

# PART 14 ANTI-DOPING RULES

[Version entering into force on 1<sup>st</sup> January 2015]

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# PART 14 ANTI-DOPING RULES

## INTRODUCTION AND SCOPE

### A Preface

These Anti-Doping Rules are adopted in accordance with the *UCI's* responsibilities under the *World Anti-Doping Code* (the *Code*), and in furtherance of the *UCI's* continuing efforts to eradicate doping in sport. They are intended to implement the 2<sup>nd</sup> revision of the *Code*, with effect on 1<sup>st</sup> January 2015, for the sport of cycling. They form integral part of the *UCI Cycling Regulations* (Part 14 Anti-Doping Rules).

While retaining its ultimate responsibilities as an *Anti-Doping Organization* and *Signatory* of the *Code*, the *UCI* may delegate some of its tasks or activities under these Anti-Doping Rules to a third-party entity.

Anti-Doping Rules, like *Competition* rules, are sport rules governing the conditions under which sport is played. *Riders* and other *Persons* accept these rules as a condition of participation and shall be bound by them. These Anti-Doping Rules are intended to apply autonomously and not by reference to existing law or statutes. The rules and procedures provided for by these Anti-Doping Rules are sport-specific, aimed at enforcing anti-doping rules in a global and harmonized way and are distinct in nature from criminal and civil proceedings. They are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights.

When reviewing the facts and the law of a given case, courts, arbitral hearing panels and other adjudicating bodies should be aware of and respect the distinct nature of these Anti-Doping Rules and the fact that those rules based on the *Code* represent the consensus of a broad spectrum of sports organisations and *Anti-Doping Organisations* around the world with an interest in fair sport.

### B Fundamental Rationale for the *Code* and these Anti-Doping Rules

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

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork

- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

### **C Scope of these Anti-Doping Rules**

These Anti-Doping Rules shall apply to the *UCI* and to each of its *National Federations*.

They shall also apply to the following *Riders*, *Rider Support Personnel* and other *Persons*:

- a) any *License-Holder*,

*[Comment: a license is required to participate in the sport of cycling governed by the rules of the UCI and the National Federations (Article 1.1.010 of the UCI Cycling Regulations). However if a Person participates in the sport of cycling governed by the UCI without being holder of a license as required, he will not escape application of the regulations, including these Anti-Doping Rules.]*

- b) any *Person* who, without being a *License-Holder*, participates in a cycling *Event* in any capacity whatsoever, including, without limitation, as a *Rider*, coach, trainer, manager, *Team* director, *Team* staff, agent, official, medical or paramedical personnel or parent; and

- c) any *Person* who, without being a *License-Holder*, participates, in the framework of a club, *Team*, *National Federation* or any other structure, in the preparation or support of *Riders* for cycling *Events*.

*[Comment: 1) Under the Code, National Federations have by themselves no jurisdiction in Doping Control. The involvement of National Federations in Doping Control at the international level is laid out in these Anti-Doping Rules, in particular Article 21. National Federations and their respective National Anti-Doping Organizations may agree on the Federation's involvement in Doping Control at the national level. 2) In addition to their obligations under these Anti-Doping Rules, Riders may also be obliged to submit to Testing and be sanctioned for anti-doping violations pursuant to local anti-doping legislation, including national criminal laws. Such legislation may define violations additional to or different from these Anti-Doping Rules.]*

### **D International-Level Riders**

Within the overall pool of *Persons* set out above who are bound by and required to comply with these Anti-Doping Rules, the *Riders* included in the *UCI Registered Testing Pool* shall be considered to be *International-Level Riders* for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to *International-Level Riders* shall apply to such *Riders*.

For purposes of Articles 7, 8 & 12, it shall be sufficient for a *Rider* to be regarded as *International-Level Rider* that he or she is or was included in the *UCI Registered Testing Pool* either at the time of the anti-doping rule violation(s) asserted, or at the time a review under Article 7 is initiated against them.

## **E Documents Adopted by the UCI in Connection with these Anti-Doping Rules**

Under the World Anti-Doping Program, *WADA* may release various types of documents, including (a) *International Standards* and related Technical Documents, and (b) Guidelines and Models of Best Practices.

The *UCI* may, consistent with its responsibilities under the *Code*, choose to (a) directly incorporate some of these documents by reference into these Anti-Doping Rules, and/or (b) adopt Regulations implementing all or certain aspects of these documents for the sport of cycling.

Compliance with an *International Standard* incorporated in these Anti-Doping Rules or with *UCI Regulations* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* or *UCI Regulations* were performed properly.

All documents binding upon *Riders* or other *Persons* subject to these Anti-Doping Rules are made available on the *UCI Website*, in their version effective and as amended from time to time.

## 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 2.10 of these Anti-Doping Rules.

## Article 2. ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

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

*[Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to a Rider's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". A Rider's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]*

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Rider's A Sample* where the *Rider* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Rider's B Sample* is analyzed and the analysis of the *Rider's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Rider's A Sample*; or, where the *Rider's B Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

*[Comment to Article 2.1.2: The Anti-Doping Organization with results management responsibility may, at its discretion, choose to have the B Sample analyzed even if the Rider does not request the analysis of the B 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 *Rider'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 other *International Standards* or *UCI Regulations* incorporated in these Anti-Doping



Rules may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

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

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

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

*[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Rider, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Rider Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample ) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]*

*[Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Rider's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method. A Rider's "Use" of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Rider's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that substance might have been administered).]*

## **2.3 Evading, Refusing or Failing to Submit to Sample Collection**

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

*[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that a Rider was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Rider, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Rider.]*

## **2.4 Whereabouts Failures**

Any combination of three missed tests and/or filing failures, as defined in the *International Standard for Testing and Investigations* and the *UCI Testing & Investigations Regulations*, within a twelve-month period by a *Rider* in a *Registered Testing Pool*.

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

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

*[Comment to Article 2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]*

**2.6 Possession of a Prohibited Substance or a Prohibited Method**

2.6.1 Possession by a *Rider In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or Possession by a *Rider Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* unless the *Rider* establishes that the Possession is consistent with a Therapeutic Use Exemption (“TUE”) granted in accordance with Article 4.4 or other acceptable justification.

2.6.2 Possession by a *Rider Support Person In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or Possession by a *Rider Support Person Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with a *Rider*, *Competition* or training, unless the *Rider Support Person* establishes that the Possession is consistent with a TUE granted to a *Rider* in accordance with Article 4.4 or other acceptable justification.

*[Comment to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician’s prescription, e.g., buying Insulin for a diabetic child.]*

*[Comment to Article 2.6.2: Acceptable justification would include, for example, a Team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]*

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

**2.8 Administration or Attempted Administration to any Rider In-Competition** of any *Prohibited Substance* or *Prohibited Method*, or *Administration* or *Attempted Administration* to any *Rider Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* that is prohibited *Out-of-Competition*

**2.9 Complicity**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.12.1 by another *Person*.

## 2.10 Prohibited Association

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

- 2.10.1 If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or
- 2.10.2 If not subject to the authority of an *Anti-Doping Organization* and where *Ineligibility* has not been addressed in a results management process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or
- 2.10.3 Is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2.

In order for this provision to apply, it is necessary that the *Rider* or other *Person* has previously been advised in writing by an *Anti-Doping Organization* with jurisdiction over the *Rider* or other *Person*, or by WADA, of the *Rider Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Rider* or other *Person* can reasonably avoid the association. The *Anti-Doping Organization* shall also use reasonable efforts to advise the *Rider Support Person* who is the subject of the notice to the *Rider* or other *Person* that the *Rider Support Person* may, within 15 days, come forward to the *Anti-Doping Organization* to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the *Rider Support Person's* disqualifying conduct occurred prior to the effective date provided in Article 25 of the *Code*.)

The burden shall be on the *Rider* or other *Person* to establish that any association with *Rider Support Personnel* described in Article 2.10.1 or 2.10.2 is not in a professional or sport-related capacity.

*Anti-Doping Organizations* that are aware of *Rider Support Personnel* who meet the criteria described in Article 2.10.1, 2.10.2, or 2.10.3 shall submit that information to WADA.

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

## Article 3 PROOF OF DOPING

### 3.1 Burdens and Standards of Proof

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

*[Comment to Article 3.1: This standard of proof required to be met by the UCI is comparable to the standard which is applied in most countries to cases involving professional misconduct.]*

### 3.2 Methods of Establishing Facts and Presumptions

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

*[Comment to Article 3.2: For example, the UCI may establish an anti-doping rule violation under Article 2.2 based on the Rider's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Rider's blood or urine Samples, such as data from the Athlete Biological Passport.]*

3.2.1 Analytical methods or decision limits approved by *WADA* after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Rider* or other *Person* seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge.

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

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

If the *Rider* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *UCI* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

*[Comment to Article 3.2.2: The burden is on the Rider or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Rider or other Person does so, the burden shifts to the*

*UCI to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]*

- 3.2.3 Departures from any other rule set forth in these Anti-Doping Rules, or any *International Standard* or *UCI* Regulation incorporated in these Anti-Doping Rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Rider* or other *Person* establishes a departure from any other rule set forth in these Anti-Doping Rules, or any *International Standard* or *UCI* Regulation incorporated in these Anti-Doping Rules which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then the *UCI* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.
- 3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrefutable evidence against the *Rider* or other *Person* to whom the decision pertained of those facts unless the *Rider* or other *Person* establishes that the decision violated principles of natural justice.
- 3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Rider* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Rider's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in *Person* or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or the *UCI*.

## **Article 4 PROHIBITED LIST AND THERAPEUTIC USE EXEMPTIONS**

### **4.1 Incorporation of the *Prohibited List***

These Anti-Doping Rules incorporate the *Prohibited List*, as published and revised from time to time by WADA.

*[Comment to Article 4.1: The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. The current Prohibited List is available on the UCI website]*

Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect three months after publication of the *Prohibited List* by WADA without requiring any further action by the *UCI*.

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

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

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

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

*[Comment to Article 4.2.1: Out-of-Competition Use of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]*

#### 4.2.2 Specified Substances

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.

*[Comment to Article 4.2.2: The Specified Substances identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by a Rider for a purpose other than the enhancement of sport performance.]*

#### 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, 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*

WADA shall consider the following criteria in deciding whether to include a substance or method on the *Prohibited List*:

4.3.1 A substance or method shall be considered for inclusion on the *Prohibited List* if WADA, in its sole discretion, determines that the substance or method meets any two of the following three criteria:

4.3.1.1 Medical or other scientific evidence, pharmacological effect or experience that the substance or method, alone or in combination with other substances or methods, has the potential to enhance or enhances sport performance;

*[Comment to Article 4.3.1.1: This Article anticipates that there may be substances that, when used alone, are not prohibited but which will be prohibited if used in combination with certain other substances. A substance which is added to the Prohibited List because it has the potential to enhance performance only in combination with another substance shall be so noted and shall be prohibited only if there is evidence relating to both substances in combination.]*

4.3.1.2 Medical or other scientific evidence, pharmacological effect or experience that the Use of the substance or method represents an actual or potential health risk to the *Rider*;

4.3.1.3 WADA's determination that the *Use* of the substance or method violates the spirit of sport described in the introduction to the *Code*.

4.3.2 A substance or method shall also be included on the *Prohibited List* if WADA determines there is medical or other scientific evidence, pharmacological effect or experience that the substance or method has the potential to mask the *Use* of other *Prohibited Substances* or *Prohibited Methods*.

4.3.3 WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, and the classification of a substance as prohibited at all times or *In-Competition* only, is final and shall not be subject to challenge by a *Rider* 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 Exemptions (“TUEs”)

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

4.4.2 A *Rider* who is not an *International-Level Rider* should apply to his/her *National Anti-Doping Organization* for a *TUE*. If the *National Anti-Doping Organization* denies the application, the *Rider* may appeal exclusively to the national-level appeal body described in Articles 13.2.2 and 13.2.3.

4.4.2.1 Notwithstanding the above, any *Rider* who wishes to participate in an *International Event* must, prior to such participation, obtain recognition of a *TUE* already granted by his or her *National Anti-Doping Organization* from the *UCI* in accordance with Article 4.4.3.1 and the *UCI TUE Regulations*.

4.4.2.2 If the need for the *TUE* arises during the *International Event Period*, the *Rider* may apply directly to the *UCI* as set forth in the *UCI TUE Regulations*.

*[If the UCI chooses to conduct Testing on a Rider who is not an International-Level Rider outside the situations contemplated in Article 4.4.2.1 or 4.4.2.2, it shall recognize a TUE granted to the Rider by his or her National Anti-Doping Organization]*

4.4.3 A *Rider* who is an *International-Level Rider* must apply to the *UCI* for a *TUE*.

4.4.3.1 Where the *Rider* already has a *TUE* granted by his/her *National Anti-Doping Organization* for the substance or method in question, if that *TUE* meets the criteria set out in Section 4.0 of the *UCI TUE Regulations*, then the *UCI* shall recognize it. If the *UCI* considers that the *TUE* does not meet those criteria and so refuses to recognize it, it shall notify the *Rider* and his or her *National Anti-Doping Organization* promptly, with reasons.

