



AMERICA'S CUP

WORLD SAILING RACING RULES of SAILING AMERICA'S CUP EDITION SCHEDULES

for the 35th America's Cup

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SAILING**

INTRODUCTION

The World Sailing Eligibility Code, Anti Doping Code, and Disciplinary Code that apply to the 35th America's Cup are referred to in the definition *Rule*.

This book contains the applicable World Sailing Regulations (Eligibility Code, Anti Doping Code, and Disciplinary Code) that apply at the time the agreement between World Sailing and America's Cup Race Management was signed. These regulations apply to the 35th America's Cup unless agreed by ACRM and World Sailing.

SCHEDULE 1 - ELIGIBILITY CODE

19. ELIGIBILITY CODE

19.1 *Competition Eligibility*

- 19.1 An individual shall have Competition Eligibility unless that eligibility has been suspended or revoked. 'Competition Eligibility' means the individual has a general entitlement to take part in competition in the sport of sailing.
- 19.2 An individual who does not have Competition Eligibility, or who is in breach of any condition imposed on his Competition Eligibility, shall not compete in any competition in the sport of sailing to which the RRS or these Regulations apply in whole or in part.
- 19.3 A boat that races with, as part of her crew, a competitor who is in breach of this Code shall be disqualified from all such races.

World Sailing Eligibility

- 19.4 In addition to Competition Eligibility, a competitor has 'World Sailing Eligibility' if he meets the following conditions:
- (a) he is a member of his/her Member National Authority or one of its affiliated organizations. Such membership to be established by the competitor either:
 - (i) by being entered by a national authority of the country of which the competitor is a national or ordinarily a resident; or
 - (ii) by presenting a valid membership card or certificate, or other satisfactory evidence of identity and membership;
 - (b) he is registered as an 'World Sailing Sailor' on the World Sailing Website for those events listed under Regulations 19.6(a) to (c), Olympic Qualification Events and World Sailing Graded Match Racing Events;
 - (c) he has agreed to be governed and bound by the Regulations and any other requirements issued by World Sailing; and
 - (d) he has not had either his Competition Eligibility or World Sailing Eligibility suspended or revoked under Regulation 19.
- 19.5 In exceptional circumstances the Executive Committee may waive the requirements contained in Regulations 19.4.(a) and (b) for a sailor who, for good reason, is unable to comply with those requirements.

Events Requiring World Sailing Eligibility

- 19.6 World Sailing Eligibility is required for the following events:
- (a) the Olympic Sailing Competition;
 - (b) the sailing events of Regional Games recognized by the International Olympic Committee;
 - (c) events including "World Sailing" in their titles;
 - (d) world and continental championships of World Sailing classes and world championships of the IMS, Major Events and other events approved by World Sailing as a World Championship;

- (e) any event at which the Organizing Authority, Member National Authority or World Sailing has appointed an International Jury, International Umpires, International Race Officers, International Measurers or World Sailing Technical Delegates to act in that capacity;
 - (f) any event approved by a Member National Authority of World Sailing as an Olympic qualifying event;
 - (h) any event designated by a Member National Authority within its jurisdiction as requiring competitors to satisfy the requirements of Regulation 19.7; and
 - (i) any event designated by World Sailing.
- 19.7 Additionally, with the prior approval of the relevant Member National Authority, an Organizing Authority may also impose the same requirements as in Regulation 19.6 above for an event and that fact shall then be stated in the notice of race and the sailing instructions.

Nationality Criteria

- 19.8 When participating in a World Sailing Event, a competitor must be a national of the Member National Authority that enters him or that he represents as determined under the guidelines set out in 19.12 below. However, the Notice of Race may specify that Regulation 19.8 does not apply to crew substitutes.
- 19.9 The following wording shall be included in the notice of race and sailing instructions:
“Any competitor in the championship must be a national of the country of the Member National Authority which is entering him/her or which he represents.”
- 19.10 All applications or disputes relating to the determination of the country that a competitor may represent in the championship shall be determined by the Executive Committee.
- 19.11 The requirements of Regulation 19.8 shall not apply to competitors participating in the World Sailing Open Match World Racing Championship, World Sailing Women’s Match Racing World Championship or the World Sailing Offshore Team World Championship.
- 19.12 On application, the Executive Committee may grant exemptions to Regulation 19.8 in case of a competitor being a permanent resident of the country he wishes to represent. The following conditions will apply:
- (a) a competitor must have been an ordinary resident of the country for more than three (3) consecutive years and must be able to establish his residency for this period;
 - (b) a competitor must have been member of the relevant Member National Authority, or a club or other organization affiliated to the relevant national authority for at least three (3) consecutive years;
 - (c) a competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognized by the Federation (World Sailing), and who wants to represent another country, may represent this country provided that at least three (3) consecutive years have passed since the competitor last represented a different country in the events referred to above or the Executive Committee has reduced this period.

