testing* or *Out-of-Shiai Testing*), or other doping 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 Commencement of Ineligibility Period

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. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served. Where required by fairness, such as delays in the hearing process or other aspects of *Doping Control* not attributable to the *Shiai-sha*, 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.

10.9 Status During *Ineligibility*

No *Person* who has been declared *Ineligible* 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*. In addition, for any Anti-Doping Rule violation not involving specified substances described in Article 10.3, 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*.

10.10 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-Shiai Testing* by FIK, the applicable *National Federation*, and any other *Anti-Doping Organization* having *Testing* jurisdiction, and must provide current and accurate whereabouts information as provided in Article 5.5. If a *Shiai-sha* had given notice of retirement from *Shiai* and is removed from *Out-of-Shiai Testing* pools and later seeks reinstatement, the *Shiai-sha* shall not be eligible for reinstatement until the *Shiai-sha* has notified FIK, his concerned *Unions* and the applicable *National Federation* and has been subject to *Out-of-Shiai Testing* for a period of time equal to the longer of the period set forth in Article 5.6 or the period of *Ineligibility* remaining as of the date the *Shiai-sha* had given notice of retirement from *Shiai*. During such remaining period of *Ineligibility*, a minimum of 2 (two) tests must be conducted on the *Shiai-sha* with at least ninety (90) days 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 suspension period, a *Shiai-sha* must undergo *Testing* by FIK. Once the period of a *Shiai-sha's* suspension 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

If a member of a team is found to have committed a violation of these Anti-Doping Rules during an *Event* or by *In-Shiai Testing*, the *Event* Committee may impose sanctions such as *Disqualification* on the team. If a member of a team receives the notification of an Anti-Doping Rules violation pursuant to Article 7 relating to an *Event*, the team will be a subject of *Target Testing* in relation to the *Event*.

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 *National Federations* that are not in compliance with these Anti-Doping Rules.

12.2 *National Federations* shall be obligated to reimburse FIK for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by a *Shiai-sha* or other *Person* affiliated with that *National Federation*.

12.3 FIK may elect to take additional disciplinary action against *National Federations* with respect to recognition, the eligibility of its officials and *Shiai-shas* to participate in *International Events* and fines.

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. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal procedure is commenced, any post-decision review authorized in Article 8.2.7 must be exhausted.

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, a decision that no Anti-Doping Rule violation was committed, a decision that the *FIK its Unions* or its *National Federation* lacks jurisdiction to rule on an alleged Anti-Doping Rule violation or its *Consequences*, 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 In cases arising from *Shiai* in an *International Event* or in cases involving *International-Level Shiai-shas*, the decision may be appealed exclusively to the Court of Arbitration for Sport ("CAS") in accordance with the provisions applicable before such court.

13.2.2 In cases involving *Shiai-shas* that 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 body; 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 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; and (d) *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: (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 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

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

13.4 Appeal from Decisions Pursuant to Article 12

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

13.5 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.

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. The Rules of each *Union* and *National Federation* shall specifically provide that all *Shiai-shas*, *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 *National Federations* shall report to FIK at the end of every year (December 31) 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-Shiai Testing* or *Out-of-Shiai Testing*. FIK may periodically publish *Testing* data received from *Unions* and *National Federations* as well as comparable data from *Testing* under FIK's jurisdiction.

14.3 Doping Control Information Clearing House

When a *National Federation* has received an *Adverse Analytical Finding* on one of its *Shiai-shas* 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, *Shiai* and discipline within the *Shiai*, whether the test was *In-Shiai* or *Out-of-Shiai*, 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 organizations 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

Neither FIK nor its *Unions* and its *National Federation* shall publicly identify *Shiai-shas* 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 twenty (20) days.

ARTICLE 15 MUTUAL RECOGNITION

15.1 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.

15.2 Recognition of Decisions by Other Organizations

Subject to the right to appeal provided in Article 13, the Testing, therapeutic use exemptions 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 (8) 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 a *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 not apply retrospectively to matters pending before the date these Anti-Doping Rules came into effect.

APPENDIX 1 - DEFINITIONS

Abbreviated Therapeutic Use Exemption (ATUE). Abbreviated process for Therapeutic Use Exemption described under Section 8 of International Standard for TUE.

Adverse Analytical Finding. A report from a laboratory or other approved *Testing* entity that identifies in a *Specimen* 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 *Major Event Organizations* that conduct *Testing* at their *Events*, WADA, International Federations, and *National Anti-Doping Organizations*.

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*.

Code. The World Anti-Doping Code, including The World Anti-Doping Code first adopted by WADA on March 5th, 2003, and all the amendments thereto.

Consequences of Anti-Doping Rules Violations. A *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 *Shiai* 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 *Shiai* 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 *Shiai* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

Disqualification. See *Consequences of Anti-Doping Rules Violations* above.

Doping Control. The process including test distribution planning, *Sample* collection and handling, laboratory analysis, results management, hearings and appeals.

Event. A series of individual *Shiais* conducted together under one ruling body (e.g., World Kendo Championships, European Kendo Championships, All Japan Kendo Championships).

FIK Anti-Doping Administrator. Members of FIK Executive Committee who are in charge of *Doping Control*.

In-Shiai Testing. For purposes of differentiating between *In-Shiai* and *Out-of-Shiai Testing*, unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organization*, an *In-Shiai* test is a test where a *Shiai-sha* is selected for *Testing* in connection with a specific *Shiai*. *In-Shiai* is synonymous with the term "In-Competition" in the *Code*.

Independent Observer Program. A team of observers, under the supervision of *WADA*, who observe the *Doping Control* process at certain *Events* and report on observations. If *WADA* is testing *In-Shiai* at an *Event*, the observers shall be supervised by an independent organization.

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

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

International-Level Shiai-sha. *Shiai-shas* designated by FIK as being within the *Registered Testing Pool* for FIK.

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.

Major Event Organizations. The continental associations of international *Shiai* organizations that function as the ruling body for any continental, regional or other *International Event*.

Marker. A compound, group of compounds or biological parameters 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.

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

National Federation. A national or regional entity which is a member of or is recognized by FIK.

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-Shiai Testing. Any *Doping Control* which is not *In-Shiai Testing*. *Out-of-Shiai* is synonymous with the term "Out-of-Competition" in the *Code*.

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* no longer intends to have *Possession* and has renounced the *Person's* previous *Possession*.

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 7.5, 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-shas* established separately by FIK and each *National Anti-Doping Organization* who are subject to both *In-Shiai* and *Out-of-Shiai Testing* as part of that FIK's or Organization's test distribution plan.

Sample/Specimen. 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-shas* participating in or preparing for *Shiai*.

Signatories. Those entities signing the *Code* and agreeing to comply with the *Code*, including *Major Event Organizations*, *National Anti-Doping Organizations*, and *WADA*.

Tampering. Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring.

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

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

Trafficking. To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to a *Shiai-sha* either directly or through one or more third parties, but excluding the sale or distribution (by medical

personnel or by *Persons* other than a *Shiai-sha's Support Personnel*) of a *Prohibited Substance* for genuine and legal therapeutic purposes.

Union. The union consist of *National Federations* and regional federations, to which FIK grant an approval. (ex. European Kendo Federation)

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

WADA. The World Anti-Doping Agency.