



## **ANTI-DOPING SPORTS CODE**

**Implementing the WADA Code and the International Standards**

**Version 1.1, in effect as from 1° December 2021**

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# NADO ITALIA'S ANTI-DOPING SPORTS CODE

## INTRODUCTION

### **Preface**

This *Anti-Doping Sports Code* (*ADSC*) is adopted and implemented in accordance with NADO Italia's responsibilities under the World Anti-Doping Code (the *Code*), and in furtherance of NADO Italia's continuing efforts to eradicate doping in sport in Italy.

Italicized terms in this *Anti-Doping Sports Code* are defined in Appendix 1.

Unless otherwise specified, references to Articles are references to Articles of this *Anti-Doping Sports Code*.

### **Fundamental Rationale for NADO Italia's *Anti-Doping Sports Code***

Anti-doping programs are founded on the intrinsic value of sport and seek to protect the health of *Athletes* and to provide the opportunity for *Athletes* to pursue human excellence without the *Use of Prohibited Substances* and *Prohibited Methods*.

Anti-doping programs seek to maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field, and the value of clean sport to the world.

### **The National Anti-Doping Program**

NADO Italia was established under Law No. 230 dated 26 November 2007, ratifying the International Convention against doping in sport adopted by the UNESCO General Conference, and in accordance with the *Code*, of which NADO Italia is a *Signatory*, with the objective of acting as the *National Anti-Doping Organization* for Italy.

NADO Italia's overall activities are conducted under condition of full independence and autonomy and are subject to ongoing supervision and audit by *WADA*.

The roles and responsibilities described in *Code* Article 20.5 for *National Anti-Doping Organizations* apply and are incorporated by reference in this *ADSC*. NADO Italia shall report to *WADA* on its compliance with the *Code* and *International Standards* in accordance with *Code* Article 24.1.2.

NADO Italia is chaired by a President, governed by a Director General and consists of the following bodies:

- *Oversight Board* (hereinafter the "OB") which oversees implementation of the "Three-Year Strategic Plan" of NADO Italia; examines the annual report of the activities of NADO Italia; evaluates the annual budget issuing any necessary recommendations, ensuring the implementation by NADO Italia of its core responsibilities in accordance with the *Code*;

- Executive Board (hereinafter the “EB”): evaluates NADO Italia’s compliance with the rules, the *Code* and *International Standards* and deliberates on their adoption; monitors, through the Director General, the updates approved by WADA; deliberates the annual report of NADO Italia’s activities; deliberates the “Three-Years Strategic Plan” of NADO Italia; deliberates on the annual budget of NADO Italia and submits it to the OB;
- Anti-Doping Controls Committee (hereinafter the “ADCC”) who prepares the Test Distribution Plan (TDP), arranging the conduct of *In-competition* and *Out-of-Competition* tests. This Committee is also tasked with the annual drafting of the criteria whereby *Athletes* are included in the RTP and the related procedures pertaining to *Athlete* whereabouts;
- Therapeutic Use Exemptions Committee (hereinafter the “TUEC”) who considers applications for TUEs;
- Anti-Doping Education, Learning and Research Committee (hereinafter the “ERC”), pursues the research and training objectives of anti-doping, planning, monitoring and evaluating on an annual basis the *Education* programmes implemented by NADO Italia;
- National Anti-Doping Prosecutor’s Office (hereinafter the “NADP”) whose duties include *Results Management* and establishing responsibilities of individuals who have shown any conduct that infringes the *ADSC*;
- National Anti-Doping Tribunal (hereinafter the “NADT”), having jurisdiction to pass first instance judgement on *ADSC* violations.

For the purposes of conducting *In-competition* and *Out-of-Competition* tests, NADO Italia relies on Doping Control Officers/Blood Control Officers (respectively, DCOs/BCOs) – *Sample* collection physicians from FMSI (hereinafter “FMSI”) – and, with regard to *Sample* analysis, the Rome-based Anti-Doping Laboratory, the only WADA-accredited laboratory nationwide, or other WADA-approved or accredited laboratories. NADO Italia always remains fully responsible for ensuring that any delegated aspects of the *Doping Control* are performed in compliance with the *Code* and *International Standards*.

For any matter not expressly covered in this regulation, or in the event of conflict between this regulation and the *Code* and/or *International Standards*, the latter shall apply together with the relevant comments. Similarly, the *ADSC* shall be interpreted and construed by making reference to the *Code* and/or *International Standards* together with the relevant comments.

### **Sphere of Application of this *Anti-Doping Sports Code***

The *Anti-Doping Sports Code* constitutes the only regulation within the Italian sports system that governs anti-doping matters and the conditions to comply with when engaging in sports endeavors.

The introduction is deemed to form an integral and material part hereof, as well as the *Results Management Procedure* (RMP) and the *Technical Document for Testing and Investigations* (TD\_TI), available on NADO Italia's website ([www.nadoitalia.it](http://www.nadoitalia.it)).

This *ADSC* shall apply to NADO Italia, including its board members, director, officers and specified employees, and *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*.

National Sports Federations, Associated Sports Disciplines, Sports Promotion Entities, Leagues, Clubs and all the other sports bodies however established shall be considered to fall under the jurisdiction of NADO Italia and shall be required to comply with *ADSC* provisions and collaborate with NADO Italia in enforcing the anti-doping programme.

By virtue of their membership, registration, accreditation or at any rate their belonging to the aforementioned organizations or participation in sports events, *Athletes*, *Athlete Support Personnel* and other *Persons* shall be required to be familiar and comply with this *ADSC* as a condition precedent to engaging in sports activities.

This *ADSC* shall also apply to all paralympic sports activities and *Athletes*.

## **CORE ROLES AND RESPONSIBILITIES OF *ATHLETES***

It is personal responsibility of each *Athlete*:

- to be knowledgeable of and comply with this *Anti-Doping Sports Code* and with the obligations arising from it;
- to be available for *Sample* collection at all times;
- to take responsibility, in the context of anti-doping, for what they ingest and *Use*;
- to inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate this *Anti-Doping Sports Code*;
- to disclose to NADO Italia and their International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years;
- to cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations;
- to disclose the identity of their *Athlete Support Personnel* upon request by NADO Italia or a *National Sport Federation*, or any other *Anti-Doping Organization* with authority over the *Athlete*.

## **CORE ROLES AND RESPONSIBILITIES OF *ATHLETE SUPPORT PERSONNEL***

It is personal responsibility of each *Athlete Support Personnel*:

- to be knowledgeable of and comply with this *Anti-Doping Sports Code*;
- to cooperate with the *Athlete Testing* program;
- to use their influence on *Athlete* values and behavior to foster anti-doping attitudes;
- to disclose to NADO Italia and their *International Federation* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous

- ten (10) years;
- to cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.

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

## **CORE ROLES AND RESPONSIBILITIES OF OTHER *PERSONS* SUBJECT TO THIS *ANTI-DOPING SPORTS CODE***

It is their responsibility:

- to be knowledgeable of and comply with this *Anti-Doping Sports Code*;
- to disclose to NADO Italia and their *International Federation* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years;
- to cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations;
- not to *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.

## **CORE ROLES AND RESPONSIBILITIES OF *NATIONAL FEDERATIONS***

All *National Federations* of Italy and their members shall comply with the *Code*, *International Standards*, and this *Anti-Doping Sports Code*. All *National Federations* of Italy and other members shall include in their policies, rules and programs the provisions necessary to recognize the authority and responsibility of NADO Italia for implementing Italian's National Anti-Doping Program and enforcing this *Anti-Doping Sports Code*.

By adopting this *Anti-Doping Sports Code*, and incorporating it into their governing documents and rules of sport, *National Federations* shall cooperate with and support NADO Italia in that function. They shall also recognize, abide by and implement the decisions made pursuant to this *Anti-Doping Sports Code*, including the decisions imposing sanctions on *Persons* under their authority.

All *National Federations* of Italy shall take appropriate action to enforce compliance with the *Code*, *WADA's International Standards*, and this *Anti-Doping Sports Code* by, *inter alia*, recognizing the authority of NADO Italia in accordance with Article 5.2.1 of the *Code* and assisting as appropriate with NADO Italia's implementation of the national *Testing* program for their sport. All *National Federations* shall include on the membership card/license that the holder of this card is bound by this *Anti-Doping Sports Code* and those of the relevant *International Federation* with a signature acknowledging this acceptance.

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

All *National Federations* shall conduct anti-doping *Education* only in coordination with NADO Italia.

## 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 2.11. Other violations of this *Anti-Doping Sports Code* are set forth in Article 3.

## ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

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

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

The following constitute anti-doping rule violations:

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

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

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or, where the *Athlete's A* or *B Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.

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

**2.1.4** As an exception to the general rule of Article 2.1, the *Prohibited List*, *International Standards*, or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

**2.2** *Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method*

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

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

**2.3** *Evading, Refusing or Failing to Submit to Sample Collection by an Athlete*

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.

**2.4** *Whereabouts Failures by an Athlete*

Any combination of three (3) missed tests and/or filing failures, as defined in the *International Standard for Results Management*, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.

**2.5** *Tampering or Attempted Tampering with any Part of Doping Control by an Athlete or Other Person*

**2.6** *Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person*

**2.6.1** *Possession* by an *Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is consistent with a Therapeutic Use Exemption (“TUE”) granted in accordance with Article 5.4 or other acceptable justification.

**2.6.2** *Possession* by an *Athlete Support Person In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Support Person Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete*, *Competition* or training, unless the *Athlete Support Person*



establishes that the *Possession* is consistent with a *TUE* granted to an *Athlete* in accordance with Article 5.4 or other acceptable justification.

**2.7 *Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or Other Person***

**2.8 *Administration or Attempted Administration by an Athlete or Other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is Prohibited Out-of-Competition***

**2.9 *Complicity or Attempted Complicity by an Athlete or Other Person***

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation, or violation of Article 11.14.1 by another *Person*.

**2.10 *Prohibited Association by an Athlete or Other Person***

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

**2.10.1.1** If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or

**2.10.1.2** If not subject to the authority of an *Anti-Doping Organization*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

**2.10.1.3** Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

**2.10.2** To establish a violation of Article 2.10, an *Anti-Doping Organization* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person's* disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Article 2.10.1.1 or

2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

*Anti-Doping Organizations* that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to *WADA*.

## **2.11 Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting to Authorities**

Where such conduct does not otherwise constitute a violation of Article 2.5:

**2.11.1** Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to *WADA*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organization*.

**2.11.2** Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to *WADA*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organization*.

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.

## **ARTICLE 3 OTHER VIOLATION OF THE *ANTI-DOPING SPORTS CODE***

The following constitute other *ADSC*'s violations:

- 3.1** any violation pertaining to any part of *Doping Control* as ordered by the Department of Doping Control and Supervision and Health Safety in Sports Activities pursuant to Law No. 376/2000;
- 3.2** failure to provide co-operation by any individual to ensure compliance with *ADSC*, including failure to report relevant circumstances for the purpose of establishing doping offences;
- 3.3** any offensive conduct towards the DCO and/or Doping Control Personnel that does not qualify as a violation of Article 2.5.

## ARTICLE 4 PROOF OF DOPING

### 4.1 Burdens and Standards of Proof

NADO Italia shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether NADO Italia has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where this *Anti-Doping Sports Code* places 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, except as provided in Articles 4.2.2 and 4.2.3, the standard of proof shall be by a balance of probability.

### 4.2 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:

**4.2.1** Analytical methods or *Decision Limits* approved by *WADA* after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge. The *NADT* or *CAS*, on its own initiative, may also inform *WADA* of any such challenge. Within ten (10) days of *WADA*'s receipt of such notice and the case file related to such challenge, *WADA* shall also have the right to intervene as a party, appear as *amicus curiae* or otherwise provide evidence in such proceeding. In cases before *CAS*, at *WADA*'s request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

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

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

**4.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or in this *Anti-Doping Sports Code* shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation; provided, however, if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then NADO Italia shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

- (i) a departure from the *International Standard* for *Testing* and *Investigations* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case NADO Italia shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- (ii) a departure from the *International Standard* for *Results Management* or *International Standard* for *Testing* and *Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case NADO Italia shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- (iii) a departure from the *International Standard* for *Results Management* related to the requirement to provide notice to the *Athlete* of the B *Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case NADO Italia shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- (iv) a departure from the *International Standard* for *Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case NADO Italia shall have the burden to establish that such departure did not cause the whereabouts failure.

**4.2.4** The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

**4.2.5** The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted

to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or NADO Italia.

## ARTICLE 5 THE PROHIBITED LIST

### 5.1 Incorporation of the *Prohibited List*

This *Anti-Doping Sports Code* incorporates the *Prohibited List* which is published and revised by *WADA* as described in *Code* Article 4.1.

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

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

#### 5.2.1 *Prohibited Substances and Prohibited Methods*

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

#### 5.2.2 *Specified Substances or Specified Methods*

For purposes of the application of Article 11, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.

#### 5.2.3 *Substances of Abuse*

For purposes of applying Article 11, *Substances of Abuse* shall include those *Prohibited Substances* which are specifically identified as *Substances*

of Abuse on the *Prohibited List* because they are frequently abused in society outside of the context of sport.

### 5.3 WADA's Determination of the *Prohibited List*

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

### 5.4 Therapeutic Use Exemptions ("TUEs")

This *Anti-Doping Sports Code* incorporates the *International Standard for Therapeutic Use Exemptions* (the "ISTUE"), as amended from time to time. The ISTUE is therefore binding on all *Athletes* and other *Persons* in the same way as the *Anti-Doping Sports Rules* are binding on them.

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

#### 5.4.2 TUE Application Process

- 5.4.2.1 Any *Athlete* who is not an *International-Level Athlete* shall apply to NADO Italia for a *TUE* as soon as possible, save where Articles 4.1 or 4.3 of the *International Standard for Therapeutic Use Exemptions* apply.

The application shall be made in accordance with Article 6 of the *International Standard for Therapeutic Use Exemptions* and according to the process for applying described in the *Therapeutic Use Exemptions' Application Procedure* (TUE\_AP), available on NADO Italia's website ([www.nadoitalia.it](http://www.nadoitalia.it)).

- 5.4.2.2 NADO Italia established a panel – *Therapeutic Use Exemption Committee* ("TUEC") – to consider applications for the grant of *TUEs*:

- (a) The TUEC is composed of independent physicians with different specialization in order to provide specific advice on the various medical conditions that lead to a

*TUE* application. Three of them have also experience in the care and treatment of *Athletes*, both able-bodied and with impairments, and sound knowledge of clinical, sports and exercise medicine.

- (b) In order to ensure a level of independence of decisions, all of the members of the TUEC have no political responsibility in NADO Italia. At this purpose, all the members sign a conflict of interest and confidentiality declaration.

**5.4.2.3** When an application to NADO Italia for the grant of a TUE is made, the Chair of the TUEC shall appoint three (3) members (which may include the Chair) to consider the application.

The TUEC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and usually (i.e., unless exceptional circumstances apply) within no more than twenty-one (21) days of receipt of a complete application. Where the application is made in a reasonable time prior to an *Event*, the TUEC must use its best endeavors to issue its decision before the start of the *Event*.

**5.4.2.4** The TUEC's decision shall be the final decision of NADO Italia and may be appealed in accordance with the procedure set forth in the document RMP, pursuant to Article 5.4.6. TUEC's decision shall be notified in writing to the *Athlete*, and to *WADA* and other *Anti-Doping Organizations* in accordance with the *International Standard for Therapeutic Use Exemptions*. It shall also promptly be reported into *ADAMS*.

### **5.4.3 Retroactive *TUE* Applications**

An Athlete shall have the right to apply for a retroactive *TUE* if:

- a. emergency treatment or treatment of an acute medical condition was necessary;
- b. there was insufficient time, opportunity or other exceptional circumstances that prevented the *Athlete* from submitting (or the TUEC to consider) an application for the TUE prior to Sample collection;
- c. after an anti-doping test has been carried out, only for *Athletes* who are not of International or National Level and who are taking a substance for therapeutic purposes or practicing a prohibited method;

- d. due to national level prioritization of certain sports, the *Athlete's* National Anti-Doping Organization did not permit or require the *Athlete* to apply for a prospective TUE;
- e. the *Athlete* used *Out-of-Competition*, for Therapeutic reasons, a Prohibited Substance that is only prohibited *In-Competition*;
- f. in any case other than the cases mentioned in the previous letters, NADO Italia and *WADA* jointly decide that fairness requires the grant of a retroactive TUE in accordance with Article 4.3 of the ISTUE.

#### 5.4.4 **TUE Recognition**

A TUE granted by NADO Italia is valid at any national level in any country and does not need to be formally recognized by any other *National Anti-Doping Organization*.

However, it is not automatically valid if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, unless it is recognized by the relevant International Federation or *Major Event Organization* in accordance with the *International Standard for Therapeutic Use Exemptions* as follows.