Nationality Criteria Guidelines

- 19.13 Based on the criteria used by the IOC for the Olympic Games and World Sailing policy, the following guidelines shall be used by the Executive Committee in assessing an application or dispute:
- (a) A competitor who is a national of two or more countries at the same time may represent either one of them, as he/she may elect. However, after having represented one country in the Olympic Games, in World Sailing events, in continental or regional games or in world or regional championships recognized by World Sailing, he may not represent another country unless he/she meets the conditions set forth in Regulation 19.12 that apply to persons who have changed their nationality or acquired a new nationality.

- (b) A competitor who has represented one country in the Olympic Games, in World Sailing events, in continental or regional games or in world or regional championships recognized by World Sailing, and who has changed his nationality or acquired a new nationality, shall not participate in any of the events referred to above in this paragraph to represent his new country until three years after such change or acquisition. The Executive Committee may after taking into account the circumstances of each case, and with the agreement of the Member National Authorities concerned, reduce or cancel this period.
- (c) If a part of an existing country such as an associated state, province or overseas department, a country or colony acquires independence and becomes a new country or is incorporated into or is associated with another country recognized by the IOC, Regulations 19.12(a) and (b) shall not apply and a competitor may:
 - (i) continue to represent the former country if he remains a national of that country; or
 - (ii) represent the new country of the country into which the newly independent territory has been incorporated provided that country has a Member National Authority and the competitor becomes or applies to become a national of that country; and
 - (iii) the choice provided for in this paragraph may only be made once in respect of such change in national status.
- (d) In all cases not expressly addressed in these Regulations, in particular those cases in which a competitor would be in a position to represent a country other than that of which he/she is a national, or to have a choice as to the country which he/she intends to represent, the Executive Committee may take all decisions of a general or individual nature, and in particular issue specific requirements relating to nationality, citizenship, domicile or residence of the competitors, including the duration of any waiting period.
- (e) In the instance of applications that need to be decided in haste, possibly shortly before the start of a championship, the Executive Committee shall nominate two individuals to determine applications/disputes on its behalf for the specific championships only.

Suspension or revocation of Competitor Eligibility or World Sailing Eligibility

19.14 Competition Eligibility or World Sailing Eligibility (or both) may be suspended or revoked:

- (a) by a National Authority (for events within its own jurisdiction) or by World Sailing:
 - (i) for a breach of RRS 69.1(a); or
 - (ii) for competing, within the preceding two years, in an event that the competitor knew or should reasonably have known was a Prohibited Event; or
- (b) for a breach of RRS 5.

World Sailing's powers in this Regulation are in addition to the provisions of RRS 69.

19.15 A 'Prohibited Event' means an event:

- (a) permitting or requiring advertising beyond that permitted by the World Sailing Advertising Code;
- (b) with prizes or other benefits referred to in Regulation 25.12.2 that is a national event not approved by the National Authority of the venue or an international event not approved by World Sailing;
- (c) that is described as a world championship or uses the word "world", either in the title of the event or otherwise, and that is not approved by World Sailing;
- (d) that does not conform to the requirements of RRS 89.1 and is not otherwise approved by World Sailing; or

- (e) for which the Organizing Authority that has not paid the World Sailing event fees, and
- (f) has been listed on the World Sailing website on a list maintained for this purpose

Subsequent review and appeals

- 19.16 The procedures for reviewing and appealing decisions of a National Authority or World Sailing under this Regulation are set out in Regulation 35.
- 19.17 After a decision to suspend or revoke, or to impose conditions on, Competition Eligibility and/or World Sailing Eligibility has become final, the Chief Executive Officer shall report the decision to all National Authorities, World Sailing Class Associations and other World Sailing affiliated organizations, which may also suspend eligibility for events held within their own jurisdiction. The Chief Executive Officer may do this by publishing an appropriate notice on the World Sailing website.

Reinstatement of Competition and/or World Sailing Eligibility

- 19.18 A competitor may apply to the World Sailing Judicial Board for his Competition Eligibility and/or World Sailing Eligibility to be reinstated, or have any conditions imposed upon it removed or amended, if
 - (a) he establishes substantial, changed circumstances justifying the change; and
 - (b) a minimum of three years has passed since the original decision.

Class Eligibility

- 19.26 Any competitor whose eligibility has been suspended, denied, or revoked by an World Sailing Class may appeal that decision to the Judicial Board in accordance with Articles 77 to 81 and the procedures set out in the Judicial Board Rules of Procedure

SCHEDULE 2 – ANTI-DOPING CODE FOR THE 35TH AMERICA'S CUP

21. ANTI-DOPING CODE

INTRODUCTION

Preface

These Anti-Doping Rules are adopted and implemented in accordance with World Sailing's responsibilities under the Code, and in furtherance of World Sailing's continuing efforts to eradicate doping in sport.

