ANTI-DOPING RULES

2019
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SAIDS ANTI-DOPING RULES

INTRODUCTION

The *Code* and related International Standards (IS) is the core document produced by the World Anti-Doping Agency (WADA) and provides the framework for the South African Institute for Drug-Free Sport’s (SAIDS) Anti-Doping Rules 2019 (as amended from time-to-time), Regulations and Policies for Anti-Doping across all sports in South Africa. The South African Government is a signatory to the *Code* and formally recognised the role of WADA through the Copenhagen Declaration of Anti-Doping in Sport (2003).

Preface

At its board meeting on 25 November 2005, SAIDS formally accepted the *Code*.

These Anti-Doping Rules are adopted and implemented in accordance with SAIDS responsibilities under the *Code*, and in furtherance of SAIDS continuing efforts to eradicate doping in sport in South Africa.

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

The South African Anti-Doping programme seeks 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.

The SAIDS Anti-Doping Programme

SAIDS was established as a statutory body by the South African Institute for Drug-Free Sport Act no. 14 of 1997 as amended in 2006 as the independent National Anti-Doping Organisation for South Africa. As such, SAIDS has the necessary authority and responsibility for:

- Planning, coordinating, implementing, monitoring and advocating improvements in Doping Control;
• Cooperating with other relevant national organisations, agencies and other Anti-Doping Organisations;

• Encouraging reciprocal Testing between National Anti-Doping Organisations;

• Planning, implementing and monitoring anti-doping information, education and prevention programme;

• Promoting anti-doping research;

• Vigorously pursuing all potential anti-doping rule violations within its jurisdiction, including investigating whether Athlete Support Personnel or other Persons may have been involved in each case of doping, and ensuring proper enforcement of Consequences;

• Conducting an automatic investigation of Athlete Support Personnel within its jurisdiction in the case of any anti-doping rule violation by a Minor and of any Athlete Support Personnel who has provided support to more than one Athlete found to have committed an anti-doping rule violation;

• Cooperating fully with WADA in connection with investigations conducted by WADA pursuant to Article 20.7.10 of the Code.

[Comment: SAIDS is required to be independent in operational decisions and activities from all public and sports movement bodies. The principle of independence underpins Anti-Doping programmes worldwide and ensures the integrity of the anti-doping work].

Scope of these Anti-Doping Rules
The scope of application of these Anti-Doping Rules is set out in Article 1.
ARTICLE 1  APPLICATION OF ANTI-DOPING RULES

1.1 Application to SAIDS

These Anti-Doping Rules shall apply to SAIDS.

1.2 Application to National Federations

1.2.1 National Sports Federations (NSF) in South Africa shall accept and abide by the spirit and the terms of the National Anti-Doping Programme (NADP) and these Anti-Doping Rules and shall incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules, thereby binding their members and Participants.

As a condition of receiving financial and/or other assistance from the Government of South Africa and/or SAIDS, shall accept and abide by the spirit and terms of the SAIDS Anti-Doping Programme and “the Rules”, including the application of its sanctions to individuals, and shall respect the authority of, and co-operate with, SAIDS and the hearing bodies in all anti-doping matters.

1.2.2 As a prerogative of the International Olympic Committee (IOC) to strengthening the intergrity of sporting organisations and protecting clean athletes. These Anti-Doping Rules are automatically adopted by South African Sports Confederation and Olympic Committee (SASCOC) and its members.
1.2.3 By the adoption of these Anti-Doping Rules and their incorporation into their governing documents and rules of sport, National Federations and all athletes and participants under their jurisdiction or control shall:

(a) Recognise the authority and responsibility of SAIDS for:
   (i) Implementing the SAIDS Anti-Doping Programme; and
   (ii) Enforcing these Anti-Doping Rules (including the carrying out of Testing, etc.) in respect of all Persons listed in Article 1.3 below;
(b) Cooperate with and support SAIDS in the execution of this mandate;
(c) Recognise, abide by and give effect to the decisions made pursuant to these Anti-Doping Rules by SAIDS Independent Doping Hearing Panel and Appellate Body; and
(d) Authorise SAIDS to carry out Doping Control and their members and Participants accordingly recognise and accept this authority and responsibility.

The International Federations (IF) and SAIDS respect each other’s authority and responsibility as foreseen in the Code and accordingly recognise and accept this submission and agreement subject to the rights of appeal foreseen in these rules.

1.3 Application to Persons

1.3.1 These Anti-Doping Rules shall apply to the following Persons (including Minors), in each case,
whether or not such Person is a national of or resident in South Africa:

... all Athletes and Athlete Support Personnel who are members or license-holders of any National Federation in South Africa, or of any member or affiliate organisation of any National Federation in South Africa (including any clubs, teams, associations or leagues);

... all Athletes and Athlete Support Personnel who participate in such capacity in Events, Competitions and other activities organised, convened, authorised or recognised by any National Federation in South Africa, or by any member or affiliate organisation of any National Federation in South Africa (including any clubs, teams, associations or leagues), wherever held;

... any other Athlete or Athlete Support Person or other Person who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the jurisdiction of any National Federation in South Africa, or of any member or affiliate organisation of any National Federation in South Africa (including any clubs, teams, associations or leagues), for purposes of anti-doping;

... all Athletes and Athlete Support Personnel who participate in any
capacity in any activity organised, held, convened or authorised by the organiser of a *National Event* or of a national league that is not affiliated with a *National Federation*; and

all *Athletes* who do not fall within one of the foregoing provisions of this Article 1.3.1 but who wish to be eligible to participate in *International Events* or *National Events* (and such *Athletes* must be available for testing under these Anti-Doping Rules for at least six (6) months before they will be eligible for such *Events*).

1.3.2 These Anti-Doping Rules shall also apply to all other *Persons* over whom the *Code* gives SAIDS jurisdiction, including all *Athletes* who are nationals of or resident in South Africa, and all *Athletes* who are present in South Africa, whether to compete or to train or otherwise.

1.3.3 *Persons* falling within the scope of Article 1.3.1 or 1.3.2 are deemed to have accepted and to have agreed to be bound by these Anti-Doping Rules, and to have submitted to the authority of SAIDS to enforce these Anti-Doping Rules and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Anti-Doping Rules, as a condition of their membership, accreditation and/or participation in their chosen sport.
1.4 **National-Level Athletes**

1.4.1 Of all of the *Athletes* falling within the scope of Article 1.3, the following *Athletes* shall be deemed *National-Level Athletes* for purposes of these Anti-Doping Rules:

1.4.1.1 Athletes in the SAIDS Registered Testing Pool using criteria including the following:

a) *Athletes* that participate in National Championships or participate in selection events for National Championships;

b) *Athletes* with potential to represent South Africa internationally or become a member of a National Team, who are members of sporting federations;

c) *Athletes* that represent South Africa internationally but are not in an International Federation’s Registered Testing Pool.

1.4.1.2 Athletes competing internationally representing South Africa either as individuals or as part of a team; but if any such *Athletes* are classified by their respective International Federations as *International-Level Athletes* then they shall be considered *International-Level Athletes* (and not *National-Level Athletes*) for purposes of these Anti-Doping Rules.
1.4.2 These Anti-Doping Rules apply to all Persons falling within the scope of Article 1.3. However, in accordance with Article 4.3 of the International Standard for Testing and Investigations, the main focus of SAIDS test distribution plan will be National-Level Athletes and above.

1.5 Application to Non-Code Signatories

These Anti-Doping Rules shall apply to private sport entities and their registered members which are non-code signatories that have entered into a contractual relationship with SAIDS.

ARTICLE 2 DEFINITION OF DOPING - ANTI-DOPING RULE VIOLATIONS

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.

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.

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

The following constitute anti-doping rule violations:

2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete’s Sample

2.1.1 It is each Athlete’s personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to
be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the Athlete’s part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

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 Athlete’s *A Sample* where the Athlete waives analysis of the *B Sample* and the *B Sample* is not analysed; or, where the Athlete’s *B Sample* is analysed and the analysis of the Athlete’s *B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the Athlete’s *A Sample*; or, where the Athlete’s *B Sample* is split into two (2) 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.

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

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

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

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.

2.3 Evading, Refusing or Failing to Submit to Sample Collection

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

2.4 Whereabouts Failures

Any combination of three (3) missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve (12)-month period by an Athlete 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 Organisation or intimidating or attempting to intimidate a potential witness.

2.6 Possession of a Prohibited Substance or a Prohibited Method

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

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

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

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

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

2.10.1 If subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility; or

2.10.2 If not subject to the authority of an Anti-Doping Organisation, and where Ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six (6) 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 Athlete or other Person has previously been advised in writing by an Anti-Doping Organisation with jurisdiction over the Athlete or other Person, or by WADA, of the Athlete Support Person’s disqualifying status and the potential Consequence of prohibited association and that the Athlete or other Person can reasonably avoid the association. The Anti-Doping Organisation shall also use reasonable efforts to advise the Athlete Support Person who is the subject of the notice to the Athlete or other Person that the Athlete Support Person may, within fifteen (15) days, come forward to the Anti-Doping Organisation 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 Athlete Support Person’s disqualifying conduct occurred prior to the effective date provided in Article 20.7.)

