



National doping Regulation

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¹ NDR 2024. Hereinafter also referred to as the NDR or 'these regulations'.

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Title I **Concepts**

Article 1 Definitions

- 1.1. Designate: verbally informing the person concerned that they have been selected for a doping test.
- 1.2. Degradation product: substance produced during a biological conversion process.
- 1.3. Doping procedure: the procedure from the reporting of the person at the doping control station to the signing of the relevant (doping control) form.
- 1.4. Anti-Doping Organisation (ADO) means the World Anti-Doping Agency (WADA) or a signatory responsible for establishing rules for initiating, applying or enforcing any part of the doping control process. These include the International Olympic Committee (IOC), the International Paralympic Committee (IPC), other so-called 'Major Event Organisations'² that conduct or commission the testing process during their event, international federations and National Anti-Doping Organisations (NADOs).³
- 1.5. Atypical finding: a report of an analysis performed by a laboratory accredited or approved by WADA that requires further investigation as stipulated in the International Standard for Laboratories (ISL) or related Technical Documents prior to determining whether an incriminating analytical result exists.
- 1.6. Atypical passport result: a report designated as such in the applicable International Standard(s).
- 1.7. Accompanying personnel: any coach, trainer, manager, fiduciary, team employee, official, (para)medical supervisor, parent and any other person who works with, treats, assists, supports and/or accompanies one or more members participating in or preparing for sports competitions.
- 1.8. Chargeable analytical result: a report from a laboratory accredited or approved by WADA that, in accordance with the ISL, identifies in a sample the presence of a prohibited substance or its degradation products and/or markers or evidence of the use of a prohibited method.
- 1.9. Burdensome passport result: a report designated as such in the applicable International Standard(s).
- 1.10. Protected person means a member or other natural person who, at the time of the doping offence: (i) has not yet reached the age of 16 years; (ii) has not yet reached the age of 18 years and is not included in a Registered Testing Pool (RTP) and has never competed in an open category at an international event; or (iii) is not considered legally competent under applicable national law for reasons other than age.
- 1.11. Decision value: the value of the analytical result for a prohibited substance subject ^{to} a ^{limit}⁴ above which an incriminating analytical result is reported, as defined in the ISL.
- 1.12. Subject: The member (i) who has submitted a dispensation request, (ii) who has been selected for a doping test, (iii) who is or will be subject to a doping test, (iv) who is the subject of an investigation into a possible doping offence, (v) that is providing or intends to provide substantial support, (vi) that is required to prove something under the NDR, (vii) on whom an order measure has been ^{imposed}⁵, (viii) against whom a report has been made, (ix) that has confessed to having committed a doping offence and/or has been found guilty of committing

² As referred to in the World Anti-Doping Code.

³ Only signatories (see Article 1(42)) can be 'ADO'.

⁴ The ISL uses the term 'Threshold Substance' for the term 'limit value'.

⁵ This includes the voluntarily accepted order measure referred to in Article 26(9).



of a doping offence, (x) who has appealed against a decision or ruling concerning him or her, (xi) who is the subject of a ruling or decision under appeal, or (xii) on whom consequences have been imposed, including a period of exclusion.

- 1.13. Confirm: in the B sample analysis sense, confirm means that the analysis of the B sample (or the second part in case of a split sample) confirms the incriminating analytical result for one or more of the reported prohibited substances and/or prohibited methods.
- 1.14. Within competition: the period commencing at 23:59 on the day prior to a competition in which a member is scheduled to participate, and continuing until and including (i) the completion of the relevant competition, or (ii) the completion of the post-competition scheduled doping control(s) (if any).
- 1.15. Biological passport: the programme and methods for collecting and processing data as named in the International Standard for Testing and Investigations (ISTI) and the ISL.
- 1.16. Union: the sports organisation within the meaning of the Anti-Doping Policy Implementation Act (Wuab) by or on behalf of which these regulations have been adopted.⁶
- 1.17. Out-of-competition: any period that is not within competition.
- 1.18. CAS: Court of Arbitration for Sport.
- 1.19. Consequences: consequences include (a) forfeiture of match results, (b) disqualification, (c) order, (d) financial consequences, including a financial penalty imposed for a doping offence (if applicable) or recovery of costs associated with a doping offence (if applicable), and (e) disclosure (see Article ⁵⁷⁷). For teams in team sports, consequences also include those described in Article 53.
- 1.20. Control results: all data resulting from a (a t t e m p t e d) doping control, including (but not limited to) the data resulting from the analysis(s) performed. Control results include in any case: incriminating analysis results, atypical findings, follow-up results, incriminating passport results, atypical passport results.
- 1.21. Dispensation: a dispensation allows a member with a medical condition to use a prohibited substance or prohibited method, but only if the conditions of Article 4.4 of the World Anti-Doping Code referred to in Article 1 paragraph 63 and the International Standard for Therapeutic Use Exemptions (ISTUE) are met.
- 1.22. Doping Authority: the independent administrative body Doping Authority, the NADO designated by the Dutch government for the Netherlands, which has the tasks and powers as described in the NDR and the Act.⁸
- 1.23. Doping control: this term refers to the term 'test', as included and defined in the ISTI. Doping control is part of the doping control process, and includes the designation for doping control and the collection of the sample.
- 1.24. Doping control process: all steps and processes from the distribution and scheduling of doping controls to the final outcome of appeals, as well as the monitoring of compliance with consequences, including all steps and processes in between, including but not limited to, the testing process, conducting investigations into possible doping violations, whereabouts, dispensations,

⁶ The Wuab contains the following definition of the term sports organisation: nationally organised association of athletes that has legal personality, as well as an umbrella organisation of such associations.

⁷ All references to article numbers are to the NDR unless otherwise indicated.

⁸ The Wuab assigns to the Doping Authority the following tasks: (a) combating doping in sport, (b) carrying out the doping control process, (c) collecting and investigating information about possible violations of a doping regulation, (d) providing information on doping, (e) other tasks assigned by Our Minister related to combating the use of doping in sport.



laboratory testing, results management, disciplinary treatment, and investigations or proceedings relating to violations of Article 52(1).

- 1.25. Doping control official means a person delegated by an ADO to carry out doping control and to carry out the responsibilities assigned to him or her by the ISTI.⁹
- 1.26. Doping List: the list of prohibited substances and prohibited methods established by WADA as the Prohibited List International Standard and forming part of the NDR as an annex.
- 1.27. Doping offence: a violation of a doping regulation.
- 1.28. Doping Regulations: (i) the Doping Regulations adopted by or on behalf¹⁰ of the Union with the appendices and regulations adopted by WADA or the Doping Authority¹¹, and (ii) a Doping Regulation adopted by an ADO or other body, or organisation, even if such Doping Regulation is otherwise named at the relevant ADO or other body, or organisation. Doping laws and/or regulations adopted by a government or legislature shall also be considered as doping regulations for the purposes of the NDR.
- 1.29. Doping case: a possible doping offence.
- 1.30. Drugs: for the purposes of Title IX and Title X, drugs include those prohibited substances specifically identified as 'drugs' ('Substances of Abuse' in the original English version of the doping list) on the doping list. These drugs are subject to regular abuse outside the context of sport in society.
- 1.31. Event: a series of individual or separate competitions organised jointly under the responsibility of one umbrella or organisation, for example an international federation, or a national sports federation.¹²
- 1.32. International event means an event or competition organised by or under the auspices of the IOC, the IPC, an international federation, a Major Event Organisation or another international sports organisation that is the regulatory body for the event or designates the technical officials for the event.
- 1.33. International-Level Athlete: athlete practising a sport at international level, according to the definition of the responsible international federation, in accordance with the ISTI.
- 1.34. International Standard: international standard established by WADA to support the World Anti-Doping Code. Compliance with an International Standard (other than another alternative standard, practice or procedure) is sufficient to conclude that the procedures named in the International Standard have been adequately implemented. The International Standards apply to the NDR and are considered part of it. The Technical Documents associated with an International Standard are deemed to be part of the relevant International Standard.
- 1.35. Member: the person (which should also include: organisation or legal person, for example a club, association or team) who, through membership, licence, agreement, participation in a competition (of the Union or an international federation) or otherwise, is bound by the statutes, regulations and decisions of the Union, or of a legal person affiliated to the Union. The following shall also be considered members: (i) persons active or employed in sport or the Union (e.g. persons active or employed for an association active within the Union or for a team competing in a sport), who are not affiliated to the Union by membership, licence or any agreement;

⁹ Doping control officers are referred to as 'Sample Collection Personnel' in the ISTI.

¹⁰ For federations affiliated to the Institute for Sports Justice (ISR) for doping, the ISR adopts the Doping Regulations on behalf of the federation.

¹¹ The annexes are published on the Doping Authority's website: www.dopingautoriteit.nl.

¹² Examples of events include: the O l y m p i c s , the P a r a l y m p i c s , a World Championship and a European Championship.



and (ii) all persons and accompanying personnel who participate in or are active in the context of events, competitions and/or other activities organised, convened, authorised or recognised by the Union, or of any legal entity affiliated to the Union (including clubs, teams, associations or leagues), wherever such events, competitions and other activities are held.

- 1.36. Marker: a (chemical) compound or group of (chemical) compounds or biological variable(s) indicating the use of a prohibited substance and/or the application of a prohibited method.
- 1.37. Minor: a person who has not yet reached the age of eighteen years.
- 1.38. Sample or specimen: any biological material collected for the purpose of the doping control process.
- 1.39. National-Level Athlete: athlete included in a testing pool established by the Doping Authority.
- 1.40. National Anti-Doping Organisation: the body designated by each country with the primary authority and responsibility to establish and apply doping rules, direct and implement doping controls, manage control results and carry out results management at national level.
- 1.41. National event means a sporting event or competition in which International-Level Athletes and/or National-Level Athletes participate that is not an international event.
- 1.42. Signatory: an organisation that has accepted the World Anti-Doping Code and thereby committed to implement it.¹³
- 1.43. Person: a natural person or an organisation or other body.
- 1.44. Attempt: deliberate conduct that constitutes an essential step towards conduct intended to culminate in the commission of a doping offence. An attempt does not constitute a doping offence if the member renounces the attempt before it is detected by a third party not involved in the attempt.
- 1.45. Recreational athlete: (a) athletes who do not fall within the definition of International-Level Athlete and/or National-Level Athlete, (b) athletes who do not (will not) participate or have participated in competitions that the Doping Authority qualifies as national¹⁴, and (c) athletes who have not belonged to any of the following categories in the five-year period prior to committing a doping offence: (i) International-Level Athlete or National-Level Athlete, (ii) athletes included in an RTP administered by an international federation or a NADO (including the Doping Authority) and (iii) athletes who have represented a country in an international event in an open category. The Doping Authority determines which athletes are recreational athletes.
- 1.46. Registered Testing Pool (RTP) means the pool of highest priority athletes separately identified by international federations at international level and by NADOs at national level, on whom targeted in- and out-of-competition doping tests are carried out under the test distribution plan of that international federation or NADO and who are therefore required to provide whereabouts data as stipulated in Article 5.5 of the World Anti-Doping Code and the ISTI.
- 1.47. Culpability means any breach of duty and/or lack of due care appropriate in a particular situation. Factors to be considered in the application of the NDR when assessing the degree of culpability on the part of the person concerned include, for example, (i) the experience of the person concerned, (ii) the circumstance that the person concerned was a protected

¹³ Signatories are referred to by WADA and the World Anti-Doping Code as so-called '(Code) Signatories', and are added to the list of '(Code) Signatories' by WADA. The current list of (Code) Signatories can be found at: www.wada-ama.org.

¹⁴ The Doping Authority will publish this list on its website with the designation for this category of matches: 'national level B matches'.



person was, (iii) the risk of which the individual should have been aware, (iv) the care and caution the individual exercised in relation to what the perceived risk should have been, and (v) special considerations, such as disability. In assessing the degree of fault on the part of the person concerned, the circumstances considered must be specific and relevant to the explanation of why the person concerned deviated from the conduct to be expected of a (top) athlete.

- 1.48. Selection: the selection of a member for a doping control. Selection may be based on a draw, match results, or any other method to be determined by an ADO.
- 1.49. Specific substance: the (categories of) substances identified as such on the doping list.¹⁵
- 1.50. Team sport: a sport in which substitution of participants is allowed during a match.¹⁶
- 1.51. Technical Document: document established and published by WADA, containing mandatory specifications on specific technical topics, as stated in an International Standard.
- 1.52. Testing process means the part of the doping control process that includes (i) the planning of the doping control(s), (ii) the designation for doping control, (iii) the collection of the sample, (iv) the processing of the sample, as well as (v) the transport of the sample to the laboratory.
- 1.53. Disciplinary Tribunal: the body or committee, including the CAS, which, under the NDR, the Statutes and/or any (other) regulation of the Union or an ADO, is authorised to pronounce disciplinary law (at first instance or on appeal).
- 1.54. Exclusion: sanction whereby the person concerned is not allowed to participate in any competition, league, event or other activity, and not to act or participate in any capacity for a certain period of time because of committing a doping offence.
- 1.55. Prohibited method: any method defined as such on the doping list.
- 1.56. Prohibited substance: a substance, or category of substances, defined in the Doping List.
- 1.57. Forfeited match results: the invalidation of the individual's results in relation to a particular match, competition or event, with all resulting consequences such as the return of medals, prizes (money) and loss of points.
- 1.58. Contaminated product: a product containing a prohibited substance (i) not listed on the label and (ii) not mentioned in information available through a reasonable internet search effort.
- 1.59. Preliminary hearing means an expedited and abbreviated hearing that (a) takes place in the context of an order measure imposed, (b) takes place prior to the disciplinary hearing, and which (c) is designed to give the person concerned an opportunity to be heard in writing or orally.¹⁷
- 1.60. Match means a single race, match or game, or an individual number or section.¹⁸
- 1.61. Whereabouts failure: a filing ^{failure}¹⁹ or missed test identified in accordance with the International Standard for Results Management (ISRM).

¹⁵ The English-language doping list uses the following term for the term 'specific substances': specified substances.

¹⁶ Any sport that is not a team sport is an individual sport for the purposes of the NDR.

¹⁷ 'Expedited' means that the preliminary hearing takes place prior to the oral hearing as part of the disciplinary proceedings. 'Abbreviated' means that the preliminary hearing does not involve a full hearing and assessment of the facts of the case.

¹⁸ Examples of competitions include: a football or basketball match, or the final of the Olympic 100-metre run in athletics. For stage races and other sports competitions where prizes are awarded daily or on another interim basis, the regulations of the relevant international federations provide for the difference between a competition and an event.

¹⁹ For the term filing failure, the term erroneous submission is also used.



- 1.62. Whereabouts data means the data referred to in the ISTI and the Whereabouts Annex, which a member listed in the RTP is required to provide to the Doping Authority or another ADO.
- 1.63. World Anti-Doping Code: the current World Anti-Doping Code adopted by WADA, on which the NDR is based. The definitions contained in the World Anti-Doping Code shall be deemed to form an integral part of the NDR.

Where the NDR renders terms in the singular, the plural form of that term also applies and vice versa, unless expressly stated otherwise.

Where the NDR names a gender identity, it also refers to the other gender identities, unless explicitly stated otherwise.

Where the NDR makes provisions in the present, the provision also applies to past events, unless expressly stated otherwise.

The documents adopted by WADA can be accessed at: www.wada-ama.org.

Article 2 Doping

- 2.1. In the NDR, doping means the offences listed in Articles 3 to 13.
- 2.2. Each member and accompanying staff shall be deemed to know the contents of the NDR and its annexes, to know when a doping offence exists, as well as to be familiar with the (categories of) prohibited substances and prohibited methods described by the doping list. Every member and accompanying staff is obliged to keep themselves informed of the valid doping list, as published on the websites of WADA and the Doping Authority.
- 2.3. Each member and accompanying personnel shall acquaint themselves with the contents of the NDR and the appendices to the NDR. When participating in an international event or a competition or event abroad, a member and each accompanying staff must familiarise themselves with the rules and procedures applicable to the relevant competition or event regarding doping (controls) prior to such participation.
- 2.4. The NDR also applies to all board members, directors, officers, officials, volunteers and employees of the Union and/or the Doping Authority involved in any part of the doping control process.
- 2.5. For Article 3 and Article 4, strict liability applies. That is, to establish a breach of Article 3 or Article

4 it is not necessary for intent, fault, negligence, carelessness or intentional use to be proven on the part of the person concerned.