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

Fundamental Rationale for the Code and World Sailing's Anti-Doping Rules

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

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to World Sailing and to each of its *Member National Authorities (MNAs)*. They also apply to the following *Athletes, Athlete Support Personnel* and other *Persons*, each of whom is deemed, as a condition of his/her membership, accreditation and/or participation in the sport, to have agreed to be bound by these Anti-Doping Rules, and to have submitted to the authority of World Sailing to enforce these Anti-Doping Rules and to the jurisdiction of the hearing panels specified in Regulation 21.8 and Regulation 21.13 to hear and determine cases and appeals brought under these Anti-Doping Rules:

- (a) all *Athletes* and *Athlete Support Personnel* who are members of World Sailing, or of any *MNA*, or of any member or affiliate organization of any *MNA* (including any clubs, teams, associations or leagues);
- (b) all *Athletes* and *Athlete Support Personnel* participating in such capacity in *Events, Competitions* and other activities organized, convened, authorized or recognized by

World Sailing, or any *MNA*, or any member or affiliate organization of any *MNA* (including any clubs, teams, associations or leagues), wherever held;

- (c) any other *Athlete* or *Athlete Support Personnel* or other *Person* who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of World Sailing, or of any *MNA*, or of any member or affiliate organization of any *MNA* (including any clubs, teams, associations or leagues), for purposes of anti-doping; and
- (d) *Athletes* who are not regular members of World Sailing or of one of its *MNAs* but who want to be eligible to compete in a particular *International Event*. World Sailing may include such *Athletes* in its *Registered Testing Pool* so that they are required to provide information about their whereabouts for purposes of *Testing* under these Anti-Doping Rules for at least one month prior to the *International Event* in question.

Within the overall pool of *Athletes* set out above who are bound by and required to comply with these Anti-Doping Rules, the following *Athletes* shall be considered to be *International-Level Athletes* for purposes of these Anti-Doping Rules, and therefore the specific provisions in these Anti-Doping Rules applicable to *International-Level Athletes* (as regards *Testing* but also as regards *TUEs*, whereabouts information, results management, and appeals) shall apply to such *Athletes*:

- (a) *Athletes* who compete in any of the following *International Events*:

- Sailing World Cup
- Sailing World Championship
- Youth Sailing World Championships
- Para World Sailing Championship
- Olympic Games
- Paralympic Games

and any other events that World Sailing adds to the recognized International Events on the World Sailing Anti-Doping microsite found at www.sailing.org.

DEFINITIONS

Word(s)	Meaning
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	<p>Providing, supplying, supervising, facilitating, or otherwise participating in the <i>Use</i> or <i>Attempted Use</i> by another <i>Person</i> of a <i>Prohibited Substance</i> or <i>Prohibited Method</i>.</p> <p>However, this definition shall not include the actions of bona fide medical personnel involving a <i>Prohibited Substance</i> or <i>Prohibited Method</i> used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving <i>Prohibited Substances</i> which are not prohibited in <i>Out-of-Competition Testing</i> unless the circumstances as a whole demonstrate that such <i>Prohibited Substances</i> are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.</p>
Adverse Analytical Finding	A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a

	<p>Sample the presence of a <i>Prohibited Substance</i> or its <i>Metabolites</i> or <i>Markers</i> (including elevated quantities of endogenous substances) or evidence of the <i>Use of a Prohibited Method</i>.</p>
Adverse Passport Finding	<p>A report identified as an <i>Adverse Passport Finding</i> as described in the applicable <i>International Standards</i>.</p>
Anti-Doping Organization	<p>A <i>Signatory</i> that is responsible for adopting rules for initiating, implementing or enforcing any part of the <i>Doping Control</i> process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other <i>Major Event Organizations</i> that conduct <i>Testing</i> at their <i>Events</i>, WADA, International Federations, and <i>National Anti-Doping Organizations</i>.</p>
Athlete	<p>Any <i>Person</i> who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each <i>National Anti-Doping Organization</i>).</p> <p>An <i>Anti-Doping Organization</i> has discretion to apply anti-doping rules to an <i>Athlete</i> who is neither an <i>International-Level Athlete</i> nor a <i>National-Level Athlete</i>, and thus to bring them within the definition of "Athlete." In relation to <i>Athletes</i> who are neither <i>International-Level</i> nor <i>National-Level Athletes</i>, an <i>Anti-Doping Organization</i> may elect to: conduct limited <i>Testing</i> or no <i>Testing</i> at all; analyze <i>Samples</i> for less than the full menu of <i>Prohibited Substances</i>; require limited or no whereabouts information; or not require advance <i>TUEs</i>.</p> <p>However, if an Regulation 21.2.1, 21.2.3 or 21.2.5 anti-doping rule violation is committed by any <i>Athlete</i> over whom an <i>Anti-Doping Organization</i> has authority who competes below the international or national level, then the <i>Consequences</i> set forth in the <i>Code</i> (except Regulation 21.14.3(b)) must be applied. For purposes of Regulation 21.2.8 and Regulation 21.2.9 and for purposes of anti-doping information and education, any <i>Person</i> who participates in sport under the authority of any <i>Signatory</i>, government, or other sports organization accepting the <i>Code</i> is an <i>Athlete</i>.</p>
Athlete Biological Passport	<p>The program and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories.</p>
Athlete Support Personnel	<p>Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other <i>Person</i> working with, treating or assisting an <i>Athlete</i> participating in or preparing for sports <i>Competition</i>.</p>
Attempt	<p>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 <i>Attempt</i> to commit a violation if the <i>Person</i> renounces the <i>Attempt</i> prior to it being discovered by a third party not involved in the <i>Attempt</i>.</p>
Atypical Finding	<p>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 <i>Adverse Analytical Finding</i>.</p>