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

Anti-Doping Organisations that are aware of Athlete Support Personnel who meet the criteria described in Article 2.10.1, 2.10.2, or 2.10.3 shall submit that information to WADA.
ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

SAIDS shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether SAIDS 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 Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

3.2 Methods of Establishing Facts and Presumptions

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

3.2.1 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subjects of peer review are presumed to be scientifically valid. Any Athlete or other Person seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS on its own initiative may also inform WADA of any such challenge. At WADA’s request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in
its evaluation of the challenge. Within ten (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 Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred, which could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then SAIDS shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

3.2.3 Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or 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 Athlete or other Person establishes a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or other anti-doping rule violation, then SAIDS
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 *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

**3.2.5** The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete’s* or other *Person’s* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or SAIDS.
ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the Prohibited List

These Anti-Doping Rules incorporate the Prohibited List, which is published and revised by WADA as, described in Article 4.1 of the Code.

4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

4.2.1 Prohibited Substances and Prohibited Methods

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

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.
4.3 WADA’s Determination of the Prohibited List

WADA’s determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List, the classification of substances into categories on the Prohibited List, and the classification of a substance as prohibited at all times or In-Competition only, is final and shall not be subject to challenge by an Athlete or other Person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

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 International Standard for Therapeutic Use Exemptions.

4.4.2 Unless otherwise specified by SAIDS in a notice (in force at the time) posted on its website, any National-Level Athlete who needs to Use a Prohibited Substance or Prohibited Method for therapeutic purposes should apply to SAIDS for a TUE as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least thirty (30) days before the Athlete’s next Competition. SAIDS shall appoint a panel to
consider applications for the grant or recognition of TUEs (the “TUE Commission”). The TUE Commission shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions. Its decision shall be the final decision of SAIDS and shall be reported to WADA and other relevant Anti-Doping Organisations through ADAMS, and also to the Athlete's National Federation, in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.3 If SAIDS chooses to test an Athlete who is not an International-Level or a National-Level Athlete, SAIDS shall permit that Athlete to apply for a retroactive TUE for any Prohibited Substance or Prohibited Method that he/she is using for therapeutic reasons.

4.4.4 A TUE granted by SAIDS is valid at national level only; it is not automatically valid for international-level Competition. An Athlete who is or becomes an International-Level Athlete should do the following:

4.4.4.1 Where the Athlete already has a TUE granted by SAIDS for the substance or method in question, the Athlete may apply to his or her International Federation to recognise that TUE, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the International
Federation shall recognise it for purposes of international-level Competition as well. If the International Federation considers that the TUE granted by SAIDS does not meet those criteria and so refuses to recognise it, the International Federation shall notify the International-Level Athlete and SAIDS promptly, with reasons. The International-Level Athlete and SAIDS shall have twenty-one (21) days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review in accordance with Article 4.4.6, the TUE granted by SAIDS 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 twenty-one (21)-day review deadline expires.

4.4.4.2 If the Athlete does not already have a TUE granted by SAIDS for the substance or method in question, the Athlete must apply directly to the International Federation for a TUE in accordance with the process set out in the International Standard for Therapeutic Use Exemptions. If the International Federation grants the Athlete’s application, it shall notify the Athlete and SAIDS. If SAIDS considers that the
A TUE granted by the International Federation does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has twenty-one (21) days from such notification to refer the matter to WADA for review. If SAIDS refers the matter to WADA for review, the TUE granted by the International Federation remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA’s decision. If SAIDS does not refer the matter to WADA for review, the TUE granted by the International Federation becomes valid for national-level Competition as well when the twenty-one (21)-day review deadline expires.

4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a TUE

4.4.5.1 A TUE granted pursuant to these Anti-Doping Rules:

(a) Shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;

(b) May be cancelled if the Athlete does not promptly comply with any requirements or conditions imposed by the TUE Commission upon grant of the TUE;

(c) May be withdrawn by the TUE
Commission if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or
(d) May be reversed on review by WADA or on appeal.

4.4.5.2 In such event, the Athlete shall not be subject to any Consequences based on his/her Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, cancellation, withdrawal or reversal of the TUE. The review pursuant to Article 7.2 of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.6 Reviews and Appeals of TUE Decisions

4.4.6.1 If the SAIDS TUE Commission denies an application for a TUE, a National Level Athlete may appeal to the national-level Appellate Body as described in Articles 13.2.2 and 13.2.3.

4.4.6.2 WADA shall review any decision by an International Federation not to recognise a TUE granted by SAIDS that is referred to WADA by the Athlete or SAIDS. In addition, WADA shall review
any decision by an International Federation to grant a TUE that is referred to WADA by SAIDS. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

4.4.6.3 Any TUE decision by an International Federation (or by the SAIDS TUE Commission where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or SAIDS exclusively to CAS, in accordance with Article 13.

4.4.6.4 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, SAIDS and/or the International Federation affected exclusively to CAS, in accordance with Article 13.

4.4.6.5 A failure to take action within thirty (30) days on a fully completed and submitted application for grant recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.
ARTICLE 5  TESTING AND INVESTIGATIONS

5.1 Purpose of Testing and Investigations

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

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

5.1.2 Investigations shall be undertaken:

5.1.2.1 In relation to Atypical Findings, Atypical Passport Findings and Adverse Passport Findings, in accordance with Articles 7.4 and 7.5 respectively, gathering intelligence or evidence (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

5.1.2.2 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.

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

5.2 Authority to Conduct Testing

5.2.1 Subject to the jurisdictional limitations for Event Testing set out in Article 5.3 of the Code, SAIDS shall have In-Competition and Out-of-Competition Testing authority over all of the Athletes falling within the scope of Article 1.3, above.

5.2.2 SAIDS may require any Athlete over whom it has Testing authority (including any Athlete serving a period of Ineligibility) to provide a Sample at any time and at any place.
5.2.3 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.8 of the *Code*.

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

5.2.5 Where another *Anti-Doping Organisation* with *Testing* authority over an *Athlete* who is subject to these Anti-Doping Rules conducts *Testing* on that *Athlete*, SAIDS and the *Athlete's National Federation* shall recognise such *Testing* in accordance with Article 15, and (where agreed with that other *Anti-Doping Organisation* or otherwise provided in Article 7 of the *Code*) SAIDS may bring proceedings against the *Athlete* pursuant to these Anti-Doping Rules for any anti-doping rule violation(s) arising in relation to such *Testing*.

5.3 **Event Testing**

5.3.1 Except as provided in Article 5.3 of the *Code*, only a single organisation should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At *International Events* held in South Africa, the collection of *Samples* shall be initiated and directed by the International Federation (or any other international
organisation which is the ruling body for the Event). At National Events held in South Africa, the collection of Samples shall be initiated and directed by SAIDS. At the request of SAIDS (or the ruling body for that Event), any Testing during the Event Period outside of the Event Venues shall be coordinated with SAIDS (or the relevant ruling body).

5.3.2 If an Anti-Doping Organisation which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Athletes at the Event Venues during the Event Period, the Anti-Doping Organisation shall first confer with SAIDS (or the ruling body of the Event) to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organisation is not satisfied with the response from SAIDS (or the ruling body of the Event), the Anti-Doping Organisation may ask WADA for permission to conduct Testing and to determine how to coordinate such Testing, in accordance with the procedures set out in the International Standard for Testing and Investigations. WADA shall not grant approval for such Testing before consulting with and informing SAIDS (or the ruling body for the Event). WADA’s decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organisation initiating the test unless provided otherwise in the rules of the ruling body of the Event.
5.3.3 National Federations and the organising committees for National Events shall authorise and facilitate the Independent Observer Program at such Events.

5.4 Test Distribution Planning

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

5.5 Coordination of Testing

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

5.6 Athlete Whereabouts Information

5.6.1 SAIDS shall identify a Registered Testing Pool of those Athletes who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. Each Athlete in the Registered Testing Pool shall do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations:
(a) Advise SAIDS of his/her whereabouts on a quarterly basis;
(b) Update that information as necessary so that it remains accurate and complete at all times; and
(c) Make him/herself available for Testing at such whereabouts.

5.6.2 SAIDS shall make available through ADAMS a list, which identifies those Athletes, included in its Registered Testing Pool either by name or by clearly defined, specific criteria. SAIDS shall coordinate with International Federations the identification of such Athletes and the collection of their whereabouts information. Where an Athlete is included in an international Registered Testing Pool by his/her International Federation and in a national Registered Testing Pool by SAIDS, SAIDS and the International Federation shall agree between themselves which of them shall accept that Athlete’s whereabouts filings; in no case shall an Athlete be required to make whereabouts filings to more than one of them. SAIDS shall review and update as necessary its criteria for including Athletes in its Registered Testing Pool, and shall revise the membership of its Registered Testing Pool from time to time as appropriate in accordance with those criteria. Athletes shall be notified before they are included in a Registered Testing Pool and when they are removed from that pool.
5.6.3 For purposes of Article 2.4, an Athlete’s failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a Filing Failure or a Missed Test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in the International Standard for Testing and Investigations for declaring a filing failure or missed test are met.

5.6.4 An Athlete in SAIDS’s Registered Testing Pool shall continue to be subject to the obligation to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations unless and until (a) the Athlete gives written notice to SAIDS that he/she has retired or (b) SAIDS has informed him/her that he/she no longer satisfies the criteria for inclusion in SAIDS's Registered Testing Pool.