The *Rider* or the *National Anti-Doping Organization* shall have 21 days from such notification to refer the matter to WADA for review. If the

matter is referred to WADA for review, the TUE granted by the *National Anti-Doping Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.

The UCI may, in accordance with the UCI TUE Regulations, publish notice on the UCI Website that it will automatically recognize TUE decisions (or categories of such decisions) made by *National Anti-Doping Organizations*. If a Rider's TUE falls into a category of automatically recognized TUEs, then he/she does not need to apply to the UCI for recognition of that TUE.

- 4.4.3.2 Where the Rider does not already have a TUE granted by his or her *National Anti-Doping Organization* for the substance or method in question, the Rider must apply directly to the UCI for a TUE in accordance with the UCI TUE Regulations. If the UCI denies the Rider's application, it must notify the Rider promptly, with reasons. If the UCI grants the Rider's application, it must notify not only the Rider but also his or her *National Anti-Doping Organization*.

If the *National Anti-Doping Organization* considers that the TUE does not meet the criteria set out in Section 4.0 UCI TUE Regulations, it has 21 days from such notification to refer the matter to WADA for review. If the *National Anti-Doping Organization* refers the matter to WADA for review, the TUE granted by the UCI remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending WADA's decision. If the *National Anti-Doping Organization* does not refer the matter to WADA for review, the TUE granted by the UCI becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

- 4.4.3.3 The UCI shall appoint a TUE Committee (the "TUEC") to consider applications for the grant or recognition of TUEs in accordance with the UCI TUE Regulations. Its decision shall be the final decision of the UCI, and shall be reported to WADA and other relevant *Anti-Doping Organizations*, including the Rider's *National Anti-Doping Organization*, through ADAMS.

*[Comments to Article 4.4.3: A Rider should not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Rider's own risk.*

*If the UCI refuses to recognize a TUE granted by a National Anti-Doping Organization only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the UCI TUE Regulations, the matter should not be referred to WADA for review. Instead, the file should be completed and re-submitted to the UCI.]*

- 4.4.4 A Major Event Organization may require Riders to apply to it for a TUE if they wish to Use a Prohibited Substance or a Prohibited Method in connection with



the *Event*. *Riders* shall refer to the applicable rules of the *Major Event Organization* for the requirements and procedure to follow in this situation.

4.4.5 If the *UCI* chooses to conduct *Testing* on a *Person* who is neither an *International-Level* nor a *National-Level Rider*, and that *Person* is *Using a Prohibited Substance* or *Prohibited Method* for therapeutic reasons, the *UCI* may permit him or her to apply for a retroactive *TUE*.

4.4.6 *WADA* must review a decision by the *UCI* not to recognize a *TUE* granted by the *National Anti-Doping Organization* that is referred to it by the *Rider* or the *Rider's National Anti-Doping Organization*. *WADA* must also review a decision by the *UCI* to grant a *TUE* that is referred to it by the *Rider's National Anti-Doping Organization*. *WADA* may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in Section 4.0 of the *UCI TUE Regulations*, *WADA* will not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* will reverse it.

*[Comment to Article 4.4.6: WADA shall be entitled to charge a fee to cover the costs of (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]*

4.4.7 Any *TUE* decision by the *UCI* that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Rider* and/or the *Rider's National Anti-Doping Organization*, exclusively to *CAS*.

*[Comment to Article 4.4.7: In such cases, the decision being appealed is the UCI's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any Event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]*

4.4.8 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Rider*, the *National Anti-Doping Organization* and/or the *UCI*, exclusively to *CAS*.

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

4.4.10 A *TUE* granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be withdrawn as set forth in the *UCI TUE Regulations*; or (c) may be reversed on review by *WADA* or on appeal.

#### 4.5 Monitoring Program

WADA, in consultation with *Signatories* and governments, shall establish a monitoring program regarding substances which are not on the *Prohibited List*, but which WADA wishes to monitor in order to detect patterns of misuse in sport. WADA shall publish, in advance of any *Testing*, the substances that will be monitored. Laboratories will report the instances of reported *Use* or detected presence of these substances to WADA periodically on an aggregate basis by sport and whether the *Samples* were collected *In-Competition* or *Out-of-Competition*. Such reports shall not contain additional information regarding specific *Samples*. WADA shall make available to International Federations and *National Anti-Doping Organizations*, on at least an annual basis, aggregate statistical information by sport regarding the additional substances. WADA shall implement measures to ensure that strict anonymity of individual *Riders* is maintained with respect to such reports. The reported *Use* or detected presence of a monitored substance shall not constitute an anti-doping rule violation.

### Article 5 TESTING AND INVESTIGATIONS

#### 5.1 Purpose of *Testing* and Investigations

*Testing* and investigations shall only be undertaken for anti-doping purposes.

5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to the *Rider's* compliance (or non-compliance) with the strict prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*.

5.1.2 Investigations shall be undertaken:

a) in relation to *Atypical Findings* and *Adverse Passport Findings*, in accordance with Articles 7.4 and 7.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and

b) in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.

#### 5.2 Scope of *Testing*

Any *Rider* may be required to provide a *Sample* at any time and at any place by the UCI or any other *Anti-Doping Organization* with *Testing* authority over him or her.

Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3:

5.2.1 The UCI shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Riders* who are subject to its rules as defined in the Introduction of these Anti-Doping Rules.

5.2.2 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority to conduct *Testing*, in exceptional circumstances, on its own initiative or as requested by the UCI.

[Comment to Article 5.2.2: WADA is not a Testing agency, but it reserves in Article 20.7.8 of the Code the right, in exceptional circumstances, to conduct its own tests where requested by Anti-Doping Organizations. Pursuant to the Comment to Article 20.7.8 of the Code, WADA is not a Testing agency, but it reserves the right, in exceptional circumstances, to conduct its own tests where problems have been brought to the attention of the relevant Anti-Doping Organization and have not been satisfactorily addressed.]

5.2.3 The UCI may test any Rider over whom it has Testing authority who has not retired, including Riders serving a period of Ineligibility.

5.2.4 If the UCI delegates or contracts any part of Testing to a National Anti-Doping Organization (directly or through a National Federation), that National Anti-Doping Organization may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organization's expense. If additional Samples are collected or additional types of analysis are performed, the UCI shall be notified. The responsibility for results management in either case shall be as set forth in Article 7.1.

[Comment to Article 5.2: Additional authority to conduct Testing may be conferred by means of bilateral or multilateral agreements among Signatories. Unless the Rider has identified a 60-minute Testing window during the following-described time period, or otherwise consented to Testing during that period, before Testing a Rider between the hours of 11:00 p.m. and 6:00 a.m., an Anti-Doping Organization should have serious and specific suspicion that the Rider may be engaged in doping. A challenge to whether an Anti-Doping Organization had sufficient suspicion for Testing during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

### 5.3 Event Testing

5.3.1 Except as otherwise provided below, only a single organization should be responsible for initiating and directing Testing at Event Venues during an Event Period.

At UCI International Events, the collection of Samples shall be initiated and directed by the UCI.

At UCI International Events, any Testing during the Event Period outside of the Event Venues shall be coordinated with the UCI.

5.3.2 If an Anti-Doping Organization which would otherwise have Testing authority desires to conduct Testing of Riders at the Event Venues during the Event Period, the Anti-Doping Organization shall first confer with the UCI to obtain permission to conduct and coordinate such Testing.

If the Anti-Doping Organization is not satisfied with the response from the UCI, the Anti-Doping Organization may, in accordance with procedures published by WADA, ask WADA for permission to conduct Testing and to determine how to coordinate such Testing. WADA shall not grant approval for such Testing before consulting with and informing the UCI. WADA's decision shall be final and not subject to appeal.

Unless otherwise provided in the authorization to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organization initiating the test unless provided otherwise in the authorization to conduct Testing.

*[Comment to Article 5.3.2: The UCI may, if it chooses, enter into agreements with other organizations to which it delegates responsibility for Sample collection or other aspects of the Doping Control process, including National Anti-Doping Organizations, in which case results management authority shall be as set forth in Article 7.1, unless otherwise determined in the delegation or contract].*

- 5.3.3 Notwithstanding Article 5.3, the *UCI* may elect to conduct *Testing* during a *National Event Period* on *Riders* under its *Testing* authority participating in such *Event*, including, with the authorization of the *Anti-Doping Organization* having *Testing* responsibility for the *Event*, at the *Event Venues*.

#### **5.4 Test Distribution Planning**

- 5.4.1 The *UCI* shall develop and implement an effective, intelligent and proportionate test distribution plan that prioritizes appropriately between disciplines, categories of *Riders*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis. The *UCI* shall provide *WADA* upon request with a copy of its current test distribution plan.
- 5.4.2 Where reasonably feasible, *Testing* shall be coordinated through *ADAMS* or another system approved by *WADA*, in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

#### **5.5 Testing Requirements**

All *Testing* under these Anti-Doping Rules shall be conducted in conformity with the *UCI Testing & Investigations Regulations*.

The *UCI Testing & Investigations Regulations*, and related Technical Documents, are integral part of these Anti-Doping Rules.

They may be amended by the *UCI* from time to time (including upon amendment of the corresponding *International Standard* or Technical Document by *WADA*) and are available in their current version on the *UCI Website*.

#### **5.6 Rider Whereabouts Information**

The *UCI* shall establish a *Registered Testing Pool* of *Riders* subject to the whereabouts requirements as set forth in the *UCI Testing & Investigations Regulations*. The *UCI* shall make available, through the *UCI Website*, a list which identifies those *Riders* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria.

*Riders* included in the *UCI Registered Testing Pool* shall provide whereabouts information in the manner specified in the *UCI Testing & Investigations Regulations*.

*Riders* shall be notified (a.) when they are included in the *UCI Registered Testing Pool*, and (b.) when they are removed from the *UCI Registered Testing Pool*.

For purposes of Article 2.4, failure by a *Rider* included in the *UCI Registered Testing Pool* to comply with the requirements set forth in the *UCI Testing & Investigations Regulations* shall be deemed a filing failure or a missed test (as defined in the *UCI Testing & Investigations Regulations*) where the conditions set forth in the *UCI Testing & Investigations Regulations* are met.

A *Rider* in the *UCI Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements unless and until (a) the *Rider* gives written notice to the *UCI* of his/her retirement as set forth in the *UCI Testing & Investigations*

Regulations or (b) the *UCI* notifies the *Rider* that he/she is removed from the *UCI Registered Testing Pool*.

The whereabouts information provided while in the *Registered Testing Pool* may be made accessible, through *ADAMS*, to *WADA* and to other *Anti-Doping Organizations* having authority to test the *Rider*.

This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes, in accordance with the *International Standard* for the Protection of Privacy and Personal Information.

## 5.7 Retired *Riders* Returning to *Competition*

5.7.1 If a *Rider* in the *UCI Registered Testing Pool* retires in accordance with the *UCI Testing & Investigations Regulations* and then wishes to return to active participation in sport, the *Rider* shall not compete in *International Events* until the *Rider* has made himself or herself available for *Testing*, by giving six months prior written notice to the *UCI*.

*WADA*, in consultation with the *UCI*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to a *Rider*. This decision may be appealed under Article 13.

5.7.1.1 Any competitive results obtained in violation of Article 5.7.1 shall be *Disqualified*.

5.7.2 If a *Rider* retires from sport while subject to a period of *Ineligibility* and then wishes to return to active *Competition* in sport, the *Rider* shall not compete in *International Events* until the *Rider* has made himself or herself available for *Testing* by giving six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Rider* retired, if that period was longer than six months) to the *UCI*.

Moreover, the *Rider* shall comply with the requirements set out under article 10.12.5, if applicable.

## 5.8 Investigations and Intelligence Gathering

The *UCI* will ensure that they are able to do each of the following, as applicable and in accordance with the *International Standard* for *Testing* and Investigations:

5.8.1 Obtain, assess and process anti-doping intelligence from all available sources to inform the development of an effective, intelligent and proportionate test distribution plan, to plan *Target Testing*, and/or to form the basis of an investigation into a possible anti-doping rule violation(s); and

5.8.2 Investigate *Atypical Findings* and *Adverse Passport Findings*, in accordance with Articles 7.4 and 7.5 respectively; and

5.8.3 Investigate any other analytical or non-analytical information or intelligence that indicates a possible anti-doping rule violation(s), in accordance with Articles 7.6 and 7.7, in order either to rule out the possible violation or to develop evidence that would support the initiation of proceedings for an anti-doping rule violation.

## Article 6 SAMPLE ANALYSIS

*Samples* shall be analyzed in accordance with the following principles:

### 6.1 Use of Accredited and Approved Laboratories

For purposes of Article 2.1, *Samples* shall be analysed only in WADA -accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by the UCI.