Atypical Passport Finding	A report described as an <i>Atypical Passport Finding</i> as described in the applicable <i>International Standards</i> .
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 <i>Competition</i> and an <i>Event</i> will be as provided in the rules of the applicable International Federation.
Consequences of Anti-Doping Rules Violations (“Consequences”)	<p>An <i>Athlete's</i> or other <i>Person's</i> violation of an anti-doping rule may result in one or more of the following:</p> <p>(a) <i>Disqualification</i> means the <i>Athlete's</i> results in a particular <i>Competition</i> or <i>Event</i> are invalidated, with all resulting <i>Consequences</i> including forfeiture of any medals, points and prizes;</p> <p>(b) <i>Ineligibility</i> means the <i>Athlete</i> or other <i>Person</i> is barred on account of an anti-doping rule violation for a specified period of time from participating in any <i>Competition</i> or other activity or funding as provided in Regulation 21.10.12(a);</p> <p>(c) <i>Provisional Suspension</i> means the <i>Athlete</i> or other <i>Person</i> is barred temporarily from participating in any <i>Competition</i> or activity prior to the final decision at a hearing conducted under Regulation 21.8;</p> <p>(d) <i>Financial Consequences</i> means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and</p> <p>(e) <i>Public Disclosure or Public Reporting</i> means the dissemination or distribution of information to the general public or <i>Persons</i> beyond those <i>Persons</i> entitled to earlier notification in accordance with Regulation 21.14.</p> <p>Teams in <i>Team Sports</i> may also be subject to <i>Consequences</i> as provided in Regulation 21.11 of the <i>Code</i>.</p>
Contaminated Product	A product that contains a <i>Prohibited Substance</i> that is not disclosed on the product label or in information available in a reasonable Internet search.
Disqualification	See <i>Consequences of Anti-Doping Rule Violations</i> above.
Doping Control	All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, <i>Sample</i> collection and handling, laboratory analysis, <i>TUEs</i> , results management and hearings.

Event	<p>A series of individual <i>Competitions</i> conducted together under one ruling body (e.g., the Olympic Games, FINA World Championships, or Pan American Games).</p> <p>The 35th America's Cup is made up of the following Events: the America's Cup World Series; the Youth America's Cup; and the America's Cup Qualifiers, the America's Cup Challenger Playoffs, and the Match combined (such terms having the meaning set out in the Protocol for the 35th America's Cup as amended from time to time).</p>
Event Venues	Those venues so designated by the ruling body for the <i>Event</i> .
Event Period	The time between the beginning and end of an <i>Event</i> , as established by the ruling body of the <i>Event</i> .
Fault	<p><i>Fault</i> is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an <i>Athlete</i> or other <i>Person's</i> degree of <i>Fault</i> include, for example, the <i>Athlete's</i> or other <i>Person's</i> experience, whether the <i>Athlete</i> or other <i>Person</i> is a <i>Minor</i>, special considerations such as impairment, the degree of risk that should have been perceived by the <i>Athlete</i> and the level of care and investigation exercised by the <i>Athlete</i> in relation to what should have been the perceived level of risk.</p> <p>In assessing the <i>Athlete's</i> or other <i>Person's</i> degree of <i>Fault</i>, the circumstances considered must be specific and relevant to explain the <i>Athlete's</i> or other <i>Person's</i> departure from the expected standard of behavior. Thus, for example, the fact that an <i>Athlete</i> would lose the opportunity to earn large sums of money during a period of <i>Ineligibility</i>, or the fact that the <i>Athlete</i> only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of <i>Ineligibility</i> under Regulation 21.10.5(a) or 21.10.5(b).</p>
Financial Consequences	See <i>Consequences of Anti-Doping Rule Violations</i> above.
In-Competition	For purposes of differentiating between <i>In-Competition</i> and <i>Out-of-Competition Testing</i> , for <i>Events</i> for which World Sailing is the ruling body, <i>In-Competition</i> is defined as that period of time between the scheduled time of the warning signal of the first race of the <i>Event</i> , until to the protest time limit following the final race of the <i>Event</i> .
Independent Observer Program	A team of observers, under the supervision of WADA, who observe and provide guidance on the <i>Doping Control</i> process at certain <i>Events</i> and report on their observations.
Individual Sport	Any sport that is not a <i>Team Sport</i> .
Ineligibility	See <i>Consequences of Anti-Doping Rule Violations</i> above.
International Event	<p>An <i>Event</i> or <i>Competition</i> where the International Olympic Committee, the International Paralympic Committee, an International Federation, a <i>Major Event Organization</i>, or another international sport organization is the ruling body for the <i>Event</i> or appoints the technical officials for the <i>Event</i>.</p> <p>An America's Cup <i>Competition</i> is an <i>International Event</i>.</p>