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

5.7 Retired Athletes Returning to Competition

5.7.1 An Athlete in SAIDS Registered Testing Pool who has given notice of retirement to SAIDS may not resume competing in International Events or National Events until he/she has given SAIDS
written notice of his/her intent to resume competing and has made him/herself available for Testing for a period of six (6) months before returning to competition, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. WADA, in consultation with SAIDS and the Athlete’s International Federation, may grant an exemption to the six (6)-month written notice rule where the strict application of that rule would be manifestly unfair to an Athlete. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 shall be disqualified.

5.7.2 If an Athlete retires from sport while subject to a period of Ineligibility the Athlete shall not resume competing in International Events or National Events until the Athlete has given six (6) months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six (6) months) to SAIDS and to his/her International Federation of his/her intent to resume competing and has made him/herself available for Testing for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.7.3 An Athlete who is not in SAIDS’ Registered Testing Pool who has given notice of retirement to SAIDS may not resume competing unless he/she notifies SAIDS and his/her International Federation at least six (6) months before he/she wishes to return to Competition and makes him/herself available for unannounced Out-of-
Competition Testing, including (if requested) complying with the whereabouts requirements of Annex I of the International Standard for Testing and Investigations, during the period before actual return to Competition.
ARTICLE 6 ANALYSIS OF SAMPLES

Samples shall be analysed 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 laboratories accredited or otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the Sample analysis shall be determined exclusively by SAIDS.

6.2 Purpose of Analysis of Samples

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

6.2.2 SAIDS may require laboratories to analyse Samples in conformity with Article 6.4 of the Code and Article 4.7 of the International Standard for Testing and Investigations.

6.3 Research on Samples

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

6.4  **Standards for Sample Analysis and Reporting**

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

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

**6.4.2**  SAIDS may request that laboratories analyse its *Samples* using less extensive menus than those described in the Technical Document only if it has satisfied WADA that, because of the particular circumstances of its country or of the sport in question, 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 analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the *Sample* analysis menu described in the Technical Document or specified by the *Testing* authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.
6.5 Further Analysis of Samples

Any Sample may be stored for a period of ten (10) years and subsequently subjected to further analysis for the purposes set out in Article 6.2: (a) by WADA at any time; and/or (b) by SAIDS 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 SAIDS to the Athlete as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of Samples shall conform to the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.
ARTICLE 7  RESULTS MANAGEMENT

7.1 Responsibility for Conducting Results Management

7.1.1 SAIDS shall take responsibility for results management in respect of Athletes and other Persons under its anti-doping jurisdiction in accordance with the principles set out in Article 7 of the Code.

7.1.2 For purposes of determining responsibility for results management, where SAIDS elects to collect additional Samples in the circumstances set out in Article 5.2.4, then it shall be considered the Anti-Doping Organisation that initiated and directed Sample collection. However, where SAIDS only directs the laboratory to perform additional types of analysis at SAIDS’ expense, then the International Federation or Major Event Organisation shall be considered the Anti-Doping Organisation that initiated and directed Sample collection.

7.1.3 SAIDS shall appoint a Doping Control Review Commission consisting of a Chairperson and three (3) other members with experience in anti-doping. Each panel member shall serve a term of four (4) years. When a potential violation is referred to the Doping Control Review Commission by SAIDS, the Doping Control Review Commission shall conduct the review discussed in this Article. Where required and where necessary the Doping Control Review Commission may seek the assistance of experts to make a decision on an anti-doping rule violation.
7.2 Review of Adverse Analytical Findings from Tests Initiated by SAIDS

Results management in respect of the results of tests initiated by SAIDS shall proceed as follows:

7.2.1 The results from all analyses must be sent to SAIDS in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted confidentially and in conformity with ADAMS.

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

7.2.3 If the review of an Adverse Analytical Finding under Article 7.2.2 reveals an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, the entire test shall be considered negative and the Athlete, the Athlete’s International Federation the Athlete’s National Federation and WADA shall be so informed.
7.3 Notification After Review Regarding Adverse Analytical Findings

7.3.1 If the review of an Adverse Analytical Finding under Article 7.2.2 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, SAIDS shall promptly notify the Athlete, and simultaneously the Athlete’s International Federation, the Athlete's National Federation and WADA in the manner set out in Article 14.1, of:

(a) The Adverse Analytical Finding;
(b) The anti-doping rule violated;
(c) The Athlete's right to request the analysis of the B Sample or, failing such request by the specified deadline, that the B Sample analysis may be deemed waived;
(d) The scheduled date, time and place for the B Sample analysis if the Athlete or SAIDS chooses to request an analysis of the B Sample;
(e) The opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories; and
(f) The Athlete's right to request copies of the A and B Sample laboratory documentation package which includes information as required by
the International Standard for Laboratories. If SAIDS decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete, the Athlete’s International Federation, the Athlete’s National Federation and WADA.

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

7.3.3 The Athlete and/or his representative shall be allowed to be present at the analysis of the B Sample. A representative of SAIDS, and a representative of the Athlete’s National Federation shall also be allowed to be present.

7.3.4 If the B Sample analysis does not confirm the A Sample analysis, then (unless SAIDS takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the Athlete, the Athlete’s International Federation, the Athlete’s National Federation and WADA shall be so informed.

7.3.5 If the B Sample analysis confirms the A Sample analysis, the findings shall be reported to the Athlete, the Athlete’s International Federation, the Athlete’s National Federation, and WADA.
7.4 Review of Atypical Findings

7.4.1 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, i.e., as findings that are subject to further investigation.

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

7.4.3 If the review of an Atypical Finding under Article 7.4.2 reveals an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, the entire test shall be considered negative and the Athlete, the Athlete’s International Federation and WADA shall be so informed.

7.4.4 If that review does not reveal an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, SAIDS shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the Atypical Finding will be brought forward as an Adverse Analytical Finding, in accordance with
Article 7.3.1, or else the Athlete, the Athlete's International Federation, the Athlete's National Federation and WADA shall be notified that the Atypical Finding will not be brought forward as an Adverse Analytical Finding. In terms of Article 13.2 a decision by SAIDS not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation may be appealed exclusively as provided in Articles 13.2 – 13.7

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

7.4.5.1 If SAIDS determines the B Sample should be analysed prior to the conclusion of its investigation, it may conduct the B Sample analysis after notifying the Athlete, with such notice to include a description of the Atypical Finding and the information described in Article 7.3.1(d) - (f).

7.4.5.2 If SAIDS is asked (a) by a Major Event Organisation shortly before one of its International Events, or (b) by a sport organisation responsible for meeting an imminent deadline for selecting team members for an International Event, to disclose whether any Athlete identified on a list provided by the Major Event Organisation or sport organisation has a pending Atypical Finding, SAIDS shall so advise the Major Event Organisation or sports organisation after first providing
notice of the Atypical Finding to the Athlete.

7.5 Review of Atypical Passport Findings and Adverse Passport Findings

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

7.6 Review of Whereabouts Failures

SAIDS shall review potential filing failures and missed tests (as defined in the International Standard for Testing and Investigations) in respect of Athletes who file their whereabouts information with SAIDS, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as SAIDS is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the Athlete (and simultaneously the Athlete's International Federation, the Athlete's National Federation, and WADA) notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.2–7.6

SAIDS shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2-7.6. At such time as SAIDS is satisfied that an anti-doping rule violation has occurred, it shall
promptly give the Athlete or other Person (and simultaneously the Athlete's International Federation, the Athlete's National Federation, and WADA) notice of the anti-doping rule violation asserted, and the basis of that assertion.

7.8 Identification of Prior Anti-Doping Rule Violations

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

7.9 Provisional Suspensions

7.9.1 Mandatory Provisional Suspension: If the analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, or for a Prohibited Method, and a review in accordance with Article 7.2.2 does not reveal an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, a Provisional Suspension shall be imposed upon or promptly after the notification described in Articles 7.2, 7.3 or 7.5.

7.9.2 Optional Provisional Suspension: In the case of an Adverse Analytical Finding for a Specified Substance, or in the case of any other anti-doping rule violations not covered by Article 7.9.1, SAIDS may impose a Provisional Suspension on the Athlete or other Person against whom the anti-doping rule violation is asserted at any time after
the review and notification described in Articles 7.2–7.7 and prior to the final hearing as described in Article 8.

7.9.3 Where a Provisional Suspension is imposed pursuant to Article 7.9.1 or Article 7.9.2, the Athlete or other Person shall be given either: (a) an opportunity for a Provisional Hearing either before or on a timely basis after imposition of the ProvisionalSuspension; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of the ProvisionalSuspension. Furthermore, the Athlete or other Person has a right to appeal the ProvisionalSuspension in accordance with Article 13.2 (save as set out in Article 7.9.3.1).

Where an Athlete choose to exercise (a) above the Athlete shall advise SAIDS in writing of his/her decision within three (3) days, after being notified in writing, of the decision to impose a Provisional Suspension. The Independent Tribunal appointed to adjudicate the matter shall then, within three (3) months, decide the outcome of the challenge.