Article 3 Presence

- 3.1. The presence of a prohibited substance and/or a prohibited method, its degradation products and/or markers in a member's sample constitutes a doping offence.
- 3.2. With the exception of those substances subject to a decision value based on the Doping List or a Technical Document, any reported presence of a banned substance, its degradation products and/or a marker in a member's sample constitutes a doping offence.
- 3.3. The Doping List, International Standards or Technical Documents may contain special criteria for reporting or assessing (the presence of and/or the amount detected of) certain banned substances.
- 3.4. There is sufficient evidence of a violation of Article 3:
 - a. in case of presence of a prohibited substance or its degradation products or markers in the A sample of a person concerned, where the person concerned has waived having the B sample analysed and the B sample is not analysed;
 - b. when the B sample of a subject is analysed and this analysis confirms the presence of the prohibited substance or its degradation products or markers found in his A sample; or
 - c. when the A sample or B sample is split into two parts, and the analysis of the second part of the split sample confirms the presence of the prohibited substance or its degradation products or markers found in the first part of the split sample, or when the person waives analysis of the second part of the split sample.
- 3.5. The Doping Authority has the right to have the B sample analysed even if the person waives having the B sample analysed.
- 3.6. It is the personal duty of each member to ensure that no prohibited substances, prohibited methods, their degradation products and/or markers enter his or her body. Members are responsible for all prohibited substances, prohibited methods, their degradation products and/or markers found in their samples. Consequently, no intent, fault, negligence or intentional use on the part of a member need be demonstrated to establish a violation regarding Article 3.
- 3.7. Any presence of a prohibited substance, a prohibited method, a degradation product thereof and/or a marker in a member's sample constitutes an offence regarding Article 3, regardless of when the relevant prohibited substances and/or prohibited methods were ingested, used or administered.

Article 4 Use

- 4.1. Use or attempted use of a prohibited substance or method constitutes a doping offence. The success or failure of (the attempted) use of a prohibited substance or method is irrelevant in assessing whether a doping offence has occurred.



- 4.2. Use means using, applying, ingesting, injecting, applying or taking in any way a prohibited substance and/or a prohibited method.
- 4.3. Sufficient evidence of a violation of Article 4 exists in any case:
 - a. in case of the presence of a prohibited substance or its degradation products or markers in the A sample of an individual where the individual has waived having the B sample analysed and the B sample is not analysed;
 - b. when the B sample of an individual is analysed and this analysis confirms the presence of the prohibited substance or degradation products or markers thereof found in the A sample of the individual;
 - c. if there is (i) reliable analytical data from the A sample or the B sample and (ii) an adequate explanation can be given for the lack of confirmation in the other sample.
- 4.4. Without prejudice to the provisions of Article 4(3), the use or attempted use of a prohibited substance or method may in any case be proved by reliable evidence, such as confessions, witness statements, documentary evidence, conclusions of longitudinal profiles, including data collected in the context of the biological passport, or other analytical information, even if such analytical information does not meet all the requirements to prove a violation of Article 3 as independent evidence.
- 4.5. It is the personal duty of each member to ensure that no prohibited substances, prohibited methods, degradation products thereof and/or markers enter his or her body, and no prohibited method is used. As a result, no intent, fault, negligence or intentional use by a person involved needs to be proven to establish a doping offence. However, in order to establish an attempt to use a prohibited substance or method, intent on the part of the person concerned must be proven.

Article 5 Lack of cooperation

- 5.1. Evading the testing process constitutes a doping offence.
- 5.2. Refusal or failure to ^{submit} ^{to} the testing process after being designated to do so (orally or in writing) without compelling reason constitutes a doping offence.

Article 6 Whereabouts errors

- 6.1. Any combination of three whereabouts failures (missed tests and/or filing failures), as defined in the ISRM, by a member included in an RTP, within a 12-month period, constitutes a doping offence.
- 6.2. Members included in an RTP are subject to the obligations set out in the ISTI, the ISRM and the Whereabouts Annex.

²⁰ This includes failure to cooperate (fully) in the testing process and failure to submit fully to the testing process.



Article 7

Manipulation

- 7.1. Manipulation, or attempted manipulation, constitutes a doping offence.
- 7.2. Manipulation involves intentional behaviour that undermines the doping control process but does not fall under the description of prohibited methods on the doping list.
- 7.3. Manipulation means at least, but not exclusively:
 - a. behaviour that undermines the doping control process;
 - b. offering or accepting bribes to perform or refrain from performing an act;
 - c. preventing the collection of a sample;
 - d. influencing or making impossible the analysis of a sample;
 - e. falsifying documents submitted to an ADO, dispensation committee or disciplinary tribunal;
 - f. Obtaining false testimony from a witness;
 - g. committing (other) fraudulent acts towards an ADO or a disciplinary board to influence outcome management or the imposition of consequences; and/or
 - h. any other similar intentional obstruction or attempted obstruction of any aspect of the doping control process.²¹
- 7.4. (Attempted) manipulation constitutes a doping offence, regardless of the circumstance that the doping control in which the (attempted) manipulation took place was carried out correctly.

Article 8

Possession

- 8.1. Possession by a member:
 - a. of an out-of-competition prohibited substance or prohibited method; and
 - b. within competition of any substance or method prohibited within competition,constitutes a doping offence unless the individual (i) demonstrates that the possession is in accordance with a dispensation granted in accordance with the World Anti-Doping Code or the individual (ii) can provide other acceptable justification.
- 8.2. Possession within competition of a prohibited substance or method by coaching staff constitutes a doping offence unless the coaching staff:
 - a. demonstrates possession in accordance with a compliant World Anti-Doping Code dispensation granted to a member or athlete; or
 - b. can provide any other acceptable justification.
- 8.3. Possession outside competition of a prohibited substance or method prohibited outside competition by accompanying personnel related to a (i) athlete, (ii) competition or (iii) training, constitutes a doping offence unless the accompanying personnel:
 - a. demonstrates possession in accordance with a dispensation granted to a member or athlete in accordance with the World Anti-Doping Code; or

²¹ Examples of acts covered by this provision include: influencing dietary supplements or other products (e.g. with the aim of explaining how a banned substance, or its breakdown products or markers, entered a person's body), falsifying a dispensation (request) in any way and/or improperly influencing and/or withholding information that is or may be relevant to a dispensation (request) or similar acts.



b. can provide any other acceptable justification.

8.4. Possession occurs when:

- a. a member (i) has actual, physical possession of a prohibited substance and/or a prohibited method, (ii) intends to obtain actual, physical possession of a prohibited substance and/or a prohibited method, and/or (iii) the member intends to obtain control of the prohibited substance and/or the prohibited method;
- b. only a member has control over the prohibited substance and/or prohibited method or the premises or place where the prohibited substance and/or prohibited method is located, but not actual, physical possession as referred to in Article 8(4)(a);
- c. not exclusively a member has control over the prohibited substance and/or prohibited method or the premises or place where the prohibited substance and/or prohibited method is located, but the member was aware of the presence of the prohibited substance and/or prohibited method and intended to exercise control over it; and/or
- d. a member has procured, acquired or purchased one or more prohibited substances and/or prohibited methods, via the internet and/or otherwise.

8.5. For the purposes of the NDR, the purchase of a banned substance is considered equivalent to possession even if the banned substance does not (or did not) reach the buyer, for example because the product does not arrive, is received by someone else or is sent to the address of a third party.

8.6. Mere possession does not constitute a doping offence if, prior to the member's receipt of any notification of a doping case regarding possession, he or she has taken concrete action demonstrating that (i) it was never his or her intention to possess the prohibited substance and/or prohibited method in question; and (ii) he or she has relinquished his or her possession by specifically reporting it to the Doping Authority or another ADO.

Article 9 Trade

9.1. Trafficking or attempted trafficking in any prohibited substance and/or prohibited method constitutes a doping offence.

9.2. Trafficking means selling, giving, transporting, sending, delivering, distributing physically, electronically and/or by any other means to or to a third party by members, accompanying personnel (within the meaning of section 1(7)) and/or by other persons (within the meaning of section 1(43)) under the jurisdiction of the Union or an ADO, one or more prohibited substances or prohibited methods, or possessing for any of these purposes, one or more prohibited substances or prohibited methods.

9.3. There is no offence for trafficking if it involves acts by medical personnel acting in good faith in relation to a prohibited substance or method used (i) for genuine and lawful therapeutic purposes or (ii) for some other acceptable reason.

9.4. There shall be no offence for trafficking if it involves acts relating to a prohibited substance that is not banned outside the context of competition, unless the totality of the circumstances shows that the prohibited substance (a) is not intended for genuine and lawful therapeutic purposes, or (b) aims to improve sports performance.



Article 10 Administration

- 10.1. Administration or attempted administration to a member, at any time or place, of a non-competitive substance or prohibited method constitutes a doping offence.
- 10.2. Administration or attempted administration within competition to a member of a substance and/or method prohibited within competition constitutes a doping offence.
- 10.3. For the purposes of the NDR, administration means at least, but not exclusively:
 - a. providing for the purpose of the use or attempted use of a prohibited substance and/or prohibited method by another person;
 - b. providing for the use or attempted use of a prohibited substance or method by another person;
 - c. supervising and/or overseeing the use or attempted use of a prohibited substance or method by another person;
 - d. facilitating the use or attempted use of a prohibited substance or method by another person; and
 - e. otherwise participating in the use or attempted use of a prohibited substance or prohibited method by another person.
- 10.4. There is no violation for administration if it involves acts by medical personnel acting in good faith in relation to a prohibited substance or method used (i) for genuine and lawful therapeutic purposes or (ii) for some other acceptable reason.
- 10.5. There is no offence for administration if it involves acts involving a prohibited substance that is not banned outside the context of competition, unless the totality of the circumstances shows that this prohibited substance is not intended for genuine and lawful therapeutic purposes, or is intended to improve sports performance.

Article 11 Complicity

- 11.1. (An attempt to) assist or abet, assist or abet, assist or abet, assist or abet, assist or abet, encourage, promote, encourage, abet, assist or abet, instigate, instigate, conspire, collaborate, conceal, obfuscate and/or any (other) form of intentional aiding or abetting:
 - a. (committing) a doping offence;
 - b. an attempt to (commit) a doping offence; and/or
 - c. a person's failure to comply with the provisions of Article 52(1) constitutes a doping offence.
- 11.2. (Attempted) complicity can include both physical and psychological support.
- 11.3. Support provided by accompanying staff or a member to a person involved in violating the provisions of Article 52(1) shall constitute a violation of Article 11.



Article 12 Prohibited cooperation

- 12.1. Cooperation by a member, either professionally or in a sports-related capacity, with accompanying personnel who have a period of exclusion imposed for committing a doping offence, which period of exclusion has not yet expired, constitutes a doping offence. The period during which this offence may occur shall be equal to the period of exclusion imposed on the accompanying personnel concerned.
- 12.2. Collaboration by a member, either professionally or in a sports-related capacity, with accompanying personnel who (i) are not under the jurisdiction of an ADO, and (ii) have been convicted in criminal or disciplinary proceedings for, or found guilty of, acts that would have constituted a doping offence had the person in question been under the jurisdiction of an ADO, constitutes a doping offence.
- 12.3. For the purposes of Article 12 paragraph 2, the conviction or finding of guilt referred to in that provision shall result in the exclusion of the accompanying personnel concerned, which exclusion shall mean that the members referred to in the previous paragraph shall not be allowed to cooperate with such accompanying personnel. Such exclusion, during which the offence referred to in the previous paragraph may occur, shall be the longest of the following periods:
 - a. six years from the judgment in the criminal or disciplinary proceedings; or
 - b. the duration of the sanction imposed in the criminal or disciplinary proceedings.
- 12.4. Collaboration by a member either professionally or in a sports-related capacity with accompanying personnel acting as a stooge, intermediary or mediator for accompanying personnel as referred to in Article 12(1) or Article 12(2) constitutes a doping offence.
- 12.5. In order to prove a violation of Article 12, the Union or the Doping Authority must prove that the member knew that the accompanying personnel had been issued an exclusion as referred to in Article 12 paragraph 1 or Article 12 paragraph 2.
- 12.6. It is up to the member to prove that any cooperation with coaching staff falling under the provisions of Article 12(1) and/or Article 12(2) is not professional or sports-related and/or that such cooperation could not reasonably be avoided.
- 12.7. If the Union or an ADO has information on coaching staff that meets any of the criteria set out in Article 12 Paragraph 1, Article 12 Paragraph 2 and/or Article 12 Paragraph 4, the Union or such ADO should immediately pass on such information to the Doping Authority.
- 12.8. If the Doping Authority has information on accompanying personnel that meets any of the criteria set out in Article 12(1), Article 12(2) and/or Article 12(4), the Doping Authority should pass this information on to WADA.
- 12.9. Forms of cooperation prohibited under this article include, among others:
 - a. seeking training, strategic, technical, nutritional or medical advice;
 - b. obtaining (i) therapy, (ii) treatment or (iii) prescriptions;
 - c. offering samples for analysis; and/or



d. allow that as fiduciary, agent or representative is acting.

12.10. The determination of prohibited cooperation does not require any form of remuneration.

Article 13 Discouragement or retaliation

- 13.1. To the extent that a violation of Article 7 has not already occurred, any act by which a person is threatened or intimidated for the purpose of deterring that person from reporting in good faith information relating to an alleged doping violation or alleged non-compliance with the World Anti-Doping Code to WADA, an ADO, the police, a regulatory or disciplinary body, a disciplinary tribunal or a person conducting investigations on behalf of WADA or an ADO constitutes a violation of Article 13.
- 13.2. Discouragement or retaliation include:
- a. any actions by a member to discourage such reports and/or retaliate against a reporter who is acting in good faith; and
 - b. reprisals against a person who has provided in good faith evidence or information relating to an alleged doping violation or alleged non-compliance with the World Anti-Doping Code to WADA, an ADO, the police, a regulatory or disciplinary body, a disciplinary tribunal, or a person conducting investigations for WADA or an ADO.
- 13.3. For the purposes of this article, retaliation, threats and intimidation include all actions against a person that are not in good faith or may be considered a disproportionate response.

Title III Prohibited substances and prohibited methods

Article 14 Doping list

- 14.1. The valid doping list is always the most recent doping list adopted and in force by WADA. Neither the doping list nor any category, classification, substance or method appearing on it may be challenged in a doping case. Nor are they subject to appeal.
- 14.2. As such, a new doping list comes into force on the date determined by WADA for that purpose.
- 14.3. Where the doping list speaks of ADOs, for the purposes of the NDR it refers to the Doping Authority, unless other ADOs are (also) competent.
- 14.4. If (the application of) the NDR refers to a banned substance, it also includes, where applicable, precursors, degradation products and markers related to that banned substance.
- 14.5. For the purposes of Title IX and Title X, all prohibited substances are specific substances, unless otherwise specified on the doping list. A prohibited method is not a

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specific method, unless a prohibited method is expressly designated as a specific method on the doping list.²²

- 14.6. WADA's decision on (i) the prohibited substances and prohibited methods to be included in the Doping List, (ii) the categorisation of substances in the Doping List, (iii) the classification of a substance as always or only prohibited within competitive contexts, (iv) the classification of a substance or method as a specific substance, specific method or as a drug, is final and binding. Accordingly, no objection may be made to this by any member, athlete or other person, including (but not limited to) any objection based on the argument that the substance or method is not a masking agent and/or does not meet one or more of the criteria set out in the World Anti-Doping Code for inclusion of a substance or method in the doping list.

Article 15 Dispensations

- 15.1. The presence of a prohibited substance or degradation products or markers thereof and/or the use or attempted use, possession or administration or attempted administration of a prohibited substance or method shall not be considered a doping offence if (a) the person concerned, in relation to any prohibited substance(s) or degradation products or markers thereof found, has been granted a valid dispensation, issued in accordance with the ISTUE, and (b) the person concerned has acted in accordance with the terms of the dispensation granted. If a doping offence has already been reported and the doping case is pending before the Disciplinary Committee, after the dispensation has been granted, the reporting party shall withdraw this report and the Disciplinary Committee shall stop the (further) (disciplinary) handling of the doping case.
- 15.2. The Dispensation Annex contains further rules, conditions and restrictions on obtaining and the validity of a dispensation.
- 15.3. Members are bound by decisions of the Medicines Dispensation Sportsman (GDS) Committee as described in the Dispensation Annex.
- 15.4. The GDS Committee performs its duties on the basis of the ISTUE and the Dispensation Annex. The Doping Authority shall establish this committee. Composition, working methods, decision-making and other necessary aspects regarding the GDS Committee are determined by the Doping Authority, insofar as these aspects are not stipulated in the ISTUE or the Dispensation Annex.
- 15.5. Article 4.4 of the World Anti-Doping Code applies in full to the NDR and the Dispensation Annex.

²² Specific methods are the designated (categories of) methods on the doping list. The English term is: 'specified



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Title IV *Anti-doping activities*

Article 16 Anti-doping activities

- 16.1. The World Anti-Doping Code defines anti-doping activities as: Anti-doping ^{education}²³, scheduling the distribution of doping tests, managing an RTP, managing biological passports, the work involved in conducting doping tests, organising the analysis of samples, collecting information and conducting investigations, processing dispensation requests, results management, hearings, monitoring and enforcing compliance with any consequences imposed and any other anti-doping activities to be carried out by or on behalf of an ADO as defined in the World Anti-Doping Code and/or International Standards.
- 16.2. The Union is obliged to cooperate in the implementation of the NDR, the World Anti-Doping Code, as well as the International Standards.
- 16.4. Enforcement of the prohibitions set out in the NDR is carried out by conducting doping tests, as well as detection and investigation.
- 16.5. Doping controls aim to obtain analytical evidence and information in the context of monitoring compliance with (especially but not only) Article 3 (presence) and Article 4 (use) offences. Doping controls also aim to prevent and deter doping.
- 16.6. ADOs are authorised to investigate doping cases. They can use analytical and non-analytical information and data to do so.
- 16.7. The World Anti-Doping Code states that each ADO is responsible for carrying out all aspects of the doping control process. The World Anti-Doping Code allows the Doping Authority to delegate any part of the doping control process, as well as education programmes, to 'delegated third parties'. 'Delegated third party' means any (legal) person to whom an ADO delegates any part of the doping control process or education programmes on doping, including, but not limited to, (i) third parties or other ADOs who collect samples or perform other services related to the doping control process or organise education programmes on doping or (ii) (legal) persons who act as independent contractors performing services related to the doping control process for the ^{ADO}²⁴. The CAS is not considered a 'delegated third party'.
- 16.8. Order measures in doping cases and the disciplinary treatment (including the provision of evidence and the imposition of sanctions) of doping cases are part of the doping control process. The Doping Authority may delegate (a) to the Union as a 'delegated third party' the task and power to impose the order measure (including related obligations and actions as described in Article 26) and (b) the disciplinary handling of doping cases as described in the NDR. The Union is obliged to delegate any delegated task and power, including disciplinary law and the imposition of

²³ Education means the process of learning about the transmission of values and encouraging behaviour to promote and protect the spirit of sport (the 'spirit of sport' as referred to in the Code), and to prevent intentional and unintentional doping offences.