International-Level Athlete	<i>Athletes</i> who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations. For the sport of Sailing, <i>International-Level Athletes</i> are defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.
International Standard	A standard adopted by WADA in support of the Code. Compliance with an <i>International Standard</i> (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the <i>International Standard</i> were performed properly. <i>International Standards</i> shall include any Technical Documents issued pursuant to the <i>International Standard</i> .
Major Event Organizations	The continental associations of <i>National Olympic Committees</i> and other international multi-sport organizations that function as the ruling body for any continental, regional or other <i>International Event</i> .
Marker	The continental associations of <i>National Olympic Committees</i> and other international multi-sport organizations that function as the ruling body for any continental, regional or other <i>International Event</i> .
Metabolite	Any substance produced by a biotransformation process.
Minor	A natural <i>Person</i> who has not reached the age of eighteen years.
National Anti-Doping Organization	The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of <i>Samples</i> , the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's <i>National Olympic Committee</i> or its designee.
National Event	A sport <i>Event</i> or <i>Competition</i> involving <i>International-</i> or <i>National-Level Athletes</i> that is not an <i>International Event</i> .
MNA	A national or regional entity which is a member of or is recognized by World Sailing as the entity governing World Sailing's sport in that nation or region. A <i>Relevant MNA</i> means the <i>MNA</i> designated by World Sailing as having jurisdiction over the <i>Athlete</i> or other <i>Person</i> in question. For the 35 th America's Cup, the <i>Relevant MNA</i> is the <i>MNA</i> of the yacht for whose team the <i>Athlete</i> or other <i>Person</i> is associated. These MNAs will be identified by notice in writing by World Sailing prior to the commencement of competition. MNAs have the duties and responsibilities of <i>National Federations</i> under the Code.
National-Level Athlete	<i>Athletes</i> who compete in sport at the national level, as defined by each <i>National Anti-Doping Organization</i> , consistent with the International Standard for Testing and Investigations.
National Olympic Committee	The organization recognized by the International Olympic Committee. The term <i>National Olympic Committee</i> shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical <i>National Olympic Committee</i> responsibilities in the anti-doping area.