7.9.3.1 The ProvisionalSuspension may be lifted if the Athlete demonstrates to the Independent Tribunal that the violation is likely to have involved a ContaminatedProduct. An Independent Tribunal’s decision not to lift a mandatory ProvisionalSuspension on account of the Athlete’s assertion regarding a ContaminatedProduct shall not be appealable.
7.9.3.2 The *Provisional Suspension* shall be imposed (or shall not be lifted) unless the *Athlete* or other *Person* establishes that:

(a) The assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the *Athlete* or other *Person*;

(b) The *Athlete* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4; or

(c) Some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* or *Event* shall not qualify as exceptional
circumstances for these purposes.

7.9.4 If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and subsequent analysis of the B Sample does not confirm the A Sample analysis, then the Athlete shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1. In circumstances where the Athlete (or the Athlete's team) 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, then if it is still possible for the Athlete or team to be reinserted without otherwise affecting the Competition, the Athlete or team may continue to take part in the Competition. In addition, the Athlete or team may thereafter take part in other Competitions in the same Event.

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

7.10 Resolution Without a Hearing

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

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

7.10.3 In cases where Article 7.10.1 or Article 7.10.2 applies, a hearing before an Independent Tribunal shall not be required. Instead SAIDS shall promptly issue a written decision confirming the commission of the anti-doping rule violation and the Consequences imposed as a result, and setting out the full reasons for any period of Ineligibility imposed, including (if applicable) a justification for why the maximum potential period of Ineligibility was not imposed. SAIDS shall send copies of that decision to other Anti-Doping Organisations with a right to appeal under Article 13.2.3, and shall Publicly Disclose that decision in accordance with Article 14.3.2.

7.11 Notification of Results Management Decisions

In all cases where SAIDS has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a Provisional Suspension, or agreed with an Athlete or other Person on the imposition of Consequences without a hearing,
SAIDS shall give notice thereof in accordance with Article 14.2.1 to other Anti-Doping Organisations with a right to appeal under Article 13.2.3.

7.12 Retirement from Sport

If an Athlete or other Person retires while SAIDS is conducting the results management process, SAIDS retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, and SAIDS would have had results management authority over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping rule violation, SAIDS has authority to conduct results management in respect of that anti-doping rule violation.
ARTICLE 8  RIGHT TO A FAIR HEARING

8.1  Hearings Following SAIDS Results Management

8.1.1  The Registrar shall appoint an Independent Doping Hearing Panel consisting a minimum of, but not being limited to, three (3) members to hear and adjudicate cases. The Hearing Panel should consist of at least the following:

a) A legal practitioner who shall act as a Chairperson;
b) A medical practitioner and/or a person with analytical and/or forensic pharmacology or endocrinology; and
c) Either a second person from category (a) or (b) above or an additional member who shall be, or has previously been, a sports administrator or an Athlete.

The Chairperson of the Appeals Tribunal who is appointed by the Minister of Sport in terms of Act 14 of 1997 of the Drug-Free Sport Act, shall serve as the Registrar referred to in Article 8.1.1 of the SAIDS Anti-Doping Rules 2019.

8.1.2  Appointment of Independent Doping Hearing Panels

a) SAIDS will communicate with the Registrar the request on the appointment of the Independent Doping Hearing Panels.
b) SAIDS will inform the Registrar of the following information related to the person for which an Independent Doping Hearing Panel needs to be appointed:
   i. Sport Code of the Person (if applicable)
   ii. Region of Hearing
   iii. Gender of the Person
iv. The alleged anti-doping rule violation or prohibited substance or method.

8.1.3 When SAIDS sends a notice to an *Athlete* or other *Person* alleging an anti-doping rule violation, and the *Athlete* or other *Person* does not waive the right to a hearing in accordance with Article 7.10.1 or Article 7.10.2, then the case shall be referred to the Independent Doping Hearing Panel for hearing and adjudication. Based on the schedules of the parties and the Independent Doping Hearing Panel, the hearings shall take place within 90 days of SAIDS sending a notice to the *Athlete* or other *Person* alleging an anti-doping rule violation. Under exceptional circumstances, this delay may be extended only once for up to 30 days. The appointed members shall have had no prior involvement with the case. Each member, upon appointment, shall disclose to the Chairperson of the Independent Doping Hearing Panel any circumstances likely to affect impartiality with respect to any of the parties.

8.1.4 The principles of natural justice shall be adhered to in all disciplinary proceedings. Such principles include, but are not limited to, the right to know what evidence will be presented at the hearing, the right to be heard and to be represented, the right to produce evidence and to be judged by impartial and independent adjudicators, the right to be represented by a competent person; the right to call witnesses and to cross-examine witnesses; etc.

8.2 Principles for a Fair Hearing
8.2.1 Hearings shall be scheduled and completed within a reasonable time. Hearings held in connection with Events that are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the hearing panel.

8.2.2 The Independent Doping Hearing Panel shall determine the procedure to be followed at the hearing.

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

8.2.4 The Independent Doping Hearing Panel shall act in a fair and impartial manner towards all parties at all times.

8.2.5 The Independent Doping Hearing Panel may adjourn the hearing and set a date for the continuation of the hearing within 60 days.

8.3 Decisions of the Independent Doping Hearing Panel

8.3.1 Within 60 days of the end of the hearing the Chairperson of the Independent Doping Hearing Panel shall issue a written, dated and signed decision (either unanimously or by majority) that includes the full reasons for the decision and for any period of Ineligibility imposed, including (if applicable) a justification for why the greatest potential Consequences were not imposed.
8.3.2 The decision shall be provided by SAIDS to the Athlete or other Person, to his/her National Federations, and to Anti-Doping Organisations with a right to appeal under Article 13.2.3.

8.3.3 The decision may be appealed as provided in Article 13. If the decision is that an anti-doping rule violation was committed, the decision shall be Publicly Disclosed as provided in Article 14.3.2; but if the decision is that no anti-doping rule violation was committed, then the decision shall only be Publicly Disclosed with the consent of the Athlete or other Person who is the subject of the decision. SAIDS shall use reasonable efforts to obtain such consent, and if consent is obtained, shall Publicly Disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve. The principles contained in Article 14.3.6 shall be applied in cases involving a Minor.

8.4 Appeal Procedure

8.4.1 When a notice for an Appeal is received from a party eligible to appeal as per Article 13.2, “Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Recognition of Decisions and Jurisdiction” of the SAIDS Anti-Doping Rules 2019, SAIDS shall inform the Appellant of the following:

a. The appeal fee must be paid within seven (7) days of receipt of the invoice (unless the Appellant is SAIDS).

b. The Notice of Appeal, supported by the grounds for the Appeal must be sent within twenty-one (21) days of receipt of the written decision.
c. Once the appeal fee is paid and the Notice of Appeal is received, the Notice of Appeal shall be forwarded to the Registrar.
d. If payment for the appeal is not received within seven (7) days of when the invoice was sent to the Appellant and/or if the Notice of Appeal was not filed within the twenty-one (21) days of receipt of the written decision, the Appellant is required to submit an application for condonation together with its Notice of Appeal indicating the reasons for the late filing and SAIDS will forward this information to the Registrar who will make a decision on whether or not the late filing was justified and if the appeal should continue. All timely appeals meeting the conditions above shall be heard by the Appeal Panel in the composition described in Article 13.2.2.1 below.

8.4.2 SAIDS will request the Registrar to appoint the Appeals Panel to hear the matter. The appointed members of the Appeals Panel shall have had no prior involvement with the case.

8.4.3 On receipt of the communication of the appointment of the Appeals Panel from the Registrar, SAIDS will communicate with the Appellant and/or Respondent to determine a suitable date to set the matter down for an Appeal hearing.

8.5 Single Hearing Before CAS

Cases asserting anti-doping rule violations against International-Level Athletes or National-Level Athletes may be heard directly at CAS, with no requirement for a prior hearing. The aforesaid requires the consent of the Athlete, SAIDS, WADA, and any other Anti-Doping Organisation that would have had a right to appeal a first instance hearing decision to CAS.
ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes.
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 Athlete’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 Athlete’s anti-doping rule violation and whether the Athlete tested negative in the other Competitions.

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

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 (4) years where:

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

10.2.1.2 The anti-doping rule violation involves a Specified Substance and SAIDS 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 (2) years.

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

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 (4) years unless, in the case of failing to submit to Sample collection, the Athlete can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of Ineligibility shall be two (2) 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 (1) year, depending on the Athlete’s degree of Fault. The flexibility between two (2) years and one (1) year of Ineligibility in this Article is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete 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 (4) 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 Athlete Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for Athlete 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.

10.3.4 For violations of Article 2.9, the period of Ineligibility imposed shall be a minimum of two (2) years, up to four (4) years, depending on the seriousness of the violation.

10.3.5 For violations of Article 2.10, the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Athlete or other Person’s degree of Fault and other circumstances of the case.

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

If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated.
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 *Athlete* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years of *Ineligibility*, depending on the *Athlete’s* or other *Person’s* degree of *Fault*.

10.5.1.2 *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish *No Significant Fault or Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete's* or other *Person’s* degree of *Fault*. 
10.5.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.5.1

If an Athlete 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 Athlete or other Person’s degree of Fault, but the reduced period of Ineligibility may not be less than one (1)-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight (8) years.