- 5.4.4.1 Where the *Athlete* already has a TUE granted by NADO Italia for the substance or method in question, unless their TUE will be automatically recognized by the International Federation or *Major Event Organization*, the *Athlete* shall apply to their International Federation or to the *Major Event Organization* to recognize that TUE. If that TUE meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the International Federation or *Major Event Organization* must recognize it.

If the International Federation or *Major Event Organization* considers that the TUE granted by NADO Italia does not meet those criteria and so refuses to recognize it, the International Federation shall promptly notify the *Athlete* and NADO Italia with reasons. The *Athlete* and/or NADO Italia shall have twenty-one (21) days from such notification to refer the matter to *WADA* for review in accordance with Article 5.4.6. If the International Federation refuses to recognize a TUE granted by NADO Italia only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the ISTUE, the matter should not be referred to *WADA*. Instead, the file should be completed and re-submitted to the International Federation.



If the matter is referred to *WADA* for review in accordance with Article 5.4.6, the *TUE* granted by NADO Italia remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA*'s decision.

If the matter is not referred to *WADA* for review within the twenty-one (21) day deadline, NADO Italia must determine whether the original *TUE* that it granted should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in international-level *Competition*). Pending NADO Italia's decision, the *TUE* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*).

- 5.4.4.2** If the *Athlete* does not already have a *TUE* granted by NADO Italia for the substance or method in question, the *Athlete* must apply directly to the International Federation for a *TUE* in accordance with the process set out in the ISTUE as soon as the need arises.

If the International Federation denies the *Athlete*'s application, it shall notify the *Athlete* promptly, with reasons.

If the International Federation grants the *Athlete*'s application, it shall notify the *Athlete* and NADO Italia. If NADO Italia considers that the *TUE* granted by the International Federation does not meet the criteria set out in the ISTUE, it has twenty-one (21) days from such notification to refer the matter to *WADA* for review.

If NADO Italia refers the matter to *WADA* for review, the *TUE* granted by the International Federation remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA*'s decision.

If NADO Italia does not refer the matter to *WADA* for review, the *TUE* granted by the International Federation becomes valid for national-level *Competition* as well when the twenty-one (21) day review deadline expires.

#### **5.4.5 Expiration, Withdrawal or Reversal of a *TUE***

- 5.4.5.1** A *TUE* granted pursuant to this *Anti-Doping Sports Code* : (a) shall expire automatically at the end of any term for which it

was granted, without the need for any further notice or other formality; (b) will be withdrawn if the *Athlete* does not promptly comply with any requirements or conditions imposed by the TUEC upon grant of the *TUE*; (c) may be withdrawn by the TUEC if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met; or (d) may be reversed on review by *WADA* or on appeal.

**5.4.5.2** In such event, the *Athlete* shall not be subject to any *Consequences* based on their *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, withdrawal, or reversal of the *TUE*. The review pursuant to Article 5.1.1.1 of the *International Standard for Results Management* of an *Adverse Analytical Finding*, reported shortly after the *TUE* expiry, withdrawal, or reversal, shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

#### **5.4.6** Reviews and Appeals of *TUE* Decisions

**5.4.6.1** If NADO Italia denies an application for a *TUE*, the *Athlete* may appeal exclusively to the National Anti-Doping Appeal Body (“NADAB”), in accordance with the applicable procedural rules.

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

**5.4.6.3** Any *TUE* decision by an International Federation (or by NADO Italia where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or NADO Italia, exclusively to *CAS*.

**5.4.6.4** A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, NADO Italia and/or the International Federation affected, exclusively to *CAS*.

**5.4.6.5** A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

## **ARTICLE 6 TESTING AND INVESTIGATIONS**

This *Anti-Doping Sports Code* incorporates the *International Standard for Testing and Investigations*, as amended from time to time (the “ISTI”) and NADO Italia’s *Technical Document for Testing and Investigations* (TD\_TI), available at NADO Italia’s website ([www.nadoitalia.it](http://www.nadoitalia.it)). The ISTI and the TD\_TI are therefore binding on all *Athletes* and other *Persons* in the same way as the *ADSC* is binding on them.

### **6.1 Purpose of *Testing* and Investigations**

**6.1.1** *Testing* and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the *International Standard for Testing and Investigations* and the *Technical Document for Testing and Investigations*, available on NADO Italia’s website ([www.nadoitalia.it](http://www.nadoitalia.it)).

**6.1.2** *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete’s Sample*) or Article 2.2 (*Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*).

### **6.2 Authority to Test**

**6.2.1** Subject to the limitations for *Event Testing* set out in Article 6.4, NADO Italia shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are Italian citizens, are resident in Italy, hold a license or are registered with Italian sports organizations or take part in a national sports event or are located in the national territory.

**6.2.2** *Sample* Collection Personnel authorized by NADO Italia may require any *Athlete* over whom it has *Testing* authority (including any *Athlete* serving a period of *Ineligibility*) to provide a *Sample* at any time and at any place.

**6.2.3** *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.10 of the *Code*.

**6.2.4** If an International Federation or *Major Event Organization* delegates or contracts any part of *Testing* to NADO Italia directly or through a *National Federation*, NADO Italia may collect additional *Samples* or direct the laboratory to perform additional types of analysis at NADO Italia's expense. If additional *Samples* are collected or additional types of analysis are performed, the International Federation or *Major Event Organization* shall be notified.

### **6.3 *Testing Requirements***

**6.3.1** NADO Italia prepares an annual Test Distribution Plan (hereinafter the "TDP"). The TDP is based on the potential risk of doping for any sport and/or sports discipline and is forwarded to *WADA* upon its request. NADO Italia shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing and Investigations*.

**6.3.2** Where reasonably feasible, *Testing* shall be coordinated through *ADAMS* in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

### **6.4 *Event Testing***

**6.4.1** Except as otherwise provided below, only a single organization shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *National Events* held in Italy, NADO Italia shall have authority to conduct *Testing*. NADO Italia will determine which *National Events* it will conduct *Testing* at, which *Athletes* will be selected for *Testing* at such *National Events* and how they will be selected for *Testing*.

**6.4.2** At *International Events* held in Italy, the collection of *Samples* shall be initiated and directed by the ruling body for the *Event*, subject always to the right of NADO Italia to initiate and conduct such *Testing* in accordance with *Code* Article 5.3.2.

### **6.5 *Athlete Whereabouts Information***

**6.5.1** NADO Italia, through the ADCC, defines and approves a *Registered Testing Pool* (hereinafter the "RTP") of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and who shall be subject to *Consequences* for Article 2.4 violations as provided in Article 11.3.2.

The criteria for inclusion of *Athletes* in the RTP are defined and approved by the ADCC and are regularly reviewed and updated as necessary.

The ADCC periodically (but not less than quarterly) reviews the list of *Athletes* in its RTP to ensure that each listed *Athlete* continues to meet the relevant criteria.

NADO Italia shall coordinate with International Federations to identify such *Athletes* and to collect their whereabouts information.

- 6.5.2** NADO Italia makes available through its website and *ADAMS* a list which identifies those *Athletes* included in its RTP. *Athletes* will be notified in writing of their inclusion or removal from the RTP. The notification shall contain the information set out in the *International Standard for Testing and Investigations*.
- 6.5.3** Where an *Athlete* is included in an international RTP by the relevant International Federation and in the national RTP by the ADCC of NADO Italia, NADO Italia and the International Federation shall agree between themselves which of them shall accept that *Athlete's* whereabouts filings; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them.
- 6.5.4** In accordance with the *International Standard for Testing and Investigations* and with the NADO Italia's *Technical Document for Testing and Investigations*, each *Athlete* in the national RTP shall still do the following: (a) advise NADO Italia of his/her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make himself or herself available for *Testing* at such whereabouts.
- 6.5.5** An *Athlete* in NADO Italia's RTP shall continue to be subject to the obligation to comply with the whereabouts requirements set in the Article 4.8 of the *International Standard for Testing and Investigations* unless and until (a) the *Athlete* gives written notice to NADO Italia that he or she has retired or (b) NADO Italia has informed him or her that he or she no longer satisfies the criteria for inclusion in NADO Italia's RTP.
- 6.5.6** For purposes of Article 2.4, an *Athlete's* failure to comply with the requirements of the *International Standard for Testing and Investigations* shall be deemed a filing failure or a missed test, as defined in Annex B of the RMP, where the conditions set forth in Annex B are met.
- 6.5.7** Whereabouts information provided by an *Athlete* while in the RTP will be accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organizations* having authority to test that *Athlete* as provided in *Code* Article 5.2. Whereabouts information shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule

violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard* for the Protection of Privacy and Personal Information.