No Fault or Negligence	The <i>Athlete</i> or other <i>Person's</i> 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 <i>Used</i> or been administered the <i>Prohibited Substance</i> or <i>Prohibited Method</i> or otherwise violated an anti-doping rule. Except in the case of a <i>Minor</i> , for any violation of Regulation 21.2.1, the <i>Athlete</i> must also establish how the <i>Prohibited Substance</i> entered his or her system.
No Significant Fault or Negligence	The <i>Athlete</i> or other <i>Person's</i> establishing that his or her <i>Fault</i> or negligence, when viewed in the totality of the circumstances and taking into account the criteria for <i>No Fault</i> or negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a <i>Minor</i> , for any violation of Regulation 21.2.1, the <i>Athlete</i> must also establish how the <i>Prohibited Substance</i> entered his or her system.
Out-of-Competition	Any period which is not <i>In-Competition</i> .
Participant	Any <i>Athlete</i> or <i>Athlete Support Person</i> .
Person	A natural <i>Person</i> or an organization or other entity.
Possession	<p>The actual, physical <i>Possession</i>, or the constructive <i>Possession</i> (which shall be found only if the <i>Person</i> has exclusive control or intends to exercise control over the <i>Prohibited Substance</i> or <i>Prohibited Method</i> or the premises in which a <i>Prohibited Substance</i> or <i>Prohibited Method</i> exists); provided, however, that if the <i>Person</i> does not have exclusive control over the <i>Prohibited Substance</i> or <i>Prohibited Method</i> or the premises in which a <i>Prohibited Substance</i> or <i>Prohibited Method</i> exists, constructive <i>Possession</i> shall only be found if the <i>Person</i> knew about the presence of the <i>Prohibited Substance</i> or <i>Prohibited Method</i> and intended to exercise control over it.</p> <p>Provided, however, there shall be no anti-doping rule violation based solely on <i>Possession</i> if, prior to receiving notification of any kind that the <i>Person</i> has committed an anti-doping rule violation, the <i>Person</i> has taken concrete action demonstrating that the <i>Person</i> never intended to have <i>Possession</i> and has renounced <i>Possession</i> by explicitly declaring it to an <i>Anti-Doping Organization</i>. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a <i>Prohibited Substance</i> or <i>Prohibited Method</i> constitutes <i>Possession</i> by the <i>Person</i> who makes the purchase</p>
Prohibited List	The List identifying the <i>Prohibited Substances</i> and <i>Prohibited Methods</i> .
Prohibited Method	Any method so described on the <i>Prohibited List</i> .
Prohibited Substance	Any substance, or class of substances, so described on the <i>Prohibited List</i> .
Provisional Hearing	For purposes of Regulation 21.7.9, an expedited abbreviated hearing occurring prior to a hearing under Regulation 21.8 that provides the

	<i>Athlete</i> with notice and an opportunity to be heard in either written or oral form.
Provisional Suspension	See <i>Consequences of Anti-Doping Rule Violations</i> above.
Publicly Disclose or Publicly Report	See <i>Consequences of Anti-Doping Rule Violations</i> above.
Regional Anti-Doping Organization	A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of <i>Samples</i> , the management of results, the review of <i>TUEs</i> , the conduct of hearings, and the conduct of educational programs at a regional level.
Registered Testing Pool	The pool of highest-priority <i>Athletes</i> established separately at the international level by International Federations and at the national level by <i>National Anti-Doping Organizations</i> , who are subject to focused <i>In-Competition</i> and <i>Out-of-Competition Testing</i> as part of that International Federation's or <i>National Anti-Doping Organization's</i> test distribution plan and therefore are required to provide whereabouts information as provided in Regulation 21.5.6 of the <i>Code</i> and the International Standard for Testing and Investigations.
Sample or Specimen	Any biological material collected for the purposes of <i>Doping Control</i> .
Signatories	Those entities signing the <i>Code</i> and agreeing to comply with the <i>Code</i> , as provided in Article 23 of the <i>Code</i> .
Specified Substance	See Regulation 21.4.2(b).
Strict Liability	The rule which provides that under Regulation 21.2.1 and Regulation 21.2.2, it is not necessary that intent, <i>Fault</i> , negligence, or knowing <i>Use</i> on the <i>Athlete's</i> part be demonstrated by the <i>Anti-Doping Organization</i> in order to establish an anti-doping rule violation.
Substantial Assistance	For purposes of Regulation 21.10.6(a), a <i>Person</i> providing <i>Substantial Assistance</i> must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an <i>Anti-Doping Organization</i> or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.
Tampering	Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

Target Testing	Selection of specific <i>Athletes</i> for <i>Testing</i> based on criteria set forth in the International Standard for Testing and Investigations.
Team Sport	An America's Cup <i>Competition</i> is a <i>Team Sport</i>
Testing	The parts of the <i>Doping Control</i> process involving test distribution planning, <i>Sample</i> collection, <i>Sample</i> handling, and <i>Sample</i> transport to the laboratory.
Trafficking	Selling, giving, transporting, sending, delivering or distributing (or <i>Possessing</i> for any such purpose) a <i>Prohibited Substance</i> or <i>Prohibited Method</i> (either physically or by any electronic or other means) by an <i>Athlete</i> , <i>Athlete Support Person</i> or any other <i>Person</i> subject to the jurisdiction of an <i>Anti-Doping Organization</i> to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a <i>Prohibited Substance</i> used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving <i>Prohibited Substances</i> which are not prohibited in <i>Out-of-Competition Testing</i> unless the circumstances as a whole demonstrate such <i>Prohibited Substances</i> are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.
TUE	Therapeutic Use Exemption, as described in Regulation 21.4.4
TUE Committee	A committee of the World Sailing Medical Commission responsible for evaluating requests for TUEs, as described in Regulation 21.4.
UNESCO Convention	The International Convention against Doping in Sport adopted by the 33 rd 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 <i>Prohibited Substance</i> or <i>Prohibited Method</i> .
WADA	The World Anti-Doping Agency

Definition of Doping

21.1 Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Regulation 21.2.1 through Regulation 21.2.10 of these Anti-Doping Rules.