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 SAIDS 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 Athlete or other Person has provided *Substantial Assistance* to an Anti-Doping Organisation, criminal authority or professional
disciplinary body which results in: (i) the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to SAIDS. After a final appellate decision under Article 13 or the expiration of time to appeal, SAIDS may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA and the applicable International Federation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. No more than three (3)-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than eight (8)
years. If the Athlete or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, SAIDS shall reinstate the original period of Ineligibility. If SAIDS decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, which decision may be appealed by any Person entitled to appeal under Article 13.

10.6.1.2 To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of SAIDS or at the request of the Athlete or other Person who has, or has been asserted to have, committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 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
**10.6.1.3** If SAIDS suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organisations* with a right to appeal under Article 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 authorise SAIDS to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.
10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence:

Where an Athlete or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 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 (1)-half of the period of Ineligibility otherwise applicable.

10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being confronted with a Violation sanction able under Article 10.2.1 or Article 10.3.1:

An Athlete or other Person potentially subject to a four (4)-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 SAIDS, and also upon the approval and at the discretion of both WADA and SAIDS, may receive a reduction in the period of Ineligibility down to a minimum of two (2) years, depending on the seriousness of the violation and the Athlete or other Person’s degree of Fault.
10.6.4 Application of Multiple Grounds for Reduction of a Sanction:

Where an Athlete or other Person establishes entitlement to reduction in sanction under more than one (1) 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 Athlete 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 (1)-fourth of the otherwise applicable period of Ineligibility.

10.7 Multiple Violations

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

(a) Six (6) months;

(b) One (1)-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 fulfils 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 (8) years to lifetime *Ineligibility*.

**10.7.3** An anti-doping rule violation for which an Athlete or other Person has established *No Fault or Negligence* shall not be considered a 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 first and second anti-doping rule violations amount to dissimilar anti-doping rule violations. If the first and second anti-doping rule violations amount to similar anti-doping rule violations, an anti-doping rule violation will only be considered a second violation if SAIDS can establish that the Athlete or other Person committed the second anti-doping rule violation after the Athlete or other
Person received notice pursuant to Article 7, or after SAIDS made reasonable efforts to give notice, of the first anti-doping rule violation. If SAIDS 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, SAIDS discovers facts involving an anti-doping rule violation by the Athlete or other Person which occurred prior to notification regarding the first violation, then SAIDS shall impose an additional sanction based on the sanction that could have been imposed if the two (2) 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 (10)-Year Period.

For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten (10)-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 Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.

10.9 Allocation of CAS Cost Awards and Forfeited Prize Money

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Athletes if provided for in the rules of the applicable International Federation; and third, reimbursement of the expenses of SAIDS.

10.10 Financial Consequences

Anti-doping organizations may, in their own rules, provide for proportionate recovery of costs or financial sanctions on account of anti-doping rule violations. However, anti-doping organizations may only impose financial sanctions in cases where the maximum period of Ineligibility otherwise applicable has already been imposed. Financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the Ineligibility or other sanction which would
otherwise be applicable under the Code.

10.10.1 In cases where the principle of proportionality is satisfied the SAIDS Disciplinary Panel (either at first instance or appeal) has discretion to make an award of costs in respect of the hearing or hearings against the Athlete or other Person.

10.10.2 Examples of circumstances which may justify the imposition of costs on an Athlete or other Person include (but are not limited to) the following:
   a) if the Athlete or other Person committed the anti-doping rule violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit anti-doping rule violations;
   b) the Athlete or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods or Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions;
   c) the Athlete or Person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation;
   d) who unnecessarily postpones or proposes to postpone shall bear the cost of the postponement, which includes disbursements, flight tickets, venue.

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 Athlete or other Person**

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, SAIDS 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*.

**10.11.2 Timely Admission**

Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by SAIDS, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one (1)-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where
the period of Ineligibility already has 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 Athlete or other Person, then the Athlete or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility, which may ultimately be imposed. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility, which may ultimately be imposed on appeal.

10.11.3.2 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from SAIDS and thereafter respects the Provisional Suspension, the Athlete or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility, which may ultimately be imposed. A copy of the Athlete or other Person’s voluntary acceptance of a
Provisional Suspension shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.

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 Athlete elected not to compete or was suspended by his or her team.

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

10.12 Status during Ineligibility

10.12.1 Prohibition Against Participation During Ineligibility
No Athlete 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 authorised anti-doping education or rehabilitation programs) authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory’s member organisation, or in Competitions authorised or organised by any professional league or any international or national level Event organisation or any elite or national-level sporting activity funded by a governmental agency.

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

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

10.12.2 Return to Training
As an exception to Article 10.12.1, an Athlete may return to train with a team or to use the facilities of a club or other member organisation of SAIDS’s member organisation during the shorter of: (1) the last two (2) months of the Athlete’s period of Ineligibility, or (2) the last one (1)-quarter of the period of Ineligibility imposed.

10.12.3 Violation of the Prohibition of Participation During Ineligibility

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

Where an Athlete Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, SAIDS 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 SAIDS, the South African Government, and the National Federations.

10.13 Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.
ARTICLE 11 CONSEQUENCES TO TEAMS

11.1 Testing of Team Sports

Where more than one (1) member of a team in a Team Sport has been notified of an anti-doping rule violation under 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.

11.2 Consequences for Team Sports

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

11.3 Event Ruling Body may Establish Stricter Consequences for Team Sports

The ruling body for an Event may elect to establish rules for the Event, which imposes Consequences for Team Sports stricter than those in Article 11.2 for purposes of the Event.
ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST SPORTING BODIES

12.1 SAIDS has the authority to request the South African Government and SASCOC to withhold some or all funding or other non-financial support to National Federations that are not in compliance with these Anti-Doping Rules.

12.2 SAIDS may elect to request SASCOC to take additional disciplinary action against National Federations with respect to recognition, the eligibility of its officials and Athletes to participate in International Events and fines based on the following:

12.2.1 Four (4) or more violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by Athletes or other Persons affiliated with a National Federation within a twelve (12)-month period.

12.2.2 More than one (1) Athlete or other Person from a National Federation commits an Anti-Doping Rule violation during an International or National Event.

12.2.3 A National Federation has failed to make diligent efforts to keep SAIDS informed about an Athlete's whereabouts after receiving a request for that information from SAIDS.
ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Articles 13.2 through 13.7 or as otherwise provided in these Anti-Doping Rules, the Code or the International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organisation's rules must be exhausted, provided that such review respects the principles set forth in Article 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.

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 SAIDS’ process, WADA may appeal such decision directly to CAS.
without having to exhaust other remedies in SAIDS’ process.

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

A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six (6) months' notice requirement for a retired Athlete to return to Competition under Article 5.7.1; a decision by WADA assigning results management under Article 7.1 of the Code; a decision by SAIDS not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a Provisional Suspension as a result of a Provisional Hearing; SAIDS’ failure to comply with Article 7.9; a decision that SAIDS 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 SAIDS not to recognise another Anti-Doping Organisation’s decision under Article 15, may be appealed exclusively as provided in Articles 13.2 – 13.7.

1 Kindly refer to Article 7.4.4 Review of Atypical Findings
13.2.1 Appeals Involving *International-Level Athletes* or *International Events*
In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS.

13.2.2 Appeals Involving *National-Level Athletes, Other Athletes* or *Other Persons*

In cases where Article 13.2.1 is not applicable, the decision may be appealed to the National Appellate Body.

**13.2.2.1 Hearings before the Appellate Body**

13.2.2.1.1

a) The South African Government shall appoint members to the independent SAIDS Anti-Doping Appeal Board in terms of the *Institute for Drug-Free Sport Act 14 of 1997* including a person to chair the Appeal Board who will also be the *Registrar*. The Appeal Board consists of a pool of legal experts, medical experts and sport administrators from which the Registrar will draw to form the Appeal Panel that will hear matters. Each Board member shall be appointed for a term of five (5) years. If a Board member dies or resigns, the South African government may appoint an independent *Person* to be a Board member to fill the resultant
vacancy. The Person so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy. A Board member may be re-appointed.

b) The Chairperson/Registrar of the Appeal Board shall appoint an Appeal Panel consisting of a minimum of three (3) members to hear an appeal of which one must be a legal practitioner who will act as chairperson for the Appeal Panel;

13.2.2.1.2 The appointed Appeal Panel members shall have had no prior involvement with any aspect of the case, including the Registrar. In particular, no member may have previously considered any TUE application or appeal involving the same Athlete as in the current case. Each member, upon appointment, shall disclose to the Chair any circumstances likely to affect impartiality with respect to any of the parties.

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

**13.2.2.1.4** The Chairperson of the Appellate Body has the power, at his/her absolute discretion, to appoint an expert to assist or advise the Appeal Panel as required by the Appeal Panel.

**13.2.2.1.5** SAIDS has the right to join proceedings and attend hearings of the Appeal Panel as a party.

**13.2.2.1.6** The International Federation and/or the National Federation concerned, if not a party to the proceedings, the National Olympic Committee, if not a party to the proceedings, and WADA each have the right to attend hearings of the Appeal Panel as an observer.

**13.2.2.1.7** Based on the schedules of the parties and the Appeal Panel, the hearings shall take place within 90 days of the Appellant filing the notice of appeal. Under exceptional circumstances, this delay may be extended only once for up to 30 days should be completed expeditiously as of the date of the decision, save where exceptional circumstances apply.
13.2.2.1.8 Hearings held in connection with Events may be conducted on an expedited basis.