²⁴ For example, non-employed (assistant) doping control officials.



order measures, to be implemented in accordance with the World Anti-Doping Code and International Standards.

Article 17 Detection and investigation

- 17.1. The Doping Authority collects, assesses and processes information from all relevant and available sources, for the purpose of conducting doping checks and/or investigating possible doping offences. The ISTI sets further rules on conducting investigations. The Doping Authority is authorised to collect and investigate information, including personal data, on possible violations of a doping regulation.
- 17.2. In the context of investigating one or more doping cases, the Doping Authority may exchange information with (international) sports organisations, foreign ADOs, WADA and with (international) investigative and judicial bodies.
- 17.3. Every member is obliged to cooperate with an investigation by the Doping Authority into doping rumours and alleged doping cases.
- 17.4. Members may report doping cases and any intelligence or information regarding a possible doping offence to the Doping Authority or the Union. The Union is obliged to report such reports to the Doping Authority within 14 days from the day the report is received by the Union.
- 17.5. If the Union and/or a Union official's own investigation shows that there may be a doping case, the Union or the Union official, respectively, should report this to the Doping Authority as soon as possible.
- 17.6. Unless otherwise provided in the World Anti-Doping Code and/or the ISL, the Doping Authority is entitled at any time:
 - a. have a re-analysis and/or additional analysis of the subject's sample carried out;
 - b. to have urine produced or blood donated by the individual analysed and/or examined, regardless of the amount of urine or blood produced;
 - c. to have any (other) follow-up examination carried out and/or any other analysis or (follow-up) step permitted or not expressly prohibited by the World Anti-Doping Code and the International Standards;
 - d. cause any investigation to be conducted into any conduct of the individual that is relevant in relation to the doping control conducted on him or her; and
 - e. to have all potentially relevant information, documentation, materials, and other body samples (other than urine or blood produced by the person concerned) examined in the context of assessing whether there has been a violation of an applicable doping regulation by the person concerned and/or others.
- 17.7. All actions and/or investigations referred to in this article take place in the context of enforcement of the applicable doping regulations. Such enforcement is explicitly not limited to assessing whether a single doping offence has been committed, but also extends to assessing whether the person concerned and/or others has/have committed another doping offence.

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Article 18 Doping control

- 18.1. Every member is obliged at any time and at any place, in the Netherlands and abroad, to cooperate with a doping control to be carried out by an authorised ADO. Doping checks may be carried out within the context of any competition and event, and outside of competition. Article 5 of the World Anti-Doping Code applies in full.
- 18.2. The conduct of the doping control shall be in substantial compliance with the provisions of the ISTI in force at the time of the doping control.
- 18.3. The following organisations are entitled, subject to the provisions of Article 5.2 and Article 5.3 of the World Anti-Doping Code, to carry out (or have carried out) doping checks on members both in and out of competition:
 - a. The Doping Authority;
 - b. the international federation;
 - c. WADA; and
 - d. Major Event Organisations.
- 18.4. During national events, doping controls are initiated, organised and coordinated by the Doping Authority.

Article 19 (Re)analysis

- 19.1. Article 6 of the World Anti-Doping Code lays down detailed rules on the analysis of samples. These rules apply mutatis mutandis.
- 19.2. Laboratories should analyse the samples and report the results in substantial compliance with the ISL.
- 19.3. Re- and further analysis take place in substantial compliance with the provisions of the World Anti-Doping Code and the ISL and, where applicable, the ISTI.
- 19.4. If the Doping Authority is the sponsor for the doping control, the Doping Authority may have any sample re-analysed and/or further analysed at any time, i.e. before and after notification to the person concerned regarding the result of the analysis of the A or B sample.
- 19.5. If the Doping Authority is the sponsor for the doping control, after the notification is sent to the person concerned regarding the result of the analysis of the A or B sample, not only the Doping Authority but also WADA may have any sample re-analysed and/or further analysed at any time.
- 19.6. A refusal by the Doping Authority to re-analyse or further analyse a sample and/or make it available for re-analysis shall not affect (i) the incriminating analysis result, (ii) the finding of a doping offence, nor (iii) any other aspect concerning the (disciplinary) handling of a doping case.

Article 20 Testing pools

- 20.1. The Doping Authority will establish and manage one or more testing pools, including at least the RTP.

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- 20.2. The Doping Authority determines:
- a. which members belong to these testing pools;
 - b. at which time members are added to or removed from these testing pools.

In this regard, the Doping Authority communicates in writing to the members concerned.

- 20.3. The obligations applicable to members who are part of the Doping Authority's testing pools are described in the NDR, the annexes to the NDR and/or the International Standards.
- 20.4. The Union must support the Doping Authority in obtaining names, address and contact details of members for the purpose of managing the testing pools, if the Doping Authority requests the Union to do so.
- 20.5. Members listed in the RTP of the Doping Authority or another ADO are subject to the full whereabouts obligations as named in the World Anti-Doping Code, the ISTI and the ISRM. Such members may commit a violation of Article 6 (and other doping offences, if any) if they fail to comply with these whereabouts obligations.
- 20.6. The Doping Authority may, in accordance with the ISTI:
- a. impose whereabouts obligations on members not listed in an RTP and establish testing pools for that purpose; and
 - b. impose whereabouts obligations on teams.

The Whereabouts Annex may contain further rules and obligations in this regard.

Article 20a Resuming match practice

20a.1 If a member listed in the Doping Authority's RTP stops competing, he or she must notify the Doping Authority and the International Federation (if the member is listed in the RTP of the International Federation) in writing.

20a.2 A member who ceases competitive practice while he or she is listed in the Doping Authority's RTP, and who subsequently wishes to resume competitive practice, may participate in an international or national event only after he or she has made himself or herself available for the performance of doping tests. To this end, such member must inform both the relevant international federation and the Doping Authority in writing of his or her wish to participate no later than six months before the start of the national or international event concerned. The six-month period commences from the date that both the relevant international federation and the Doping Authority have received the said written notification.

20a.3. WADA may, in consultation with the relevant international federation and the Doping Authority, relieve a member from all or part of the obligations described in the previous paragraph if the strict application of the rule described in the previous paragraph would be unreasonable for the member. A decision by WADA in this context is subject to appeal in accordance with the provisions of Title XII.

20a.4. A member who ceases to practise sport during a period of exclusion imposed on him or her for a doping offence must notify the ADO who imposed the period of exclusion in writing that he or she is ceasing to practise competition. If such member subsequently wishes to resume competitive sporting practice, he or she may only



participate in an international or national event after making himself or herself available to carry out doping tests for the longer of the following two periods:

- a. six months; or
- b. the period of exclusion remaining at the time the person concerned indicated in writing that he or she had stopped competing.

The length of time that a person has stopped practising sport does not affect the period during which that person must make themselves available to perform doping tests before being able to participate in national or international events again.

20a.5. If, pending result management, a member ceases match practice, the ADO conducting result management retains the authority to complete this process. If a member ceases match practice before the result management has started, the ADO who would have been authorised to start the result management for this member at the time the member committed a doping offence is authorised to carry out the result management.

20a.6. If the person concerned falls within the definition of member and/or accompanying staff at the time a doping case arises, the NDR shall continue to apply in full to him or her for the duration of the (disciplinary) settlement of this doping case, including any appeals, even if one or more changes in his or her status occur, for example by terminating his or her membership with the Union and/or terminating an (employment) contract.

Title V Results management

Article 21 General

- 21.1. Outcome management refers to the process encompassing the steps and timeframe from the notification referred to in Article 5 of the ISRM, including the pre-notification steps, to the reporting and disciplinary treatment of a (possible) doping offence, including the appeal (if an appeal was lodged). In doping cases, different aspects of outcome management are explicitly allowed to be carried out by different ADOs.
- 21.2. Article 7.1 of the World Anti-Doping Code sets out detailed rules on who is responsible for carrying out results management. These rules apply mutatis mutandis.
- 21.3. Outcome management falls under the doping control process and is carried out by the Doping Authority, unless the NDR determines otherwise or all or part of the outcome management is carried out by another ADO, in accordance with the Code and the ISRM.
- 21.4. At international events, the Doping Authority may agree to take on all or part of the responsibility for results management if requested to do so by an international federation, through the Union or otherwise.
- 21.5. Articles 7.4, 7.5 and 7.6 of the World Anti-Doping Code apply in full.



Article 22

Assessment of doping cases

- 22.1. As part of result management, the Doping Authority assesses all incriminating analysis results, atypical findings, other control results and other (investigations of and into) possible doping cases. In doing so, the Doping Authority applies the relevant provisions of the World Anti-Doping Code and the International Standards.
- 22.2. As part of the assessment referred to in the previous paragraph, the Doping Authority may consult with the person concerned, the Union, other NADOs, the International Federation and WADA, and exchange (sensitive personal) data with these organisations in that context.
- 22.3. The Doping Authority determines, based on the relevant provisions of the World Anti-Doping Code and the ISRM, whether there is a doping case.
- 22.4. If, after the assessment referred to in this article, the Doping Authority considers that there is a doping case, an incriminating analysis result (if any) is provisionally regarded as a positive result.
- 22.5. Assessment and notification regarding a doping offence shall be carried out in accordance with the ISRM.

Article 23

Analysis B sample

- 23.1. In the event of an incriminating analysis result in the A sample, the person concerned is entitled to analysis of the B sample, provided he or she has timely and correctly indicated that he or she wishes to exercise this right in accordance with the provisions of the ISRM in this regard.
- 23.2. The Doping Authority may attach conditions to the right to have the B sample analysed referred to in the previous paragraph, including reimbursement by the person concerned of the costs of the analysis of the B sample prior to the performance of this analysis. If the person concerned does not comply with the stipulated conditions in time and in full, the person concerned is deemed to waive his or her right to have the B sample analysed, with which the analysis result of the A sample becomes final and is regarded as a positive result.
- 23.3. The date, time and location when the analysis of the B sample will take place in accordance with what is stated in this regard in the ISRM and the ISL.
- 23.4. Presence, at one's own expense, during the analysis of the B sample in the laboratory shall take place in accordance with the relevant provisions of the ISL. The inability to be present during the analysis of the B sample does not invalidate the result of the analysis of the B sample. The ISL may lay down (further) rules on the presence of persons during the analysis of the B sample, as well as on the rights of the person concerned in this respect. If the ISL deviates from the provisions of the NDR on this point, the rules in the ISL shall prevail.



Article 24 Communication of control results and doping violations

- 24.1. The communication of control results and doping violations shall take place in accordance with the relevant provisions of the ISRM.
- 24.2. The fact that the person concerned was informed of a negative result does not mean that with regard to the doping control carried out:
 - a. definitively no violation of Article 3 (presence). Re-analysis or (other) follow-up investigation may at some later time lead to the determination that a positive result is still present; and
 - b. no disciplinary action can be taken against the person concerned on the basis of a violation of Article 3 (presence), or any other doping offence.
- 24.3. Exceeding the time limits referred to in this article shall not result in the inadmissibility of the doping case. On the contrary, it may result in the earlier commencement of a period of exclusion (in accordance with the relevant provisions of Article 51).
- 24.4. Notification regarding possible doping offences to those involved may be made by written and digital (electronic) means, as well as through the Anti-Doping Administration & Management System (ADAMS)²⁵.

Article 25 Follow-up

- 25.1. In a sample, the Doping Authority may order all research necessary to determine whether any doping offence has occurred. This may include an atypical finding or research mentioned according to an International Standard or other document established by WADA. If a laboratory reports an atypical finding, the Doping Authority will assess whether there is (i) an applicable relevant dispensation, (ii) a deviation within the meaning of Article 34 and/or (iii) the ingestion of the prohibited substance apparently took place by an authorised route of administration.
- 25.2. The Doping Authority may have the B sample analysed before the follow-up investigation is completed. In this case, the Doping Authority must notify the person concerned prior to the analysis of the B sample in the manner described in the NDR.
- 25.3. If one or more non-specific substances and/or prohibited methods (in prohibited amounts) are found in the A sample in combination with an atypical finding, the disciplinary proceedings may be based on the non-specific substance and/or prohibited method found, even if the atypical finding has not yet been investigated. In such a case, the Doping Authority determines whether the follow-up investigation referred to in the NDR and/or the doping list takes place (immediately) or not.

Article 26 Order measure

- 26.1. Measures of order in doping cases are covered by the doping control process and results management, and are governed exclusively by these regulations. The Doping Authority delegates the task and power to impose the

²⁵ ADAMS is a database management system available via the Internet for data entry, storage, exchange and reporting.



order (including related obligations and actions as described in this article) to the Union in accordance with the NDR, the World Anti-Doping Code and the ISRM.

26.2. An order measure has the same consequences as exclusion (see Article 52(1)).

26.3. If there is an incriminating analysis result or an incriminating passport result, the Union or ADO shall promptly impose an order measure on the person concerned, after:

- a. completion of the assessment by the Doping Authority referred to in Article 22 and notification to the person concerned of this result; or
- b. completion of the Doping Authority's implementation of the assessment process on an incriminating passport result and notification to the person concerned of this result,

unless this result concerns a specific substance or specific method.

26.4. The mandatory order measure referred to in the previous paragraph may be lifted by the Union, the ADO or the competent disciplinary tribunal if:

- a. the person concerned (i) demonstrates in the preliminary hearing referred to in Article 26(8) or (ii) before the competent disciplinary tribunal that the offence is likely to relate to a contaminated product;
- b. the offence involves drugs and the person concerned demonstrates (i) at the preliminary hearing or (ii) before the competent disciplinary tribunal that he or she is entitled to a reduced period of exclusion in accordance with the relevant provisions of Article 38b;
- c. the analysis of the B sample confirms the analysis of the A sample for none of the prohibited substances or degradation products or markers thereof found in the A sample; or
- d. a retroactive dispensation is granted as a result of which Article 15(1) applies.

No appeal shall lie against decisions of the competent disciplinary tribunal referred to in Article 26(4)(a) not to lift the mandatory order measure.

26.5. The Union is entitled to impose an order measure on the person concerned in doping cases not covered by Article 26(3).

26.6. The ISRM lays down further rules on the commencement and termination of an imposed order measure. These apply mutatis mutandis.

26.7. The Union may delegate the power to impose order measures referred to in the preceding paragraph, to (for example) a separate representative board member or member of the management board of the Union.

26.8. The Union or the ADO that imposed the order measure shall offer the person concerned the opportunity of a preliminary hearing within twenty-one days of the imposition of an order measure. The preliminary hearing shall be convened by the Union body that imposed the preliminary order measure.

26.9. Persons involved who do not participate in competitions may voluntarily accept the application of an order measure on their own initiative if they do so within 10 days of the notification of the doping offence.²⁶ Other persons involved may voluntarily accept an order measure on their own initiative if they do so prior to:

²⁶ The voluntary acceptance by a person concerned of the application of an order measure means that such person directly, fully and unreservedly accepts the operation, scope and application of Article 52(1).



- a. the expiry of 10 days from (i) the notification of the analysis result of the B sample, (ii) the renunciation of analysis of the B sample or (iii) the notification of another doping offence; or (whichever occurs later);
 - b. the date on which the person concerned first participates in a competition following such notification.
- 26.10. In the case of a voluntary acceptance as referred to in the previous paragraph, the order measure has the full effect referred to in Article 26(2), with the proviso that at any time after the voluntary acceptance of an order measure, a person concerned may withdraw that acceptance, in which case the duration of an order measure completed up to that point may not be deducted from a period of exclusion.
- 26.11. The person concerned must immediately report the voluntary acceptance of an order measure in writing to the Doping Authority. Only if the person concerned has fulfilled this condition may the duration of the voluntarily accepted order measure be deducted from a period of exclusion.
- 26.12. The Doping Authority will inform the relevant international federation as well as WADA of a voluntarily accepted order measure.
- 26.13. In cases where the doping case relates to Article 3 (presence), the order measure shall be terminated if the analysis of the B sample confirms the analysis of the A sample for none of the prohibited substances or breakdown products or markers thereof found in the A sample. If an order measure has been imposed due to multiple doping cases, the order measure remains in force even if the analysis of the B sample does not confirm any of the prohibited substances or degradation products or markers thereof found in the A sample.
- 26.14. In cases where the individual or the individual's team has been removed from a match, competition or event on the basis of the NDR and the analysis of the B sample does not confirm the analysis of the A sample, the individual or the team may, if possible without (further) affecting the conduct of the match, event or competition, continue their participation in the competition after notification in accordance with the ISRM.
- 26.15. The Doping Authority or the Union may, in those cases where it is necessary or relevant, e.g. because of the course of the competition, or a selection procedure for an international competition, decide to notify other involved parties (e.g. one or more relevant teams, associations or other legal entities) of an order measure imposed. This notice will not address the nature and circumstances of the doping case, and will not contain specific information in this regard.
- 26.16. The circumstance that an order measure has not been imposed in accordance with the provisions of this article and/or the ISRM shall not affect the determination of whether a doping offence has been committed.
- 26.17. In all cases where the Doping Authority or the Union has notified the individual in writing of a doping case that does not result in the imposition of an orderly sanction, the individual should be given the opportunity to voluntarily accept an orderly sanction, pending the resolution of the doping case.