Anti-Doping Rule Violations

21.2 The purpose of Regulation 21.2 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:

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

- (a) It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Regulation 21.2.1.
- (b) Sufficient proof of an anti-doping rule violation under Regulation 21.2.1 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 B Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle
- (c) Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.
- (d) As an exception to the general rule of Regulation 21.2.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

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

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

21.2.3 Evading, Refusing or Failing to Submit to Sample Collection

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

21.2.4 Whereabouts Failures

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

21.2.5 Tampering or Attempted Tampering with any part of Doping Control

Conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, intentionally interfering or attempting to interfere with a *Doping Control* official,

providing fraudulent information to an *Anti-Doping Organization*, or intimidating or attempting to intimidate a potential witness.

21.2.6 Possession of a Prohibited Substance or a Prohibited Method

- (a) *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 Regulation 21.4.4 or other acceptable justification.*
- (b) *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 Regulation 21.4.4 or other acceptable justification.*

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

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

21.2.9 Complicity

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Regulation 21.10.12(a) by another *Person*.

21.2.10 Prohibited Association

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:

- (a) If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or
- (b) If not subject to the authority of an *Anti-Doping Organization* and where *Ineligibility* has not been addressed in a results management process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or
- (c) Is serving as a front or intermediary for an individual described in Regulation 21.2.10(a) or 21.2.10(b).

In order for this provision to apply, it is necessary that the *Athlete* or other *Person* has previously been advised in writing by an *Anti-Doping Organization* with jurisdiction over the *Athlete* or other *Person*, or by WADA, of the *Athlete Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organization* shall also use reasonable efforts to advise the *Athlete Support Person* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Person* may, within 15 days, come forward to the *Anti-Doping Organization* to explain that the criteria described in

Regulations 21.2.10(a) and 21.2.10(b) do not apply to him or her. (Notwithstanding Regulation 21.17, this Regulation applies even when the *Athlete Support Person's* disqualifying conduct occurred prior to the effective date provided in Regulation 21.20.7.)

The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in Regulation 21.2.10(a) and 21.2.10(b) is not in a professional or sport-related capacity.

Anti-Doping Organizations that are aware of *Athlete Support Personnel* who meet the criteria described in Regulation 21.2.10(a) and 21.2.10(b) or 21.2.10(c) shall submit that information to WADA.

21.3 Proof of *Doping*

21.3.1 Burdens and Standards of Proof

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

21.3.2 Methods of Establishing Facts and Presumptions

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

- (a) Analytical methods or decision limits approved by WADA after consultation within relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear *amicus curiae*, or otherwise provide evidence in such proceeding.
- (b) 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 World Sailing shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.
- (c) Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or these Anti-Doping Rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Athlete* or other *Person* establishes a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then World Sailing shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule

violation.

- (d) 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.
- (e) 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 World Sailing.

21.4 The Prohibited List

21.4.1 Incorporation of the Prohibited List

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

21.4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

(a) Prohibited Substances and Prohibited Methods

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication by WADA, without requiring any further action by World Sailing or its MNAs. 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.

(b) Specified Substances

For purposes of the application of Regulation 21.10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.

21.4.3 WADA's Determination of the Prohibited List

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

21.4.4 Therapeutic Use Exemptions ("TUEs")

- (a) 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.
- (b) If an *International-Level Athlete* is using a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons:

- (i) Where the *Athlete* already has a *TUE* granted by his or her *National Anti Doping Organization* for the substance or method in question, that *TUE* is not automatically valid for international-level *Competition*. However, the *Athlete* may apply to World Sailing to recognize that *TUE*, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that *TUE* meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then World Sailing shall recognize it for purposes of international-level *Competition* as well. If World Sailing considers that the *TUE* does not meet those criteria and so refuses to recognize it, World Sailing shall notify the *Athlete* and his or her *National Anti-Doping Organization* promptly, with reasons. The *Athlete* and the *National Anti-Doping Organization* shall have 21 days from such notification to refer the matter to *WADA* for review in accordance with Regulation 21.4.4(f). If the matter is referred to *WADA* for review, the *TUE* granted by the *National Anti Doping Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA*'s decision. If the matter is not referred to *WADA* for review, the *TUE* becomes invalid for any purpose when the 21-day review deadline expires.
- (ii) If the *Athlete* does not already have a *TUE* granted by his/her *National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to World Sailing for a *TUE* in accordance with the process set out in the International Standard for Therapeutic Use Exemptions, using the form posted on World Sailing's website at <http://www.sailing.org/sailors/antidoping/documents.php>. If World Sailing denies the *Athlete*'s application, it must notify the *Athlete* promptly, with reasons. If World Sailing grants the *Athlete*'s application, it shall notify not only the *Athlete* but also his/her *National Anti-Doping Organization*. If the *National Anti-Doping Organization* considers that the *TUE* granted by World Sailing does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to *WADA* for review in accordance with Regulation 21.4.4(f). If the *National Anti-Doping Organization* refers the matter to *WADA* for review, the *TUE* granted by World Sailing remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA*'s decision. If the *National Anti-Doping Organization* does not refer the matter to *WADA* for review, the *TUE* granted by World Sailing becomes valid for national-level *Competition* as well when the 21-day review deadline expires.
- (c) If World Sailing chooses to test an *Athlete* who is not an International-Level *Athlete*, World Sailing shall recognize a *TUE* granted to that *Athlete* by his or her *National Anti-Doping Organization*. If World Sailing chooses to test an *Athlete* who is not an International-Level or a National-Level *Athlete*, World Sailing shall permit that *Athlete* to apply for a retroactive *TUE* for any Prohibited Substance or Prohibited Method that he/she is using for therapeutic reasons.
- (d) An application to World Sailing for grant or recognition of a *TUE* must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the *Athlete*'s next *Competition*. World Sailing shall appoint a panel to consider applications for the grant or recognition of *TUEs* (the "*TUE Committee*"). The *TUE Committee* shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions. Its decision shall be the final