13.2.2.2 Proceedings of the Appeal Panel.

13.2.2.2.1 Subject to the provisions of these Anti-Doping Rules, the Appeal Panel shall have the power to regulate its own procedures.

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

13.2.2.2.3 A failure by any party or his/her representative to attend a hearing after notification will be deemed to be an abandonment of his/her right to a hearing. This right may be reinstated on reasonable grounds provided such grounds are provided to the Appeal Board Chair in writing within 7 (seven) days after such failure to attend an appeal hearing.

13.2.2.2.4 Each party shall have the right to be represented at a hearing, at that party’s own expense.

13.2.2.2.5 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the Appeal Panel. The Appeal Panel shall determine the identity and
responsibility for the cost of any interpreter.

13.2.2.6 Each party to the proceedings has the right to present evidence, including the right to call and question witnesses (subject to the Appeal Panel’s discretion to accept testimony by telephone or other means).

13.2.2.7 The Appellant must clearly indicate whether or not he/she intends on calling any new witnesses or adducing any new evidence in the Appeal Proceedings.

13.2.2.8 The Appellant must make an Application to lead new evidence & call witnesses with reasons, therefore:

(a) Such an Application for Admission to lead new evidence and call witnesses must be submitted by the Appellant within seven (7) days of receipt of notice of appeal.

(b) The Respondent, or any such opposing party, will then have five (5) days within which to file an Application for the Dismissal of such an Application for Admission to lead new evidence and call witnesses.
(c) The Appeals Committee then has seven (7) days within which to issue their response or decision in this regard.

13.2.2.2.9 In the event of an agreement by the Parties to have the decision made on the papers –

(a) Any such request must be made to the Registrar in writing.
(b) Such a request must expressly state the reasons for why a decision should be heard on the papers.
(c) The Registrar must appoint an Appeal Panel.
(d) The Appeal Panel shall proceed to render a decision on the written submissions submitted.

13.2.2.2.10 Any failure by any party to comply with any requirement or direction of the Appeal Panel shall not prevent the Appeal Panel from proceeding and such failure may be taken into consideration by the Appeal Panel when making its decision.

13.2.2.2.11 No member of the Appeal Panel appointed by the Minister may serve simultaneously as a member of the Independent Doping Hearing Panel.
13.2.2.3 Decisions of the Appeal Panel

13.2.2.3.1 Within 60 days of the end of the hearing, the Appeal Panel shall issue a written, dated and signed decision (either unanimously or by majority) that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential sanction was not imposed.

13.2.2.3.2 The Appeal Panel shall further be entitled to make an appropriate order as to the payment of costs in each Appeal matter, including punitive costs orders where a party has deliberately wasted time and resources of the Appeal Panel, in accordance with Article 10.10.

13.2.2.3.3 The Appeal Panel may adjourn a hearing and set a date for the continuation of the hearing within 60 days.

13.2.2.3.4 The decision shall be provided by SAIDS to the *Athlete* or other *Person*, to his/her *National Federation*, and to *Anti-Doping Organisations* with a right to appeal under Article 13.2.3.
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 14.3.2; but (b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be Publicly Disclosed with the consent of the Athlete or other Person who is the subject of the decision. SAIDS shall use reasonable efforts to obtain such consent, and if consent is obtained, shall Publicly Disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.

13.2.2.3.5 The Appeal Panel cannot defer or make a ruling on a case that it has heard to return the hearing panel of first instance.

13.2.3 Persons Entitled to Appeal

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS:
(a) The Athlete or other Person who is the subject of the decision being appealed;
(b) The other party to the case in which the decision was rendered;
(c) The relevant International Federation;
(d) SAIDS and (if different) the National Anti-Doping Organisation of the Person’s country of residence or countries where the Person is a national or license holder;
(e) The International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and

(f) WADA.

In cases under Article 13.2.2, the following parties, at a minimum, shall have the right to appeal:

(a) The Athlete or other Person who is the subject of the decision being appealed;

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

(c) The relevant International Federation

(d) SAIDS and (if different) the National Anti-Doping Organisation of the Person’s country of residence;

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

(f) WADA.

For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body.
Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organisation whose decision is being appealed and the information shall be provided if CAS so directs.

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

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.

13.3 Failure to Render a Timely Decision

Where, in a particular case, SAIDS 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 SAIDS 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 SAIDS.

13.4 Appeals Relating to TUEs
TUE decisions may be appealed exclusively as provided in Article 4.4.

13.5 Notification of Appeal Decisions

Any Anti-Doping Organisation that is a party to an appeal shall promptly provide the appeal decision to the Athlete or other Person and to the other Anti-Doping Organisations that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

13.6 Appeals from Decisions Pursuant to Article 12

Decisions by the hearing panel pursuant to Article 12 may be appealed exclusively to CAS by the National Federation.

13.7 Time for Filing Appeals

13.7.1 Appeals to CAS

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

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

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

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

13.7.2 Appeals to the Appellate Body of SAIDS under Article 13.2.2

The time to file an appeal to the appellate body shall be twenty-one (21) days from the date of written receipt of the decision by the appealing party. Notices will enjoy legal validity notwithstanding the fact that it may be in electronic form. The Appeal Panel could condone an extension if it finds the reasons afforded for the extension are acceptable in accordance with Article 8.4.1(d) of these Rules. However, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the decision subject to appeal:

(a) Within fifteen (15) days from notice of the decision, such party/ies shall have
the right to request from the hearing panel having issued the decision, a copy of the file on which such body relied;

(b) If such a request is made within the fifteen (15)-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to the appellate body.

(c) An appellant lodging an appeal pursuant to Article 13.2.2 shall specify the name of the Appellant lodging the appeal; the decision appealed against; date of the decision appealed against; the date of receipt of the decision appealed against by the party appealing; and grounds of the appeal.

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

(a) Twenty-one days after the last day on which any other party in the case could have appealed, or

(b) Twenty-one days after WADA’s receipt of the complete file relating to the decision

Filing of the Parties’ respective Written Submissions:

(a) The Appellant must file their Heads of Argument fifteen (15) days before the date
on which the hearing is set down to take place.

(b) The Respondent must file their Heads of Argument in reply to the Appellant seven (7) days before hearing date.

NOTE: No party or parties may make any revelations, decisions taken, projected outcomes, opinions, comments, etc., known to the media, in whatever form, until the appeal process is exhausted.

13.8  Application for Condonation for late filing of Appeal

13.8.1 If an Appeal is referred outside the time periods prescribed by these Rules, the referring party needs to apply for condonation to the Registrar through the SAIDS legal office. These rules require the applicant to bring an application on affidavit (sworn statement), explaining why the referral is late and why the Registrar should allow the Appeal to continue. The Registrar permits condonation to be granted on “good cause shown”.

13.8.2 The Application for Condonation should contain the following:

13.8.2.1 The degree of lateness: the applicant must indicate the number of days the referral for appeal is late.

13.8.2.2 The reason for lateness: the applicant needs to explain why the dispute was referred late by explaining the steps taken prior to referring the Appeal to the Registrar.
13.8.2.3 The applicant must show what disadvantages will be suffered by both parties if condonation is not granted/ granted.

13.8.2.4 The sworn statement must be signed and stamped by a commissioner of oaths.

13.8.3 The applicant must serve a copy of the application on the other party. The other party has the opportunity to oppose the application on its credibility of the sworn testimony leading to the application for condonation must be submitted to the Registrar in writing within 5 days.

13.8.4 The Registrar will consider whether or not to grant the condonation. This is done by considering the application on the basis of the sworn statement served. The Registrar will notify the parties in writing of the decision and explain why condonation was granted or refused.
14.1 Information Concerning Adverse Analytical Findings, Atypical Findings, and Other Asserted Anti-Doping Rule Violations

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

Notice to Athletes or other Persons that an anti-doping rule violation is being asserted against them shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules. Notice to an Athlete or other Person who is a member of a National Federation may be accomplished by delivery of the notice to the National Federation.

14.1.2 Notice of Anti-Doping Rule Violations to International Federations and WADA

Notice of the assertion of an anti-doping rule violation to International Federations and WADA shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules, simultaneously with the notice to the Athlete or other Person. The Athlete or other Person as well as other relevant Anti-Doping Organisations must be notified whether the Atypical Finding will be brought forward as an Adverse Analytical Finding.

14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation under Article 2.1 shall include: the Athlete's name, country, sport and discipline within the
sport, the Athlete’s competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

Notice of anti-doping rule violations other than under Article 2.1 shall include the rule violated and the basis of the asserted violation.

14.1.4 Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, International Federations and WADA 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.

14.1.5 Confidentiality

The recipient organisations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at SASCOC, the relevant National Federation, and team in a Team Sport) until SAIDS has made Public Disclosure or has failed to make Public Disclosure as required in Article 14.3.
14.1.6 SAIDS shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3, and shall include provisions in any contract entered into between SAIDS and any of its employees (whether permanent or otherwise), contractors, agents and consultants, for the protection of such confidential information as well as for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.

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

14.2.1 Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.3, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, SAIDS shall provide a short English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organisation* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.
14.3 **Public Disclosure**

14.3.1 The identity of any *Athlete* or other *Person* who is asserted by SAIDS to have committed an anti-doping rule violation, may be *Publicly Disclosed* by SAIDS only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to WADA and the International Federation of the *Athlete* or other *Person* in accordance with Article 14.1.2.

