

**INTERNATIONAL TRIATHLON UNION  
(ITU)**

**ITU ANTI-DOPING RULES**

**AS OF 8 SEPTEMBER, 2004**

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## INTRODUCTION

### Preface

At the ITU Executive Board meeting held on 7 May 2004 in Madeira, Portugal, ITU accepted the World Anti-Doping Code (the "Code"). These Anti-Doping Rules are adopted and implemented in conformance with ITU's responsibilities under the Code, and are in furtherance of ITU's continuing efforts to eradicate doping in triathlon.

Anti-Doping Rules, like *Competition* rules, are sport rules governing the conditions under which sport is played. *Athletes* accept these rules as a condition of participation. Anti-Doping Rules are not intended to be subject to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and minimum standards set forth in the Code and implemented in these Anti-Doping Rules represent the consensus of a broad spectrum of stakeholders with an interest in fair sport and should be respected by all courts and adjudicating bodies.

### Scope

These Anti-Doping Rules shall apply to ITU, each *National Federation* of ITU, and each *competitor* in the activities of ITU or any of its *National Federations* by virtue of the *competitor's* membership, accreditation, or participation in ITU, its *National Federations*, or their activities or *Events*.

These Anti-Doping Rules shall apply to all *Doping Controls* over which ITU and its *National Federations* have jurisdiction: ITU World Championships, ITU World Cup events, ITU Continental events, ITU National Federations Championships and series events which are of the format specified by the ITU Competition Rules, Appendix A.

## ARTICLE 1 DEFINITION OF DOPING

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

## ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

The following constitute anti-doping rule violations:

### 2.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's* bodily specimen

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

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

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

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

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

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

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

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

### 2.6 Possession of *Prohibited Substances* and *Methods*

**2.6.1** *Possession* by an *Athlete* at any time or place of a substance that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* unless the *Athlete* establishes that the *Possession* is pursuant to a therapeutic use

exemption granted in accordance with Article 4.4 (Therapeutic Use) or other acceptable justification.

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

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

**2.8 Administration or Attempted administration of a Prohibited Substance or Prohibited Method** to any *Athlete*, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any *Attempted* violation.

## ARTICLE 3 PROOF OF DOPING

### 3.1 Burdens and Standards of Proof

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

### 3.2 Methods of Establishing Facts and Presumptions

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

**3.2.1** WADA-accredited laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for laboratory analysis. The *Athlete* may rebut this presumption by establishing that a departure from the *International Standard* occurred.

If the *Athlete* rebuts the preceding presumption by showing that a departure from the *International Standard* occurred, then ITU or its *National Federation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

**3.2.2** Departures from the *International Standard* for *Testing* which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Athlete* establishes that departures from the *International Standard* occurred during *Testing* then ITU or its *National Federation* shall have the burden to establish that such departures did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

## ARTICLE 4 THE PROHIBITED LIST

### 4.1 Incorporation of the *Prohibited List*

These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the *Code*. ITU will make the current *Prohibited List* available to each *National Federation*, and each *National Federation* shall ensure that the current *Prohibited List* is available to its members.<sup>1</sup>

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

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication of the *Prohibited List* by WADA without requiring any further action by ITU. As described in Article 4.2 of the *Code*, ITU may request that WADA expand the *Prohibited List*. As provided in the *Code*, WADA shall make the final decision on such requests by ITU.

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

As provided in Article 4.4.3 of the *Code*, WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* shall be final and shall not be subject to challenge by an *Athlete* or other *Person*.

### 4.4 Therapeutic Use

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

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

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

**4.4.3.1** *International-Level Athletes* who are included in ITU's *Registered Testing Pool*, should apply to ITU for the TUE at the same time the *Athlete* first provides whereabouts information to ITU and,

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(1) The *Prohibited List* in force is available on WADA's website at [www.wada-ama.org](http://www.wada-ama.org).

except in emergency situations, no later than 21 days before the *Athlete's* participation at an *International Event*.