- 26.18. Without prejudice to the provisions of Article 26(4) and Article 26(6), the order measure shall in all cases end with:
- a. the written final decision of the competent disciplinary tribunal;
 - b. the settlement becoming final and binding;
 - c. the substantive support agreement becoming final and binding; and
 - d. a dismissal decision under Article 27 or Article 27a.

Article 27 Acceptance of doping violation and consequences (settlement)

- 27.1. If there is a doping case, and the Doping Authority has informed the person concerned in writing, the Doping Authority may make a settlement offer to the person concerned, subject to reservations.
- 27.2. Accepting a settlement offer implies that the person:
- a. confesses and accepts the commission of the relevant doping offence(s);
 - b. accepts the settlement proposal, including at least the consequences, as well as the effective date of the period of exclusion; and
 - c. accepts all consequences of exclusion as named in the NDR and the World Anti-Doping Code.
- 27.3. If, after a settlement has been agreed, new facts and/or facts previously unknown to it become known to the Doping Authority that relate to the doping violation(s) referred to in paragraph 1 of this article, the Doping Authority may, after mutual consultation, reopen the suitable case. The reopening of an appropriate case is not subject to a time limit other than the limitation period mentioned in Article 55.
- 27.4. A decision by the Doping Authority to reopen an appropriate case as referred to in the previous paragraph is subject to appeal in accordance with the provisions of Title XII.
- 27.5. The reopening of a suitable case does not have a suspensive effect. If, at the time the suitable case is reopened, the agreed period of exclusion has not yet expired, it shall therefore remain in force. If, at the time the suitable case is reopened, the agreed period of exclusion has already expired, the Union or ADO may impose an order measure on the person concerned. The person concerned may appeal against the imposition of this order measure in accordance with the provisions of Title XII.
- 27.6. If the person concerned accepts the Doping Authority's settlement proposal, no further result management will be carried out and no (further) disciplinary proceedings will take place in relation to the doping offence in question. If a doping offence has already been reported and the doping case is pending before the Disciplinary Committee, after the settlement has been agreed, the reporting party withdraws the report and the Disciplinary Committee stops the (further) (disciplinary) handling of the doping case.
- 27.7. Failure to comply correctly, fully and/or timely with the consequences agreed and/or accepted in the settlement shall fall under the application of Article 52(5).



Article 27a Settlement with Doping Authority and WADA

27a.1 If, after being informed by the Doping Authority of a doping case, the person concerned confesses to the doping offence and the person concerned agrees to such consequences as are appropriate in the eyes of the Doping Authority and WADA, each at their own discretion, the person concerned may be offered a reduction in the period of exclusion by the Doping Authority on the basis of an assessment made jointly by the Doping Authority and WADA of:

- a. the application of Title IX-Title XI (and the corresponding provisions in the World Anti-Doping Code), excluding Articles 48-51, to the detected doping offence;
- b. the seriousness of the offence;
- c. the degree of fault on the part of the person concerned; and
- d. how promptly the person confessed to the offence.

This period of exclusion may begin at the earliest on the day on which the (last) doping offence was committed. In the case of a violation of Article 3, this refers to the day on which the sample was taken that led to the positive result.

27a.2. In applying this article, the person concerned must in any case serve at least half of the period of exclusion referred to in the previous paragraph from:

- a. the date on which the person accepted the imposition of a sanction and subsequently respected that sanction; or (whichever is earlier)
- b. the date on which the person accepted and subsequently complied with an order measure.

27a.3. Decisions by WADA and the Doping Authority as to (i) whether or not to offer a settlement offer and/or agree a settlement, (ii) the extent of the sanction reduction offered and/or agreed in the application of this Article, and (iii) the starting date of the period of exclusion in the case of an agreed settlement, cannot be determined or reviewed by a disciplinary tribunal and are not subject to appeal.

27a.4. If requested by the person concerned in the context of exploring a possible settlement proposal, the Doping Authority shall offer the person concerned the opportunity to discuss a confession of a doping violation with the Doping Authority subject to reservations, to be laid down in an agreement.

A conditional agreement, for the purposes of the NDR, means a written agreement between the Doping Authority and a data subject, which enables that data subject to provide information to the Doping Authority within a specified time frame, provided that if the Doping Authority and the data subject (a) do not agree on a substantial support agreement or (b) on a settlement the information provided within the framework of the conditional agreement may not be used by the Doping Authority against the person concerned, and that information provided by the Doping Authority within the framework of the conditional agreement may not be used by the person concerned against the Doping Authority. A reserved agreement does not prevent the Doping Authority or another ADO, or the data subject, from using information or evidence obtained from another source.

27a.5. If, after a settlement has been agreed, new facts and/or facts previously unknown to them become known to WADA and/or the Doping Authority that relate to the doping violation(s) referred to in paragraph 1 of this article, both WADA and the Doping Authority may, after mutual



consultation, reopen the case. There is no time limit for reopening a case, other than the limitation period specified in the World Anti-Doping Code.

27a.6. A decision by WADA or the Doping Authority to reopen a suitable case as referred to in the previous paragraph is subject to appeal in accordance with the provisions of Title XII.

27a.7. If the person concerned accepts the Doping Authority's and WADA's settlement proposal, no further implementation of the result management shall take place and no (further) disciplinary proceedings shall take place in relation to the relevant doping offence. If a doping offence has already been reported and the doping case is pending before the disciplinary committee, after the settlement has been agreed, the reporting party withdraws the report and the disciplinary committee stops the (further) (disciplinary) handling of the doping case.

27a.8. Articles 27.2, 27.5 and 27.7 shall apply mutatis mutandis.

63 **Title VI** **Disciplinary treatment**

Article 28 General

- 28.1. Disciplinary prosecution and treatment, including at least the determination of punishment and consequences, shall be in accordance with the provisions of the NDR and applicable disciplinary law, unless (i) the NDR provides otherwise or (ii) these aspects of outcome management are carried out by another ADO.
- 28.2. An international federation may transfer the disciplinary handling of a doping case, if it concerns a member, to the Doping Authority. The Doping Authority may in turn transfer it to the Federation.
- 28.3. Doping cases concerning those involved may, if not dealt with by the Union, be dealt with by any competent ADO. In such cases, to preserve the confidentiality of proceedings, the Doping Authority is entitled to defer reporting these cases to the Union, at the latest until the disciplinary proceedings are completed.
- 28.4. If a disciplinary tribunal definitively decides that it does not have jurisdiction to hear a doping case, or determines that the Union and/or the Doping Authority do not have jurisdiction in the case before it, such jurisdiction, respectively, shall automatically accrue to the International Federation.
- 28.5. The Doping Authority delegates the task and power to carry out disciplinary treatment, including the imposition of sanctions, as described in the NDR, to the Union in accordance with these Regulations, the World Anti-Doping Code and the ISRM. In doing so, the Union is obliged to adhere to the requirements of the World Anti-Doping Code and the ISRM regarding operational and institutional independence.



Article 29 Bringing doping cases (declaration)

- 29.1. The Doping Authority has exclusive authority to determine whether there is a doping case. If the Doping Authority is of the opinion that there is a doping case, the Doping Authority shall report this to the Union in writing with reasons, unless:
- a. the Doping Authority reports the doping case to another relevant ADO;
 - b. Article 27 is applied;
 - c. Article 46 is applied; or
 - d. the Doping Authority judges that in the context of one or more (other) ongoing investigations, the doping case cannot yet be reported.

A decision by the Doping Authority that there is a doping case cannot be appealed.

- 29.2. The Doping Authority is authorised to bring doping cases before the competent disciplinary tribunal. In principle, the Doping Authority will only use this power if the Union is at fault in filing a report. If the Doping Authority itself brings a doping case before the competent disciplinary tribunal, the Doping Authority may inform the Union about the doping case prior to this report. However, the Doping Authority is not obliged to do so.

- 29.3. After the Doping Authority has informed the Union of a doping case in accordance with the first paragraph of this article, the Union shall bring the doping case before the competent disciplinary tribunal. The Union is authorised to bring a doping case only if and to the extent that the Doping Authority has determined that there is a doping case and has informed the Union accordingly in writing in accordance with the provisions of paragraph 1 of this article. If a Union has instituted a doping case without the Doping Authority having ruled that there is a doping case, the charge is inadmissible immediately and without the intervention of a disciplinary tribunal.

29.4. For all doping cases, a report must be made within the time limit set out in Article 55 said limitation period. As far as violations of Article 3 (presence) are concerned, the Union must bring the doping case within six weeks after the Doping Authority notifies the Union in writing of the final positive result. If this period is exceeded, the Doping Authority may file a report. In such a case, a period of six weeks, counting from the day on which the Doping Authority became aware of the Union's failure to file a report, applies to the Doping Authority making a report. Unless the period referred to in Article 55 said limitation period has been exceeded, the failure to file a doping case in time explicitly does not lead to inadmissibility of the declaration. On the contrary, it may lead to the application of Article 51(2).

- 29.5. ADOs other than the Doping Authority can report doping cases to the Doping Authority. The Doping Authority may then choose to inform the Union. Both the Doping Authority and the Union can bring such doping cases. For this, only the limitation period mentioned in Article 55 applies.

- 29.6. The Union (or, where applicable, the Doping Authority) shall notify the person concerned by registered letter of the filing of the doping case as soon as possible but not later than twenty-one days from the day of the declaration. If only the Doping Authority makes the report, the Doping Authority shall simultaneously notify the person concerned and the Union in writing, unless this has already been done by means of the report.



- 29.7. In cases where Article 27 or Article 46 have been applied, a doping case shall not be reported unless the agreement concluded with the person concerned lapses. If an agreement entered into in the application of Article 27 or Article 46 lapses, the period specified in Article 29(4) shall not apply to bringing the doping case. In such a case, the limitation period specified in Article 55 shall apply, which in that case shall begin on the day on which the Doping Authority became aware in writing of the lapsing of the said agreement.
- 29.8. In case of serious violations of Article 9 (trade) and/or Article 10 (administration), the Doping Authority will also report to competent authorities outside the Union.
- 29.9. Before informing a person that there is a doping case, the Doping Authority will check in ADAMS and through WADA and other relevant ADOs whether the person has previously committed a doping offence.
- 29.10. The Doping Authority has exclusive authority to dismiss doping cases. If the Doping Authority determines in accordance with the ISRM that there is no doping case, the Doping Authority takes a dismissal decision. An appeal against a dismissal decision by the Doping Authority is open in accordance with the provisions of Title XII.

Article 30 Handling of doping cases

- 30.1. The provisions of the World Anti-Doping Code (especially, but not only, Article 8), as well as the ISRM apply to the disciplinary handling of doping cases.
- 30.2. In the disciplinary treatment of all doping cases, including appeals, the Doping Authority is entitled to take part in and speak at the oral hearing, as well as at any other hearing convened as part of the treatment of a doping case by the competent disciplinary board. The Doping Authority shall have the same rights and obligations during the hearing as the person concerned.
- 30.3. The Doping Authority shall receive all documents, correspondence and information concerning the disciplinary proceedings received by the person concerned and the disciplinary board. The Union or the Disciplinary Board shall provide the Doping Authority with all documents, correspondence and information at the same time as the other parties involved, as well as all documents, correspondence and information which the person concerned sends to the Union and/or the Disciplinary Board.
- 30.4. The Union shall forward the written reasoned decision of the Disciplinary Tribunal to the person concerned and the Doping Authority. The Doping Authority is responsible for informing WADA and (if applicable) other ADOs of the aforementioned ruling.

Article 31 Conclusion

- 31.1. In a doping case, the Doping Authority and the Union have the power, 31 days after receiving the statement of defence and the request to respond to it, to submit a written conclusion in which they state their position in writing to the competent disciplinary tribunal. The Doping Authority and the Union may also submit documents when reaching a conclusion. Where the person concerned has not submitted a statement of defence, the Union and the Doping Authority are entitled after the

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expiry of the time limit for submitting the statement of defence, to make a finding.

31.2. If an appeal has been lodged against a decision of the competent disciplinary tribunal, the Doping Authority and the Union may submit written submissions and documents on appeal, even if the Doping Authority or the Union is the party that lodged the appeal. A time limit of

31 days after the Doping Authority or the Union respectively have received the (substantive) notice of appeal. If the Doping Authority and/or the Union have lodged the appeal, a time limit of 31 days after the Doping Authority and/or the Union respectively have received the notice of appeal defence applies for making a claim.

31.3. If, at any time after a statement of defence or appeal has been submitted, the person concerned puts forward additional defence, additional grounds of appeal and/or comes forward with other types of (additional) written input, the Doping Authority is in all cases entitled to take a supplementary conclusion (also if the Doping Authority was the one who submitted the appeal and also if the Disciplinary Board does not give the Doping Authority the opportunity, for example through a request, to take a supplementary conclusion). A time limit of 31 days after the Doping Authority has received the additional defence and/or grounds of appeal applies for taking a supplementary conclusion. If the Doping Authority exercises the right mentioned in this paragraph and a hearing has already been scheduled in the case in question, the hearing will be adjourned, taking into account the time limit mentioned in this paragraph for the Doping Authority to take the supplementary conclusion.

Article 32 Mitre

If there is a possible doping offence and/or non-compliance with the NDR (including its annexes), and no (correct) address and/or contact details are known from the person concerned, even after a reasonable attempt (including contacting his national federation and/or the relevant international federation) has been made to obtain them, the handling of the case in accordance with the NDR (including its annexes and regulations) shall take place without communication with, input and/or participation from the person concerned, without this constituting a violation of the provisions of Article 30 or any other provision of the NDR.

Title VII Evidence of doping

Article 33 Burden of proof

33.1. The Doping Authority, the Union (if the Doping Authority has delegated the disciplinary handling of doping cases to the Union as a 'delegated third party') or an ADO (in cases where an ADO has lodged an appeal against a decision as referred to in Article 59) has the burden of proof that a doping violation has taken place. Proof of the doping offence will have been provided if the Union has made that offence sufficiently plausible to the competent disciplinary tribunal, taking into account the seriousness of the allegation made. This burden of proof in all cases involves more than just a weighing of probabilities, but less than conclusive proof.



- 33.2. Except for the application of Article 34, all evidence presented by a member accused of committing a doping offence shall be weighed on the basis of a balance of probabilities.
- 33.3. If the NDR places the burden of proof on the Union, the Doping Authority is explicitly allowed to provide the necessary evidence in addition to or instead of the Union. This applies both to doping cases in which the Doping Authority has filed a report or appeal and to doping cases in which the Union has filed a report or appeal.
- 33.4. One piece of evidence may suffice to establish the existence of a doping offence, provided the evidence meets the conditions set out in the NDR for a piece of evidence.