*[Comment to Article 6.1: For cost and geographic access reasons, WADA may approve laboratories which are not WADA-accredited to perform particular analyses, for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and custodial standards required by WADA. Violations of Article 2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]*

### 6.2 Purpose of 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 under the Monitoring Program pursuant to Article 4.5, or to assist an *Anti-Doping Organization* in profiling relevant parameters in a *Rider's* urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

*[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]*

### 6.3 Research on Samples

No *Sample* may be used for research without the *Rider's* written consent. *Samples* used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Rider*.

*[Comment to Article 6.3: As is the case in most medical contexts, use of anonymized Samples for quality assurance, quality improvement, or to establish reference populations is not considered research.]*

### 6.4 Standards for Sample Analysis and Reporting

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

The *International Standard* for Laboratories, and related Technical Documents, are integral part of these Anti-Doping Rules.

A WADA Technical Document will establish risk assessment-based *Sample* analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyze *Samples* in conformity with those menus and as set forth in this Technical Document, except as follows:

- 6.4.1 The *UCI* may request that laboratories analyze *Samples* using more extensive menus than those described in the Technical Document.
- 6.4.2 The *UCI* may request that laboratories analyze *Samples* using less extensive menus than those described in the Technical Document only if it has satisfied *WADA* that, because of the particular circumstances of its sport, as set out in its test distribution plan, less extensive analysis would be appropriate.
- 6.4.3 As provided in the *International Standard* for Laboratories, laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the *Sample* analysis menu described in the Technical Document or specified by the *UCI*. Results from any such analysis shall be reported and have the same validity and *Consequence* as any other analytical result.

**6.5 Further Analysis of Samples**

- 6.5.1 Any *Sample* may be subject to further analysis by the *UCI* at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by the *UCI* to the *Rider* as the asserted basis for an Article 2.1 anti-doping rule violation.
- 6.5.2 *Samples* may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of the *UCI* or *WADA*. Any *Sample* storage or further analysis initiated by *WADA* shall be at *WADA*'s expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories and the *UCI Testing & Investigations Regulations*.

**6.6 Ownership of Samples**

- 6.6.1 *Samples* collected from a *Rider* under these Anti-Doping Rules are owned by the *UCI*.
- 6.6.2 The *UCI* may transfer ownership of the *Samples* to another *Anti-Doping Organization*, or receive ownership of *Samples* from other *Anti-Doping Organizations*.

**6.7 Costs of Testing and Analysis**

The costs of *In-Competition Testing* initiated and directed by the *UCI* shall be borne by the organizer of the *Event*.

The costs of *Out-of-Competition Testing* directed by the *UCI* shall be borne by the *UCI*. The costs of *Out-of-Competition Testing* directed by a *National Federation* so authorized at its request shall be borne by that *National Federation*.

The ultimate allocation of *Testing* and *Sample* analysis costs shall be as set forth in Article 10.10.

**Article 7 RESULTS MANAGEMENT AND INVESTIGATION PROCEDURES**

**7.1 Responsibility for Results Management and Investigations**

Except as provided for in Articles 7.1.1 and 7.1.2 below, for violation of these rules, results management and hearing shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (and if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to the *Rider* or other *Person* of an asserted anti-doping rule violation and then diligently pursues that anti-doping rule violation).

### 7.1.1 General Responsibilities of the *UCI*

The *UCI* shall have responsibility for results management and investigations conducted under these Anti-Doping Rules as follows, subject to Articles 7.1.2 and 7.1.4. below:

7.1.1.1 For potential violations arising in connection with *Testing* conducted by the *UCI* under these Anti-Doping Rules, including investigations against *Rider Support Personnel* or other *Persons* potentially involved in such violations;

*[Comment: violations arising in connection with Testing shall include, without limitation, Article 2.1, 2.2 (where the violation is based on Test results), 2.3 or 2.5]*

7.1.1.2 For potential violation of these Anti-Doping Rules where no *Testing* is involved and where the following apply:

either:

a) for all violations involving *International-Level Riders*, *Rider Support Personnel* or other *Persons* who have an involvement in any capacity in *International Events* or with *International-Level Riders*;

or:

b) for all violations occurring in connection with - or discovered on the occasion of - an *International Event*;

and:

c) where the *UCI* is the *Anti-Doping Organization* which first provides notice to a *Rider* or other *Person* of an asserted anti-doping rule violation and then diligently pursues that anti-doping rule violation.

### 7.1.2 Responsibilities in Specific Circumstances

7.1.2.1 Where the *UCI* delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* under Article 5.2.4, results management responsibilities shall be as follows, unless provided otherwise by the *UCI* in the delegation or contract: (a) where a *National Anti-Doping Organization* elects to collect additional *Samples*, it shall have results management responsibility over such additional *Samples*. (b) where the *National Anti-Doping Organization* only directs the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense, responsibility for results management arising from the *Testing* shall remain in full with the *UCI*.



7.1.2.2 Management in relation to a potential Whereabouts Failure (a filing failure or a missed test) and to a potential violation under Article 2.4 shall be administered by the *UCI* if the *Rider* in question files his or her whereabouts information with the *UCI*, as provided in the *UCI Testing & Investigations Regulations*. Any *Anti-Doping Organization* that determines a filing failure or a missed test shall submit that information to *WADA* through *ADAMS* or another system approved by *WADA*, where it will be made available to other relevant *Anti-Doping Organizations*.

7.1.2.3 Results management for *Adverse Passport Findings* or *Atypical Passport Findings* and related review shall be conducted by the *UCI* if the *Rider's Biological Passport* is under *UCI* custody.

7.1.3 Default Responsibility of the *UCI* as an International Federation

7.1.3.1 In circumstances where a *National Anti-Doping Organization* does not have authority under any applicable rule over a *Rider* or other *Person* subject to these Anti-Doping Rules, or the *National Anti-Doping Organization* declines to exercise such authority, results management and hearing may be conducted by the *UCI* or by a third party (including the *National Anti-Doping Organization*), as directed by the *UCI*.

7.1.3.2 Results management and the conduct of hearings for *Testing* conducted by *WADA* on its own initiative, or an anti-doping rule violation discovered by *WADA*, shall be conducted by the *Anti-Doping Organization* designated by *WADA*.

*(text modified on 29.05.2015)*

7.1.3.3 Results management and the conduct of hearings for *Testing* conducted by the International Olympic Committee, the International Paralympic Committee, or another *Major Event Organization*, or an anti-doping rule violation discovered by one of those organizations, shall be referred to the *UCI* in relation to *Consequences* beyond exclusion from the *Event*, *Disqualification of Event* results, forfeiture of any medals, points, or prizes from the *Event*, or recovery of costs applicable to the anti-doping rule violation.

7.1.4 Negative or Positive Conflicts of Responsibilities

If a dispute arises between the *UCI* and another *Anti-Doping Organization* over which *Anti-Doping Organization* has results management or investigation responsibility, and provided such dispute cannot be resolved among the two *Anti-Doping Organization*, *WADA* shall decide which organization has such responsibility. *WADA's* decision may be appealed to *CAS* within seven days of notification of the *WADA* decision by any of the *Anti-Doping Organizations* involved in the dispute. The appeal shall be dealt with by *CAS* in an expedited manner and shall be heard before a single arbitrator.

Regardless of which organization conducts results management or hearings, the principles set forth in this Article 7 and Article 8 shall be respected.

**7.2 Review Regarding Adverse Analytical Findings**

Upon receipt of an *Adverse Analytical Finding*, the *UCI* shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted in accordance with Article 4.4 and the *UCI TUE Regulations*, or (b) there is any apparent departure from the *UCI Testing & Investigations Regulations* or *International Standard* for Laboratories that caused the *Adverse Analytical Finding*.

### 7.3 Notification after Review Regarding *Adverse Analytical Findings*

If the review of an *Adverse Analytical Finding* under Article 7.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in Article 4.4 of these Anti-Doping Rules and the *UCI TUE Regulations*, or departure that caused the *Adverse Analytical Finding*, the *UCI* shall promptly notify the *Rider* of:

- a) the *Adverse Analytical Finding*;
- b) the anti-doping rule violated;
- c) the *Rider'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 if the *Rider* or *Anti-Doping Organization* chooses to request an analysis of the *B Sample*;
- e) the opportunity for the *Rider* and/or the *Rider's* representative to attend the *B Sample* opening and analysis within the time period specified in the *International Standard* for Laboratories if such analysis is requested; and
- f) the *Rider's* right to request copies of the *A* and *B Sample* laboratory documentation package which includes information as required by the *International Standard* for Laboratories.

If the *Anti-Doping Organization* decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Rider* and the *Anti-Doping Organizations* as described in Article 14.2.

In all cases where a *Rider* has been notified of an anti-doping rule violation that does not result in a mandatory *Provisional Suspension* under Article 7.9.1, the *Rider* shall be offered the opportunity to accept a *Provisional Suspension* pending the resolution of the matter.

### 7.4 Review of *Atypical Findings*

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

Upon receipt of an *Atypical Finding*, the *UCI* shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted in accordance with Article 4.4 and the *UCI TUE Regulations*, or (b) there is any apparent departure from the *UCI Testing & Investigations Regulations* or *International Standard* for Laboratories that caused the *Atypical Finding*.

If that review does not reveal an applicable *TUE* or departure that caused the *Atypical Finding*, the *UCI* shall conduct the required investigation.

After the investigation is completed, the *Rider* and other *Anti-Doping Organizations* identified in Article 14.2 shall be notified whether or not the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*. The *Rider* shall be notified as provided in Article 7.3.

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

- a) If the *UCI* determines the B *Samples* should be analyzed prior to the conclusion of its investigation under Article 7.4, the *UCI* may conduct the B *Sample* analysis after notifying the *Rider*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.3(d)-(f).
- b) If the *UCI* receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or a request from a sport organization responsible for meeting an imminent deadline for selecting *Team* members for an *International Event*, to disclose whether any *Rider* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, the *UCI* shall so identify any such *Rider* after first providing notice of the *Atypical Finding* to the *Rider*.

*[Comment to Article 7.4: The “required investigation” described in this Article will depend on the situation. For example, if it has previously been determined that a Rider has a naturally elevated testosterone/epitestosterone ratio, confirmation that an Atypical Finding is consistent with that prior ratio is a sufficient investigation.]*

*[Comment to Article 7.4.1 b): Under the circumstance described in Article 7.4.1 b), the option to take action would be left to the Major Event Organization or sport organization consistent with its rules.]*

## **7.5 Review of Atypical Passport Findings and Adverse Passport Findings**

Review of *Atypical Passport Findings* and *Adverse Passport Findings* shall take place as provided in the *UCI Testing & Investigations Regulations*, the *International Standard for Laboratories*, *WADA Athlete Biological Passport Operating Guidelines* and respectively related Technical Documents.

At such time as the *UCI* is sufficiently satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Rider* notice of the anti-doping rule violation asserted, and the basis of that assertion. Other *Anti-Doping Organizations* shall be notified as provided in Article 14.2.

## **7.6 Review of Whereabouts Failures**

Review of potential filing failures and missed tests shall take place as provided in the *UCI Testing & Investigations Regulations*. At such time as the *UCI* is sufficiently satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Rider* notice that it is asserting a violation of Article 2.4 and the basis of that assertion. Other *Anti-Doping Organizations* shall be notified as provided in Article 14.2.

## **7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.1–7.6**

Within the scope of its responsibilities under Article 7.1, the *UCI* shall conduct any investigation into a possible anti-doping rule violation as may be required under applicable anti-doping policies and rules adopted pursuant to the *Code* or the *UCI* otherwise considers appropriate.

The *UCI* may, prior to the completion of the investigation, inform the *Rider* or other *Person* of the possible anti-doping rule violation, to request further information the *Rider* or other *Person* or give the *Rider* or other *Person* an opportunity to provide explanations.

At such time as the *UCI* is sufficiently satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Rider* or other *Person* notice of the anti-doping rule violation asserted, and the basis of that assertion. Other *Anti-Doping Organizations* shall be notified as provided in Article 14.2.

## **7.8 Identification of Prior Anti-Doping Rule Violations**

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

## **7.9 Provisional Suspensions and Suspension on Teams**

### **7.9.1 Mandatory *Provisional Suspension* based on certain *Adverse Analytical Findings***

When an *Adverse Analytical Finding* is reported for a *Prohibited Substance* other than a *Specified Substance* or for a *Prohibited Method*, the *UCI* shall promptly impose a *Provisional Suspension* upon the review and notification described in Article 7.2 or 7.3, as applicable.

### **7.9.2 *Provisional Suspension* based on *Adverse Passport* or *Atypical Passport Findings***

When an anti-doping rule violation is asserted based on an *Adverse Passport Finding* or *Atypical Passport Finding*, the *UCI* shall promptly impose a *Provisional Suspension* when asserting an anti-doping rule violation upon completing the review described in Article 7.5.

### **7.9.3 *Provisional Suspension* based on an *Adverse Analytical Finding* for *Specified Substances, Contaminated Products*, or for other *Anti-Doping Rule Violations***

For any potential anti-doping rule violation under these *Anti-Doping Rules* asserted after a review under Article 7 and not covered by Article 7.9.1 or 7.9.2, the *UCI* may impose a *Provisional Suspension* prior to analysis of the *Rider's B Sample* (where applicable) or prior to a final hearing as described in Article 8.