**4.4.3.2** *Athletes* participating in *International Events* who are not included in the *ITU Registered Testing Pool* must, except in emergency situations, request a TUE from ITU no later than 21 days before the *Athlete's* participation at an *International Event*.

**4.4.4** WADA, at the request of an *Athlete* or on its own initiation, may review the granting or denial of any TUE to an *International Level Athlete* or a national level *Athlete* that is included in a *Registered Testing Pool*. If WADA determines that the granting or denial of a TUE did not comply with the *International Standard* for Therapeutic Use Exemptions in force at the time then WADA may reverse that decision. Decisions on TUE's are subject to further appeal as provided in Article 13.

## **ARTICLE 5 TESTING**

### **5.1 Authority to Test**

All *Athletes* affiliated with a *National Federation* shall be subject to *In-Competition Testing* by ITU, the *Athlete's National Federation*, and any other *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate. All *Athletes* affiliated with a *National Federation* shall also be subject to *Out-of-Competition Testing* at any time or place, with or without advance notice, by ITU, WADA, the *Athlete's National Federation*, the *National Anti-Doping Organization* of any country where the *Athlete* is present, the IOC during the Olympic Games, and the IPC during Paralympic Games.

### **5.2 Responsibility for IF Testing**

ITU shall be responsible for overseeing all *Testing* conducted by ITU. *Testing* may be conducted by members of ITU or by other qualified persons so authorized by ITU.

### **5.3 Testing Standards**

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

**5.3.1** Blood (or other non-urine) *Samples* may be used either to detect *Prohibited Substances* or *Prohibited Methods* or for screening procedure purposes only. If the blood is collected for screening only, it will have no other consequences for the *Athlete* other than to identify him/her for a urine test under these anti-doping rules. In these circumstances, ITU may decide at its own discretion which blood parameters are to be measured in the screening *Sample* and what levels of those parameters will be used to indicate that an *Athlete* should be selected for a urine test.

### **5.4 Out of competition testing**

**5.4.1** Out of competition testing may be carried out in any country at any time. ITU has identified a *Registered Testing Pool* of those *Athletes* who

are subject to out of competition testing: this pool includes all athletes in the top 125 places of the men's and women's ITU world ranking list as well as all athletes qualified for the Olympic games. ITU may revise its *Registered Testing Pool* from time to time as appropriate.

**5.4.2 Athlete Whereabouts Requirements:** each *Athlete* in the *Registered Testing Pool* shall provide ITU with information which specify the locations and times where the *Athlete* will be residing, training and competing. *Athletes* shall update this information as necessary so that it is current at all times. The ultimate responsibility for providing whereabouts information rests with each *Athlete*, however, it shall be the responsibility of each *National Federation* to use its best efforts to assist ITU in obtaining whereabouts information as requested by ITU.

**5.4.3** Whereabouts information provided pursuant to Article 5.4.2 shall be shared with *WADA* and other *Anti-Doping Organizations* having jurisdiction to test an *Athlete* on the strict condition that it be used only for *Doping Control* purposes.

## **5.5 Selection of Athletes to be Tested**

**5.5.1** At *International Events*, ITU shall determine the number of finishing placement tests, random tests and target tests to be performed.

**5.5.2** At *National Events*, each *National Federation* shall determine the number of *Athletes* selected for *Testing* in each *Competition* and the procedures for selecting the *Athletes* for *Testing*.

## **ARTICLE 6 ANALYSIS OF SAMPLES:**

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

### **6.1 Use of Approved Laboratories**

ITU shall send *Doping Control Samples* for analysis only to *WADA*-accredited laboratories or as otherwise approved by *WADA*. The choice of the *WADA*-accredited laboratory (or other method approved by *WADA*) used for the *Sample* analysis shall be determined exclusively by ITU.

### **6.2 Substances Subject to Detection**

*Doping Control Samples* shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the Monitoring Program described in Article 4.5 of the *Code*.