## 6.6 Retired *Athletes* Returning to *Competition*

**6.6.1** If an *International-Level Athlete* or *National-Level Athlete* in NADO Italia's *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing*, by giving six-months prior written notice to their International Federation and NADO Italia.

*WADA*, in consultation with NADO Italia and the *Athlete's* International Federation, may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to the *Athlete*. This decision may be appealed under *Code* Article 13.

Any competitive results obtained in violation of this Article 6.6.1 shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Event* or a *National Event*.

**6.6.2** If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify the *Anti-Doping Organization* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing* by giving six-months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six (6) months) to NADO Italia and to their *International Federation*.

## 6.7 Anti-Doping Detective Inspectors (ADDIs)

Pursuant to the Framework Agreement executed on 9 February 2015 between CONI and the Carabinieri Department for Health Protection (i.e., the Italian anti-adulteration unit locally known as "NAS" or "CCTS"), NAS personnel accredited by NADO Italia as Anti-Doping Detective Inspectors ("ADDIs") shall take part to the anti-doping activities, in conjunction with FMSI's Doping Control Officers/Blood Control Officers, according to the TD\_TI.

## 6.8 *Independent Observer Program*

NADO Italia and any organizing committees for *National Events* in Italy, shall authorize and facilitate the *Independent Observer Program* at *such Events*.

## ARTICLE 7 ANALYSIS OF SAMPLES

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

### 7.1 Use of Accredited, Approved Laboratories and Other Laboratories

7.1.1 For purposes of directly establishing an *Adverse Analytical Finding* under Article 2.1, *Samples* shall be analyzed only in *WADA*-accredited laboratories or laboratories otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by NADO Italia.

7.1.2 As provided in Article 4.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*-accredited or approved laboratories.

### 7.2 Purpose of Analysis of *Samples* and Data

*Samples* and related analytical data or *Doping Control* information 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*, or to assist NADO Italia in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.

### 7.3 Research on *Samples* and Data

*Samples*, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Athlete's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*. Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in *Code* Article 19.

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

In accordance with *Code* Article 6.4, NADO Italia shall ask laboratories to analyze *Samples* in conformity with the *International Standard* for Laboratories and Article 4.7 of the *International Standard* for Testing and Investigations.

Laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by NADO Italia. Results from any such analysis shall be reported to NADO Italia and have the same validity and *Consequences* as any other analytical result.

## **7.5 Further Analysis of a *Sample* Prior to or During *Results Management***

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time NADO Italia notifies an *Athlete* that the *Sample* is the basis for an Article 2.1 anti-doping rule violation charge. If after such notification NADO Italia wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

## **7.6 Further Analysis of a *Sample* After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge**

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 7.2 at any time exclusively at the direction of either the NADO Italia (if it initiated and directed *Sample* collection) or *WADA*. Any other *Anti-Doping Organization* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or *WADA*, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by *WADA* or another *Anti-Doping Organization* shall be at *WADA*'s or that organization's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard for Laboratories*.

## **7.7 Split of A or B *Sample***

Where *WADA*, NADO Italia (where it has *Results Management* authority), and/or a *WADA*-accredited laboratory (with approval from *WADA* or the *Anti-Doping Organization* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard for Laboratories* shall be followed.

## **7.8 *WADA*'s Right to Take Possession of *Samples* and Data**

*WADA* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organization*. Upon request by *WADA*, the laboratory or *Anti-Doping Organization* in possession of the *Sample* or data shall immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data. If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and to the *Anti-Doping Organization* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organization* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.



## ARTICLE 8 RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS

This *Anti-Doping Sports Code* incorporates the *International Standard for Results Management*, as amended from time to time (the “ISRM”) and the RMP, adopted by NADO Italia. The ISRM and the RMP are therefore binding on all *Athletes* and other *Persons* in the same way as the *ADSC* are binding on them.

*Results Management* under this *ADSC* and the RMP establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

### 8.1 Responsibility for Conducting *Results Management*

- 8.1.1 Except as otherwise provided in Articles 7.6, 7.8 and in *Code* Article 7.1, *Results Management* shall be the responsibility of, and shall be governed by, the procedural rules of NADO Italia when it is the authority that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, if NADO Italia first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation). Any dispute between NADO Italia and another *Anti-Doping Organization* over which organization has *Results Management* authority in respect of a particular matter shall be settled by *WADA* in accordance with *Code* Article 7.1.
- 8.1.2 *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by NADO Italia if the *Athlete* files whereabouts information with NADO Italia, as provided in the *International Standard for Results Management*. If NADO Italia determines a filing failure or a missed test, it shall submit that information to *WADA* through *ADAMS*, where it will be made available to other relevant *Anti-Doping Organizations*.
- 8.1.3 Other circumstances in which NADO Italia shall take responsibility for conducting *Results Management* in respect of anti-doping rule violations involving *Athletes* and other *Persons* under its authority shall be determined by reference to and in accordance with *Code* Article 7.
- 8.1.4 *WADA* may direct NADO Italia to conduct *Results Management* in particular circumstances. If NADO Italia refuses to conduct *Results Management* within a reasonable deadline set by *WADA*, such refusal shall be considered an act of non-compliance, and *WADA* may direct another *Anti-Doping Organization* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* responsibility in place of NADO Italia or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, NADO Italia shall reimburse the costs and attorney's fees of conducting *Results Management* to the other *Anti-*

*Doping Organization* designated by *WADA*, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

## **8.2 Review and Notification Regarding Potential Anti-Doping Rule Violations**

### **8.2.1 *Adverse Analytical Finding***

Review of *Adverse Analytical Finding* and notification of potential anti-doping rule violation for *Adverse Analytical Finding* shall take place as provided in the RMP.

### **8.2.2 *Atypical Finding***

Review of *Atypical Finding* and notification of potential anti-doping rule violation for *Atypical Finding* shall take place as provided in the RMP.

### **8.2.3 B Sample Analysis**

The analysis of the B *Sample* shall take place as provided in the RMP.

### **8.2.4 Report of a potential Failure to Comply**

The pre-adjudication phase of *Results Management* of a possible failure to comply shall take place as provided in the RMP.

### **8.2.5 Whereabouts Failures**

The pre-adjudication phase of *Results Management* of potential whereabouts failures shall take place as provided in the RMP.

### **8.2.6 Athlete Biological Passport Findings**

The pre-adjudication phase of *Results Management* of *Atypical Passport Findings* or *Passports* submitted to an Expert by the Athlete Passport Management Unit when there is no *Atypical Passport Finding* shall take place as provided in the RMP.

### **8.2.7 Specific cases and other anti-doping rules violations**

NADO Italia carries out the review and notification with respect to any potential anti-doping rule violation in accordance with the *International Standard for Results Management*.

At such time as NADO Italia considers that the *Athlete* or other Person may have committed (an) anti-doping rule violation(s), it shall follow the procedure set out in the RMP.

### **8.3 Mandatory and Provisional Suspensions**

Mandatory and Optional Provisional Suspensions follow the procedure set out in the RMP.

### **8.4 Results Management Decisions**

*Results Management* decisions or adjudications by NADO Italia must not purport to be limited to a particular geographic area or sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific Articles that have been violated, and (ii) all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Articles 10 and 11.10, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.

### **8.5 Retirement from Sport**

If an *Athlete* or other *Person* retires while the NADO Italia's *Results Management* process is underway, NADO Italia's retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and NADO Italia would have had *Results Management* authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, NADO Italia has authority to conduct *Results Management*.

## **ARTICLE 9 RESULTS MANAGEMENT: RIGHT TO A FAIR HEARING AND NOTICE OF HEARING DECISION**

For any *Person* who is asserted to have committed an anti-doping rule violation, NADO Italia shall provide a fair hearing within a reasonable time by the NADT), in compliance with the *Code* and the *International Standard for Results Management*, according to the RMP.

## **ARTICLE 10 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

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

## **ARTICLE 11 SANCTIONS ON INDIVIDUALS**

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

- 11.1.1** An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in

that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 11.1.2.

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

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

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

The period of *Ineligibility* for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 11.5, 11.6 and 11.7:

- 11.2.1** The period of *Ineligibility*, subject to Article 11.2.4, shall be four (4) years where:
- 11.2.1.1** The anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.
  - 11.2.1.2** The anti-doping rule violation involves a *Specified Substance* or a *Specified Method* and NADO Italia can establish that the anti-doping rule violation was intentional.
- 11.2.2** If Article 11.2.1 does not apply, subject to Article 11.2.4.1, the period of *Ineligibility* shall be two (2) years.
- 11.2.3** As used in Article 11.2, the term “intentional” is meant to identify those *Athletes* or other *Persons* who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not “intentional” if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition*

shall not be considered "intentional" if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

**11.2.4** Notwithstanding any other provision in Article 11.2, where the anti-doping rule violation involves a *Substance of Abuse*:

**11.2.4.1** If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three (3) months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this Article 11.2.4.1 may be reduced to one (1) month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment program approved by NADO Italia. The period of *Ineligibility* established in this Article 11.2.4.1 is not subject to any reduction based on any provision in Article 11.6.