### **7.9.4 Notice and Effects of the *Provisional Suspension***

Notice of a *Provisional Suspension* may be included in the notification under Article 7 or otherwise provided simultaneously with or upon notification of the asserted anti-doping rule violation by the *UCI*.

The *Provisional Suspension* shall take effect as from the day indicated in the notice to the *Rider*.

### **7.9.5 Lifting of the *Provisional Suspension***

7.9.5.1 With notice of the *Provisional Suspension* under Article 7.9.1, 7.9.2 or 7.9.3, the *Rider* shall be given either: (a) an opportunity for a *Provisional Hearing*, either 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 on a timely basis after imposition of the *Provisional Suspension*.

- 7.9.5.2 If an opportunity for a *Provisional Hearing* is given in the notice, the request shall be made in writing and shall be brought to the *UCI Disciplinary Commission*.

The request shall be examined and the decision taken by one or more members of the *UCI Disciplinary Commission*.

Unless the *UCI Disciplinary Commission* orders otherwise, the decision shall be based on written submissions only. No oral hearing shall be organized.

If the request for lifting the *Provisional Suspension* is denied and not appealed under Article 13.2, or if the denial is confirmed on appeal, a new request for lifting the *Provisional Suspension* may only be presented based on new facts or circumstances that were not known and could not reasonably have been known to the *Rider* or other *Person* at the time of the first request.

- 7.9.5.3 If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested by the *Rider* or *Anti-Doping Organization*) does not confirm the *A Sample* analysis, then the *Rider* shall not be subject to any further mandatory *Provisional Suspension* on account of a violation of Article 2.1.

*[Comment: the UCI may, however, decide to maintain the Provisional Suspension under Article 7.9.3, based on the assertion of another anti-doping rule violation, including under Article 2.2 subject to the possibility to ask for an elimination of the Provisional Suspension under Article 7.9.5.4.]*

In circumstances where the *Rider* (or the *Rider's Team* as may be provided in the rules of the applicable *Major Event Organization* or the *UCI*) 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 *Rider* or *Team* to be reinserted, the *Rider* or *Team* may continue to take part in the *Competition*.

- 7.9.5.4 A mandatory *Provisional Suspension* under Article 7.9.1 may be eliminated if the *Rider* demonstrates that the violation is likely to have involved a *Contaminated Product*. A decision of the *UCI Disciplinary Commission* not to eliminate a mandatory *Provisional Suspension* on account of the *Rider's* assertion regarding a *Contaminated Product* shall not be appealable.

A *Provisional Suspension* under Article 7.9.1, 7.9.2 or 7.9.3 may further be eliminated if the *Rider* or other *Person* establishes that (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, or (b) that there is a strong arguable case that he or she bears *No Fault or Negligence* for the anti-doping rule violation asserted, or (c) some other facts or circumstances exist that, in the *UCI Disciplinary Commission's* opinion, make it clearly unfair to impose or maintain the *Provisional Suspension*. A decision of the *UCI Disciplinary Commission* not to eliminate the *Provisional Suspension* may be appealed in accordance with Article 13.2.

*[Comment: The ground under (c) is to be construed narrowly and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Rider or other Person from participating in a particular Competition or Event shall not qualify as a circumstance for these purposes]*

- 7.9.6 In all cases where a *Rider* or other *Person* has been notified of an anti-doping rule violation but a *Provisional Suspension* has not been imposed on him or her, the *Rider* or other *Person* shall be offered the opportunity to accept a *Provisional Suspension* voluntarily pending the resolution of the matter.

*[Comment to Article 7.9: Riders and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed. See Articles 10.11.3.1 and 10.11.3.2]*

## **7.10 Notification of Results Management Decisions**

In all cases where the *UCI* has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, or imposed a *Provisional Suspension*, the *UCI* shall give notice thereof as set forth in Article 14.2 to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3.

## **7.11 Retirement from Sport**

If a *Rider* or other *Person* retires while a results management process is underway, the *UCI* retains jurisdiction to complete its results management process. If a *Rider* or other *Person* retires before any results management process has begun, the *UCI* retains authority to conduct results management if it would have had results management authority over the *Rider* or other *Person* at the time the *Rider* or other *Person* committed the asserted anti-doping rule violation.

*[Comment to Article 7.11: Conduct by a Rider or other Person before the Rider or other Person was subject to the jurisdiction of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Rider or other Person membership in a sports organization.]*

## **7.12 Suspension of a Team Registered with the UCI**

- 7.12.1 If two *Riders* and/or other *Persons* contracted to a *Team* registered with the *UCI* within a twelve-month period receive notice of:

- a) an *Adverse Analytical Finding* for a *Prohibited Method* or a *Prohibited Substance* that is not a *Specified Substance*; and/or
- b) an asserted anti-doping rule violation arising from an *Adverse Passport Finding* after a review under Article 7.5; and/or
- c) another asserted anti-doping rule violation as per Articles 2.3, 2.5, 2.6, 2.7, 2.8, 2.9 or 2.10

the *Team* shall, unless circumstances of exceptional nature require otherwise, be suspended from participation in any *International Event* for a period determined by the *UCI Disciplinary Commission* (through its President or a member designated to act in his stead). The suspension shall not be less than 15 days and not more than 45 days.

The *Team* shall be invited by the *UCI Disciplinary Commission* to provide its position.

The proceedings shall be conducted in an expedited manner and, unless the *UCI Disciplinary Commission* orders otherwise, by written submissions only.

The *UCI Disciplinary Commission* will take its decision taking into account all the circumstances of the case.

[Comment to Article 7.12.1: Factors to be considered by the *UCI Disciplinary Commission* in deciding the duration (or in circumstances of exceptional nature only, the principle) of the suspension include, but are not limited to:

- whether there is any prima facie indication that at least one anti-doping rule violation has no reasonable prospect of being upheld;
- whether there is any prima facie indication that at least one anti-doping rule violation was not intentional in the sense of Article 10.2;
- the nature of the anti-doping rule violation and the circumstances giving rise to it;
- the Team's general approach towards anti-doping: i.e. whether the Team applied due diligence and took measures that could reasonably be expected in order to avoid the commission of anti-doping rule violations;
- whether there is any prima facie indication that the Team (through its Team members or staff) was involved in one or both of the anti-doping rule violations;
- whether some other facts or circumstances exist that, in the *UCI Disciplinary Commission's* opinion, make it clearly unfair to impose a suspension;
- the Team's race calendar.]

7.12.2 The start date and period of suspension shall be determined so that the suspension be effective.

[Comment to Article 7.12.2: Its application may be suspended at the end of the season and the rest of the suspension time may be served at the beginning of the next season. Subject to the discretion of the *UCI Disciplinary Commission*, the suspension may take effect during an ongoing *Event* or on the first day of the next *Event* on the Team's race calendar.]

The decision of the *UCI Disciplinary Commission* is immediately enforceable and can be appealed by the *Team* or the *UCI* to the *CAS* within a 5-day time limit. The proceedings shall be conducted in an expedited manner.

Any suspension shall automatically be lifted if a subsequent B *Sample* analysis (if requested by the *Rider* or the *UCI*) does not confirm the corresponding A *Sample* analysis for a relevant *Adverse Analytical Finding*.

7.12.3 In the event of any further notice of:

- a) an *Adverse Analytical Finding* for a *Prohibited Method* or a *Prohibited Substance* that is not a *Specified Substance*; and/or
- b) an asserted anti-doping rule violation arising from an *Adverse Passport Finding*; and/or
- c) other asserted anti-doping rule violation as per Articles 2.3, 2.5, 2.6, 2.7, 2.8, 2.9 or 2.10,

within a twelve-month period, the *Team* shall be suspended from participation in any *International Event* for a period determined by the *UCI Disciplinary Commission*, taking into account all the circumstances of the case. The suspension shall be subject to the same procedure and requirements as provided for in Article 7.12.1 and Article 7.12.2 except with respect to the length of the ban which shall not be less than 15 days and not more than 12 months.

*(text modified on 30.06.2016)*

## Article 8 HEARING PROCESS

When, following the results management or investigation process described in Article 7, the *UCI* makes an assertion that an anti-doping rule violation was committed, it shall so notify the *Rider* or other *Person* concerned and the case shall be referred to the *UCI Anti-Doping Tribunal*.

### 8.1 *UCI Anti-Doping Tribunal*

The *UCI* shall establish an *UCI Anti-Doping Tribunal* to hear anti-doping rule violation asserted after 1<sup>st</sup> January 2015 under these Anti-Doping Rules.

The *UCI Anti-Doping Tribunal*, its composition and its procedures shall be determined in specific procedural rules established by the *UCI* and made available on the *UCI Website*.

The *UCI Anti-Doping Tribunal* is financed by the *UCI* and the *National Federations*.

The financial contribution of the *National Federations* shall be through payment of a fee due whenever a procedure is initiated before the *UCI Anti-Doping Tribunal*. Such fee is paid by the *National Federation* of the *Licence-Holder* against whom the procedure is initiated.

*(text modified on 23.09.2015)*

### 8.2 Jurisdiction of the *UCI Anti-Doping Tribunal*

The *UCI Anti-Doping Tribunal* shall have jurisdiction over all matters in which

- An anti-doping rule violation is asserted by the *UCI* based on a results management or investigation process under Article 7;
- An anti-doping rule violation is asserted by another *Anti-Doping Organization* under its rules, and all parties (in particular the *Anti-Doping Organization* and the *Rider* or other *Person* concerned) agree to submit the matter to the *UCI Anti-Doping Tribunal*, with the agreement of the *UCI*; or
- The *UCI* decides to assert an anti-doping rule violation against a *Rider* or other *Person* subject to these Anti-Doping Rules, based on a failure by another organization to initiate or diligently pursue a hearing process or where the *UCI* otherwise finds it appropriate for a fair hearing process to be granted.

*(text modified on 29.05.2015)*

### 8.3 Decision by the *UCI Anti-Doping Tribunal*

Upon hearing the matter as provided for in its procedural rules, the *UCI Anti-Doping Tribunal* shall issue a written, reasoned decision in a timely manner.

The decision may be appealed to *CAS* as provided in Article 13. The decision, shall be notified to the *Rider* or other *Person* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3.



If no appeal is brought against the decision, then

- a) if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Article 14.4.2;
- b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Rider* or other *Person* who is the subject of the decision. The principles contained at Article 14.4.6 shall be applied in cases involving a *Minor*.

#### **8.4 Acceptance of Consequences**

Where at any time during the results management, investigation or hearing process, the *Rider* or other *Person* admits the anti-doping rule violation and agrees with the *UCI* on the *Consequences* and costs, such agreement shall replace a decision of the *UCI Anti-Doping Tribunal* and put an end to the proceedings.

The agreement shall be considered a decision by the *UCI* that will be communicated to, with a summary of the reasons for the *Consequences* if requested, and may be appealed to *CAS* by the *Anti-Doping Organizations* having a right to appeal under Article 13.2.3. The *Rider* or other *Person* and the *UCI* shall have no right to appeal.

The *UCI* may reopen the case if new facts, or facts that were not known to the *UCI* at the time of the agreement, are subsequently brought to its knowledge, the nature of which would have led the *UCI* not to conclude the agreement or to conclude the agreement with different terms. If an appeal is pending before *CAS* at this point, the *UCI* shall be entitled to raise these new facts or circumstances in the *CAS* proceedings.

*Public Disclosure* of the agreement shall be handled in accordance with Article 14.4.

#### **8.5 Single Hearing Before CAS**

Anti-doping rule violations asserted under these Anti-Doping Rules may, with the consent of the *Rider*, the *UCI*, *WADA*, and any other *Anti-Doping Organization* that would have had a right to appeal a first instance hearing decision to *CAS*, be heard directly at *CAS*, with no requirement for a prior hearing.

*[Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Rider or Anti-Doping Organizations to incur the extra expense of two hearings. An Anti-Doping Organization that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]*

#### **8.6 Event Hearings**

Hearings held in connection with *Events* may be conducted by an expedited process as permitted by the procedural rules of the *UCI Anti-Doping Tribunal*.

#### **8.7 Waiver of Hearing**

The right to a hearing may be waived either expressly or by the *Rider's* or other *Person's* failure to challenge an *Anti-Doping Organization's* assertion that an anti-doping rule violation has occurred within the specific time period provided in the *Anti-Doping Organization's* rules.

## Article 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

An anti-doping rule violation 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.

*[Comment to Article 9: Consequences for Teams are as provided in Article 11]*

## Article 10 SANCTIONS ON INDIVIDUALS

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

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Rider'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.

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

*[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Rider tested positive (e.g., individual pursuit), this Article may lead to Disqualification of all results in all races during the Event (e.g., the UCI Track World Championships).]*

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

Notwithstanding the application of Article 10.1, the *Rider* shall be removed from the final general ranking of the *Event* in case of *Disqualification* under Article 9 of a *Competition* within that *Event*.