### **6.3 Research on Samples**

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

#### **6.4 Standards for *Sample Analysis and Reporting***

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

### **ARTICLE 7 RESULTS MANAGEMENT**

#### **7.1 Results Management for *Tests Initiated by ITU***

Results management for *Tests* initiated by ITU (including *Tests* performed by WADA pursuant to agreement with ITU) shall proceed as set forth below:

**7.1.1** The results from all analyses must be sent to ITU in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in such a way that the results of the analyses are confidential.

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

**7.1.3** If the initial review under Article 7.1.2 does not reveal an applicable therapeutic use exemption or departure from the *International Standard for Testing or the International Standard for laboratory analysis* in force at the time of *Testing* or analysis that undermines the validity of the *Adverse Analytical Finding*, ITU shall promptly notify the *Athlete* of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated, or, in a case under Articles 7.1.8 or 7.1.9, a description of the additional investigation that will be conducted as to whether there is an anti-doping rule violation; (c) the *Athlete's* right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived; (d) the right of the *Athlete* and/or the *Athlete's* representative to attend at their/his expense the B *Sample* opening and analysis if such analysis is requested; and (e) the *Athlete's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the *International Standard for Laboratory Analysis*.

**7.1.4** Arrangements shall be made for *Testing* the B *Sample* within three weeks of the notification described in Article 7.1.3. An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. ITU may nonetheless elect to proceed with the B *Sample* analysis.

**7.1.5** The *Athlete* and/or his representative shall be allowed to be present at the analysis of the B *Sample*. Also a representative of the *Athlete's National Federation* as well as a representative of ITU shall be allowed to be present.

**7.1.6** If the B *Sample* proves negative, the entire test shall be considered negative and the *Athlete*, his *National Federation*, and ITU shall be so informed.

**7.1.7** If a *Prohibited Substance* or the *Use of a Prohibited Method* is identified, the findings shall be reported to the *Athlete*, his *National Federation*, ITU, and to WADA.

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

**7.1.9** For apparent anti-doping rule violations that do not involve *Adverse Analytical Findings*, ITU shall conduct any necessary follow-up investigation and shall then promptly notify the *Athlete* of the anti-doping rule which appears to have been violated, and the basis of the violation.

## **7.2 Results Management for Tests Initiated During Other International Events**

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

## **7.3 Results Management for Tests initiated by National Federations**

Results management conducted by *National Federations* shall be consistent with the general principles for effective and fair results management which underlie the detailed provisions set forth in Article 7.1. Results of all *Doping Controls* shall be reported to ITU within 14 days of the conclusion of the *National Federation's* results management process. Any apparent anti-doping rule violation by an *Athlete* who is a member of that *National Federation* shall be promptly referred to an appropriate hearing panel established pursuant to the rules of the *National Federation* or national law. Apparent anti-doping rule violations by *Athletes* who are members of another *National Federation* shall be referred to the *Athlete's National Federation* for hearing.

## **7.4 Provisional Suspensions**

The ITU Executive Board, after consultation with the ITU Anti-Doping Administrator, may Provisionally Suspend an *Athlete* prior to the opportunity for a full hearing based on an *Adverse Analytical Finding* from the *Athlete's A Sample* or *A and B Samples* and the review described in Article 7.1. If a *Provisional Suspension* is imposed, either the hearing in accordance with Article 8 shall be advanced to a date which avoids substantial prejudice to the *Athlete*, or the *Athlete* shall be given an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*. *National Federations* may impose *Provisional Suspensions* in accordance with the principles set forth in this Article 7.3.

# **ARTICLE 8 RIGHT TO A FAIR HEARING**

## **8.1 Disciplinary Panel:**

When it appears, following the results management process described in Article 7, that these Anti-Doping Rules have been violated, the *Athlete* or other *Person* involved shall be brought before a disciplinary panel of the *Athlete* or other *Person's National Federation* for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what *Consequences* should be imposed. Such hearing process shall respect the following principles:

- a timely hearing;
- fair and impartial hearing body;
- the right to be represented by counsel at the *Person's* own expense;
- the right to be fairly and timely informed of the asserted anti-doping rule violation;
- the right to respond to the asserted anti-doping rule violation and resulting *Consequences*;
- the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing body's discretion to accept testimony by telephone or written submission);
- the *Person's* right to an interpreter at the hearing, with the Doping Panel to determine the identity, and responsibility for the cost of the interpreter; and
- a timely, written, reasoned decision.