Article 34 Methods for establishing facts and assumptions

- 34.1. Facts related to doping offences may be proven by any reliable means, including in any case analysis results, a (single) confession, a statement by a doping control official and the comparison and linking of data obtained from DNA material. Within the framework of the disciplinary treatment of a doping case, the assessment of the reliability of the means of evidence shall be made by the competent disciplinary tribunal, taking into account the provisions of the remainder of this article.
- 34.2. Laboratories accredited or approved by WADA are presumed to have carried out the analysis of samples and storage procedures in accordance with the ISL. The individual may rebut this presumption by demonstrating that (i) a deviation from this International Standard occurred, which (ii) could reasonably have caused the incriminating analysis result or the factual basis for the doping offence.
- 34.3. If the person concerned refutes the assumption referred to in the previous paragraph by demonstrating that the ISL was deviated from in the manner referred to in that paragraph, the Union must demonstrate that this deviation did not lead to the incriminating analysis result.
- 34.4. Deviations from the NDR, the World Anti-Doping Code and/or any International Standard do not invalidate control results or other evidence of a doping offence and cannot be a defence to a doping offence, provided that if the person concerned demonstrates that a deviation from any of the specific provisions of an International Standard listed below could reasonably have caused a doping offence based on an incriminating analytical result or whereabouts error, it shall then be for the Union to demonstrate that such deviation did not cause the incriminating analytical result or whereabouts error.
- 34.5. The derogations mentioned in the previous paragraph can only and exclusively concern the following International Standards and only in the manner described below in this provision:
 - a. a deviation from the ISTI relating to sample collection or sample processing that could reasonably have caused a doping violation based on an incriminating analytical result, in which case it is up to the Union to prove that such deviation did not cause the incriminating analytical result;
 - b. a deviation from the ISRM or the ISTI with regard to incriminating passport results that could reasonably constitute a doping offence



caused, in which case it is up to the Union to prove that such deviation did not cause the doping offence;

- c. a deviation from the ISRM regarding the requirement to notify the person concerned of the opening of the B sample that could reasonably have caused a doping offence based on an incriminating analytical result, in which case it is up to the Union to prove that that deviation caused the incriminating analytical result;
 - d. a deviation from the ISRM in connection with the designation of a person who could reasonably have caused a doping violation based on a whereabouts error, in which case it is up to the Union to prove that that deviation did not cause the whereabouts error.
- 34.6. Deviations from an International Standard or other rule that do not relate to (i) the collection, processing and/or analysis of a sample, to (ii) an incriminating passport result or to (iii) a notification to a member in relation to a (possible) whereabouts error or to the opening of a B-sample cannot constitute a defence in a doping offence proceeding and are irrelevant to the question of whether a member has committed a doping offence.
- 34.7. If, in a doping case, the person concerned has not demonstrated a deviation from any International Standard, or any deviation from an International Standard has not caused the incriminating analytical result or the factual basis for the doping offence, the positive result shall constitute reliable evidence that a doping offence has been committed in accordance with the standard of proof set out in Article 33(1).
- 34.8. The facts established by a decision of a court or a competent disciplinary tribunal shall constitute irrefutable evidence against the person concerned by the decision on those facts, unless the aforementioned decision has not yet become final, the person concerned establishes that the decision violated the principles of due process.
- 34.9. If, during the disciplinary hearing of a doping case, in response to a request made within a reasonable time prior to the hearing, the person concerned refuses to appear before the competent disciplinary tribunal (in person, by telephone or via a video link) and refuses to answer questions from the disciplinary tribunal or the ADOs concerned regarding this doping case, the disciplinary tribunal may draw a negative conclusion for the person concerned.
- 34.10. Analytical methods or decision values that have been approved by WADA, after consultation with the relevant scientific community, or that have been subject to peer review, are presumed to be scientifically valid. Any person wishing to refute the presumption of scientific validity referred to in the preceding paragraph must, prior to contesting scientific validity, as a condition precedent, first notify WADA of (i) the contestation, as well as (ii) the grounds on which it is based. The first instance disciplinary tribunal, the Appellate Body or the CAS may also notify WADA of that challenge on its own initiative. Upon receipt of such notification and the file relating to that challenge, WADA shall have the right within 10 days after WADA (i) has been notified by the person concerned, or the CAS, of the challenge and (ii) has received the relevant case file, in the relevant proceedings:
- a. to intervene as a party;
 - b. act as amicus curiae; or
 - c. otherwise present evidence.

Article 35 Automatically expired match results

A doping offence following a doping control within a competitive context in a sport that is not a team sport automatically results in the forfeiture of match results obtained in the match in question.

Article 36 Game sanctions and penalties

- 36.1. In addition to the provisions of Article 35, a doping offence committed during or in connection with an event may, if the competent body so decides, lead to the forfeiture of all (other) match results obtained by the person concerned during that event. Factors that play a role in the consideration of cancelling other match results obtained during an event include, for example: the seriousness of the doping offence committed by the person concerned, or the circumstance that other doping controls carried out on the person concerned during the event were negative.
- 36.2. If the person concerned can prove that there is no fault or negligence within the meaning of Article 44 on his or her part with regard to the offence referred to in the previous paragraph, the (other) match results referred to in the previous paragraph will not be forfeited, unless it is likely that these results were influenced by the offence.
- 36.3. In addition to the provisions of the preceding paragraphs, all match results obtained after a doping offence has taken place shall be forfeited up to and including the moment of commencement of the orderly sanction imposed as a result of that offence (if any) or (if no orderly sanction has been imposed) the period of exclusion, unless justice requires otherwise.
- 36.4. All match results obtained during a period of exclusion, including those obtained during a period of exclusion imposed retroactively, shall lapse.
- 36.5. All competition results obtained in violation of Article 20a will automatically lapse (including all associated consequences), unless the person concerned can prove that he or she could not reasonably have known that he or she was participating in an international event or a national event.

Title IX Penalties**Article 37** Penalty violation Articles 3, 4 and 8

- 37.1. Subject to the possible application of Article 38b, the period of exclusion for a first offence of Article 3 (presence), Article 4 (use) or Article 8 (possession) shall be:
 - a. four years if the doping offence is not related to a specific substance or method, unless the person can prove that there was no intention on his or her part in committing the doping offence;



- b. four years if the doping offence relates to a specific substance or method and the ADO can prove that the commission of the doping offence on the part of the person concerned was intentional.
- 37.2. Subject to the possible application of Article 38b(1)(a), the period of exclusion is two years:
- a. if the doping offence is not related to a specific substance or method, and the person can prove that the commission of the doping offence was not intentional on his or her part;
 - b. if the doping offence relates to a specific substance or method, and the ADO cannot prove that the commission of the doping offence on the part of the person concerned was intentional.
- 37.3. If the positive result concerns both a specific substance (or specific method) and a non-specific substance, the application of Article 37(1) and Article 37(2) should be reviewed for each prohibited substance or prohibited method found.
- 37.4. Depending on the specific circumstances of the case, the cancellation, reduction or suspension of the standard sanctions listed in this article may possibly be possible under the application of Title IX-Title XI.

Article 38 Format for the application of Title IX and Title X

- 38.1. For the purposes of Title IX, the following is deliberately referred to:
- a. the person concerned committed one or more acts which he or she knew constituted a doping violation; and/or
 - b. on the part of the person concerned, one or more acts of which the person concerned knew that there was a significant risk that they (i) might constitute a doping offence or (ii) might result in a doping offence, and the person concerned evidently ignored that risk.
- 38.2. A doping case concerning a substance banned only within competitive contexts may, until proven otherwise, be considered not intentional if the person concerned can prove that:
- a. the prohibited substance is a specific substance; and
 - b. the banned substance was used outside competition.
- 38.3. A doping case concerning a substance which only banned is within competition context, shall not be considered deliberate if:
- a. the substance is not a specific substance; and
 - b. the individual can demonstrate that the banned substance was used outside of competition in a context unrelated to a sporting performance.
- 38.4. All references in Title IX to the term intent, are references to intent within the meaning of Article 38(1).

Article 38a Aggravating circumstances

38a.1 If the Union or the Doping Authority demonstrates in an individual case concerning a doping offence other than an offence under Article 9 (trafficking), Article 10 (administration), Article 11 (aiding and abetting) or Article 13 (discouragement and retaliation) that there are aggravating circumstances which justify the imposition of a period of exclusion longer than the standard sanction



justify, the otherwise applicable period of exclusion shall be extended by an additional period of exclusion of up to two years, depending on:

- a. the seriousness of the offence; and
- b. The nature of the aggravating circumstances,

unless the person can prove that he or she did not knowingly commit the doping offence.

38a.2. Aggravating circumstances include circumstances involving an individual, or in which the individual has committed acts, that may justify the imposition of a longer period of exclusion than the standard sanction. Such circumstances and acts include at least:

- a. the person has used or possessed multiple prohibited substances or prohibited methods²⁷;
- b. the person has used or possessed a prohibited substance or method on multiple occasions;
- c. the person has committed several other doping offences;
- d. a normal person would probably still benefit from the performance-enhancing effects of the doping offence(s) after the otherwise applicable period of exclusion;
- e. the person has engaged in misleading or obstructive behaviour to avoid detection, disciplinary action and/or trial for a doping offence; and
- f. the person concerned has been involved in acts and/or behaviour covered by Article 7 (manipulation) during results management.

The examples of circumstances and conduct(s) described in this paragraph are not exhaustive. Therefore, other similar circumstances or similar conduct(s) may also justify the imposition of a longer period of exclusion.

Article 38b Drugs

38b.1. Without prejudice to the application of Article 37 and Article 38, where the doping offence involves drugs only, the following shall apply:

- a. if the person concerned can prove that the ingestion or use took place outside the context of competition and was not related to sports performance(s), the period of exclusion is three months, which can be reduced to one month, if the person concerned completes, to the satisfaction of the Doping Authority, a substance abuse treatment programme approved by the Doping Authority. The burden of proof to show that a treatment programme approved by the Doping Authority has been completed rests with the person concerned. This period of exclusion cannot be reduced by virtue of the application of Article 45; and
- b. if the ingestion, use or possession took place within a competitive context and the person concerned can prove that the circumstances of the ingestion, use or possession were not related to sporting performance(s), then the ingestion, use and/or possession are not considered intentional within the meaning of Article 38 and these circumstances do not provide a basis for a finding of aggravating circumstances under Article 38a.

38b.2. This article can only be applied to the following doping offences: article 3 (presence), article 4 (use) and article 8 (possession).

²⁷ This includes the circumstance that an athlete is found to have multiple banned substances and/or banned methods in a single urine sample.



Article 39 Penalty violation article 5 and article 7

Subject to any reduction or suspension of the penalty under Articles 45 to 49, the period of exclusion for a first offence under Article 5 (lack of cooperation) or Article 7 (manipulation) shall be four years unless:

- a. the person concerned, as far as a violation of Article 5 is concerned, can prove that the commission of the doping violation on his or her part was not intentional, in which case the period of exclusion shall be two years;
- b. the person concerned can demonstrate exceptional circumstances which justify a reduction in the period of exclusion, in which case the period of exclusion shall be between two and four years, depending on the degree of fault on the part of the person concerned; or
- c. the person concerned is a protected person or a recreational athlete, in which case the period of exclusion shall not exceed two years and at least a reprimand without any period of exclusion, depending on the degree of fault of the person concerned.

Article 40 Penalty violation article 6

- 40.1. The period of exclusion for a first offence under Article 6 (whereabouts errors) shall be two years, which period may be reduced to a period of exclusion of at least one year, depending on the degree of fault on the part of the person concerned.
- 40.2. The option mentioned in the previous paragraph to reduce the standard two-year exclusion period is not available if:
 - a. the data subject has repeatedly changed his or her whereabouts data at the last minute; and/or
 - b. there are other acts that give rise to a serious suspicion that the person has attempted to be unavailable for a doping control.

Article 41 Penalty violation articles 9, 10 and 13

- 41.1. Subject to any reduction or suspension of the penalty under Articles 45 to 49, the period of exclusion imposed for a first offence under Article 9 (trafficking) or Article 10 (administration) shall be not less than four years and not more than life imprisonment, depending on the seriousness of the offence.
- 41.2. A violation of Article 9 or Article 10 involving a protected person will be considered particularly serious, leading to lifetime exclusion, if:
 - a. the offence was committed by supervisory staff; and
 - b. the offence is not related to a specific substance.
- 41.3. The period of exclusion for a first offence under Article 13 (deterrence) shall be at least two years to a maximum of life imprisonment, depending on the seriousness of the behaviour committed in the offence.

Article 42 Penalty violation Article 11

Subject to any reduction or suspension of the penalty under Articles 45 to 49, the period of exclusion for a first offence under Article 11 (aiding and abetting) shall be not less than two years and not more than life imprisonment, depending on the seriousness of the offence.

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[Article 43](#)

[Penalty violation article 12](#)

The period of exclusion for a first offence under Article 12 (prohibited cooperation) is two years, which may be reduced to a period of exclusion of at least one year, depending on the degree of fault on the part of the person concerned and the other circumstances of the case.

65 Title X Penalties and penalty reduction

Article 44 No fault or negligence

- 44.1. There is no fault or negligence if the individual has shown that he or she did not know or suspect, and even with the utmost caution could not reasonably have known or suspected, that:
 - a. had used, ingested or administered the prohibited substance and/or prohibited method; or
 - b. committed a doping offence.
- 44.2. If the doping offence involves a violation of Article 3 (presence), the additional requirement is that there can only be no fault or negligence if the person concerned has shown how the prohibited substance and/or method entered his or her body. This additional requirement does not apply if the person was a protected person or a recreational athlete at the time the doping offence was committed.
- 44.3. If, in an individual case, the person concerned has proved that his or her part in committing a doping offence was not culpable or negligent, the applicable period of exclusion shall lapse.
- 44.4. This article applies only to exceptional cases, for example if a person has proved that the doping offence committed by him or her, despite all precautions and care taken by him or her, was the result of sabotage by a third party.
- 44.5. In any case, this article does not apply to the following cases:
 - a. a positive result resulting from the ingestion, use, administration and/or application of a contaminated product, mislabelled or contaminated food supplement. Members are solely responsible for what they use or ingest, and they should be familiar with the risks regarding the use of dietary supplements;
 - b. the administration of a prohibited substance or method by accompanying personnel without notification to the individual. Members are responsible for the choice of their accompanying personnel, and must inform their accompanying personnel that they are not to be administered a prohibited substance or prohibited method; and/or
 - c. sabotage of food or drink of a person concerned by a spouse, a housemate or (other) family member, a coach or another person belonging to the accompanying staff of the person concerned. Members are themselves responsible for what they consume or ingest, as well as for the behaviour of the persons they give access to their food and drink.
- 44.6. This article applies only to the determination of punishment, and not to the determination of whether a doping offence has been committed.

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- 44.7. Unlike the other provisions of Title X where the term guilt is used, the definition of guilt explicitly does not apply to Article 44. Nor do the factors mentioned in Article 1(47) for assessing the degree of fault on the part of the person concerned apply to Article 44.
- 44.8. Notwithstanding the foregoing provisions of this Article, Article 44 may not be applied if:
- a. the person concerned is unable to rebut the intentional presumption referred to in Article 37(1)(a);
 - b. there is intent, either for the purposes of determining whether a doping offence has been committed or for the purposes of Article 38(1).

Article 45 No substantial degree of fault or negligence

- 45.1. There is no significant degree of fault or negligence if the person concerned has shown that, in the circumstances of the case and taking into account the criteria set out in Article 44(1), his or her fault or negligence was not significant in relation to the doping offence.
- 45.2. If the doping offence involves a violation of Article 3, the additional requirement is that there can only be no substantial degree of guilt or negligence if the person concerned has demonstrated how the prohibited substance and/or method entered his or her body. This additional requirement shall not apply if the person concerned was a protected person and/or a recreational athlete at the time the doping offence was committed.
- 45.3. If (i) there is an offence under Article 3, Article 4 or Article 8, (ii) the doping offence relates to a **specific substance** (other than drugs) or a specific method, and (iii) the person concerned has shown that there is no significant degree of fault or negligence on his or her part, the sanction shall be at least:
- a. a reprimand without the imposition of any period of exclusion; and
 - b. a maximum period of exclusion of two years, depending on the degree of fault on the part of the person concerned.
- 45.4. If (i) there has been a violation of Article 3, Article 4 or Article 8, (ii) the person has demonstrated that there was no significant degree of fault or negligence on his or her part, and (iii) the person has demonstrated that the detected prohibited substance (other than drugs) originated from a **contaminated product**, the sanction shall be at least:
- a. a reprimand without the imposition of any period of exclusion; and
 - b. a maximum period of exclusion of two years, depending on the degree of fault on the part of the person concerned.
- 45.5. If (i) there is a violation of Article 3, Article 4 or Article 8, (ii) the doping offence is committed by a **protected person or recreational athlete** and (iii) this protected person or recreational athlete can prove that there was no significant degree of fault or negligence on his or her part, the sanction shall be at least a reprimand without any period of exclusion and a maximum period of exclusion of two years, depending on the degree of fault on the part of the protected person or recreational athlete concerned. This paragraph cannot be applied if the doping offence relates (in part) to drugs.
- 45.6. If, in an individual case where **Article 45(3), Article 45(4) and Article 45(5) do not apply**, the person concerned has demonstrated that, in the case of the



the commission of a doping violation on his or her part was not grossly culpable or negligent, the otherwise applicable period of exclusion may, depending on the degree of culpability on his or her part, be reduced, but shall never be less than half the otherwise applicable period of exclusion. If the otherwise applicable period of exclusion would be for life, the period of exclusion reduced in accordance with this article shall not be less than eight years.

45.7. This article applies only to the determination of punishment, and not to the determination of whether a doping offence has been committed.

45.8. If the Union, the Doping Authority and/or another ADO, in the event of a violation of Article 3, Article 4 and Article 8 concerning a specific substance, has shown that there was intent on the part of the person concerned:

- a. Article 45 cannot be applied; and
- b. the period of exclusion shall be four years, unless Article 46, Article 47 and/or Article 48 are applied.

45.9. If the Union, the Doping Authority and/or another ADO, in the event of a violation of Article 3, 4 and Article 8 concerning a specific substance, has not shown that there was intent on the part of the person concerned:

- a. Article 45 may be applied, but only if the person can demonstrate eligibility for sanction reduction under Article 45; and
- b. the sanction is at least a reprimand and up to a period of exclusion of two years, depending on the degree of fault on the part of the person concerned.

Hereby, sanction reduction is only possible if (i) the person concerned has shown that there is no significant degree of fault or negligence on his or her part, and (ii) the person concerned has fulfilled the conditions for the application of Article 45(3), Article 45(4) or Article 45(5). If the person cannot meet these conditions, the period of exclusion shall be two years, unless Article 46, Article 47 and/or Article 48 are applied.

45.10. If, in the case of a violation of Article 3, Article 4 and Article 8 concerning a non-specific substance, the person concerned has not shown that there was no intention on his or her part:

- a. Article 45 cannot be applied; and
- b. the period of exclusion shall be four years, unless Article 46, Article 47 and/or Article 48 are applied.