14.3.2 No later than twenty (20) days after it has been determined by the Independent Doping Hearing Panel rendering its written decision in accordance with Article 8, SAIDS must *Publicly Report* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. SAIDS must also *Publicly Report* within twenty days (20) the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

14.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. SAIDS shall use reasonable efforts to obtain such consent. If consent is obtained, SAIDS shall *Publicly Disclose* the decision in its
entirety or in such redacted form as the *Athlete* or other *Person* may approve.

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

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

**14.3.6** The mandatory *Public Reporting* required in Article 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

**14.4 Statistical Reporting**

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

**14.5 *Doping Control* Information Clearinghouse**
To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organisations, SAIDS shall report all In-Competition and Out-of-Competition tests on such Athletes to the WADA clearinghouse, using ADAMS, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete, the Athlete's International Federation and any other Anti-Doping Organisations with Testing authority over the Athlete.

14.6 Data Privacy

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

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

15.2 SAIDS and all National Federations shall recognise the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

15.3 Subject to the right to appeal provided in Article 13, any decision of SAIDS regarding a violation of these Anti-Doping Rules shall be recognised by all National Federations, which shall take all necessary action to render such decision effective.
ARTICLE 16 INCORPORATION OF SAIDS ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL FEDERATIONS

16.1 All National Federations and their members shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each National Federation’s rules so that SAIDS may enforce them itself directly as against Athletes and other Persons under the National Federation's jurisdiction.

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

16.3 All National Federations shall report any information suggesting or relating to an anti-doping rule violation to SAIDS and to their International Federation, and shall cooperate with investigations conducted by any Anti-Doping Organisation with authority to conduct the investigation.

16.4 All National Federations shall have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes under the jurisdiction of SAIDS or the National Federation.

16.5 All National Federations shall be required to conduct anti-doping education in coordination with SAIDS.
ARTICLE 17  STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against an Athlete 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 (10) years from the date the violation is asserted to have occurred.

ARTICLE 18  SAIDS COMPLIANCE REPORTS TO WADA

SAIDS will report to WADA when required on SAIDS' compliance with the Code in accordance with Article 23.5.2 of the Code

ARTICLE 19  EDUCATION

SAIDS shall plan, implement, evaluate and monitor information; education and prevention programs for doping-free sport when required and on at least the issues listed at Article 18.2 of the Code, and shall support active participation by Athletes and Athlete Support Personnel in such programs.
ARTICLE 20 AMENDMENT AND INTERPRETATION

20.1 These Anti-Doping Rules may be amended from time to time by SAIDS.

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

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

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

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

20.6 The comments annotating various provisions of the Code and these Anti-Doping Rules, which are reproduced in Appendix 3 to these Anti-Doping Rules, shall be used to interpret these Anti-Doping Rules.

20.7 These Anti-Doping Rules come into full force and effect on 1st May 2019 (the “Effective Date”). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

20.7.1 Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or
"second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.

20.7.2 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.

20.7.3 Any Article 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for Testing and Investigations) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Testing and Investigation, but it shall be deemed to have expired twelve (12) months after it occurred.
20.7.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or other Person may apply to the Anti-Doping Organisation which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these Anti-Doping Rules. Such application must be made before the period of Ineligibility has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.

20.7.5 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 in force prior to the Effective Date, the period of Ineligibility which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.
ARTICLE 21 INTERPRETATION OF THE CODE

21.1 The official text of the Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

21.2 The comments annotating various provisions of the Code shall be used to interpret the Code.

21.3 The Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.

21.4 The headings used for the various Parts and Articles of the Code are for convenience only and shall not be deemed part of the substance of the Code or to affect in any way the language of the provisions to which they refer.

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

21.6 The Purpose, Scope and Organisation of the World Anti-Doping Program and the Code and Appendix 1, Definitions, and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the Code.
ARTICLE 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

22.1 Roles and Responsibilities of Athletes

22.1.1 To be knowledgeable of and comply with these Anti-Doping Rules.

22.1.2 To be available for Sample collection at all times.

22.1.3 To take responsibility, in the context of anti-doping, for what they ingest and Use.

22.1.4 To inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules.

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

22.1.6 To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.
22.2 Roles and Responsibilities of *Athlete Support Personnel*

22.2.1 To be knowledgeable of and comply with these Anti-Doping Rules.

22.2.2 To cooperate with the *Athlete Testing* program.

22.2.3 To use his or her influence on *Athlete* values and behaviour to foster anti-doping attitudes.

22.2.4 To disclose to his or her International Federation and to SAIDS any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten (10) years.

22.2.5 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

22.2.6 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.
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*.

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

**Appeal Panel:** Selected from members from the Appellate Body by the Registrar to hear appeals.

**Appellate Body:** SAIDS appeal board as appointed by the Minister of Sport and Recreation.

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

**Comment:** This definition makes it clear that all International- and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping
Organisations, respectively. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organisation could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.

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

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

**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*.

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

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

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

**Consequences of Anti-Doping Rule Violations (“Consequences”)**: An Athlete's or other Person’s violation of an anti-doping rule may result in one or more of the following:

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

(b) **Ineligibility** means the Athlete or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any
Competition or other activity or funding as provided in Article 10.12.1;

(c) **Provisional Suspension** means the Athlete or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Article 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 14. Teams in Team Sports may also be subject to Consequences as provided in Article 11 of the Code.

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

**Event Venues:** Those venues so designated by the ruling body for the *Event*.

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

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

*[Comment: The criteria for assessing an Athlete’s degree of Fault are the same under all Articles where Fault is to be considered. However, under Article 10.5.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved]*.
**Financial Consequences:** See *Consequences of Anti-Doping Rule Violations* above.

**In-Competition:** Unless provided otherwise in the rules of an International Federation or the ruling body of the *Event* in question, "In-Competition" means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

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

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

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

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

**International Event:** An *Event* or *Competition* where the International Olympic Committee, the International Paralympics Committee, an International Federation, a *Major Event Organisation*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*.

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

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

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

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

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

**Minister:** Minister of Sport and Recreation.

**Minor:** A natural Person who has not reached the age of eighteen (18) years.
**National Anti-Doping Organisation:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country’s *National Olympic Committee* or its designee.

**National Event:** A sport *Event* or *Competition* involving *International*- or *National-Level Athletes* that is not an *International Event*.

**National Federation:** A national or regional entity which is a member of or is recognised by an International Federation as the entity governing the International Federation's sport in that nation or region.

**National-Level Athlete:** Athletes who participate in sport at the national level, as defined by each *National Anti-Doping Organisation*, consistent with the International Standard for Testing and Investigations. In South Africa, *National-Level Athletes* are defined as set out in Article 1.4.

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

**No Fault or Negligence:** The Athlete or other Person’s establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Minor*, for
any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.

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

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

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

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

**Person:** A natural Person or an organisation or other entity.

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

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

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

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

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

Provisional Hearing: For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the Athlete with notice and an opportunity to be heard in either written or oral form.
[Comment: A Provisional Hearing is only a preliminary proceeding, which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an “expedited hearing,” as that term is used in Article 7.9, is a full hearing on the merits conducted on an expedited time schedule].

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

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

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

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

Registrar: The Chairperson of the Appeal Board appointed by the Minister of Sport and Recreation for a five (5) year term that runs concurrently with the appointment of the Board of the South African Institute for Drug-Free Sport (SAIDS).
**SAIDS:*** The South African Institute for Drug-Free Sport. This is the statutory body established by Government with the responsibility to promote and support the elimination of doping in Sport in South Africa.

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

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

**SASCOC:*** South African Sports Confederation and Olympic Committee.

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

**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 *Athlete’s* part be demonstrated by the *Anti-Doping Organisation* in order to establish an anti-doping rule violation.

**Substantial Assistance:*** For purposes of Article 10.6.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case, which is initiated or, if no case is initiated, must have
provided a sufficient basis on which a case could have been brought.

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

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

**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 an Athlete, Athlete Support Person or any other Person subject to the jurisdiction of an Anti-Doping Organisation to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**TUE:** Therapeutic Use Exemption, as described in Article 4.4.
**UNESCO Convention:** The International Convention against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on 19 October 2005 including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

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

**WADA:** The World Anti-Doping Agency.

[**Comment:** Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech].
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 (4) years (Article 10.2.2).

2. In a second step, the panel would analyse 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 (1) year (minimum one (1)-half of the two (2) 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 sixteen (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 (2)-year minimum set forth in Article 10.6.3.) Based on Substantial Assistance, the period of Ineligibility could be suspended by three (3)-quarters of sixteen (16) months.* The minimum period of Ineligibility would thus be four (4) months. (Assume for purposes of illustration in this example that the panel suspends ten (10) months and the period of Ineligibility would thus be six (6) 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 (1)-half of the Ineligibility period (i.e., three (3) 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 14.3.2 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 organisation of a Signatory or its affiliates during the shorter of: (a) the last two (2) months of the Athlete’s period of Ineligibility, or (b) the last one (1)-quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training one (1) and one (1) -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 Organisation is able to establish that the Athlete committed the anti-doping rule violation intentionally; the Athlete is not able to establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance; the Athlete does not promptly admit the anti-doping rule violation as alleged; the Athlete does provide Substantial Assistance.