**11.2.4.2** If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of Article 11.2.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Article 11.4.

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

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 11.2 shall be as follows, unless Article 11.6 or 11.7 are applicable:

**11.3.1** For violations of Article 2.3 or 2.5, the period of *Ineligibility* shall be four (4) years except: (i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years; (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person's* degree of *Fault*; or (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

**11.3.2** For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year,

depending on the *Athlete's* degree of *Fault*. The flexibility between two (2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

**11.3.3** For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation.

**11.3.3.1** An Article 2.7 or Article 2.8 violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*.

**11.3.3.2** If significant violations of Article 2.7 or 2.8 also violate non-sporting laws and regulations, then the *Anti-Doping Organization* shall be required to report any such occurrence to the competent administrative, professional or judicial authorities.

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

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

**11.3.6** For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.

#### **11.4 *Aggravating Circumstances* which may Increase the Period of *Ineligibility***

If NADO Italia establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity* or *Attempted Complicity*) or 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating*

*Circumstances*, unless the *Athlete* or other *Person* can establish that he or she did not knowingly commit the anti-doping rule violation.

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

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

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

##### **11.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.**

All reductions under Article 11.6.1 are mutually exclusive and not cumulative.

###### **11.6.1.1 *Specified Substances or Specified Methods***

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, and the *Athlete* or other *Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

###### **11.6.1.2 *Contaminated Products***

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

###### **11.6.1.3 *Protected Persons or Recreational Athletes***

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

## **11.6.2** Application of *No Significant Fault or Negligence* beyond the Application of Article 11.6.1

If an *Athlete* or other *Person* establishes in an individual case where Article 11.6.1 is not applicable, that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 11.7, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years.

## **11.7** Elimination, Reduction, or Suspension of Period of *Ineligibility* or Other *Consequences* for Reasons Other than *Fault*

### **11.7.1** *Substantial Assistance* in Discovering or Establishing *Code* Violations

**11.7.1.1** NADO Italia may, prior to an appellate decision under *Code* Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*; or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to NADO Italia or other *Anti-Doping Organization* with *Results Management* responsibility; or (iii) which results in *WADA* initiating a proceeding against a *Signatory*, *WADA*-accredited laboratory, or *Athlete* passport management unit (as defined in the *International Standard* for Laboratories) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or (iv) with the approval by *WADA*, which results in a criminal or disciplinary body bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping. After an appellate decision under *Code* Article 13 or the expiration of time to appeal, NADO Italia may only suspend a part of the otherwise applicable *Consequences* with the approval of *WADA* and the applicable International Federation.



The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the *Code* and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 11.9.3.2.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, NADO Italia shall allow the *Athlete* or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*.

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

- 11.7.1.2** To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of NADO Italia or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, or other violation of the *Code*, *WADA* may agree at any stage of the *Results Management* process, including after an appellate decision under *Code* Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. *WADA's* approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article. Notwithstanding *Code* Article 13, *WADA's* decisions in the context of this Article 11.7.1.2 may not be appealed.

**11.7.1.3** If NADO Italia suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under *Code Article 13*, as provided in Article 18. In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize NADO Italia to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

### **11.7.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence**

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 8) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

### **11.7.3 Application of Multiple Grounds for Reduction of a Sanction**

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 11.5, 11.6 or 11.7, before applying any reduction or suspension under Article 11.7, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 11.2, 11.3, 11.5, and 11.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 11.7, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

## **11.8 Results Management Agreements**

### **11.8.1 One-Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction**

Where an *Athlete* or other *Person*, after being notified by NADO Italia of a potential anti-doping rule violation that carries an asserted period of *Ineligibility* of four (4) or more years (including any period of *Ineligibility* asserted under Article 11.4, admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the *Athlete* or other *Person* may receive a one-year reduction in the period of *Ineligibility* asserted by NADO Italia. Where the *Athlete* or other *Person* receives the one-year reduction in the asserted period of *Ineligibility* under

this Article 11.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.

### **11.8.2 Case Resolution Agreement**

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by NADO Italia and agrees to *Consequences* acceptable to NADO Italia and *WADA*, at their sole discretion, then: (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by NADO Italia and *WADA* of the application of Articles 11.1 through 11.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or other *Person's* degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*. The decision by *WADA* and NADO Italia to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of the period of *Ineligibility*, are not matters for determination or review by a hearing body and are not subject to appeal under *Code* Article 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, NADO Italia shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.

## **11.9 Multiple Violations**

### **11.9.1 Second or Third Anti-Doping Rule Violation**

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

- (a) a six-month period of *Ineligibility*; or
- (b) a period of *Ineligibility* in the range between:
  - (i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
  - (ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it

were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or other *Person's* degree of *Fault* with respect to the second violation.

**11.9.1.2** A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 11.5 or 11.6, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

**11.9.1.3** The period of *Ineligibility* established in Articles 11.9.1.1 and 11.9.1.2 may then be further reduced by the application of Article 11.7.

**11.9.2** An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of this Article 11.9. In addition, an anti-doping rule violation sanctioned under Article 11.2.4.1 shall not be considered a violation for purposes of Article 11.9.

**11.9.3 Additional Rules for Certain Potential Multiple Violations**

**11.9.3.1** For purposes of imposing sanctions under Article 11.9, except as provided in Articles 11.9.3.2 and 11.9.3.3, an anti-doping rule violation will only be considered a second violation if NADO Italia can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 8, or after NADO Italia made reasonable efforts to give notice of the first anti-doping rule violation. If NADO Italia cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 11.10.

**11.9.3.2** If NADO Italia establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional

violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Article 11.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 11.9.1.

**11.9.3.3** If NADO Italia establishes that an *Athlete* or other *Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Article 11.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 11.9.1.

**11.9.3.4** If NADO Italia establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

#### **11.9.4 Multiple Anti-Doping Rule Violations during Ten-Year Period**

For purposes of Article 11.9, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

#### **11.10 *Disqualification of Results in Competitions Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation***

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 10, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

#### **11.11 Forfeited Prize Money**

If NADO Italia recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.

## 11.12 Financial Consequences

Financial consequences are regulated under Article 16.

## 11.13 Commencement of *Ineligibility* Period

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

### 11.13.1 Delays Not Attributable to the *Athlete* or other *Person*

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

### 11.13.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

11.13.2.1 If a *Provisional Suspension* is respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

11.13.2.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from NADO Italia and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 19.

**11.13.2.3** No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by a team.

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

#### **11.14 Status During *Ineligibility* or *Provisional Suspension***

##### **11.14.1 Prohibition Against Participation During *Ineligibility* or *Provisional Suspension***

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

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

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by NADO Italia to provide whereabouts information.

##### **11.14.2 Return to Training**

As an exception to Article 11.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other *Signatory's* member organization during the

shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

#### **11.14.3 Violation of the Prohibition of Participation During *Ineligibility* or *Provisional Suspension***

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 11.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by NADO Italia (if its *Results Management* led to the imposition of the initial period of *Ineligibility*) as set out in the RMP. This decision may be appealed under *Code* Article 13.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 11.14.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, NADO Italia shall impose sanctions for a violation of Article 2.9 for such assistance.

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

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 11.5 or 11.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by NADO Italia, the *Italian National Olympic Committee*, the *Italian National Paralympic Committee* the *National Sports Federations*, and Government.

### **11.15 Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in *Code* Article 14.3.

## **ARTICLE 12 CONSEQUENCES TO TEAMS**

### **12.1 *Testing of Team Sports***

Where more than one (1) member of a team in a *Team Sport* has been notified of an anti-doping rule violation in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.



## **12.2 Consequences for Team Sports**

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

## **12.3 Event Ruling Body may establish stricter Consequences for Team Sports**

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences* for *Team Sports* stricter than those in Article 12.2 for purposes of the *Event*.

## **ARTICLE 13 CONSEQUENCES FOR OTHER ANTI-DOPING SPORTS CODE VIOLATIONS**

**13.1** With respect to the violations under Article 3.1 pertaining to the stages of doping control arranged by the Ministerial Commission (Department of *Doping Control* and Supervision and Health Safety in Sports Activities) pursuant to Law no. 376/2000, the consequences set forth herein for similar violations shall apply.