45.11. If the person has shown that there was no intent on his or her part in the case of a violation of Article 3, Article 4 and Article 8 concerning a non-specific substance:

- a. Article 45 may be applied, but only if the person can demonstrate eligibility for sanction reduction under Article 45; and
- b. the period of exclusion may be reduced depending on the degree of fault on the part of the person concerned, but never less than half of the otherwise applicable period of exclusion. Hereby, the sanction reduction is only possible if (i) the person concerned has proven that there was no significant degree of fault or negligence on his or her part, and (ii) the person concerned has met the conditions for the application of Article 45 paragraph 3, Article 45 paragraph 4 or Article 45 paragraph 5. If the person cannot meet these conditions, the period of exclusion shall be two years, unless Article 46, Article 47 and/or Article 48 are applied.

45.12. For the purposes of Article 45:

- a. the competent disciplinary tribunal must first assess which provision, if any, is applicable: Article 45(3), Article 45(4) or Article 45(5);



- b. the competent disciplinary body must then assess whether the person concerned has proved that there was no significant degree of fault or negligence on his or her part in committing the doping offence and whether the other conditions set out in Article 45 Paragraph 3, Article 45 Paragraph 4 and Article 45 Paragraph 5 have been met. To this end, the competent disciplinary tribunal should apply Article 45(1), and Article 1(47), in conjunction with Article 44(1). If the doping case concerns a doping offence under Article 3, the competent disciplinary body should also apply Article 45(2);
- c. the competent disciplinary board, if it considers that the person concerned has shown that he is eligible for a penalty reduction under Article 45, must determine the extent of the penalty reduction on the basis of the degree of misconduct on the part of the person concerned, applying Article 1(47).

45.13. Article 45(6) cannot be applied in the following situations:

- a. there was intent on the part of the person concerned;
- b. there is a doping offence where intent is an element of the offence (e.g. Article 7, Article 9, Article 10 and Article 11);
- c. there is a doping offence where intent is an element of a particular sanction (e.g. Article 37); and
- d. there is already a possible penalty reduction based on the degree of fault on the part of the person concerned (see Article 40(1) and Article 43).

45.14. All options for penalty reduction as set out in Article 45 are mutually exclusive and not cumulative.

Article 46 Substantive support

46.1. The Doping Authority may, **prior to** (a) a decision open to appeal under Article 59, or (b) the expiry of the appeal period applicable to the decision of the competent disciplinary body, suspend part of the consequences imposed, or to be imposed (with the exception of the forfeiture of match results and the mandatory disclosure under the World Anti-Doping Code), if the person concerned has provided substantial support to an ADO, a judicial authority and/or a professional disciplinary body. The Doping Authority records the agreements made with the person concerned in this context in a substantial support agreement. The substantial support agreement shall also include the settlement (with the accepted doping violation(s) and consequences) without the person concerned providing substantial support.

46.2. Substantial support exists if the following conditions are met:

- a. the support has (resulted) in a doping case being discovered by ADO or a doping offence being reported, which doping case or doping offence was committed by a person other than the person who provided the substantial support;
- b. the support has (had) the effect of a judicial or disciplinary body discovering, reporting or reporting a criminal offence or breach of professional rules, which criminal offence or breach was committed by a person other than the person who provided the substantial support and the information provided by the substantial support person is made available to the Doping Authority;
- c. the support has (resulted in) WADA initiating proceedings against a signatory to the World Anti-Doping Code, a WADA-accredited



laboratory or biological passport management ^{unit²⁸} for non-compliance with the World Anti-Doping Code, an International Standard or a Technical Document; or

- d. the support has (had) the effect of proving to a judicial or disciplinary body a criminal offence or a breach of professional or sporting integrity rules in sport, not related to doping. This form of substantial support to achieve suspension of consequences under Article 46, is only possible with WADA's consent.

- 46.3. The Doping Authority may, in situations where **Article 46 paragraph 1 does not apply**, suspend part of the consequences imposed (with the exception of forfeiture of match results and mandatory disclosure under the World Anti-Doping Code):
 - a. If the individual has provided substantial support; and
 - b. with the approval of both the international federation and WADA.

The Doping Authority records the agreements made in this context with the person concerned in a substantial support agreement.

- 46.4. Additional conditions for substantial support to exist are:
 - a. the person concerned has correctly and fully provided all information available to him or her concerning doping offences, criminal offences or breaches of professional or sporting integrity rules in sport, not related to doping, in a written statement signed by him or her or in an interview recording;
 - b. the person concerned cooperates fully in the investigation and (disciplinary) prosecution of any (doping) case to which the information provided by him or her relates, including by testifying as a witness at a hearing if requested to do so by the Doping Authority or the competent disciplinary tribunal; and
 - c. the information provided by the person concerned must be credible, and must (i) have formed a significant part of a case which led to (disciplinary) proceedings, or (ii) if no (disciplinary) proceedings took place, have provided sufficient grounds on the basis of which (disciplinary) proceedings could have taken place.

- 46.5. The extent to which the period of exclusion under Article 46 can be suspended depends on:
 - a. the seriousness of the doping offence committed by the person concerned; and
 - b. The importance of the substantial support provided in eliminating (i) doping in sport, (ii) non-compliance with the Code and/or (iii) breaches of integrity rules in sport.

However, the extent to which the period of exclusion may be suspended cannot exceed three quarters of the period of exclusion that would be imposed without the application of Article 46. If, without the application of Article 46, the period of exclusion would amount to a lifetime period of exclusion, the unsuspended period of exclusion cannot be less than eight years. For the purpose of determining the period of exclusion imposed under section 46 could be suspended, no account is taken of any additional period of exclusion under Article 38a.

- 46.6. If the person who wishes to provide substantial support has requested it, the Doping Authority is permitted to enter into a

²⁸ Athlete Passport Management Unit (APMU), as referred to in the ISL.



enter into a conditional agreement (within the meaning of Article 27(4)), within which framework the data subject may provide reserved information regarding substantial support.

- 46.7. If the Doping Authority determines that the person concerned does not provide sufficient ^{cooperation}²⁹ and/or his or her support no longer meets the aforementioned conditions for substantial support:
- a. where Article 46(1) has been applied, the substantial support part of the substantial support agreement shall lapse and the consequences agreed in the settlement part of the substantial support agreement shall take effect again; or
 - b. if Article 46(3) has been applied, the substantial support agreement will be terminated and the suspended decision of the disciplinary tribunal will take effect again.³⁰

A decision by the Doping Authority to terminate (part of) a substantial support agreement is subject to appeal in accordance with the provisions of Title XII.

- 46.8. To further encourage those involved to provide substantial support to the Doping Authority and other ADOs, WADA may, at the request of (i) the Doping Authority or (ii) a person who has (allegedly) committed a doping offence, for the provision of substantial support at any stage of results management including after a competent disciplinary tribunal has ruled in a doping case and that ruling has become final, agree to what it considers to be an appropriate suspension of (a) the period of exclusion and other consequences imposed or (b) the period of exclusion and other consequences applicable without the application of Article 46.

In exceptional circumstances, in order to provide substantial support, WADA may agree to a suspension of the period of exclusion and other consequences beyond those otherwise possible under Article 46. In such cases, WADA may agree to

(i) the full suspension of the period of exclusion (imposed or to be imposed), (ii) failure to refund prize money, (iii) no mandatory disclosure and/or (iv) failure to pay fines or costs. If the Doping Authority terminates the Substantive Support Agreement in accordance with the provisions of Article 46, this automatically terminates WADA's approval as referred to in this paragraph. A decision by WADA to grant or withhold approval as referred to in this paragraph is not appealable.

- 46.9. If the Doping Authority suspends any (part of a) period of exclusion because of substantial support provided, it must notify the ADOs of this decision with reasons with a right of appeal under Article 60. In unique circumstances, where WADA deems it to be in the best interest of the fight against doping, WADA may authorise the Doping Authority to enter into a confidentiality agreement, which limits or delays the disclosure of the agreement entered into under the substantial support and/or the nature of the substantial support granted.

- 46.10. Suspension of (part of) the period of exclusion is only possible under the application of Article 46.

²⁹ Insufficient cooperation may occur, for example, if the data subject misses a deadline or fails to provide required information, or indicates that he or she is unable to provide the required information.

³⁰ After the substantive support agreement is dissolved, the disciplinary tribunal's ruling will take effect again.



Article 47 Confession prior to suspected doping offence

47.1. If:

- a. a person, either prior to his or her knowledge of a doping test to be carried out on him or her that may lead to the detection of a doping violation, or (in the case of violations other than Article 3) prior to notification of a doping case by the Doping Authority, the international federation and/or a foreign NADO, voluntarily confesses to having committed a violation as mentioned in Title II, and
- b. this confession is the only reliable evidence of said offence at the time,

the period of exclusion to be imposed may be reduced, but may not be less than half the period applicable without such admission.

47.2. This article can only be applied in circumstances where a member voluntarily confesses a doping offence to the Doping Authority and that confession is the only reliable evidence of the offence at the time of making the confession. This article can only be applied when a member confesses a doping offence in circumstances where no ADO has a suspicion that a member may have committed a doping offence. This article cannot be applied in circumstances where the confession occurs after the member believes he or she will be caught.

47.3. The extent to which the period of exclusion is reduced should be based on the probability that the member would have been caught if he or she had not voluntarily confessed.

Article 48 Confession after notification

48.1. If, following notification by the Doping Authority regarding a possible doping offence subject to a period of exclusion of four or more years (including any (additional) period of exclusion under Article 38a), the person concerned receives such notification within 20 days:

- a. confesses to the Doping Authority the doping violation; and
- b. accepts the period of exclusion,

the person concerned may be granted a one-year reduction from the period of exclusion initially determined by the Doping Authority. If the person concerned receives the one-year reduction from the stipulated period of exclusion under this article, no further reduction from the stipulated period of exclusion under any other article of the NDR shall be permitted.

48.2. This article can only be applied in the context of the application of Article 27.

Article 49 Multiple options penalty reduction

49.1. For the purposes of Article 49:

- a. the person must first show that he or she qualifies for sanction reduction under more than one of the following articles: article 44, article 45, article 46, article 47 and article 48; and
- b. prior to any application of Article 46, Article 47 or Article 48, the applicable period of exclusion should first be determined by reference to (i) the provisions in Title IX, and (ii) Article 44 and Article 45.



- 49.2. If the person concerned has demonstrated eligibility for sanction reduction or suspension under Article 46, Article 47 and/or Article 48, the period of exclusion may be reduced but not less than one quarter of the period determined under Article 49(1)(b).

Article 50 Multiple offences

- 50.1. For a **second** doping offence, the period of exclusion shall be the longest of the following periods:
- a. six months;
 - b. A period of exclusion in the range between:
 - (i) the sum of the period of exclusion imposed for the first doping offence and the period of exclusion that would have applied to the second doping offence if it had been treated as if it were a first doping offence; and
 - (ii) twice the period of exclusion applicable to the second doping offence, if it is treated as if it had been a first offence.

The period of exclusion within this range is determined according to the totality of the circumstances and the degree of guilt of the person in relation to the second offence.

- 50.2. A **third** doping offence shall always result in the imposition of a lifetime period of exclusion, unless the person can prove that, in respect of the third doping offence, he or she qualifies for the application of Article 44 or Article 45, or the third doping offence involves a violation of Article 6, in which case the period of exclusion shall be at least eight years and not more than life imprisonment.

- 50.3. The period of exclusion determined on the basis of the previous two paragraphs of this provision may be reduced pursuant to and in accordance with the possible application of Article 46, Article 47 or Article 49.

- 50.4. If, in respect of a doping offence, the person concerned has demonstrated that there is no fault or negligence on his or her part within the meaning of Article 44, that offence shall not be considered a doping offence for the purposes of Article 50. Nor shall a doping offence where a period of exclusion has been imposed under Article 38b(a) be considered a doping offence for the purposes of Article 50.

- 50.5. Subject to the application of Article 50(6) and Article 50(7), a doping offence shall, for the purpose of imposing sanctions under Article 50, be deemed to be a second offence if it can be shown that the person **committed** the additional doping offence **after** (i) the person concerned received the notification regarding the first doping case, or (ii) a reasonable attempt has been made to give him or her such notice. If this cannot be proved, the offences together shall be considered as one separate first offence and the sanction to be imposed shall be based on the offence carrying the most severe sanction, including the application of aggravating circumstances (under Article 38a). All match results achieved by the person concerned since the previous doping offence shall lapse.

- 50.6. If the Doping Authority or the Union demonstrates that:
- a. a member has **committed** an additional doping offence **prior** to the notification regarding the first or previously noted doping case; and



- b. that additional offence occurred at least 12 months before or after the first or previous offence was committed,

then the period of exclusion for the additional doping offence shall be calculated as if the additional offence were a stand-alone first offence and this period of exclusion shall commence after the expiry of the period of exclusion imposed for the first or previously noted offence (and therefore cannot commence simultaneously with this latter period of exclusion). Where this paragraph applies, the doping offences collectively constitute a single offence for the purposes of Article 50(1-3).

- 50.7. If the Doping Authority establishes that a member has committed an offence under Article 7 (manipulation) in relation to the doping control process for an underlying alleged doping offence, the offence under Article 7 shall be treated as a stand-alone first offence and this period of exclusion shall commence after the expiry of the imposed period of exclusion (if any) for the underlying offence (and therefore cannot commence simultaneously with this latter period of exclusion). Where this paragraph is applied, the offences collectively constitute a single offence for the purposes of Article 50(1-3).
- 50.8. If the Doping Authority proves that a member has committed a second or a third doping offence during a period of exclusion, the periods of exclusion for multiple offences run consecutively rather than simultaneously.
- 50.9. For the purposes of this article, a second or subsequent doping offence must have occurred within 10 years of the previous offence(s).

Title XI Other penalty provisions

Article 51 Commencement of the period of exclusion

- 51.1. If a member has already had a period of exclusion imposed for a doping offence which has not yet expired, any new period of exclusion shall commence on the first day after the period of exclusion still in progress expires. In all other cases, unless otherwise provided in the NDR, the period of exclusion shall commence on (i) the day of the disciplinary decision, (ii) the day accepted under the application of Article 27, Article 27a or Article 46, or (iii) the day on which the period of exclusion is otherwise imposed. The latter refers to the following situations: (a) WADA, the competent international federation and/or a foreign ADO impose a period of exclusion or are parties to a settlement under arrangements based on Article 10.7.1 or Article 10.8.2 of the World Anti-Doping Code, (b) a doping case pending before the CAS is settled by the parties, or (c) the period of exclusion is determined by court order.
- 51.2. If (a) there have been significant delays in the procedures referred to in Title V and/or Title VI, and (b) the person concerned can demonstrate that these delays are not attributable to the person concerned, the competent disciplinary tribunal or other competent body imposing the period of exclusion may allow the period of exclusion to start at an earlier point in time than that referred to in the previous paragraph, up to the day on which the (last) doping offence was committed, at the earliest. In the case of a violation of Article 3 (presence), this means the day on which the sample was taken that led to the positive result.



conducted. All match results obtained during the period of exclusion will lapse, including match results obtained during a retroactively imposed period of exclusion.

51.3. With regard to doping offences that do not relate to Article 3 (presence), an ADO may take a long time to discover facts and gather evidence necessary to prove a doping offence, for example when a member has taken measures to avoid detection of a doping offence. In these circumstances, there is no possibility for the sanction to take effect at an earlier date.

51.4. If a member has complied with the order measure, the duration of such order measure shall be deducted from any eventually imposed period of exclusion. If a member has not complied with the order measure (i.e. correctly, fully and timely), any completed duration of an order measure shall not be deducted from any eventually imposed period of exclusion. The same applies to an order measure, provisional suspension or provisional exclusion imposed by a competent (disciplinary) body.

If a person voluntarily accepts an order measure in accordance with the provisions of Article 26(9) and subsequently complies with the order measure, the duration of that voluntary order measure shall be deducted from any period of exclusion eventually imposed.

51.5. The period in which (i) no order measure has been imposed and (ii) no self-imposed exclusion (and compliance therewith) as referred to in the previous paragraph cannot be deducted from any (ultimately) imposed period of exclusion, regardless of the circumstance that the person concerned has (voluntarily) refrained from participating in matches, competitions and/or events.

51.6. Other than the options described in Article 51, there are no possibilities to have a period of exclusion to be imposed commence earlier than the time specified in Article 51(1).

51.7. If, in a team sport, a period of exclusion is imposed on a team, the period of exclusion, unless justice requires otherwise, takes effect on:
a. the day of the disciplinary decision; or
b. if the right to a hearing has been waived, on the day the period of exclusion is accepted or otherwise imposed, unless justice requires otherwise.

A period of an order measure imposed on a team or voluntarily self-imposed by a team (in accordance with the provisions of Article 26 paragraph 9 on this matter) will be deducted from the total period of exclusion imposed.

51.8. It is not possible to conditionally impose all or part of the sanctions listed in the NDR, unless explicitly provided otherwise.

51.9. The possible (lack of) performance-enhancing effect of a prohibited substance and/or prohibited method cannot be taken into account in:
a. assessing whether a doping violation has occurred; and
b. assessing the penalty, i.e. determining the sanction to be imposed for a doping offence.