Application of Consequences:

1. The starting point would be Article 10.2. Because the Anti-Doping Organisation can establish that the anti-doping rule violation was committed intentionally and the Athlete is unable to establish that the substance was permitted Out-of-Competition and the Use was unrelated to the Athlete’s sport performance (Article 10.2.3), the period of Ineligibility would be four (4) 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 (3)-quarters of the four
(4) years.* The minimum period of *Ineligibility* would thus be one (1) 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 14.3.2 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 organisation of a *Signatory* or its affiliates during the shorter of: (a) the last two (2) months of the *Athlete*’s period of *Ineligibility*, or (b) the last one (1)-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two (2) 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 (2) years (Article 10.2.2).

2. In a second step, the panel would analyse 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 (2) 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 (4) 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 14.3.2 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 organisation of a Signatory or its affiliates during the shorter of: (a) the last two (2) months of the Athlete’s period of Ineligibility, or (b) the last one (1)-quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training one (1) 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 (4) 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 (1)-half of the four (4) years. Based on the
Athlete’s Substantial Assistance (Article 10.6.1) alone, the period of Ineligibility could be suspended up to three (3)-quarters of the four (4) 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 (3)-quarters of the four (4) years. The minimum period of Ineligibility would be one (1) year.

4. The period of Ineligibility, in principle, starts on the day of the final hearing decision (Article 10.11). If the spontaneous admission were 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 benefiting 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 14.3.2 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 organisation of a Signatory or its affiliates during the shorter of: (a) the last two (2) months of the Athlete’s period of Ineligibility, or
(b) the last one (1)-quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training two (2) 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 Organisation.

**Application of Consequences:**

1. According to Article 10.3.4, the period of Ineligibility would be from two (2) up to four (4) 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 (3) 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 (1)-half. (Assume for purposes of illustration in this example that the panel would impose a period of Ineligibility of eighteen (18) months.)

4. The information referred to in Article 14.3.2 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 fourteen (14) months, of which four (4) 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 sixteen (16) months and suspend six (6) 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 (6) months;
   (b) One (1)-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 (1)-half of fourteen (14) months, which is seven (7) 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 (2) times sixteen (16) months, which is thirty-two (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 thirty-two (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 (3)-quarters of thirty-two (32) months.* The minimum period of *Ineligibility* would thus be eight (8) months. (Assume for purposes of illustration in this example that the panel suspends eight (8) months of the period of *Ineligibility* for *Substantial Assistance*, thus reducing the period of *Ineligibility* imposed to two (2) 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 14.3.2 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 to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of: (a) the last
two (2) months of the Athlete’s period of Ineligibility, or (b) the last one (1)-quarter of the period of Ineligibility imposed (Article 10.12.2). Thus, the Athlete would be allowed to return to training two (2) months before the end of the period of Ineligibility.

* Upon the approval of WADA in exceptional circumstances, the maximum suspension of the period of Ineligibility for Substantial Assistance may be greater than three (3)-quarters and reporting and publication may be delayed.

APPENDIX 3 COMMENTS

**Article 1.2.1**
SAIDS shall work cooperatively with its Government and SASCOC to ensure that recognition of SAIDS and acceptance and application of these Anti-Doping Rules represents a precondition to a National Federation’s receipt of any financial and/or other assistance from the Government and/or the SASCOC.

**Article 1.3.1**
These organising bodies shall be incorporated into the national anti-doping program.

**Article 2.1.1**
An anti-doping rule violation is committed under this Article without regard to an Athlete’s Fault. This rule has been referred to in various CAS decisions as “Strict Liability”. An Athlete’s Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.
Article 2.1.2
The Anti-Doping Organisation with results management responsibility may, at its discretion, choose to have the B Sample analysed even if the Athlete does not request the analysis of the B Sample.

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 Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete 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 Organisation provides a satisfactory explanation for the lack of confirmation in the other Sample.

Article 2.2.2
Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete’s part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method.

An Athlete’s Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited
Out-of-Competition and the Athlete’s Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that substance might have been administered.)

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

**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 organisations.

**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.
Article 2.6.2
Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.

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

Article 3.1
This standard of proof required to be met by SAIDS is comparable to the standard, which is applied in most countries to cases involving professional misconduct.

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

Article 3.2.2
The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the
Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to SAIDS to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.

**Article 4.1**
The current Prohibited List is available on WADA’s website at www.wada-ama.org.

**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 an Athlete for a purpose other than the enhancement of sport performance.

**Article 4.4.2**
In accordance with Article 5.1 of the International Standard for Therapeutic Use Exemptions, SAIDS may decline to consider advance applications for TUEs from National-Level Athletes in sports that are not prioritised by SAIDS in its Test Distribution Planning, but in that case it shall permit any such Athlete who is subsequently tested to apply for a retroactive TUE.

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

An Athlete should not assume that his/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 Athlete’s own risk.
**Article 4.4.3**
The International Standard for Therapeutic Use Exemptions also permits a National Anti-Doping Organisation to limit the grant of advance TUEs to certain categories of National-Level Athletes. If a National Anti-Doping Organisation chooses to collect a Sample from an Athlete who is a National-Level Athlete from whom the National Anti-Doping Organisation does not accept advance applications for TUES, then the National Anti-Doping Organisation must also permit that Athlete to apply for a retroactive TUE, if necessary.

**Article 4.4.4.1**
Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, an International Federation may publish notice on its website that it will automatically recognise TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by National Anti-Doping Organisations. If an Athlete's TUE falls into a category of automatically recognised TUEs, then he/she does not need to apply to his/her International Federation for recognition of that TUE.

In accordance with the requirements of the International Standard for Therapeutic Use Exemptions, SAIDS will help its Athletes to determine when they need to submit TUEs granted by SAIDS to an International Federation or Major Event Organisation for recognition, and will guide and support those Athletes through the recognition process.

If an International Federation refuses to recognise a TUE granted by SAIDS only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and resubmitted to the International Federation.
**Article 4.4.4.2**
The International Federation and SAIDS may agree that SAIDS will consider TUE applications on behalf of the International Federation.

**Article 4.4.6.3**
In such cases, the decision being appealed is the International Federation’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.

**Article 5.2.2**
Unless the Athlete has identified a sixty (60)-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, SAIDS will not test an Athlete during that period unless it has serious and specific suspicions that the Athlete may be engaged in doping. A challenge to whether SAIDS had sufficient suspicion for Testing in that period shall not be a defence to an anti-doping rule violation based on such test or attempted test.

**Article 6.1**
Violations of Article 2.1 may be established only by Sample analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.

**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.
**Article 6.4**
The objective of this Article is to extend the principle of “intelligent Testing” to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples, which can be analysed.

**Article 7.9**
Athletes 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.

**Article 7.12**
Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organisation.

**Article 8.2.1**
For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.

**Article 8.4**
Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two (2) hearings. An Anti-Doping Organisation that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.
**Article 9**
For Team Sports, any awards received by individual players will be disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one (1) or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.

**Article 10.1**
Whereas Article 9 disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the hundred (100) meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the FINA World Championships).

**Article 10.3.3**
Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organisations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.

**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.

**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 an
Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes 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 Athlete’s personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete’s food or drink by a spouse, coach or other Person within the Athlete’s circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence.

**Article 10.5.1.2**
In assessing that Athlete’s degree of Fault, it would, for example, be favourable for the Athlete if the Athlete had declared the product, which was subsequently determined to be contaminated on his or her Doping Control form.

**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 Athlete or other Person’s degree of Fault.

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

**Article 10.6.2**
This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily.

**Article 10.6.4**
The appropriate sanction is determined in a sequence of four (4) 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 Athlete 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.

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

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

**Article 10.11.3.2**
An Athlete’s voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.

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

**Article 10.12.1**
For example, subject to Article 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organised 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 Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organised by a non-Signatory International Event organisation or a non-Signatory national-level event organisation without triggering the Consequences set forth in Article 10.12.3. The term “activity” also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in
this Article. Ineligibility imposed in one sport shall also be recognised by other sports (see Article 15.1, Mutual Recognition).

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

**Article 10**
Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favour of harmonisation is that it is simply not right that two (2) Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organisations.
Article 11.3
For example, the International Olympic Committee could establish rules, which would require Disqualification of a team from the Olympic Games, based on a lesser number of anti-doping rule violations during the period of the Games.

Article 13.1.2
CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.

Article 13.1.3
Where a decision has been rendered before the final stage of SAIDS’s process (for example, a first hearing) and no party elects to appeal that decision to the next level of SAIDS’s process, then WADA may bypass the remaining steps in SAIDS’s internal process and appeal directly to CAS.

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.

Article 13.2.4
This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organisation appeals a decision after the Athlete’s time for appeal has expired. This provision permits a full hearing for all parties.

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 SAIDS to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult
with SAIDS and give SAIDS an opportunity to explain why it has not yet rendered a decision.

Article 15.1
The extent of recognition of TUE decisions of other Anti-Doping Organisations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.

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, SAIDS or National Federations shall attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in these Anti-Doping Rules, then SAIDS shall recognise the finding of an anti-doping rule violation and may conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in these Anti-Doping Rules should be imposed.

Article 22.1.2
With due regard to an Athlete’s human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes use low doses of EPO during these hours so that it will be undetectable in the morning.