### **8.2 Completion of the Hearing:**

Hearings pursuant to this Article shall be completed expeditiously and in all cases within three months of the completion of the Results Management process described in Article 7. Hearings held in connection with *Events* may be conducted by an expedited process. If the completion of the hearing is delayed beyond three months, IF may elect, if the *Athlete* is an *International Level Athlete*, to bring the case directly to a single arbitrator from the Court of Arbitration for Sport. The case before the Court of Arbitration for Sport shall be handled in accordance with the Court of Arbitration for Sport appeal procedure without reference to any time limit for appeal. If the completion of the hearing is delayed beyond three months, and the *Athlete* is not an *International Level Athlete*, IF may elect to bring the case directly to the national level appellate body referenced in Article 13.2.2. In either case, the hearing shall proceed at the responsibility of and the expense of the *National Federation*. In either case the appeal from such decision shall be to the Court of Arbitration for Sport.

### **8.3 IF Status Reports:**

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

### **8.4 IF as Observer:**

IF shall have the right to attend hearings as an observer.

### **8.5 Foregoing the Hearing:**

The *Athlete* or other *Person* may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting *Consequences* consistent with Articles 9 and 10 as proposed by the *National Federation*.

### **8.6 Decisions by National Federations:**

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

### **8.7 Further Administrative Review:**

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

## **ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

A violation of these Anti-Doping Rules in connection with an *In-Competition* test automatically leads to *Disqualification* of the individual result obtained in that *Competition* with all resulting consequences, including forfeiture of any medals, points and prizes.

## **ARTICLE 10 SANCTIONS ON INDIVIDUALS**

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

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

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

### **10.2 Imposition of Ineligibility for Prohibited Substances and Prohibited Methods**

Except for the specified substances identified in Article 10.3, the period of *Ineligibility* imposed for a violation of Article 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), Article 2.2 (*Use or Attempted Use of Prohibited Substance or Prohibited Method*) and Article 2.6 (*Possession of Prohibited Substances and Methods*) shall be:

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

Second violation: Lifetime *Ineligibility*.

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

### 10.3 Specified Substances

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

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

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

Third violation: Lifetime *Ineligibility*.

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

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

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

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

**10.4.2** For violations of Article 2.7 (*Trafficking*) or Article 2.8 (administration of *Prohibited Substance* or *Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility*. An anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than specified substances referenced in Article 10.3, shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, violations of such Articles which also violate non-sporting laws and regulations may be reported to the competent administrative, professional or judicial authorities.

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

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

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

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

**10.5.1** If the *Athlete* establishes in an individual case involving an anti-doping rule violation under Article 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*) or *Use* of a *Prohibited Substance* or *Prohibited Method* under Article 2.2 that he or she bears *No Fault or Negligence* for the violation,

the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of Article 2.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for multiple violations under Article 10.2, 10.3 and 10.6.

**10.5.2** This Article 10.5.2 applies only to anti-doping rule violations involving Article 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Use of a Prohibited Substance* or *Prohibited Method* under Article 2.2, failing to submit to *Sample* collection under Article 2.3, or administration of a *Prohibited Substance* or *Prohibited Method* under Article 2.8. If an *Athlete* establishes in an individual case involving such violations that he or she bears *No Significant Fault or Negligence*, then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of Article 2.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

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

## **10.6 Rules for Certain Potential Multiple Violations**

**10.6.1** For purposes of imposing sanctions under Article 10.2, 10.3 and 10.4, a second anti-doping rule violation may be considered for purposes of imposing sanctions only if ITU (or its *National Federation*) can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice, or after ITU (or its *National Federation*) made a reasonable attempt to give notice, of the first anti-doping rule violation; if ITU (or its *National Federation*) cannot establish this, the violations shall be considered as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

**10.6.2** Where an *Athlete*, based on the same *Doping Control*, is found to have committed an anti-doping rule violation involving both a specified substance under Article 10.3 and another *Prohibited Substance* or *Prohibited Method*, the *Athlete* shall be considered to have committed a single anti-doping rule violation, but the sanction imposed shall be based on the

*Prohibited Substance* or *Prohibited Method* that carries the most severe sanction.