**13.2** For violation of Article 3.2 hereof, the period of *Ineligibility* and/or ban shall be, at a minimum, a reprimand and, at a maximum, six (6) months of *Ineligibility*. In case of reiteration, the period of *Ineligibility* and/or ban shall be proportionally increased up to two (2) years.

**13.3** For violation of Article 3.3 hereof, the period of *Ineligibility* and/or ban shall be, at a minimum, a reprimand and, at a maximum, six (6) months of *Ineligibility*. In case of reiteration, the period of *Ineligibility* and/or ban shall be proportionally increased up to one (1) year.

## **ARTICLE 14 CONSEQUENCES ON INDIVIDUALS WHO ARE NOT REGISTERED OR HAVE RETIRED FROM SPORT**

**14.1** Individuals who are not registered under the Italian sports system and commit anti-doping rule violations shall be banned from registering with and/or holding offices or positions within the Italian National Olympic Committee (CONI), National Sports Federations, Associated Sports Disciplines or Sports Promotion Entities, or accessing sports grounds, areas designated for *Athletes* and authorized personnel, participating in sports *Events* held in Italy across the national territory or organized by the aforesaid sports entities for the *Ineligibility* period corresponding to the violation committed.

**14.2** The consequences for the violations stated here above may be in addition to those stated by *WADA* as well as financial consequences under Article 16.

If an *Athlete* or other *Person* retires while NADO Italia is conducting a *Results Management* process, NADO Italia retains jurisdiction to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and NADO Italia would have had *Results Management* authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, NADO Italia has authority to conduct *Results Management* in respect of that anti-doping rule violation.

## **ARTICLE 15 SANCTIONS BY NADO ITALIA AGAINST OTHER SPORTING BODIES**

When NADO Italia becomes aware that a *National Sports Federation* or any other sporting body in Italy over which it has authority has failed to comply with, implement, uphold, and enforce this *ADSC* within that organization's or body's area of competence, NADO Italia may elect to request the CONI, the Italian Government or International Federations to take the following additional disciplinary actions, or, where it has the authority, may itself take the following additional disciplinary actions:

- a) exclude all, or some group of, members of that organization or body from specified future *Events* or all *Events* conducted within a specified period of time;
- b) withhold some or all funding or other financial and non-financial support to that organization or body;
- c) oblige that organization or body to reimburse NADO Italia's for all costs (including but not limited to laboratory fees, hearing expenses, and travel) related to a violation of this *ADSC* committed by an *Athlete* or other *Person* affiliated with that organization or body.

## **ARTICLE 16 FINANCIAL CONSEQUENCES AND COST OF PROCEEDINGS**

- 16.1 As part of the decision settling the proceedings, the NADT may, in addition to imposing the individual sanctions as under Article 11, decree that the unsuccessful party should pay financial sanctions as well as covering court fees as per Financial Schedule of Fees available on NADO Italia's website ([www.nadoitalia.it](http://www.nadoitalia.it)).
- 16.2 Financial consequences are ancillary penalties imposed in addition to *Ineligibility*. As a result, they do not constitute a valid reason for a reduction of the *Ineligibility* period or any otherwise applicable sanction under this *ADSC*.
- 16.3 For the purposes of determining the amount of the sanction to be imposed, in reaching its decision the NADT must take account of the severity of the violation committed, the established degree of responsibility, the likelihood of repetition of breaches as well as the conduct shown during the proceedings.
- 16.4 Failure to pay the amounts due under this Article and the amounts deemed as payable to NADO Italia by the Court of Arbitration for Sport (CAS) in

Lausanne and/or by Swiss Federal Tribunal shall result in enforced collection of such amounts before the relevant Court. NADO Italia may in its absolute discretion establish an instalment plan for payment of any prize money forfeited under this Rules.

- 16.5** The relevant National Sports Federations, Associated Sports Disciplines and Sports Promotion Entities shall be held jointly and severally responsible together with the registered member for failure to pay the amounts determined by the NADT, NADAB, CAS and/or Swiss Federal Tribunal.

## **ARTICLE 17 LENIENCY MEASURES**

Pardon, amnesty, and grace measures shall not be applicable to anyone who is found to be responsible for *ADSC* violations.

## **ARTICLE 18 RESULTS MANAGEMENT: APPEALS**

### **18.1 Appeals Proceeding and Decisions Subject to Appeal**

The rules governing appeals are set out in the RMP and in the NADAB applicable procedural rules.

#### **18.1.1 Scope of Review Not Limited**

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

#### **18.1.2 CAS Shall Not Defer to the Findings Being Appealed**

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

#### **18.1.3 WADA Not Required to Exhaust Internal Remedies**

Where *WADA* has a right to appeal under *Code* Article 13 and no other party has appealed a final decision within NADO Italia's process, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies in NADO Italia's process.

### **18.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Implementation of Decisions and Authority**

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by *WADA* not to grant an exception to the six-months notice requirement for a retired *Athlete* to return to competition under Article 6.6.1; a decision by *WADA* assigning *Results Management* under *Code* Article 7.1; a decision by NADO Italia not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the ISRM; a decision to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*; NADO Italia's failure to comply with *Code* Article 7.4; a decision that NADO Italia's lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Article 11.7.1; failure to comply with *Code* Articles 7.1.4 and 7.1.5; failure to comply with Article 11.8.1; a decision under Article 11.14.3; a decision by NADO Italia's not to implement another *Anti-Doping Organization's* decision under Article 20; and a decision under *Code* Article 27.3 may be appealed exclusively as provided in this Article 18.2.

Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

### **18.2.1 Appeals Involving *International-Level Athletes* or *International Events***

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

### **18.2.2 Appeals Involving Other *Athletes* or Other *Persons***

In cases where Article 18.2.1 is not applicable, the decision may be appealed exclusively to NADAB, in accordance with the applicable procedural rules.

### **18.2.3 *Persons* Entitled to Appeal**

#### **18.2.3.1 Appeals Involving *International-Level Athletes* or *International Events***

In cases under Article 18.2.1, the following parties shall have the right to appeal to *CAS*: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) NADO Italia and the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder, if different from NADO Italia; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting

eligibility for the Olympic Games or Paralympic Games; and (f) *WADA*.

#### **18.2.3.2 Appeals Involving Other *Athletes* or Other *Persons***

In cases under Article 18.2.2, the following parties shall have the right to appeal to NADAB (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) NADP; (c) the relevant International Federation; (d) NADO Italia and the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder, if different from NADO Italia; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) *WADA*.

For cases under Article 18.2.2, *WADA*, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to *CAS* with respect to the decision of the NADAB.

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

#### **18.2.3.3 Duty to Notify**

All parties to any *CAS* appeal must ensure that *WADA* and all other parties with a right to appeal have been given timely notice of the appeal.

#### **18.2.3.4 Appeal from Imposition of *Provisional Suspension***

Notwithstanding any other provision set out in the RMP, the only *Person* who may appeal from the imposition of a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

#### **18.2.3.5 Appeal from decision under Article 15**

Decisions by NADO Italia pursuant to Article 15 may be appealed exclusively to *CAS* by the National Federation or other body.

### **18.2.4 Cross Appeals and other Subsequent Appeals Allowed**

Cross appeals and other subsequent appeals by any respondent named in cases brought to *CAS* under the *Code* are specifically permitted. Any party with a right to appeal under this Article 18 must file a cross appeal or subsequent appeal at the latest with the party's answer.

### **18.3 Failure to Render a Timely Decision by the National Antidoping Tribunal**

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

### **18.4 Appeals Relating to *TUEs***

*TUE* decisions may be appealed exclusively as provided in the RMP and in the NADAB applicable procedural rules.

### **18.5 Time for Filing Appeals**

#### **18.5.1 Appeals to *CAS***

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 that led to the decision being appealed:

- (a) within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from NADO Italia;
- (b) if such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to *CAS*.

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

- (a) twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or

- (b) twenty-one (21) days after *WADA*'s receipt of the complete file relating to the decision.

### **18.5.2 Appeals to the NADAB**

The time to file an appeal to the NADAB shall be fifteen (15) 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 led to the decision subject to appeal:

- (a) within fifteen (15) days from notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from NADO Italia;
- (b) if such a request is made within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to the NADAB.

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

- (a) twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed, or
- (b) twenty-one (21) days after *WADA*'s receipt of the complete file relating to the decision.

## **ARTICLE 19 CONFIDENTIALITY AND REPORTING**

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

#### **19.1.1 Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons***

Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Articles 8 and 19.

If at any point during *Results Management* up until the anti-doping rule violation charge, NADO Italia decides not to move forward with a matter, it must notify the *Athlete* or other *Person* (provided that the *Athlete* or other *Person* had been already informed of the ongoing *Results Management*).