### 10.2 **Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method**

The period of *Ineligibility* for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:

10.2.1 The period of *Ineligibility* shall be four years where:

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

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

10.2.2 If Article 10.2.1 does not apply, the period of *Ineligibility* shall be two years.

- 10.2.3 As used in Articles 10.2 and 10.3, the term “intentional” is meant to identify those *Riders* who cheat. The term therefore requires that the *Rider* or other *Person* engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not intentional if the substance is a *Specified Substance* and the *Rider* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered intentional if the substance is not a *Specified Substance* and the *Rider* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

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

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

- 10.3.1 For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be four years unless, in the case of failing to submit to *Sample* collection, the *Rider* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.
- 10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Rider's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Riders* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Rider* was trying to avoid being available for *Testing*.
- 10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Rider Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Rider Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.
- [Comment to Article 10.3.3: Those who are involved in doping Riders or covering up doping should be subject to sanctions which are more severe than the Riders who test positive. Since the authority of sport organizations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Rider Support Personnel to competent authorities is an important step in the deterrence of doping.]*
- 10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.

- 10.3.5 For violations of Article 2.10, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Rider* or other *Person's* degree of *Fault* and other circumstances of the case.

[Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.]

#### 10.4 Elimination of the Period of *Ineligibility* where there is *No Fault or Negligence*

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

[Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where a *Rider* could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, *No Fault or Negligence* would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (*Riders* are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a *Prohibited Substance* by the *Rider's* personal physician or trainer without disclosure to the *Rider* (*Riders* are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any *Prohibited Substance*); and (c) sabotage of the *Rider's* food or drink by a spouse, coach or other *Person* within the *Rider's* circle of associates (*Riders* are responsible for what they ingest and for the conduct of those *Persons* to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on *No Significant Fault or Negligence*.]

#### 10.5 Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence*

- 10.5.1 Reduction of Sanctions for *Specified Substances* or *Contaminated Products* for Violations of Article 2.1, 2.2 or 2.6.

##### 10.5.1.1 *Specified Substances*

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

##### 10.5.1.2 *Contaminated Products*

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

[Comment to Article 10.5.1.2: In assessing that *Rider's* degree of *Fault*, it would,

*for example, be favorable for the Rider if the Rider had declared the product which was subsequently determined to be contaminated on his or her Doping Control form.]*

10.5.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.5.1

If a *Rider* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Rider* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight years.

*[Comment to Article 10.5.2: Article 10.5.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (e.g., Article 10.2.1) or a range of Ineligibility is already provided in an Article based on the Rider or other Person's degree of Fault.]*

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

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

10.6.1.1 The *UCI* 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 in which it has results management authority where the *Rider* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in:

- (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*, or
- (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *UCI*.

After a final appellate decision under Article 13 or the expiration of time to appeal, the *UCI* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA*. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Rider* or other *Person* and the significance of the *Substantial Assistance* provided by the *Rider* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight years. If the *Rider* or other

*Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *UCI* shall reinstate the original period of *Ineligibility*. If the *UCI* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

10.6.1.2 To further encourage *Riders* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of the *UCI* or at the request of the *Rider* or other *Person* who has (or has been asserted to have) committed an anti-doping rule violation, *WADA* may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. *WADA*'s approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, *WADA*'s decisions in the context of this Article may not be appealed by any other *Anti-Doping Organization*.

10.6.1.3 If the *UCI* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize the *UCI* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

*[Comment to Article 10.6.1: The cooperation of Riders, Rider Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorized.]*

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

Where a *Rider* 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.

*[Comment to Article 10.6.2: This Article is intended to apply when a Rider or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping*

*rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Rider or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Rider or other Person would have been caught had he/she not come forward voluntarily.]*

- 10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1

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

- 10.6.4 Application of Multiple Grounds for Reduction of a Sanction

Where a *Rider* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4, and 10.5. If the *Rider* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

*[Comment to Article 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Articles 10.2, 10.3, 10.4, or 10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the Rider or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.11. Several examples of how Article 10 is to be applied are found in Appendix 2.]*

## 10.7 Multiple Violations

- 10.7.1 For a *Rider* or other *Person's* second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

- a) six months;
- b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or
- c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

The period of *Ineligibility* established above may then be further reduced by the application of Article 10.6.

10.7.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

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

10.7.4 Additional Rules for Certain Potential Multiple Violations

10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the *UCI* can establish that the *Rider* or other *Person* committed the second anti-doping rule violation after the *Rider* or other *Person* received notice pursuant to Article 7, or after the *UCI* made reasonable efforts to give notice of the first anti-doping rule violation. If the *UCI* 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.

10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, the *UCI* discovers facts involving an anti-doping rule violation by the *Rider* or other *Person* which occurred prior to notification regarding the first violation, then the *UCI* shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

10.7.5 Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten-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, all other competitive results of the *Rider* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

*[Comment to Article 10.8: Nothing in these Anti-Doping Rules precludes clean Riders or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]*

## 10.9 **Allocation of CAS Cost Awards and Forfeited Prize Money**

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

## 10.10 **Financial Consequences**



10.10.1 In addition to the *Consequences* provided for in Article 10.1-10.9, violation under these Anti-Doping Rules shall be sanctioned with a fine as follows.

10.10.1.1 A fine shall be imposed in case a *Rider* or other *Person* exercising a professional activity in cycling is found to have committed an intentional anti-doping rule violation within the meaning of Article 10.2.3.

*[Comments: 1. A member of a Team registered with the UCI shall be considered as exercising a professional activity in cycling. 2: Suspension of part of a period of Ineligibility has no influence on the application of this Article].*

The amount of the fine shall be equal to the net annual income from cycling that the *Rider* or other *Person* was entitled to for the whole year in which the anti-doping violation occurred. In the *Event* that the anti-doping violation relates to more than one year, the amount of the fine shall be equal to the average of the net annual income from cycling that the *Rider* or other *Person* was entitled to during each year covered by the anti-doping rule violation.

*[Comment: Income from cycling includes the earnings from all the contracts with the Team and the income from image rights, amongst others.]*

The net income shall be deemed to be 70 (seventy) % of the corresponding gross income. The *Rider* or other *Person* shall have the burden of proof to establish that the applicable national income tax legislation provides otherwise.

Bearing in mind the seriousness of the offence, the quantum of the fine may be reduced where the circumstances so justify, including:

1. Nature of anti-doping rule violation and circumstances giving rise to it;
2. Timing of the commission of the anti-doping rule violation;
3. *Rider* or other *Person's* financial situation;
4. Cost of living in the *Rider* or other *Person's* place of residence;
5. *Rider* or other *Person's* Cooperation during the proceedings and/or *Substantial Assistance* as per article 10.6.1.

In all cases, no fine may exceed CHF 1,500,000.

For the purpose of this article, the *UCI* shall have the right to receive a copy of the full contracts and other related documents from the *Rider* or other *Person*, the *auditor* or relevant National Federation.

*[Comment: No fine may be considered a basis for reducing the period of Ineligibility or other sanction which would otherwise be applicable under these Anti-Doping Rules].*

*(text modified on 13.07.2016)*

10.10.2 Liability for Costs of the Procedures

If the *Rider* or other *Person* is found to have committed an anti-doping rule violation, he or she shall bear, unless the *UCI Anti-Doping Tribunal* determines otherwise:

1. The cost of the proceedings as determined by the *UCI Anti-Doping Tribunal*, if any.
2. The cost of the result management by the *UCI*; the amount of this cost shall be CHF 2'500, unless a higher amount is claimed by the *UCI* and determined by the *UCI Anti-Doping Tribunal*.
3. The cost of the B *Sample* analysis, where applicable.
4. The costs incurred for *Out-of-Competition Testing*; the amount of this cost shall be CHF 1'500, unless a higher amount is claimed by the *UCI* and determined by the *UCI Anti-Doping Tribunal*.
5. The cost for the A and/or B *Sample* laboratory documentation package where requested by the *Rider*.
6. The cost for the documentation package of *Samples* analyzed for the *Biological Passport*, where applicable.

The *National Federation* of the *Rider* or other *Person* shall be jointly and severally liable for its payment to the *UCI*.

#### 10.11 Commencement of *Ineligibility* Period

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

##### 10.11.1 Delays Not Attributable to the *Rider* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Rider* or other *Person*, the *UCI* may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

*[Comment to Article 10.11.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Rider or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]*

##### 10.11.2 Timely Admission

Where the *Rider* or other *Person* promptly (which, in all *Events*, for a *Rider* means before the *Rider* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the *UCI*, 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 *Rider* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Rider* or other *Person* accepted the imposition of a sanction, the date of a hearing decision

imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3.

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

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

10.11.3.2 If a *Rider* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from the *UCI* and thereafter respects the *Provisional Suspension*, the *Rider* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Rider* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.2.

*[Comment to Article 10.11.3.2: A Rider's voluntary acceptance of a Provisional Suspension is not an admission by the Rider and shall not be used in any way as to draw an adverse inference against the Rider.]*

10.11.3.3 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 *Rider* elected not to compete or was suspended by his or her *Team*.

*[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the Rider, timely admission by the Rider and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]*

**10.12 Status During *Ineligibility***

10.12.1 Prohibition Against Participation During *Ineligibility*

No *Rider* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in *Competitions* authorized or organized by any professional league or any international or national level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.

A *Rider* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate as a *Rider* in local sport *Events* not sanctioned or otherwise under the jurisdiction of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local

sport *Event* is not at a level that could otherwise qualify such *Rider* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Rider* or other *Person* working in any capacity with *Minors*.

A *Rider* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

*[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible Rider cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Rider may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level Event organization without triggering the Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Mutual Recognition).]*

#### 10.12.2 Return to Training

As an exception to Article 10.12.1, a *Rider* may return to train with a *Team* or to use the facilities of a club or other member organization of the UCI's member organization during the shorter of: (1) the last two months of the *Rider's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

*[Comment to Article 10.12.2: In many Team Sports and some individual sports (e.g., ski jumping and gymnastics), a Rider cannot effectively train on his/her own so as to be ready to compete at the end of the Rider's period of Ineligibility. During the training period described in this Article, an Ineligible Rider may not compete or engage in any activity described in Article 10.12.1 other than training.]*

#### 10.12.3 Violation of the Prohibition of Participation During *Ineligibility*

Where a *Rider* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Rider* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether a *Rider* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

Where a *Rider Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, UCI shall impose sanctions for a violation of Article 2.9 for such assistance.

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

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by the *UCI* and its *National Federations*.

### 10.12.5 Reinstatement Testing

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, a *Rider* may be subject to mandatory reinstatement *Testing*.

Where a period of *Ineligibility* is imposed on an *International-Level Rider* for an intentional anti-doping rule violation within the meaning of Article 10.2.3, a minimum of three (3) reinstatement tests must be conducted by the *UCI* in the 6 months-period prior to his/her first participation in an *International Event*.

For such purposes, the *Rider* shall in due time notify the *UCI* of his intention to return to international *Competition* in order to be included in the *UCI Registered Testing Pool*. The *UCI* shall be responsible for the organisation of the reinstatement tests. Tests conducted by other *Anti-Doping Organizations* during the period may be taken into consideration.

The *UCI* shall not be liable in the *Event* that the number of required tests could not be performed before the expected participation in an *International Event*.

The *Rider* shall bear the costs of the 3 reinstatement tests.

This clause applies also to International level *Rider* sanctioned under the 2009 *WADA Code* for an anti-doping rule violation that would have been regarded as intentional within the meaning of Article 10.2.3 with a period of *Ineligibility* of two years or more and who wishes to participate in an *International Event* again after 1.01.2015.

Any competitive results obtained in violation of this Article shall be Disqualified, with all resulting Consequences, including forfeiture of any medals, points and prizes.

## 10.13 Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Article 13.4.

*[Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Riders are professionals making a sizable income from the sport and in others the Riders are true amateurs; in those sports where a Rider's career is short, a standard period of Ineligibility has a much more significant effect on the Rider than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Riders from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International*

*Federations and National Anti-Doping Organizations.]*

## **Article 11 CONSEQUENCES TO TEAMS**

### **11.1 Disqualification of Team Competition Results**

Except as provided in Article 11.2, if a *Rider* is found to have committed an anti-doping rule violation in connection with a *Team Competition* in which he participated as a member of a *Team*, the *Team* shall be *Disqualified* from that *Competition*.

If such *Rider* is *Disqualified* from other *Competitions* of the same *Event* under Article 10.1, any *Team*, whether composed differently or not, of which such *Rider* was a member, shall be *Disqualified* from the same *Competitions* as the *Rider*.

### **11.2 Testing of Team Sport**

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

### **11.3 Financial Consequences to Teams**

In addition to the suspension provided for in Article 7.12.1, an *UCI WorldTeam* or *Professional Continental Team* shall pay a fine to the *UCI* if two *Riders* and/or other *Persons* of the *Team* are sanctioned for anti-doping rule violations that took place within a twelve-month period. The fine is due when the second *Rider* or other *Person's* sanction becomes final. The amount of the fine shall be 5% of the annual *Team* budget based on which the *Team* license was granted for the year during which the second sanction becomes final.