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

### **10.7 Disqualification of Results in Competitions Subsequent to Sample Collection**

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

### **10.8 Commencement of Ineligibility Period**

The period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served. Where required by fairness, such as delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete*, ITU or *Anti-Doping Organization* imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection.

### **10.9 Status During Ineligibility**

No *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in an *Event* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by ITU or any *National Federation*. In addition, for any anti-doping rule violation not involving specified substances described in Article 10.3, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by ITU and its *National Federations*. A *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport events in a sport other than sports subject to the jurisdictions of ITU and its *National Federations*, but only so long as the local sport event is not at a level that could otherwise qualify such *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*.

### **10.10 Reinstatement Testing**

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by ITU, the applicable *National Federation*, and any other *Anti-Doping Organization* having *Testing* jurisdiction, and must provide current and accurate whereabouts information as provided in Article 5.5. If an *Athlete* subject to a period of *Ineligibility* retires from sport and is removed from *Out-of-Competition Testing* pools and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified ITU and the applicable *National Federation* and has been subject to *Out-of-Competition Testing* for a period of time equal to the length of the period set forth in Article 5.6 or the period of *Ineligibility* remaining as of the date the *Athlete* had retired. Once the period of an *Athlete's* suspension has expired, and the *Athlete* has fulfilled the conditions of reinstatement, then the *Athlete* will become automatically re-eligible and no application by the *Athlete* or by the *Athlete's National Federation* will then be necessary.

## **ARTICLE 11 SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL FEDERATIONS**

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

**11.2** ITU may elect to take additional disciplinary action against *National Federations* with respect to recognition, the eligibility of its officials and athletes to participate in International Events, and fines.

## **ARTICLE 12 APPEALS**

### **12.1 Decisions Subject to Appeal**

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.4. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorized in Article 8.2.7 must be exhausted.

### **12.2 Appeals from Decisions Regarding *Anti-Doping* Rule Violations, Consequences, and *Provisional Suspensions***

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* for an anti-doping rule violation, a decision that no anti-doping rule violation was committed, a decision that ITU or its *National Federation* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences* may be appealed exclusively as provided in this Article 13.2.

**12.2.1** In cases arising from competition in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to the Court of Arbitration for Sport ("CAS") in accordance with the provisions applicable before such court.

**12.2.2** In cases involving *Athletes* that do not have a right to appeal under Article 13.2.1, each *National Federation* shall have in place an appeal procedure that respects the following principles: a timely hearing, a fair and

impartial hearing body; the right to be represented by a counsel at the person's expense; and a timely, written, reasoned decision. ITU's rights of appeal with respect to these cases are set forth in Article 13.2.3 below.

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

### **12.3 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption**

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

### **12.4 Appeal from Decisions Pursuant to Article 12**

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

### **12.5 Time for Filing Appeals**

The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having lead to the decision subject to appeal:

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

## **ARTICLE 13 NATIONAL FEDERATIONS INCORPORATION OF ITU RULES, REPORTING AND RECOGNITION**

### **13.1 Incorporation of ITU Anti-Doping Rules**

All *National Federations* shall comply with these Anti-Doping Rules. These Anti-Doping Rules shall also be incorporated either directly or by reference into each *National Federations* Rules. All *National Federations* shall include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules. The Rules of each *National Federation* shall specifically provide that all *Athletes*, *Athlete Support Personnel* and other *Persons* under the jurisdiction of the *National Federation* shall be bound by these Anti-Doping Rules.