#### **19.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations, International Federations and WADA***

Notice of the assertion of an anti-doping rule violation to the *Athlete's* or other *Person's National Anti-Doping Organization*, if different from NADO Italia, International Federation and *WADA* shall occur as provided under Articles 8 and 19, simultaneously with the notice to the *Athlete* or other *Person*.

If at any point during *Results Management* up until the anti-doping rule violation charge, NADO Italia decides not to move forward with a matter, it must give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under *Code* Article 13.2.3.

### **19.1.3 Content of an Anti-Doping Rule Violation Notice**

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

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

### **19.1.4 Status Reports**

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Article 19.1.1, the *Athlete's* or other *Person's National Anti-Doping Organization*, if different from NADO Italia, International Federation and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 8, 9 or 18 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

### **19.1.5 Confidentiality**

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, *National Federation*, and team in a *Team Sport*) until NADO Italia has made *Public Disclosure* as permitted by Article 19.3.

### **19.1.6 Protection of Confidential Information by an Employee or Agent of NADO Italia**

NADO Italia shall ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 19.3. NADO Italia shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable



procedures for the investigation and disciplining of improper and/or unauthorized disclosure of such confidential information.

## **19.2 Notice of Anti-Doping Rule Violation or Violations of *Ineligibility* or *Provisional Suspension* Decisions and Request for Files**

**19.2.1** Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, NADO Italia shall provide an English or French summary of the decision and the supporting reasons.

**19.2.2** An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 19.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

## **19.3 *Public Disclosure***

**19.3.1** After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organizations* in accordance with Article 19.1.2, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by NADO Italia.

**19.3.2** No later than twenty (20) days after it has been determined in an appellate decision under Article 18.2.1 or 18.2.2, or such appeal has been waived, or a hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 11.8, or a new period of *Ineligibility*, or reprimand, has been imposed under Article 11.14.3, NADO Italia must *Publicly Disclose* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed, except for information related to review of TUEC's decisions and decisions regarding "filing failure" and/or "missed test" – pursuant to the terms and conditions of the "Regulations governing the processing of sensitive and judicial information (Legislative Decree n. 196/2003 as amended by the Legislative Decree n. 101/2018), adopted by NADO Italia. NADO Italia must also *Publicly Disclose* within twenty (20) days the results of appellate decisions concerning

anti-doping rule violations, under the terms and condition of the above-mentioned Regulations.

- 19.3.3** After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 18.2.1 or 18.2.2 or such appeal has been waived, or in a hearing in accordance with Article 9 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 11.8, NADO Italia may make public such determination or decision and may comment publicly on the matter.
- 19.3.4** In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. NADO Italia shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- 19.3.5** Publication shall be accomplished by placing the required information, according to the above-mentioned regulations, on NADO Italia's website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.
- 19.3.6** Except as provided in Articles 19.3.1 and 19.3.3, no *Anti-Doping Organization*, *National Federation* or *WADA*-accredited laboratory, or any official of any such body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by the *Athlete*, other *Person* or their entourage or other representatives.
- 19.3.7** The mandatory *Public Disclosure* required in Article 19.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*, *Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

## **19.4 Statistical Reporting**

NADO Italia, at least annually, publishes publicly a general statistical report of its *Doping Control* activities, and provide a copy to *WADA*.

## **19.5 Data Privacy**

- 19.5.1** NADO Italia may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct its *Anti-Doping Activities* under the *Code*, the *International Standards* (including specifically the *International Standard for the Protection of Privacy and Personal Information*), these *Anti-Doping Sports Code*, in compliance with Legislative Decree n. 196/2003 as amended by the Legislative Decree n. 101/2018, EU Regulation n. 2016/679 and with decisions, opinions and other prescriptions adopted by the Italian Data Protection Authority.
- 19.5.2** Without limiting the foregoing, NADO Italia shall:
- (a) only process personal information in accordance with a valid legal ground;
  - (b) notify any *Participant* or *Person* subject to this *Anti-Doping Sports Code*, in a manner and form that complies with applicable laws and the *International Standard for the Protection of Privacy and Personal Information*, that their personal information may be processed by NADO Italia and other *Persons* for the purpose of the implementation of this *ADSC*;
  - (c) ensure that any third-party agents (including any *Delegated Third Party*) with whom NADO Italia shares the personal information of any *Participant* or *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

## ARTICLE 20 IMPLEMENTATION OF DECISIONS

### 20.1 Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organizations*

- 20.1.1** A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organization*, an appellate body (*Code* Article 13.2.2) or *CAS* shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon NADO Italia and any *National Federation* in Italy, as well as every *Signatory* in every sport with the effects described below:
- 20.1.1.1** A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with *Code* Article 7.4.3) automatically prohibits the *Athlete* or other *Person* from participation (as described in

*Code Article 10.14.1*) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

- 20.1.1.2** A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in *Code Article 10.14.1*) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.
- 20.1.1.3** A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.
- 20.1.1.4** A decision by any of the above-described bodies to *Disqualify* results under *Code Article 10.10* for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.
- 20.1.2** NADO Italia and any *National Federation in Italy* shall recognize and implement a decision and its effects as required by Article 20.1.1, without any further action required, on the earlier of the date NADO Italia receives actual notice of the decision or the date the decision is placed into *ADAMS*.
- 20.1.3** A decision by an *Anti-Doping Organization*, an appellate body or *CAS* to suspend, or lift, *Consequences* shall be binding upon NADO Italia, and any *National Federation in Italy*, without any further action required, on the earlier of the date NADO Italia receives actual notice of the decision or the date the decision is placed into *ADAMS*.
- 20.1.4** Notwithstanding any provision in Article 20.1.1, however, a decision of an anti-doping rule violation by a *Major Event Organization* made in an expedited process during an *Event* shall not be binding on NADO Italia or *National Federations in Italy* unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.

## **ARTICLE 21 STATUTE OF LIMITATIONS**

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

## **ARTICLE 22 EDUCATION**

NADO Italia, through the Anti-Doping Education, Learning and Research Committee, plans, implements, evaluates and promotes *Education* in line with the requirements of *Code* Article 18.2 and the *International Standard for Education*.

The Anti-doping Education, Learning and Research Committee drafts and implements information and training programmes aimed at defending the spirit of sport and protecting the health of *Athletes*, with a view to preventing the intentional or unintentional Use of *Prohibited Substances, Prohibited Methods* or practices.

These programmes, always accompanied by accurate and up-to-date information on the fight against doping, are aimed at *Athletes*, especially the youngest ones, for whom the themes of in-depth anti-doping *Education* will be developed also in school courses. The in-depth studies will also be dedicated to families, sports managers, coaches, medical staff and communication agencies.

The activities will be directed to the development of the values of the individual *Athlete*, so as to encourage an increase in their autonomous decision-making capacity, based on the principle of ethically appropriate behavior.

The Anti-doping Education, Learning and Research Committee also promotes research projects in compliance with the ethical practices recognized at national and international level, also in collaboration with *WADA*.

## **ARTICLE 23 INTERPRETATION OF THE CODE**

- 23.1 The official text of the *Code* shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 23.2 The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.
- 23.3 The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.
- 23.4 The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.
- 23.5 Where the term “days” is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.
- 23.6 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as “First violations” or “Second violations” for purposes of determining sanctions under *Code* Article 10 for subsequent post-*Code* violations.
- 23.7 The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and *Code* Appendix 1, Definitions, shall be considered integral parts of the *Code*.

## ARTICLE 24 FINAL PROVISIONS

- 24.1** Where the term “days” is used in this *ADSC*, it shall mean calendar days unless otherwise specified.
- 24.2** This *ADSC* shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 24.3** This *ADSC* have been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code* and the *International Standards* shall be considered integral parts of this *ADSC* and shall prevail in case of conflict.
- 24.4** The Introduction and the Appendix 1 shall be considered integral parts of this *ADSC*.
- 24.5** The comments annotating various provisions of the *Code* are incorporated by reference into the *ADSC*, shall be treated as if set out fully herein, and shall be used to interpret this *ADSC*.
- 24.6** This *ADSC* shall enter into force on 1 January 2021 (the “Effective Date”). It repeals any previous version of NADO Italia’s anti-doping sports rules.
- 24.7** This *ADSC* shall not apply retroactively to matters pending before the Effective Date. However:
- 24.7.1** Anti-doping rule violations taking place prior to the Effective Date count as “first violations” or “second violations” for purposes of determining sanctions under Article 11 for violations taking place after the Effective Date.
- 24.7.2** Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in this *ADSC*, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 11.9.4 and the statute of limitations set forth in Article 21 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in this *ADSC* (provided, however, that Article 21 shall only be

applied retroactively if the statute of limitations period has not already expired by the Effective Date).