For the purpose of this article, the *UCI* shall have the right to obtain the amount of the annual *Team* budget from the auditor.

### **11.4 Financial Consequences to Teams**

In addition to the suspension provided for in Article 7.12.2, an *UCI WorldTeam* or *Professional Continental Team* shall pay a fine to the *UCI* if more than two *Riders* and/or other *Persons* of the *Team* are sanctioned for anti-doping rule violations that took place within a twelve-month period. The fine is due when the third *Rider* or other *Person's* sanction becomes final. The amount of the fine shall 5% of the annual *Team* budget based on which the *Team* license was granted for the year during which the third or additional sanction becomes final.

*[Comment to Article 11.3: Unlike Article 7.12, the imposition of the fine against the Team is based on strict liability.]*

For the purpose of this article, the *UCI* shall have the right to obtain the amount of the annual *Team* budget from the auditor.

*(text modified on 13.07.2016)*

## **Article 12 CONSEQUENCES TO SPORTING BODIES [intentionally omitted]**

## **Article 13 APPEALS**

## 13.1 Decisions Subject to Appeal

Decisions made under the *Code* or rules adopted pursuant to the *Code* may be appealed as set forth below in Articles 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 provided in these Anti-Doping Rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

### 13.1.1 Scope of Review Not Limited

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

### 13.1.2 CAS Shall Not Defer to the Findings Being Appealed

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

*[Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]*

### 13.1.3 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 *Anti-Doping Organization's* process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the *Anti-Doping Organization's* process.

*[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]*

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

- A decision that an anti-doping rule violation was committed,
- a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation,
- a decision that no anti-doping rule violation was committed;
- a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);
- a decision by WADA not to grant an exception to the six months notice requirement for a retired *Rider* to return to *Competition* under Article 5.7.1;
- a decision by WADA assigning results management under Article 7.1;
- a decision by an *Anti-Doping Organization* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation,

- a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.5, 7.6 & 7.7;
- a decision to impose or maintain a *Provisional Suspension* as a result of a *Provisional Hearing*;
- an *Anti-Doping Organization's* failure to comply with Article 7.9;
- a decision that an *Anti-Doping Organization* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*;
- a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1;
- a decision under Article 10.12.3;
- and a decision by an *Anti-Doping Organization* not to recognize another *Anti-Doping Organization's* decision under Article 15

may be appealed exclusively as provided in this Article 13.2.

13.2.1 Appeals Involving *International-Level Riders* or *International Events*

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

*[Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]*

13.2.2 Appeals Involving Other *Riders* or Other *Persons*

In cases where Article 13.2.1 is not applicable, a decision made by the *UCI Anti-Doping Tribunal* under Article 8, or a decision made by the *UCI Disciplinary Commission* may be appealed exclusively to CAS.

In all other cases, decisions made against *Riders* or other *Persons* may be appealed to an independent and impartial body in accordance with rules established by the *National Anti-Doping Organization*. The rules for such appeal shall respect the following principles:

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

*[Comment to Article 13.2.2: An Anti-Doping Organization may elect to comply with this Article by providing for the right to appeal directly to CAS.]*

13.2.3 *Persons Entitled to Appeal*

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

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



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

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

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

For cases under Article 13.2.2, *WADA*, the International Olympic Committee, the International Paralympic Committee, and the *UCI* shall also have the right to appeal to *CAS* with respect to the decision of the national-level appeal body.

Any party filing an appeal shall be entitled to assistance from *CAS* to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if *CAS* so directs.

#### 13.2.4. Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to *CAS* under the *Code* are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

*[Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit a Rider the right to cross appeal when an Anti-Doping Organization appeals a decision after the Rider's time for appeal has expired. This provision permits a full hearing for all parties.]*

#### 13.2.5 Time Limits for Appeal

##### 13.2.5.1 Appeals to CAS

Unless otherwise specified in these rules, appeals under Article 13.2.1 and 13.2.2 from decisions made by the *UCI Anti-Doping Tribunal* or *UCI Disciplinary Commission* shall be filed before the CAS within 1 (one) month from the day the appealing party receives notice of the decision appealed.

**13.2.5.2 Appeals by Non-Parties to the Prior Proceedings**

Notwithstanding the above, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- a) Within fifteen days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- b) If such a request is made within the fifteen-day period, then the party making such request shall have 1 (one) month from receipt of the file to file an appeal.

**13.2.5.3 Appeal by WADA**

The filing deadline for an appeal filed by *WADA pursuant to either Article 13.2.1 or 13.2.2* shall be the later of:

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

**13.3 Failure to Render a Timely Decision by an *Anti-Doping Organization***

Where, in a particular case, the *UCI* fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to CAS as if the *UCI* had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that *WADA* acted reasonably in electing to appeal directly to CAS, then *WADA's* costs and attorney fees in prosecuting the appeal shall be reimbursed to *WADA* by the *Anti-Doping Organization*.

*[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]*

**13.4 Appeals Relating to *TUEs***

*TUE* decisions may be appealed exclusively as provided in Article 4.4 and within the time limits set forth in Article 13.2.5.

**13.5 Notification of Appeal Decisions**

Any *Anti-Doping Organization* that is a party to an appeal shall promptly provide the appeal decision to the *Rider* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.3.

*[Comment to Article 13: Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Riders, or their federations, who might benefit from having another competitor disqualified.]*

## Article 14 CONFIDENTIALITY AND REPORTING

### 14.1 Notices and Time Limits under these Anti-Doping Rules

#### 14.1.1 In General

Unless otherwise specified, notice by and to the *UCI* under these Anti-Doping Rules, *UCI* Regulations, procedures or other document adopted in connection therewith, may be given by any means permitting proof of receipt, including registered or ordinary mail by post or private courier services, electronic mail or facsimile.

If a notice triggers the start of a time limit under the Anti-Doping Rules (including the time limit to appeal to *CAS* under Article 13), the time limit shall start running on the day following notice. Official holidays and non-working days are included in the calculation of time limits. The time limits fixed under these Rules are respected if the communications by the parties are sent before midnight, time of the location where the notification has to be made, on the last day on which such time limits expire. If the last day of the time limit is an official holiday or a non-business day in the country where the notification is to be made, the time limit shall expire at the end of the first subsequent business day.

Notice shall be deemed to have occurred when delivered within the addressee's sphere of control. Proof that the addressee was, without his or her *Fault*, not in a position to have knowledge of a notice so delivered shall be on the addressee.

#### 14.1.2 Notice to *Riders* and other *Persons* under these Anti-Doping Rules

Notice to a *Rider* or other *Person* may be accomplished by delivery of the notice to his or her *National Federation* or *Team*.

The *National Federation* or *Team* shall be responsible for making immediate contact with the *Rider* or other *Person*.

### 14.2 Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and other Asserted Anti-Doping Rule Violations

#### 14.2.1 Notification of Anti-Doping Rule Violations to *National Anti-Doping Organizations*, the *UCI* and *WADA*

The *Anti-Doping Organization* with results management or investigation responsibility under Article 7 shall also notify

- the *Rider's* or other *Person's National Anti-Doping Organization*,
- the *UCI*,

- and WADA.

of the assertion of an anti-doping rule violation simultaneously with the notice to the *Rider* or other *Person*.

The *UCI* may also inform the *Rider's* or other *Person's National Federation* or *Team*.

14.2.2 Content of an Anti-Doping Rule Violation Notice

Notification shall include: the *Rider's* name, country, sport and discipline within the sport, the *Rider's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory and other information as required by the *UCI Testing & Investigations Regulations* if the notice is given by the *UCI*, or the *International Standard for Testing and Investigations* or any other applicable rules if the notice is given by another *Anti-Doping Organization*, or, for anti-doping rule violations other than Article 2.1, the rule violated and the basis of the asserted violation.

14.2.3 Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.2.1, the *Anti-Doping Organizations* referenced in Article 14.2.1 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.2.4 Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee, National Federation, and Team*) until the *Anti-Doping Organization* with results management responsibility has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Article 14.4.

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

14.3.1 Anti-doping rule violation decisions rendered pursuant to Article 7.10, 8.4, 10.4, 10.5, 10.6, 10.12.3 or 12.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential *Consequences* were not imposed.

Where the decision is not in English or French, the *Anti-Doping Organization* shall provide a short English or French summary of the decision and the supporting reasons.

14.3.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 may, within 15 days of receipt, request a copy of the full case file pertaining to the decision.

**14.4 Public Disclosure**

14.4.1 The identity of any *Rider* or other *Person* who is asserted by an *Anti-Doping Organization* to have committed an anti-doping rule violation, may be *Publicly*

*Disclosed* by the *Anti-Doping Organization* with results management responsibility only after notice has been provided to the *Rider* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7, and to the applicable *Anti-Doping Organizations* in accordance with Article 14.2.

- 14.4.2 No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, the *Anti-Doping Organization* responsible for results management must *Publicly Report* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Rider* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved and the *Consequences* imposed. The same *Anti-Doping Organization* must also *Publicly Report* within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.
- 14.4.3 In any case where it is determined, after a hearing or appeal, that the *Rider* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Rider* or other *Person* who is the subject of the decision. The *Anti-Doping Organization* with results management responsibility 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 *Rider* or other *Person* may approve.
- 14.4.4 Publication shall be accomplished at a minimum by placing the required information on the *Anti-Doping Organization's* website and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.
- 14.4.5 No *Anti-Doping Organization* or WADA –accredited laboratory, or official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Rider*, other *Person* or their representatives.
- 14.4.6 The mandatory *Public Reporting* required in 14.3.2 shall not be required where the *Rider* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

## **14.5 Statistical Reporting**

*Anti-Doping Organizations* shall, at least annually, publish publicly a general statistical report of their *Doping Control* activities, with a copy provided to WADA. *Anti-Doping Organizations* may also publish reports showing the name of each *Rider* tested and the date of each *Testing*. WADA shall, at least annually, publish statistical reports summarizing the information that it receives from *Anti-Doping Organizations* and laboratories.

## **14.6 Doping Control Information Clearinghouse**

WADA shall act as a central clearinghouse for *Doping Control Testing* data and results, including, in particular, *Athlete Biological Passport* data for *International-Level Riders* and *National-Level Riders* and whereabouts information for *Riders* including those in *Registered Testing Pools*.

To facilitate coordinated test distribution planning and to avoid unnecessary duplication in *Testing* by various *Anti-Doping Organizations*, each *Anti-Doping Organization* shall report all *In-Competition* and *Out-of-Competition* tests on such *Riders* to the *WADA* clearinghouse, using *ADAMS* or another system approved by *WADA*, as soon as possible after such tests have been conducted.

This information will be made accessible, where appropriate and in accordance with the applicable rules, to the *Rider*, the *Rider's National Anti-Doping Organization* and the *UCI*, and any other *Anti-Doping Organizations* with *Testing* authority over the *Rider*.

To enable it to serve as a clearinghouse for *Doping Control Testing* data and results management decisions, *WADA* has developed a database management tool, *ADAMS*, that reflects data privacy principles. In particular, *WADA* has developed *ADAMS* to be consistent with data privacy statutes and norms applicable to *WADA* and other organizations using *ADAMS*. Private information regarding a *Rider*, *Rider Support Personnel*, or others involved in anti-doping activities shall be maintained by *WADA*, which is supervised by Canadian privacy authorities, in strict confidence and in accordance with the *International Standard* for the Protection of Privacy and Personal Information.

#### 14.7 Data Privacy

The *UCI* or other *Anti-Doping Organizations* may collect, store, process or disclose personal information relating to *Riders* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *Code*, in compliance specifically with the *International Standard* for the Protection of Privacy and Personal Information and with applicable law.

Any *Rider* or other *Person* who submits information including personal information in accordance with these *Anti-Doping Rules* shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such *Person* for the purposes of the implementation of these *Anti-Doping Rules*.

### Article 15 APPLICATION AND RECOGNITION OF DECISIONS

- 15.1 Subject to the right to appeal provided in Article 13, *Testing*, hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority, shall be applicable worldwide and shall be recognized and respected by all other *Signatories*.

*[Comment to Article 15.1: The extent of recognition of TUE decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and the UCI TUE Regulations.]*

- 15.2 *Signatories* shall recognize the measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

*[Comment to Article 15.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found a Rider to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation]*

*and the Rider's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]*

## **Article 16 [intentionally omitted]**

## **Article 17 STATUTE OF LIMITATION**

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

## **Article 18 EDUCATION**

**18.1** The *UCI* shall plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed below, and shall support active participation by *Riders* and *Rider Support Personnel* in such programs.

**18.2** At a minimum, the anti-doping education programme will include information on the following issues:

- Substances and methods on the *Prohibited List*
- Anti-Doping rule violations
- *Doping Control* procedures
- Therapeutic use exemptions
- Whereabouts requirements
- Consequences of doping, including sanctions, health and social consequences
- *Riders' and Rider Support Personnel's* rights and responsibilities
- Managing the risk of nutritional supplements
- Harm of doping to the spirit of sport

### **18.3 Programs and Activities**

The anti-doping programme will promote the spirit of doping-free cycling. It aims to have a positive and long-term influence on the choices made by *Riders* and *Rider Support Personnel*. It emphasizes the importance of ethics and fair cycling.