### **13.2 Statistical Reporting**

*National Federations* shall report to ITU at the end of every playing season (August 31) results of all *Doping Controls* within their jurisdiction sorted by *Athlete* and identifying each date on which the *Athlete* was tested, the entity conducting the test, and whether the test was *In-Competition* or *Out-of-Competition*. ITU may periodically publish *Testing* data received from *National Federations* as well as comparable data from *Testing* under ITU's jurisdiction.

### **13.3 Public Disclosure**

Neither ITU nor its *National Federation* shall publicly identify *Athletes* whose *Samples* have resulted in *Adverse Analytical Findings*, or who were alleged to have violated other Articles of these Anti-Doping Rules until it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged. Once a violation of these Anti-Doping Rules has been established, it shall be publicly reported within 20 days.

### **13.4 Recognition of Decisions by ITU and *National Federations***

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

## **ARTICLE 14 RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS**

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

## **ARTICLE 15 STATUTE OF LIMITATIONS**

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

## **ARTICLE 16 ITU COMPLIANCE REPORTS TO WADA**

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

## **ARTICLE 17 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES**

**17.1** These Anti-Doping Rules may be amended from time to time by the ITU Board of Directors.

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

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

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

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

**17.6** Notice to an *Athlete* or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

**17.7** These Anti-Doping Rules shall not apply retrospectively to matters pending before the date these Anti-Doping Rules came into effect.

## APPENDIX 1 - DEFINITIONS

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

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

Athlete. For purposes of *Doping Control*, any *person* who participates in sport at the international level (as defined by each International Federation) or national level (as defined by each *National Anti-Doping Organization*) and any additional *person* who participates in sport at a lower level if designated by the *Person's National Anti-Doping Organization*. For purposes of anti-doping information and education, any *person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code*.

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

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

Code. The World Anti-Doping Code.

Competition. A single race organised in agreement with ITU or one of its national federations in a format specified under Appendix A of the ITU Competition Rules. For example the elite men's competition at the ITU Triathlon World Championships.

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

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

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

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

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

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

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

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

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

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

ITU Events. ITU events are those which fall under the jurisdiction of these rules: ITU World Championships, ITU World Cup events, ITU Continental events, ITU National Federations Championships and series events which are of the format specified by the ITU Competition Rules, Appendix A.

Jurisdiction: The extent to which these rules apply which is: ITU, each *National Federation* of ITU, and each *competitor* in the activities of ITU or any of its *National Federations* including ITU World Championships, ITU World Cup events, ITU Continental events, ITU National Federations Championships and series events which are of the format specified by the ITU Competition Rules, Appendix A. Events organised by private for-profit companies that do not have an agreement with ITU are outside the jurisdiction of this agreement.

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

Marker. A compound, group of compounds or biological parameters that indicates the *Use of a Prohibited Substance* or *Prohibited Method*.

Metabolite. Any substance produced by a biotransformation process.

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

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

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

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

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

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

No Fault or Negligence. The *Athlete's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method*.

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

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

Participant. Any *Athlete* or *Athlete Support Personnel*.

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

Possession. The actual, physical possession, or the constructive possession (which shall be found only if the person has exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists); provided, however, that if the person does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive possession shall only be found if the person knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on possession if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* no longer intends to have *Possession* and has renounced the *Person's* previous *Possession*.

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

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

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

Provisional Hearing. For purposes of Article 7.4, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension. See *Consequences* above.

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

Registered Testing Pool. The pool of top level *Athletes* established separately by each International Federation and *National Anti-Doping Organization* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or Organization's test distribution plan.

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

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

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

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

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

Trafficking. To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to an *Athlete* either directly or through one or more third parties, but excluding the sale or distribution (by medical personnel or by *Persons* other than an *Athlete's Support Personnel*) of a *Prohibited Substance* for genuine and legal therapeutic purposes.

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

WADA. The World Anti-Doping Agency.