Article 52 (Status during) exclusion and order measure

- 52.1. Imposition of a (period of) exclusion or a disciplinary measure implies that the person concerned has been subject to a disciplinary measure from the moment this consequence has been imposed:
- a. is excluded from participating, in any capacity whatsoever, in any competition, league and/or event organised under the auspices of (i) the Union (including clubs, teams or other legal entities affiliated to the Union, or otherwise associated with the Union), (ii) a Signatory, a member of the Union or Signatory, or (iii) any other member organisation affiliated to the Union or a Signatory (or a member thereof);
 - b. is excluded from any other activity, in any capacity whatsoever³¹, at or within (i) the Union (including clubs, teams or other legal entities affiliated to the Union, or otherwise connected to the Union), (ii) a Signatory, a member of the Union or Signatory, or (iii) any other member organisation affiliated to the Union or a Signatory (or a member thereof), nor may receive any (financial) compensation, as is referred to in Article 52(3);
 - c. is barred from participating in a sports activity funded by a public body at national or elite level. Persons on whom an exclusion or order measure has been imposed cannot, for example, participate in a training camp, demonstration or training³² organised by their federation (or a club/association that is a member of or affiliated to that federation) that is funded by a public body;
 - d. may not be part of any national selection and/or national team;
 - e. may not be selected for any national selection, national team and/or any other (international) representation of the Union, on an individual or team basis;
 - f. may not conduct training or be active as a coaching staff, and may not attend or undergo training together with one or more members of the Union or coaching staff at or within (i) the Union (including clubs, teams or other legal entities affiliated with the Union, or otherwise associated with the Union), (ii) a Signatory, a member of the Union or Signatory, or (iii) any other member organisation affiliated with the Union or a Signatory (or a member thereof),³³ and
 - g. is excluded from participating in competitions or sporting activities recognised or organised by or under the auspices of: (i) a professional federation or professional organisation that is not a signatory to the World Anti-Doping Code and (ii) an organiser of a national or international event that is not a signatory to the World Anti-Doping Code.

However, the individual may participate in anti-doping education and/or rehabilitation programmes. No performance standard achieved during a period of exclusion or order will be (regardless of purpose) by the Union or a signatory.

- 52.2. A person on whom a period of exclusion or an order measure has been imposed remains subject to the obligation to cooperate in doping controls and (if applicable) to provide whereabouts data.

³¹ Activity and capacity include, in addition to positions as staff member, official or board member, for example, administrative activities, volunteering and attending and/or participating in training courses.

³² Provided it involves national or top-level sports.

³³ Thus, the individual must not (a) attend or undergo training with or from anyone who is working for a sports federation (or a club, association or team affiliated to the sports federation) (as an employee, licence holder, volunteer or otherwise) and (b) train with club, teammates or other members.



52.3. A doping offence where no sanction reduction has been applied under Article 44 or Article 45 shall result in the total or partial withdrawal of the financial support, allowances and other benefits related to the practice of sport received by the person concerned from the Union.

52.4. A person who has been imposed a period of exclusion of more than four years may, if four years of the period of exclusion have elapsed, participate in the capacity of an active athlete in and/or participate in local events not organised by or under the auspices of the Union (including clubs, teams or other legal persons affiliated to the Union or otherwise affiliated to the Union clubs, teams or other legal entities), a Signatory, a member of the Union or Signatory, or another member organisation affiliated to the Union or a Signatory (or a member thereof), if the following conditions are met:

- a. these events do not directly or indirectly offer the possibility of qualification for participation in a national championship, international event or international competition;
- b. these events cannot directly or indirectly provide points necessary for qualification for, or participation in, a national championship, international event or international competition; and
- c. the individual does not work with protected persons in any capacity during these local sporting events.

52.5. If, during a period of exclusion or order measure imposed on him or her, the person concerned participates in an activity and/or capacity referred to in Article 52(1):

- a. any match results achieved will automatically lapse; and
- b. a new period of exclusion shall be imposed on the person concerned, equal to the period of exclusion originally imposed on the person concerned. This new period of exclusion takes effect from the moment the period of exclusion originally imposed on the person concerned expires. This new period of exclusion, including a reprimand and no period of exclusion, may be adjusted depending on the degree of fault on the part of the person concerned and other circumstances of the case.

If, with regard to the doping offence that led to the period of exclusion imposed (referred to in this provision), the Doping Authority was in charge of result management, the Doping Authority determines whether the person concerned did not comply with Article 52, paragraph 1, the Doping Authority determines and imposes the new period of exclusion, and the Doping Authority determines whether the person concerned is eligible for any reduction in the newly imposed period of exclusion. The decision of the Doping Authority is subject to appeal in accordance with the provisions of Title XII.³⁴

52.6. Notwithstanding Article 52(1), a person concerned may start ^{training}³⁵ again with a team or start using the facilities of a club or association affiliated to the Union during the shortest of the following periods:

- a. the last two months of the period of exclusion imposed on the person concerned; or
- b. the last quarter of the period of exclusion imposed on the person concerned.

³⁴ The Doping Authority has set up an independent committee to carry out the task referred to in Article 52(5): the Compliance Committee for Doping Sanctions (CND). The task, structure and working methods of the CND are laid down in the Regulation on Compliance with Doping Sanctions, which is part of the NDR.

³⁵ Training does not include practice or training matches held between different clubs or associations. Practice or training matches within the club or association do fall under training, unless there are points to be earned, the matches count towards the club championship and/or the match concerned is recognised by the Union.



- 52.7. If a person on whom a disciplinary measure has been imposed or has voluntarily accepted a disciplinary measure fails to comply with the provisions of Article 52(1), any completed duration of that disciplinary measure shall not be deducted from any period of exclusion and any match results achieved shall be forfeited.

Article 53 Consequences teams (if applicable)

- 53.1. If, in a team sport, it appears that more than two members of the same team have committed a doping offence during an event, the competent (disciplinary) body should impose one or more appropriate measures on a team (e.g. disqualification of the team concerned, forfeiture of one or more match and/or competition results of this team and/or loss of medals, points and prizes (money)) in addition to consequences imposed on individual team members for committing a doping offence.
- 53.2. The Union may, for events organised under its auspices, decide to set heavier consequences for teams in relation to events than are listed in the previous paragraph.
- 53.3. In sports that are not team sports but where prizes are awarded to teams, disqualification, as well as the imposition of any other disciplinary measure against the team if one or more team members have committed doping offences, shall be in accordance with the applicable rules of the relevant international federation.
- 53.4. If, in accordance with Title V, more than one member of a team is notified of a possible doping offence in connection with an event, the Doping Authority (if it is a national event) may arrange for (appropriate) targeted doping checks to be carried out on the team concerned during the event in question.

Article 54 Review

- 54.1. If a prohibition is formulated in relation to a prohibited substance or prohibited method, and that prohibition is subsequently modified or lifted, an individual who has been sanctioned under the original provision may request a review thereof. If a prohibited substance is removed from the doping list, an individual who is still serving a period of exclusion at that time for a doping offence related only to this previously prohibited substance may request a reduction of the period of exclusion imposed. The review requests referred to in this article shall be assessed according to the NDR. Full remission of the sanction imposed is not possible.
- 54.2. The Doping Authority delegates the task and authority referred to in the previous paragraph to the Union.
- 54.3. The person concerned addresses a written and reasoned request for review to the competent disciplinary board, which sends the request to the Doping Authority.
- 54.4. The request for review shall be dealt with in writing. The Doping Authority is entitled to make a finding.



54.5. An appeal from a decision of the competent disciplinary tribunal is open in accordance with Title XII.

54.6. A review cannot be to the detriment of the person concerned.³⁶

Article 55 Limitation period

A doping offence is time-barred if, within 10 years from the date the offence is alleged to have occurred, the person concerned has not been notified in writing of the doping case in accordance with the provisions of Title V, or a reasonable attempt has been made to do so.³⁷

Article 56 Automatic application of decisions

56.1. A decision of (i) a Signatory, (ii) a Disciplinary Tribunal, (iii) an Appellate Body or (iv) the CAS, concerning a doping offence shall (after giving notice to the parties to the proceedings), in addition to being binding on the parties to the proceedings, automatically be binding on the Union (including clubs, teams or other legal persons affiliated to the Union or otherwise affiliated to the Union, clubs, teams or other legal entities), a Signatory, a member of the Union or Signatory, or any other member organisation affiliated to the Union or a Signatory (or a member thereof) and shall have the effect described below:

- a. if such a decision involves the imposition of an order measure (following a preliminary hearing or after the person concerned has accepted the order measure or waived the right to a preliminary hearing, expedited hearing or expedited appeal offered in accordance with the World Anti-Doping Code), the person subject to the order measure is automatically prohibited from being active and/or participating (as referred to in Article 52(1)) within the organisations referred to above, including all (other) sports, events and legal entities within the jurisdiction of those organisations;
- b. if such a decision involves the imposition of a period of exclusion (after a hearing has taken place or has been waived), the person subject to the period of exclusion is automatically prohibited from being active and/or participating (as referred to in Article 52(1)) within the aforementioned organisations, including all (other) sports, events and legal entities within the jurisdiction of those organisations;
- c. such a decision accepting the commission of a doping offence is automatically binding on all organisations referred to above, including all (other) sports, events and legal entities within the jurisdiction of those organisations; and
- d. if such a decision entails the forfeiture of match results for a specific period (in accordance with Article 36 or the relevant provisions of the World Anti-Doping Code), all match results obtained during this specific period within the jurisdiction of the aforementioned organisations, including all (other) sports, events and legal entities within the jurisdiction of those organisations, shall automatically forfeit.

56.2. The Union, as well as each signatory, is obliged, without the need for further action, to comply with the decisions referred to in Article 56(1), as well as the

³⁶ A review request can be granted or rejected. It cannot lead to a heavier sanction.

³⁷ The Code and International Standards may contain rules on when a doping offence is deemed to have occurred.



operation thereof (as described in the previous paragraph) and apply it to the earlier of the following dates:

- a. the date on which the signatory receives actual notification of the decision; or
- b. the date on which the decision was entered in ADAMS.

56.3. A decision to suspend or lift consequences by (i) an ADO, (ii) a Disciplinary Tribunal, (iii) an Appellate Body or (iv) the CAS shall, without the need for further action, be binding on each signatory, as well as the Union, on the earlier of the following dates:

- a. the date on which the signatory receives actual notification of the decision; or
- b. the date on which the decision was entered in ADAMS.

56.4. Notwithstanding any provision of this article, in accordance with the provisions of article

15.1.4 of the World Anti-Doping Code, a decision made by a Major Event Organisation in an expedited procedure during an event regarding a doping violation shall not be binding on other signatories, nor on the Union, unless the rules of the aforementioned organiser provide that the person affected by such decision has the opportunity to appeal under a non-accelerated procedure.

56.5. The Doping Authority may also decide to apply ADOs' doping-related decisions not mentioned in Article 56(1).

56.6. A doping-related decision of a non-signatory body will be applied by the Doping Authority if the Doping Authority considers that:

- a. the decision purports to fall within the jurisdiction of the said authority; and
- b. that body's anti-doping rules are in line with the World Anti-Doping Code.

56.7. The Doping Authority may delegate the power referred to in Article 56 paragraph 5 and Article 56 paragraph 6 to the Union as a 'delegated third party'. If the Doping Authority decides to delegate the decision-making power referred to in the previous two paragraphs, the Doping Authority is obliged to apply the Union's decision in this context.

Article 57 Publication

57.1. Article 10 and Article 14 of the World Anti-Doping Code contain rules on the, in accordance with national legislation:

- a. communicate with and between ADOs in doping cases, as well as the content of these communications;
- b. communicate with the data subject in doping cases, as well as the content of such communication;
- c. publishing and/or otherwise disclosing (i) disciplinary decisions in doping cases, and (ii) consequences imposed for committing a doping offence.

57.2. The World Anti-Doping Code contains rules on:

- a. the confidentiality to be observed when communicating in doping cases;
- b. the decisions on doping violations which should include a full statement of reasons, including (if applicable) the reason why the maximum sanction was not imposed; and



- c. ADOs who have the right to receive the complete file associated with a doping case before deciding to appeal the decision or ruling within 15 days of receipt.
- 57.3. Any ADO who is a party to an appeal must, in accordance with Article 14.2 of the World Anti-Doping Code, immediately communicate the decision in that appeal to the person concerned and to the other ADOs who would have a right of appeal under Article 60(1).
- 57.4. The Doping Authority and the Union are guided by these rules, unless national laws and regulations do not allow it.

Title XII Profession

Article 58 Appeals

- 58.1. Appeals may only be lodged and heard in accordance with the provisions of Title XII. The annexes and/or regulations attached to the NDR may contain additional rules on lodging and hearing appeals.
- 58.2. Appealed decisions shall remain in force during the appeal proceedings, unless the disciplinary board competent to hear the case on appeal decides otherwise.
- 58.3. On appeal, the factual and legal grounds may be fully reassessed. The scope of assessment on appeal includes all aspects relevant to the case and is expressly not limited to the aspects or scope of assessment submitted to the original decision-making body. The disciplinary tribunal with jurisdiction on appeal has the power to increase the sanction imposed in the previous instance up to the maximum regulatory sanction or to reduce it to the minimum sanction. Any party to an appeal may raise evidence, legal arguments and contentions that were not raised in the first instance, as long as they arise from the same acts or relate to the same general facts or circumstances that were raised or dealt with in the first instance.

Article 59 Appealable decisions

- 59.1. The following decisions can be appealed:
- a. A decision that (g)a doping violation has occurred;
 - b. A decision to the committed of a doping offence (no) consequences;
 - c. A decision that an ADO does not have the authority to rule on a possible doping violation or its consequences;
 - d. a decision by a disciplinary tribunal or the Doping Authority that it does not have jurisdiction to hear a case;³⁸

³⁸ This also includes a decision that the Union, the Doping Authority and/or another ADO in a doping case is inadmissible (in whole or in part).



- e. A decision that disciplinary proceedings concerning a doping offence cannot proceed for procedural reasons (including, for example, prescription);
- f. a decision to (not) impose an order measure (including a decision taken in breach of section 26(3)), as well as the decision to lift an order measure as a result of a preliminary hearing;³⁹
- g. failure of an ADO to comply with Article 26;
- h. A decision under Article 27(6) to reopen a suitable case;
- i. A decision taken under Article 54;
- j. A decision taken under Article 52(5) and Article 72;
- k. A decision taken in violation of Article 48;
- l. a decision under Article 46 to (not) suspend consequences, as well as the Doping Authority's decision to (not) terminate (part of) a substantial support agreement;
- m. a decision by the Doping Authority, regarding an incriminating analytical result, an atypical finding, an incriminating passport result or an atypical passport result, not to report a doping offence, or a decision not to report a doping offence following an investigation in accordance with the ISRM;
- n. failure to comply with Article 56;
- o. a decision by WADA referred to in Article 20a(2) not to make an exception to the six-month rule contained therein;
- p. A decision by WADA under Article 7.1 of the World Anti-Doping Code;
- q. Failure to comply with Article 7.1.4 and Article 7.1.5 of the World Anti-Doping Code; and
- r. A decision by the Doping Authority to drop a whereabouts error.

59.2. A decision on a dispensation request may be appealed in accordance with the provisions of Article 62.

Article 60 Right of appeal

60.1. In cases related to participation in an international event or cases involving International-Level Athletes, a decision referred to in Article 59(1) may be appealed only to the CAS.

60.2. In cases covered by Article 60(1), the following parties have the right of appeal:

- a. the person to whom the decision under appeal applies;
- b. The Doping Authority;
- c. the international federation relevant in the case in question;
- d. the NADO of the country(ies) of nationality, residence or licence holder;
- e. the IOC or the IPC, where applicable, if the decision may have an effect that relates to the Olympic Games or the Paralympic Games respectively, including decisions that affect or may affect eligibility to participate in the Olympic Games or Paralympic Games; and
- f. WADA.

60.3. In cases not covered by Article 60(1), the parties referred to in Article 60(2):

³⁹ If the Union does not proceed to impose a measure of order in accordance with Article 26(3), this circumstance shall be considered, for the purposes of Article 59, as a decision taken in violation of Article 26(3).



- a. appeals against decisions referred to in Article 59 paragraph 1 under a-g, i, n and o may be lodged with the competent Appeals Tribunal of the Union, unless they are decisions of the Doping Authority, in which case appeals may be lodged with the Doping Review Committee⁴⁰;
 - b. appeals against decisions referred to in Article 59(1)(h), (j-m) and (p-r) may be lodged with the Doping Assessment Committee.
- 60.4. The parties referred to in Article 60(2)(c), (e) and (f) are entitled to appeal to the CAS against the decisions referred to in Article 60(3).⁴¹
- 60.5. Against a decision of the Doping Authority referred to in Article 59(1)(r), the following parties are entitled to appeal: WADA, the international federation relevant in the case in question, as well as the ADO who discovered the whereabouts error in question.
- 60.6. If a party entitled to appeal a decision has appealed to the CAS, all other parties entitled to appeal are explicitly entitled to lodge an incidental appeal. If a party wishes to exercise this right, that party must file the incidental appeal no later than with the statement of defence to be filed by the party with the CAS.
- 60.7. All parties to an appeal to CAS must ensure that WADA and all other parties with a right to appeal have been notified of the appeal to CAS in a timely manner.
- 60.8. An appeal against a decision to impose a disciplinary measure may only be lodged by the person on whom the disciplinary measure has been imposed.
- 60.9. A decision referred to in Article 59(1)(p) may only be appealed to the CAS. Article 7.1.1 of the World Anti-Doping Code shall apply mutatis mutandis.
- 60.10. In hearing appeals, the CAS is not bound by the judgment of the body appealed against.