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

Prevention programs shall be primarily directed at young people, appropriate to their stage of development, in school and sports clubs, parents, adult *Athletes*, sport officials, coaches, medical personnel and the media.

*Rider Support Personnel* shall educate and counsel *Riders* regarding anti-doping policies and rules adopted pursuant to the *Code*.

All *Signatories* shall promote and support active participation by *Riders* and *Rider Support Personnel* in education programs for doping-free sport.

*[Comment to Article 18.2: Anti-doping informational and educational programs should not be limited to National- or International-Level Riders but should include all Persons, including youth, who participate in sport under the authority of any Signatory, government or other sports organization accepting the Code. (See definition of Rider.) These programs should also include Athlete Support Personnel.*

*These principles are consistent with the UNESCO Convention with respect to education and training.]*

**Article 19 [intentionally omitted]**

**Article 20 [intentionally omitted]**

**Article 21 ADDITIONAL ROLES AND RESPONSABILITIES OF RIDERS AND OTHER PERSONS**

**21.1 Roles and Responsibilities of Riders**

- 21.1.1 To be knowledgeable of and comply with the Anti-Doping Rules and other documents adopted pursuant to these Anti-Doping Rules, as set forth in the Introduction.
- 21.1.2 To be available for *Testing* at all times.
- 21.1.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.
- 21.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.
- 21.1.5 To disclose to their *National Anti-Doping Organization* and the *UCI* any decision by a non-*Signatory* finding that the *Rider* committed an anti-doping rule violation within the previous ten years.
- 21.1.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.



- 21.1.7 To report to *Anti-Doping Organizations* any circumstances they become aware of that may constitute an anti-doping rule violation.

**21.2 Roles and Responsibilities of *Rider Support Personnel***

- 21.2.1 To be knowledgeable of and comply with Anti-Doping Rules and other documents adopted pursuant to these Anti-Doping Rules, as forth in the Introduction.
- 21.2.2 To cooperate with the *Rider Testing* program.
- 21.2.3 To use his or her influence on *Rider* values and behavior to foster anti-doping attitudes.
- 21.2.4 To disclose to his or her *National Anti-Doping Organization* and the *UCI* any decision by a non-Signatory finding that he or she committed an anti-doping rule violation within the previous ten years.
- 21.2.5 To cooperate with Anti-Doping Organizations investigating anti-doping rule violations.
- [Comment to Article 21.2.5 Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a stakeholder's rules.]*
- 21.2.6 *Rider Support Personnel* shall not Use or Possess any *Prohibited Substance* or *Prohibited Method* without valid justification.
- [Comment to Article 21.2.6: Coaches and other Rider Support Personnel are often role models for Riders. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their Riders not to dope.]*
- 21.2.7 To report to *Anti-Doping Organizations* any circumstances they become aware of that may constitute an anti-doping rule violation.

**21.3 Consequences of Non-Compliance with the Responsibilities of *Riders* or *Riders Support Personnel***

Where it considers so warranted, the *UCI* may initiate disciplinary proceedings against *Riders* or *Rider Support Personnel* for non-compliance with Articles 21.1 or 21.2, as applicable.

The disciplinary proceedings will be referred to the *UCI Disciplinary Commission* in accordance with *UCI Disciplinary Rules*.

**21.4 Roles and Responsibilities of *National Federations***

- 21.4.1 All *National Federations* shall include in their regulations the rules necessary to effectively implement these Anti-Doping Rules.
- 21.4.2 When a *National Federation* receives from third parties information concerning a possible anti-doping violation, it shall immediately inform the *UCI* and its *National Anti-Doping Organization*.
- The *National Federation* shall be obliged to conduct investigations as the *UCI* may deem appropriate and inform *UCI* of their results.
- 21.4.3 The *National Federations* shall cooperate with investigations conducted by any Anti-Doping Organization with authority to conduct such investigation.

- 21.4.4 For the purpose of these Anti-Doping Rules, the organizer's *National Federation* shall take on the role of the *License-Holder's National Federation* as regards *License-Holders* who have obtained their license directly from the *UCI*.
- 21.4.5 Without prejudice to article 13 of the *UCI Constitution*, *National Federations* shall be obligated to reimburse the *UCI* for all costs related to a doping case in which the *National Federation* was not cooperative or did not comply with these Anti-Doping Rules.
- 21.4.6 Each *National Federation* shall report to the *UCI* on or before 31st January results of all *Doping Controls* conducted on its *License-Holders* during the previous year sorted by *Rider* and identifying each date on which the *Rider* was tested, the entity conducting the *Testing*, and whether the *Testing* was *In-Competition* or *Out-of-Competition*.
- 21.4.7 The report shall also list for each *Rider* concerned all decisions taken in anti-doping at the national level indicating the category (elite or other), the anti-doping rule violation charged or committed, the date of *Testing*, whether the *Testing* was *Out-of-Competition* or *In-Competition* and, in this case, the name and date of the *Event*, the penalties imposed, the date of the decision and the body which imposed them.
- 21.4.8 The *National Federation* shall be liable to contribute to *UCI Anti-Doping Tribunal's* costs as determined by the *UCI*.

### 21.5 Roles and Responsibilities of Teams

The *Team* is responsible for all costs incurred by the *UCI* and its service providers in relation with the management of the anti-doping rule violations committed by its *Licence-Holders*.

The *Team* responsible is:

- a) the *Team* of which the *Licence-Holder* is a member at the time that the anti-doping rule violation is committed; this *Team* remains responsible also when the *Licence-Holder* is no longer part of the *Team* for whichever reason and until such time that the costs are paid in full;
- b) any other *Team* of which the *Licence-Holder* is a member after the moment that the anti-doping rule violation is committed and until such time that the costs are paid in full.

All *Teams* concerned are responsible jointly and severally.

The paying agent and each of the principal partners of the *Team(s)* concerned shall be jointly and severally responsible for payment to the *UCI*.

The management costs include but are not limited to costs for:

- a) *Testing*, results management, disciplinary proceedings before the hearing body and CAS, proceedings before state courts.
- b) staff and overheads of *UCI*; services of third parties involved in *Testing* and results management; legal, scientific and other counsels; experts; witnesses; court fees, arbitration costs.

The management costs also include the costs that are imposed upon the licence-holder by or in application of the present anti-doping rules and that remain unpaid by the *Licence-Holder*.

Pending proceedings the *UCI* may request from any *Team* concerned that the bank guarantee for the next registration year is increased with such amount as the *UCI* may determine so as to cover the expected amount of the costs.

Each *Team* is responsible for following and implementing any anti-doping related obligation provided for or decided in the *Team* Licensing process.

**Article 22 [intentionally omitted]**

**Article 23 [intentionally omitted]**

**Article 24 INTERPRETATION OF THESE ANTI-DOPING RULES**

- 24.1** The official text of these Anti-Doping Rules shall be published in English and French. In the *Event* of any conflict between the English and French versions, the English version shall prevail.
- 24.2** The comments annotating various provisions of these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.
- 24.3** These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 24.4** 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.
- 24.5** These Anti-Doping Rules shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as “First violations” or “Second violations” for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.
- 24.6** The section Introduction and Scope of these Anti-Doping Rules, as well as Appendix 1, Definitions and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of these Anti-Doping Rules.

**Article 25 TRANSITIONAL PROVISIONS**

**25.1 General Application of these Anti-Doping Rules**

These Anti-Doping Rules shall apply in full as of 1 January 2015 (the “Effective Date”).

**25.2 Non-Retroactive except for Articles 10.7.5 and 17 or Unless Principle of “Lex Mitior” Applies**

The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 17 are procedural rules and should be applied retroactively; provided, however, that Article 17

shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date.

Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case.

**25.3 Application to Decisions Rendered Prior to 1 January 2015**

With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Rider* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Rider* or other *Person* may apply to the *Anti-Doping Organization* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules.

Such application must be made before the period of *Ineligibility* has expired. The decision rendered by the *Anti-Doping Organization* may be appealed pursuant to Article 13.2.

These Anti-Doping Rules shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

**25.4 Multiple Violations Where the First Violation Occurs Prior to 1 January 2015**

For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on rules applicable before the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

**25.5 Additional Amendments**

These Anti-Doping Rules may be amended by the *UCI* from time to time, subject to the transitional provisions provided in this Article 25 or any other transitional provisions that the *UCI* may adopt with the amendment.

**APPENDIX 1: DEFINITIONS**

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

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

**Adverse Analytical Finding:** A report from a WADA –accredited laboratory or other WADA -approved laboratory that, consistent with the *International Standard* for Laboratories and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

**Adverse Passport Finding:** A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards* or applicable *UCI Regulations*.

**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 Biological Passport:** The program and methods of gathering and collating data as described in the applicable *WADA Guidelines*, Technical Documents and *applicable UCI Regulations*.

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

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

**Atypical Passport Finding:** A report described as an *Atypical Passport Finding* as described in the applicable *International Standards* or applicable *UCI Regulations*.

**CAS:** The Court of Arbitration for Sport.

**Code:** The World Anti-Doping Code.

**Competition:** A single race organized separately (for example: each of the time trial and road race at the road World Championships; a stage in a stage race; a Cross-country Eliminator heat) or a series of races forming an organizational unit and producing a final winner and/or general classification (for example: a track sprint race tournament, a cyclo-ball tournament).

**Consequences of Anti-Doping Rule Violations (“Consequences”):** A *Rider’s* or other *Person’s* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Rider’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 *Rider* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.12.1; (c) *Provisional Suspension* means the *Rider* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure or Public Reporting* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 13. Teams may also be subject to *Consequences* as provided in Article 11.

*Contaminated Product*: A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable Internet search.

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

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

*Event*: A single *Competition* organized separately (for example: a one day road race) or a series of *Competitions* conducted together as a single organization (for example: road World Championships; a road stage race, a track World Cup *Event*); a reference to *Event* includes reference to *Competition*, unless the context indicates otherwise.

*Event Venues*: At *UCI International Events*, the area where the *Event* is taking place as well as the accommodations where the *Riders* participating in such *Event* are staying.

*Event Period*: Period which starts at midnight the day before the *Event* is set to take place and finishes at midnight the day on which the *Event* ends. However for Grand Tours the period commences at midnight three days before the *Event* is set to begin and finishes at midnight the day on which the *Event* ends (for example: the *Event Period* for a one-day road race scheduled to start on 19 December at 10:00 starts on 18 December at 00:01 and finishes on 19 December at 23:59).

*Fault*: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a *Rider* or other *Person's* degree of *Fault* include, for example, the *Rider's* or other *Person's* experience, whether the *Rider* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Rider* and the level of care and investigation exercised by the *Rider* in relation to what should have been the perceived level of risk. In assessing the *Rider's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Rider's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that a *Rider* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Rider* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.5.1 or 10.5.2.

[*Comment to Fault*: The criteria for assessing a *Rider's* degree of *Fault* is the same under all Articles where *Fault* is to be considered. However, under 10.5.2, no reduction of sanction is appropriate unless, when the degree of *Fault* is assessed, the conclusion is that No Significant *Fault* or *Negligence* on the part of the *Rider* or other *Person* was involved.]

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

*In-Competition:* The *Event Period*. However, for the purpose of *Prohibited List*, *In-Competition* is the period commencing twelve hours before a *Competition* in which the *Rider* 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 provide guidance on the *Doping Control* process at certain *Events* and report on their observations.

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

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

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

For the purpose of Article 5.3 exclusively, *International Events* are *Events* for which the *UCI* has *Testing* responsibility and are referred to as “*UCI International Events*”. *UCI International Events* are defined annually by the *UCI*. The list of such *UCI International Events* is communicated to the relevant *Anti-Doping Organizations*.

*International-Level Rider:* *Riders* who compete in sport at the international level, as defined in the Introduction of these *Anti-Doping Rules*.

*International Standard:* A standard adopted by *WADA* in support of the *Code*. *International Standards* shall include any *Technical Documents* issued pursuant to the *International Standard*.

*License-Holder:* A *Person* who is holder of a license or who has applied for a license under the *UCI Cycling Regulations*.

For the avoidance of doubt a *License-Holder* continues to be considered as such for the purpose of the present *Anti-Doping Rules* for all obligations that arose and for any violation that was committed and for all implications and consequences of any fact that occurred while holding a license as well as for all obligations that continue to exist during any period of *Ineligibility* including when the *Person* concerned actually no longer holds a license at the time of such obligation, violation or fact.

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

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

*Metabolite:* Any substance produced by a biotransformation process.

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

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

*National Event:* A sport *Event* or *Competition* involving *International-* or *National-Level Riders* that is not an *International Event* or an *UCI International Event* within the meaning of the second paragraph of the definition of *International Event*.

*National Federation:* The member federations of the *UCI*, as set forth in the *UCI Constitution*.