- 24.7.3** Any Article 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard for Results Management*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred.
- 24.7.4** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to NADO Italia or other *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of this *ADSC*. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 18.2. This *ADSC* shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.
- 24.7.5** For purposes of assessing the period of *Ineligibility* for a second violation under Article 11.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had this *ADSC* been applicable, shall be applied.
- 24.7.6** Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to NADO Italia or other *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.

## APPENDIX 1      DEFINITIONS

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

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

*Adverse Analytical Finding*: A report from a *WADA*-accredited laboratory or other *WADA*-approved laboratory that, consistent with the *International Standard* for Laboratories, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

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

*Aggravating Circumstances*: Circumstances involving, or actions by, an *Athlete* or other *Person* which may justify the imposition of a period of *Ineligibility* greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or other *Person Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods*, *Used* or *Possessed* a *Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Athlete* or other *Person* engaged in *Tampering* during *Results Management*. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

*Anti-Doping Activities*: Anti-doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organizing analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* applications, *Results Management*, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organization*, as set out in the *Code* and/or the *International Standards*.

*Anti-Doping Detective Inspector (ADDIs)*: Carabinieri from the Department for Health Protection (i.e., the Italian anti-adulteration unit locally known as “NAS” or “CCTS”), accredited by NADO Italia and authorized to take part in the anti-doping activities in conjunction with Doping Control Officers/Blood Control Officers, sample collection physicians from FMSI,



pursuant to the Framework Agreement executed on 9 February 2015 between CONI and the NAS.

*Anti-Doping Organization: WADA* or 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*, International Federations, and *National Anti-Doping Organizations*.

*Anti-Doping Sports Code (ADSC)*: the Code, adopted by NADO Italia, implementing the *World Anti-Doping Code* and the *International Standards*.

*Athlete*: Any *Person* who competes in sport under the aegis of the relevant International Federation and/or the Italian National Olympic Committee (CONI) and Italian Paralympic Committee (IPC).

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

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

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

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

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

*CAS*: The Court of Arbitration for Sport.

*Code*: The World Anti-Doping Code.

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

*Consequences of Anti-Doping Rule Violations* (“*Consequences*”): An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in *ADSC* Article 11.14; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under *ADSC* Article 9; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with *ADSC* Article 18. Teams in *Team Sports* may also be subject to *Consequences* as provided in *ADSC* Article 12.

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

*Decision Limit*: The value of the result for a threshold substance in a *Sample*, above which an *Adverse Analytical Finding* shall be reported, as defined in the *International Standard for Laboratories*.

*Delegated Third Party*: Any *Person* to which an *Anti-Doping Organization* delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Educational* programs for the *Anti-Doping Organization*, or individuals serving as independent contractors who perform *Doping Control* services for the *Anti-Doping Organization* (e.g., non-employee *Doping Control* officers or chaperones). This definition does not include *CAS*.

*Department of Doping Supervision and Control and for Health Safety in Sports Activities*: A body established within the Italian Ministry of Health for the purposes of doping supervision and control, and for health safety in sports activities under Law No. 376/2000.

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

*Doping Control*: All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management* and investigations or proceedings relating to violations of *ADSC* Article 11.14 (Status During *Ineligibility* or *Provisional Suspension*).

*Education*: The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

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

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

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

*Fault:* *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under ADSC Article 11.6.1 or 11.6.2.

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

*In-Competition:* The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. Provided, however, *WADA* may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by *WADA*, the alternative definition shall be followed by all *Major Event Organizations* for that particular sport.

*Independent Observer Program:* A team of observers and/or auditors, under the supervision of *WADA*, who observe and provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of *WADA's* compliance monitoring program.

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

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

*Institutional Independence:* Hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management*.

*International Event:* An *Event* or *Competition* 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 who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing and Investigations*.

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

*Italian Sports Medicine Federation (FMSI):* The only National Entity recognized as a member of the International Sports Medicine Federation (FIMS), recognized by the International Olympic Committee (IOC) and the European Sports Medicine Federation (EFSM) that ensures the (i) execution of *In-Competition* and *Out-of-Competition* doping controls through its own DCOs/BCOs, sample collection physicians, (ii) delivery of sample tests through the WADA-accredited Laboratory based in Rome or other WADA-accredited laboratories.

*Law no. 376/2000:* Italian law on health protection of sports activities and the fight against doping.

*Legislative Decree no. 196/2003:* Italian Code on personal data protection, as amended from time to time.

*Major Event Organizations:* 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 variable(s) that indicates the *Use* of a *Prohibited Substance* or *Prohibited Method*.

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

*Minimum Reporting Level:* The estimated concentration of a *Prohibited Substance* or its *Metabolite(s)* or *Marker(s)* in a *Sample* below which *WADA*-accredited laboratories should not report that *Sample* as an *Adverse Analytical Finding*.

*Minor:* A natural *Person* who has not reached the age of eighteen (18) years.

*National Anti-Doping Appeal Body (NADAB):* The National Anti-Doping Appeal Panel competent to judge appeals against first instance decisions of the NADT as pursuant to *Code* Article 13.2 and against any decision of rejection of a *TUE* by the TUEC of NADO Italia.

*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*, manage test results and conduct *Results Management* 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. In Italy, the *National Anti-Doping Organization* is NADO Italia.

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

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

*National-Level Athlete:* An *Athlete* included in the national RTP; *Athletes* included in the Club Olimpico (who receive funding from Sports movement); an *Athlete* who currently or in the last six (6) months has represented Italy at senior level; an *Athlete* who has been selected to represent Italy in *International Events* or *Competitions*, not classified as *International-Level Athlete* by the relevant International Federation.

*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. In Italy, the *National Olympic Committee* is *Comitato Olimpico Nazionale Italiano* (CONI).

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

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

*Operational Independence:* This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organization* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organization* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organization* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

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

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

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

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

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

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

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

*Protected Person:* An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.

*Provisional Hearing:* For purposes of Article 8.4, an expedited abbreviated hearing occurring prior to a hearing under RMP Article 3.3 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

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

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

*Recreational Athlete:* In Italy, *Recreational Athlete* is any *Person* member of a Sport Promotion Entity, or any *Person* who takes part in local *Competitions* or competes at lower level *Team Sports*.

In any case, *Recreational Athlete* does not include who, within the five (5) years prior to committing any anti-doping rule violation: (i) has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by NADO Italia or other *National Anti-Doping Organization* consistent with the *International Standard for Testing and Investigations*); (ii) has represented Italy or any other country in an *International Event* in an open category; (iii) or has been included within any *Registered Testing Pool* or other whereabouts information pool

maintained by any International Federation, NADO Italia or other *National Anti-Doping Organization*.

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

*Registered Testing Pool (RTP)*: The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in *Code* Article 5.5 and the *International Standard for Testing and Investigations*. In Italy, NADO Italia's *Registered Testing Pool* is defined as set out in *ADSC* Article 6.5.

*Results Management*: The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

*Results Management Procedure (RMP)*: The document adopted by NADO Italia implementing the *International Standard for Results Management*, regulating the *Results Management* procedure from the review and notification of a potential anti-doping rule violation until the appeals. The RMP is published on NADO Italia's website ([www.nadoitalia.it](http://www.nadoitalia.it)).

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

*Signatories*: Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23 of the *Code*.

*Specified Method*: See Article 5.2.2.

*Specified Substance*: See Article 5.2.2.

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

*Substance of Abuse*: See Article 5.2.3.

*Substantial Assistance*: For purposes of Article 11.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 11.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter

related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

*Tampering*: Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

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

*Team Sport*: A sport in which the substitution of players is permitted during a *Competition*.

*Technical Document*: A document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

*Technical Document for Testing and Investigations* (TD\_TI): The document adopted by NADO Italia implementing the *International Standard for Testing and Investigations*, published on NADO Italia's website ([www.nadoitalia.it](http://www.nadoitalia.it)).

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

*Therapeutic Use Exemption* (TUE): A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to *Use* a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

*Therapeutic Use Exemptions' Application Procedure* (TUE\_AP): The procedure adopted by NADO Italia for the 'TUEs' application, published on NADO Italia's website ([www.nadoitalia.it](http://www.nadoitalia.it)).

*Trafficking*: Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the authority of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.



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

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

*WADA:* The World Anti-Doping Agency.

*Without Prejudice Agreement:* For purposes of Articles 11.7.1.1 and 11.8.2, a written agreement between an *Anti-Doping Organization* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organization* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organization* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organization* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organization* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.