Article 61 Appeal/intervention WADA

- 61.1. If WADA is entitled to appeal a decision in accordance with the provisions of Title XII, and no other party mentioned in Article 60(2) other than WADA has appealed, WADA may appeal directly to the CAS without exhausting the other avenues of appeal.
- 61.2. WADA has the right to intervene in a pending doping case if the competent disciplinary or appeals tribunal has not reached a decision within a reasonable period of time to be determined by WADA. At the time the aforementioned time limit expires, this shall be deemed to be a decision by the competent disciplinary or appeals body that no doping violation has occurred. WADA may in that case appeal directly to the CAS. If the CAS finds that (i) a doping offence has occurred in the doping case in question, and (ii) WADA's decision to appeal directly to the CAS was reasonable, the Union shall reimburse WADA's costs (including, in any event, legal fees), for the appeal to the CAS.

⁴⁰ The Doping Assessment Committee is an independent administrative body (zbo), established by law (Article 14 Wuab).

⁴¹ An appeal to the CAS is subject to the rules and conditions of the CAS in addition to the NDR.



Article 62 Appeal dispensations

- 65.1. A decision by the Doping Authority on the rejection of a dispensation request may be appealed to the Doping Review Committee. Title XII applies mutatis mutandis, unless otherwise provided in the NDR.
- 65.2. A decision by WADA regarding the review of a dispensation can only be appealed to the CAS. Persons entitled to appeal in this regard are the person concerned, the relevant international federation and the Doping Authority.
- 65.3. Dispensations reviewed by WADA at any time will remain in force until such time as the person concerned is notified in writing by WADA of this decision.
- 65.4. If a decision on a properly submitted dispensation request has not been made within a reasonable time, for the purposes of Article 62, the dispensation request shall be deemed to have been rejected, thereby triggering the provisions on WADA review applicable to the grounds of the World Anti-Doping Code and ISTUE and the remedy referred to in Article 62(1).

Article 63 Appeals deadlines

- 63.1. The time limit for lodging an appeal is twenty-one days from the day the party entitled to appeal was notified in writing or digitally (electronically) of the appealable decision.
- 63.2. The appeal period for an appeal to be lodged by WADA, or an intervention to be made by WADA, shall be the latest expiry of the following periods:
 - a. twenty-one days from the day on which the period for appeal expired for the other parties entitled to appeal; or
 - b. twenty-one days from the day WADA received the complete dossier on the appealable decision. WADA has 15 days from receiving the appealable decision to request the complete file.
- 63.3. The provisions of Article 63(2)(b) regarding WADA also apply to the appeal period applicable to the Doping Authority.

Title XIII Residual provisions

Article 64 Duties and responsibilities Doping Authority

- 64.1. The Doping Authority is the NADO of the Netherlands within the meaning of the World Anti-Doping Code and the Wuab.
- 64.2. The Doping Authority's duties, responsibilities and powers include the following:
 - a. planning, implementing, evaluating and promoting anti-doping education in line with the International Standard for Education (ISE);



- b. adopting the annexes forming part of the NDR (excluding the doping list);
- c. tracking down, and investigating, doping cases at home and abroad, organising hearings, interviews and talks in this regard, as well as exchanging knowledge and information with other ADOs in this regard;
- d. monitoring and supervising the correct application of and compliance with the NDR and the World Anti-Doping Code, as well as correcting and intervening in this context where necessary (e.g. by using the right of appeal);
- e. taking care of evidence, where appropriate;
- f. conducting the doping control process;
- g. liaising with members and/or stakeholders, or their representatives, specifically, but not exclusively, in the context of the application of Article 27 and Article 46;
- h. reporting in doping cases where appropriate;
- i. participating in the disciplinary treatment of doping cases;
- j. cooperating with police, judiciary, customs, the Healthcare and Youth Inspectorate, the Public Prosecution Service and the Dutch Food and Consumer Product Safety Authority and other judicial institutions and bodies (and the foreign equivalents of these organisations) in relation to doping cases, as well as exchanging information with these bodies on doping cases;
- k. managing biological passports, including planning and conducting sample collection in this regard, having samples analysed, reviewing and/or comparing results, appointing a committee to review the relevant data, and all other aspects as stipulated in the guideline(s) for such passports as prepared by WADA;
- l. the standard conduct of investigations of accompanying personnel in the case of a doping violation of a protected person and of accompanying personnel who provided support to more than one athlete found to have committed a doping violation;
- m. cooperating fully with WADA-initiated investigations into (i) doping offences, and (ii) activities that may facilitate doping;
- n. monitoring the correct application and/or implementation of the consequences imposed due to a violation of the NDR;
- o. dealing with cases where a sanction imposed on a person for a violation of the NDR is not (fully) complied with;
- p. all other duties, responsibilities and powers imposed in the NDR, the World Anti-Doping Code and/or the International Standards on the Doping Authority in its capacity as (N)ADO; and
- q. performing any other work and tasks that contribute to reducing doping in sport.

64.3. The Doping Authority is entrusted with the powers that belong to effectively and efficiently carrying out and fulfilling the tasks and responsibilities referred to in this article.

Article 65 Duties and responsibilities of members

- 65.1. Without prejudice to the provisions of the other Titles of the NDR, each member shall have the following duties and responsibilities:
- a. It abide adhere to the on him or her of applicable doping regulations and other types of doping rules, including legislation;



- b. being available at all times to carry out a doping control;
- c. preventing a banned substance or prohibited method from entering his or her body;
- d. preventing him or her from committing a doping offence;
- e. informing accompanying personnel, including in each case medical personnel, of (i) the obligation applicable to members not to use or administer prohibited substances and prohibited methods, and (ii) the responsibility of accompanying personnel to ensure that no prohibited substances and/or prohibited methods enter the body of a member they are accompanying, treating and/or working with;
- f. notifying the Doping Authority and the International Federation of any ruling or decision by an organisation or body not covered by the World Anti-Doping Code to the effect that he or she has committed a doping offence within the previous 10 years; and
- g. Contributing to ADO-initiated investigations into (i) doping offences, and (ii) activities that may facilitate doping.

65.2. Members who are included in a Doping Authority testing pool must comply with the educational obligation(s) that the Doping Authority has informed them of in writing upon inclusion in the relevant testing pool.

Article 66 Tasks and responsibilities of accompanying staff

Without prejudice to the provisions of the other Titles of the NDR, coaching staff shall have the following duties and responsibilities:

- a. cooperating in carrying out doping tests on members;
- b. encouraging among members a dismissive attitude towards doping;
- c. preventing a prohibited substance or prohibited method from entering the body of members accompanied by the accompanying staff and/or with whom the accompanying staff works;
- d. notifying the Doping Authority and the International Federation of any ruling or decision by an organisation or body not covered by the World Anti-Doping Code to the effect that he or she has committed a doping offence within the previous 10 years;
- e. cooperating with ADO-initiated investigations into (i) doping offences, and (ii) activities that may facilitate doping;
- f. being familiar with and complying with any (doping) regulations applicable to them and/or applicable to the member(s) accompanying the accompanying staff;
- g. cooperating in the application of and compliance with the NDR;
- h. cooperating in the performance of the Doping Authority's duties and responsibilities as referred to in Article 64;
- i. cooperating in the implementation of the ISE; and
- j. cooperating with the Doping Authority's (educational) activities arising from the ISE.

Article 67 Duties and responsibilities Union

67.1. Without prejudice to the provisions of the other Titles of the NDR, the Union shall have the following duties and responsibilities:

- a. cooperating in carrying out doping tests on members;
- b. Contributing to ADO-initiated investigations into (i) doping offences, and (ii) activities that may facilitate doping;



- c. reporting immediately to the Doping Authority and the international federation any information that might indicate or might be related to a doping violation;
- d. cooperating in the application of and compliance with the NDR;
- e. cooperating in the performance of the Doping Authority's duties and responsibilities as referred to in Article 64;
- f. the Union is obliged to cooperate in the implementation of the ISE;
- g. the Union, as well as clubs, associations and (commercial) teams or teams affiliated to the Union, are obliged to cooperate with the (educational) activities of the Doping Authority arising from the ISE; and
- h. the Union is obliged to draw up an education plan in cooperation with the Doping Authority and to comply with the agreements made therein.

67.2. If the Doping Authority determines that the Union does not comply with the obligations contained in the NDR, the Doping Authority will report this in writing to the relevant international federation, WADA and ^{NOC*NSF}⁴². If clubs, associations and (commercial) teams or squads affiliated to the Union fail to comply with the obligations set out in the NDR, the Doping Authority will initially report this to the Union.

Article 68 Privacy

- 68.1. The making of images or sound recordings of the doping control, as well as the showing, displaying or making public of images and/or sound recordings of the doping control, is only allowed with the consent of the person concerned and the relevant ADO.
- 68.2. The person's personal data, including his or her whereabouts data, dispensation data and control results, may be sent to the Union, the laboratory and the relevant ADOs, including in any case the Doping Authority, the international federations, as well as WADA.
- 68.3. The Doping Authority may disseminate information on control results and/or doping cases in accordance with the relevant provisions of the NDR, the World Anti-Doping Code and/or one or more International Standards.

Article 69 Costs

- 69.1. As far as carrying out the analysis is concerned, the person concerned shall pay the costs of the examination of the B sample referred to in Article 23, unless:
 - a. the analysis of the B sample is carried out at the request of the Doping Authority, in which case the said costs shall be borne by the Doping Authority irrespective of the analysis result; or
 - b. the analysis of the B sample does not confirm the analysis of the A sample, in which case the said costs will be borne by the Doping Authority.
- 69.2. Other costs incurred by the person concerned in having the B sample analysed, such as the presence of the person concerned himself and/or a person designated by him or her in the laboratory, shall be borne by the person concerned.

⁴² NOC*NSF: Netherlands Olympic Committee*Netherlands Sports Federation.



- 69.3. The costs incurred by the person concerned in the context of his defence in a doping case shall be at his own expense, unless a competent disciplinary tribunal, arbitration tribunal or court decides otherwise.

Article 70 Relationship between regulations

- 70.1. These Doping Regulations are designed to be independently applicable wherever possible. Consequently, other Association regulations, Association rules and/or Association decrees shall only apply in so far as they are supplementary to and not in conflict with these Doping Regulations. In the event of contradictions and/or discrepancies between regulations of the Union and these Regulations, including the Annexes and/or associated regulations, the rules of the NDR shall apply.
- 70.2. The application of the NDR shall not be limited by other regulations of the Union. Therefore, the disciplinary law of the Union shall apply only insofar as the disciplinary law does not conflict with the content and/or scope of these doping regulations.

Article 71 Interpretation

- 71.1. Interpretation of the NDR shall be based on the English language text of the World Anti-Doping Code and/or International Standards in force at the time of the doping control, or (if there was no doping control) the (alleged) occurrence of the doping violation.
- 71.2. The World Anti-Doping Code should be interpreted as an independent and autonomous text, and not by reference to laws or statutes, unless the NDR expressly provides otherwise.
- 71.3. The headings of the articles in these regulations are for convenience only, do not form part of the content of the articles, and do not affect the interpretation of the related provisions.
- 71.4. The NDR has been prepared in accordance with the applicable provisions of the World Anti-Doping Code and associated International Standards, and is to be interpreted in a manner consistent with those provisions of the World Anti-Doping Code and International Standards.
- 71.5. The explanatory notes to the provisions in the World Anti-Doping Code are part of this Code, and should be used when interpreting the NDR. The same applies to an explanation to the NDR prepared by the Doping Authority, if such an explanation is available.
- 71.6. All deadlines applicable for result management shall commence on the next day after the person concerned, the Union and/or the Doping Authority have received the said notification or information in writing.
- 71.7. For written correspondence, the date of receipt shall be deemed to be five days after the date of posting. For correspondence sent by electronic means only, the date of receipt shall be deemed to be one day after the date of sending.
- 71.8. The World Anti-Doping Code is applicable to the NDR. The purpose, scope and design of the World Anti-Doping Programme and the rules accompanying the



World Anti-Doping Code associated annex (on definitions (appendix 1)) are an integral part of the World Anti-Doping Code.

- 71.9. The NDR shall be interpreted in accordance with the World Anti-Doping Code. If there are contradictions and/or discrepancies between the NDR, including its Annexes and/or associated regulations, and the World Anti-Doping Code and/or the International Standards, the World Anti-Doping Code and the International Standards shall prevail.
- 71.10. The offences listed in Title II may be committed by any member, except:
- a. violations of Article 3 (presence), Article 4 (use), Article 5 (lack of cooperation) and Article 6 (whereabouts errors). These can only be committed (i) by members who fall under the definition of International-Level Athlete, National-Level Athlete or recreational athlete, (ii) members who compete at National-Level ^{B43} and/or (iii) by members who, whether in competition or not, engage in, plan to engage in and/or prepare for (active) sports practice;
 - b. offences under Article 8 (possession). These can only be committed by members referred to under Article 71 paragraph 10 (a) and/or members falling under the definition of accompanying staff (Article 1 paragraph 7).
- 71.11. Where the NDR (including its Annexes and/or associated regulations), the World Anti-Doping Code or the International Standards refer to days, they mean calendar days, unless otherwise specified.

Article 72 Transitional provisions

- 72.1. Articles 50 and 55 are procedural provisions that can be applied retrospectively.
- 72.2. Any doping case:
- a. which is already pending on the date of entry into force of the World Anti Doping Code ²⁰²¹⁴⁴; or
 - b. pending after the date of entry into force of the World Anti-Doping Code 2021 in relation to a doping offence that took place before that date of entry into force, falls under the substantive doping rules in force at the time the relevant (possible) doping offence took place and not under the substantive doping rules of the World Anti-Doping Code 2021, unless the competent disciplinary tribunal hearing the case (or the Doping Authority in the case of a possible settlement) determines that, in the circumstances of the case, the principle of Lex Mitior applies.
- 72.3. For the purposes of Article 72(2), Article 50(9) and Article 55 are procedural rules, not substantive rules, to be applied retroactively at the same time as all other procedural rules in the World Anti-Doping Code 2021 (it being understood that Article 55 will be applied retroactively only if the limitation period of the transitional provision has not yet expired on the date of entry into force of the World Anti-Doping Code 2021).
- 72.4. With regard to doping cases in which a final judgment on a

⁴³ See footnote to Article 1(45).

⁴⁴ The effective date of the World Anti-Doping Code 2021 is 1 January 2021. This date is referred to as the 'Effective Date' in the World Anti-Doping Code 2021.

doping offence has been committed, and the person is still serving a period of exclusion on this date, the person may submit a review request to the Doping Authority to consider a reduction of the aforementioned period of exclusion under the provisions of the World Anti-Doping Code 2021.

Such a request must be made before the period of exclusion has expired. The World Anti-Doping Code 2021 does not apply to doping cases in which a final ruling has been given on a doping offence has been committed and the imposed period of exclusion has expired. Review requests referred to in Article 72 shall be dealt with in accordance with the Regulations on Review Requests Transitional Provisions World Anti-Doping Code 2021.

- 72.5. In determining the period of exclusion for a second doping offence based on Article 50, where the sanction for the first doping offence was determined on the basis of doping regulations that were applicable prior to the entry into force of the World Anti-Doping Code 2021, the period of exclusion that would have been imposed for the aforementioned first doping offence if the World Anti-Doping Code 2021 (and the National Doping Regulations based on it) had been applicable shall be applied.
- 72.6. Amendments to the Doping List and Technical Documents relating to substances or methods on the Doping List shall not be applied retroactively, unless expressly provided otherwise in the Doping List or the relevant Technical Document.
- 72.7. Without prejudice to the previous provisions of this article, the provisions of the National Doping Regulations, as in force on that date, shall apply to a doping case. If, while a doping case is pending, provisions of these Doping Regulations are amended, for reasons of procedural economy and in order to maintain uniformity, the procedural rules from those amended provisions shall apply to the handling of the doping case, unless, in the opinion of the Disciplinary Board, the person concerned is demonstrably harmed thereby, in which case the original provisions shall remain in force.

Article 73 Annexes & regulations

- 73.1. The annexes and regulations referred to in these Doping Regulations are an integral part of the NDR and form an inseparable part of the NDR. At least the following regulations form part of these National Doping Regulations:
- The Regulations on Compliance with Doping Sanctions; and
 - The Regulations for Review Requests Transitional Provisions World Anti-Doping Code 2021.
- 73.2. The annexes and regulations belonging to these National Doping Regulations and forming part of the NDR, with the exception of the doping list, are established by the Doping Authority.
- 73.3. The annexes and regulations referred to in the previous paragraph come into force from the moment they are posted on the Doping Authority's website: www.dopingautoriteit.nl. The doping list comes into force on a date to be determined by WADA in each case. Article 74 Final provision

In cases not provided for in the NDR, the Doping Authority shall decide. In such cases, prior to taking a decision, the Doping Authority shall consult the Union.