*National-Level Rider:* Riders who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard for Testing and Investigations*.

*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 Fault or Negligence:* The *Rider* or other *Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Minor*, for any violation of Article 2.1, the *Rider* must also establish how the *Prohibited Substance* entered his or her system.

*No Significant Fault or Negligence:* The *Rider* or other *Person's* establishing that his or her *Fault* or *Negligence*, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Minor*, for any violation of Article 2.1, the *Rider* must also establish how the *Prohibited Substance* entered his or her system.

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

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

*Participant:* Any *Rider* or *Rider Support Person*.

*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 or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping 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, or class of substances, so described on the *Prohibited List*.

*Provisional Hearing:* For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Rider* with notice and an opportunity to be heard in either written or oral form.

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

*Publicly Disclose or Publicly Report:* See *Consequences of Anti-Doping Rule Violations* above.



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

*Registered Testing Pool:* The pool of highest-priority *Riders* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6.

*Rider:* Any *Person* subject to these Anti-Doping Rules who competes in the sport of cycling, whether at the international level as defined by the *UCI* in the Introduction to these Anti-Doping Rules (*International-Level Rider*), at the national level (*National-Level Rider*) as defined by each *National Anti-Doping Organization*, or otherwise.

An *Anti-Doping Organization* has discretion to apply anti-doping rules to a *Rider* who is neither an *International-Level Rider* nor a *National-Level Rider*, and thus to bring them within the definition of "*Rider*." In relation to *Riders* who are neither *International-Level* nor *National-Level Riders*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Rider* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of antidoping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is a *Rider*.

*[Comment to Rider: This definition makes it clear that all International and National-Level Riders are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations, respectively. The definition also allows each National Anti-Doping Organization, if it chooses to do so, to expand its anti-doping program beyond International- or National- Level Riders to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organization could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 13.4.2). The decision on whether Consequences apply to recreational-level Riders who engage in fitness activities but never compete is left to the National Anti-Doping Organization. In the same manner, a Major Event Organization holding an Event only for masters-level competitors could elect to test the competitors but not analyze Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.]*

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

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

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

*Signatories:* Those entities signing the *Code* and agreeing to comply with the *Code* and the *International Standards*.

*Specified Substance:* See Article 4.2.2.

*Strict Liability:* The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, *Fault*, *Negligence*, or knowing *Use* on the *Rider's* part be demonstrated by the *Anti-Doping Organization* in order to establish an anti-doping rule violation.

*Substantial Assistance:* For purposes of Article 10.6.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping 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.

*Target Testing:* Selection of specific *Riders* for *Testing* based on criteria set forth in the *UCI Testing & Investigations Regulations*.

*Team:* in the sport of cycling, a sports organisation comprising *Riders* and other *Persons* supporting them with the aim of taking part in cycling *Events*, as described more precisely in Article 1.1.040 and following of the *UCI Cycling Regulations Part 1*.

*Team Competition:* *Competition* where participation is by *Team* from a sporting point of view and where the final winner and/or general classification is allocated per *Team* (*Team* pursuit or *Team* time trial, for example).

*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 (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by a *Rider*, *Rider Support Person* 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, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

*TUE:* Therapeutic Use Exemption, as described in Article 4.4.

*UCI:* Union Cycliste Internationale, the International Federation governing the sport of cycling.

*UCI Anti-Doping Commission:* the Commission established by the *UCI Constitution*

*UCI Anti-Doping Tribunal:* a body established by the *UCI* under Article 8 of these Anti-Doping Rules to hear anti-doping rule violations, or panels thereof, depending on the context.

*UCI Disciplinary Commission:* the Commission established by the *UCI Constitution*.

*UCI Website:* a website on which these Anti-Doping Rules and other documents referred to in these Anti-Doping Rules are made available in their current version.

*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: EXAMPLES OF THE APPLICATION OF ARTICLE 10****EXAMPLE 1.**

**Facts:** An *Adverse Analytical Finding* results from the presence of an anabolic steroid in an *In-Competition* test (Article 2.1); the Athlete promptly admits the anti-doping rule violation; the Athlete establishes *No Significant Fault or Negligence*; and the Athlete provides *Substantial Assistance*.

**Application of Consequences:**

1. The starting point would be Article 10.2. Because the Athlete is deemed to have *No Significant Fault* that would be sufficient corroborating evidence (Articles 10.2.1.1 and 10.2.3) that the anti-doping rule violation was not intentional, the period of *Ineligibility* would thus be two years, not four years (Article 10.2.2).
2. In a second step, the panel would analyze whether the *Fault*-related reductions (Articles 10.4 and 10.5) apply. Based on *No Significant Fault or Negligence* (Article 10.5.2) since the anabolic steroid is not a *Specified Substance*, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The panel would then determine the applicable period of *Ineligibility* within this range based on the Athlete's degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of 16 months.)
3. In a third step, the panel would assess the possibility for suspension or reduction under Article 10.6 (reductions not related to *Fault*). In this case, only Article 10.6.1 (*Substantial Assistance*) applies. (Article 10.6.3, Prompt Admission, is not applicable because the period of *Ineligibility* is already below the two-year minimum set forth in Article 10.6.3.) Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 16 months.\* The minimum period of *Ineligibility* would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of *Ineligibility* would thus be six months.)
4. Under Article 10.11, the period of *Ineligibility*, in principle, starts on the date of the final hearing decision. However, because the Athlete promptly admitted the anti-doping rule violation, the period of *Ineligibility* could start as early as the date of *Sample* collection, but in any *Event* the Athlete would have to serve at least one-half of the *Ineligibility* period (i.e., three months) after the date of the hearing decision (Article 10.11.2).
5. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would have to automatically Disqualify the result obtained in that *Competition* (Article 9).
6. According to Article 10.8, all results obtained by the Athlete subsequent to the date of the *Sample* collection until the start of the period of *Ineligibility* would also be Disqualified unless fairness requires otherwise.
7. The information referred to in Article 13.4.2 must be *Publicly Disclosed*, unless the Athlete is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
8. The Athlete is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of *Ineligibility* (Article 10.12.1). However, the Athlete may return to train with a *Team* or to use the facilities of a club or other member organization of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training one and one-half months before the end of the period of *Ineligibility*.

**EXAMPLE 2.**

**Facts:** An *Adverse Analytical Finding* results from the presence of a stimulant which is a *Specified Substance* in an *In-Competition* test (Article 2.1); the *Anti-Doping Organization* is able to establish that the Athlete committed the anti-doping rule violation intentionally; the Athlete is not able to establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance; the Athlete does not promptly admit the anti-doping rule violation as alleged; the Athlete does provide *Substantial Assistance*.

**Application of Consequences:**

1. The starting point would be Article 10.2. Because the *Anti-Doping Organization* can establish that the anti-doping rule violation was committed intentionally and the Athlete is unable to establish that the substance was permitted *Out-of-Competition* and the Use was unrelated to the Athlete's sport performance (Article 10.2.3), the period of *Ineligibility* would be four years (Article 10.2.1.2).
2. Because the violation was intentional, there is no room for a reduction based on *Fault* (no application of Articles 10.4 and 10.5). Based on *Substantial Assistance*, the sanction could be suspended by up to three-quarters of the four years.\* The minimum period of *Ineligibility* would thus be one year.
3. Under Article 10.11, the period of *Ineligibility* would start on the date of the final hearing decision.
4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically Disqualify the result obtained in the *Competition*.
5. According to Article 10.8, all results obtained by the Athlete subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be Disqualified unless fairness requires otherwise.
6. The information referred to in Article 13.4.2 must be *Publicly Disclosed*, unless the Athlete is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
7. The Athlete is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of *Ineligibility* (Article 10.12.1). However, the Athlete may return to train with a *Team* or to use the facilities of a club or other member organization of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of *Ineligibility*.

**EXAMPLE 3.**

**Facts:** An *Adverse Analytical Finding* results from the presence of an anabolic steroid in an Out-of-Competition test (Article 2.1); the Athlete establishes No Significant *Fault* or *Negligence*; the Athlete also establishes that the *Adverse Analytical Finding* was caused by a *Contaminated Product*.

**Application of Consequences:**

1. The starting point would be Article 10.2. Because the Athlete can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, i.e., he had No Significant *Fault* in Using a *Contaminated Product* (Articles 10.2.1.1 and 10.2.3), the period of *Ineligibility* would be two years (Article 10.2.2).
2. In a second step, the panel would analyze the *Fault*-related possibilities for reductions (Articles 10.4 and 10.5). Since the Athlete can establish that the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with No Significant *Fault* or *Negligence* based on Article 10.5.1.2, the applicable range for the period of *Ineligibility* would be reduced to a range of two years to a reprimand. The panel would determine the period of *Ineligibility* within this range, based on the Athlete's degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of four months.)
3. According to Article 10.8, all results obtained by the Athlete subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would be Disqualified unless fairness requires otherwise.
4. The information referred to in Article 13.4.2 must be *Publicly Disclosed*, unless the Athlete is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
5. The Athlete is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of *Ineligibility* (Article 10.12.1). However, the Athlete may return to train with a *Team* or to use the facilities of a club or other member organization of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training one month before the end of the period of *Ineligibility*.

**EXAMPLE 4.**

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

**Application of Consequences:**

1. Since the violation was intentional, Article 10.2.1 would be applicable and the basic period of *Ineligibility* imposed would be four years.
2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Articles 10.4 and 10.5).
3. Based on the Athlete's spontaneous admission (Article 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the Athlete's *Substantial Assistance* (Article 10.6.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.\* Under Article 10.6.4, in considering the spontaneous admission and

*Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.

4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Article 10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Article 10.11.2 would not be permitted. The provision seeks to prevent an Athlete from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Article 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the Athlete's last Use of the anabolic steroid.
5. According to Article 10.8, all results obtained by the Athlete subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be Disqualified unless fairness requires otherwise.
6. The information referred to in Article 13.4.2 must be *Publicly Disclosed*, unless the Athlete is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
7. The Athlete is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of *Ineligibility* (Article 10.12.1). However, the Athlete may return to train with a *Team* or to use the facilities of a club or other member organization of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of *Ineligibility*.

### EXAMPLE 5.

**Facts:** An Athlete Support *Person* helps to circumvent a period of *Ineligibility* imposed on an Athlete by entering him into a *Competition* under a false name. The Athlete Support *Person* comes forward with this anti-doping rule violation (Article 2.9) spontaneously before being notified of an anti-doping rule violation by an *Anti-Doping Organization*.

### Application of Consequences:

1. According to Article 10.3.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)
2. There is no room for *Fault*-related reductions since intent is an element of the anti-doping rule violation in Article 2.9 (see comment to Article 10.5.2).
3. According to Article 10.6.2, provided that the admission is the only reliable evidence, the period of *Ineligibility* may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of *Ineligibility* of 18 months.)
4. The information referred to in Article 13.4.2 must be *Publicly Disclosed* unless the Athlete Support *Person* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

**EXAMPLE 6.**

**Facts:** An Athlete was sanctioned for a first anti-doping rule violation with a period of *Ineligibility* of 14 months, of which four months were suspended because of *Substantial Assistance*. Now, the Athlete commits a second anti-doping rule violation resulting from the presence of a stimulant which is not a *Specified Substance* in an *In-Competition* test (Article 2.1); the Athlete establishes *No Significant Fault or Negligence*; and the Athlete provided *Substantial Assistance*. If this were a first violation, the panel would sanction the Athlete with a period of *Ineligibility* of 16 months and suspend six months for *Substantial Assistance*.

**Application of Consequences:**

1. Article 10.7 is applicable to the second anti-doping rule violation because Article 10.7.4.1 and Article 10.7.5 apply.
2. Under Article 10.7.1, the period of *Ineligibility* would be the greater of:
  - (a) six months;
  - (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6 (in this example, that would equal one-half of 14 months, which is seven months); or
  - (c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6 (in this example, that would equal two times 16 months, which is 32 months).

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

3. In a next step, the panel would assess the possibility for suspension or reduction under Article 10.6 (non-*Fault*-related reductions). In the case of the second violation, only Article 10.6.1 (*Substantial Assistance*) applies. Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 32 months.\* The minimum period of *Ineligibility* would thus be eight months. (Assume for purposes of illustration in this example that the panel suspends eight months of the period of *Ineligibility* for *Substantial Assistance*, thus reducing the period of *Ineligibility* imposed to two years.)
4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically Disqualify the result obtained in the *Competition*.
5. According to Article 10.8, all results obtained by the Athlete subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be Disqualified unless fairness requires otherwise.
6. The information referred to in Article 13.4.2 must be *Publicly Disclosed*, unless the Athlete is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).



7. The Athlete is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of *Ineligibility* (Article 10.12.1). However, the Athlete may return to train with a *Team* or to use the facilities of a club or other member organization of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of *Ineligibility*.
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*\* Upon the approval of WADA in exceptional circumstances, the maximum suspension of the period of Ineligibility for Substantial Assistance may be greater than three-quarters, and reporting and publication may be delayed.*