decision of World Sailing, and shall be reported to WADA and other relevant Anti-Doping Organizations, including the Athlete's National Anti-Doping Organization, through ADAMS, in accordance with the International Standard for Therapeutic Use Exemptions.

- (i) In offshore races of more than 50 nautical miles, the use of any Prohibited Substance or Prohibited Methods for emergency medical treatment shall be recorded. The TUE Committee may approve such Use and Possession of such medications as reasonably required if the acute situation or exceptional circumstances are confirmed to the satisfaction of the TUE Committee.
 - (ii) If any Prohibited Substances carried on board are used, an explanation satisfactory to the TUE Committee will need to be provided and the process for consideration of retroactive approval of a TUE will take place.
 - (iii) With the approval of the World Sailing or a Member National Authority or National Olympic Committee (NOC), a Team Doctor or a Doctor who is responsible for sailing competitors, officials and others in the care of that Doctor, may carry and employ such medications as the circumstances may require and as might be properly used in the undertaking of the Hippocratic oath. The TUE Committee may retroactively approve such Use.
- (e) Expiration, Cancellation, Withdrawal or Reversal of a TUE
- (i) A TUE granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the for any further notice or other formality; (b) may be cancelled if the Athlete does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE; (c) may be withdrawn by the TUE Committee 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.
 - (ii) In such event, the *Athlete* shall not be subject to any *Consequences* based on his/her *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, cancellation, withdrawal or reversal of the *TUE*. The review pursuant to Regulation 21.7.2 of any subsequent *Adverse Analytical Finding* shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.
- (f) Reviews and Appeals of TUE Decisions
- (i) WADA shall review any decision by World Sailing not to recognize a TUE granted by the National Anti-Doping Organization that is referred to WADA by the Athlete or the Athlete's National Anti-Doping Organization. In addition, WADA shall review any decision by World Sailing to grant a TUE that is referred to WADA by the Athlete's National Anti-Doping Organization. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in 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.
 - (ii) Any TUE decision by World Sailing (or by a National Anti-Doping Organization where it has agreed to consider the application on behalf of

World Sailing) 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 the Athlete's National Anti-Doping Organization exclusively to CAS, in accordance with Regulation 21.13.

- (iii) A decision by WADA to reverse a TUE decision may be appealed by the Athlete, the National Anti-Doping Organization and/or World Sailing exclusively to CAS, in accordance with Regulation 21.13.
- (iv) A failure to take action within a reasonable time on a properly submitted application for grant or recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application.

21.5 Testing and Investigations

21.5.1 Purpose of Testing and Investigations

Testing and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the specific protocols of World Sailing supplementing that International Standard. (See Annexe 3)

- (a) *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete's* compliance (or non-compliance) with the strict *Code* prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*. Test distribution planning, *Testing*, post-*Testing* activity and all related activities conducted by World Sailing shall be in conformity with the International Standard for Testing and Investigations. World Sailing shall determine the number of finishing placement tests, random tests and target tests to be performed, in accordance with the criteria established by the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such *Testing*.
- (b) Investigations shall be undertaken:
 - (i) in relation to *Atypical Findings*, *Atypical Passport Findings* and *Adverse Passport Findings*, in accordance with Regulations 21.7.4 and 21.7.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Regulation 21.2.1 and/or Regulation 21.2.2; and
 - (ii) in relation to other indications of potential anti-doping rule violations, in accordance with Regulations 21.7.6 and 21.7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Regulations 21.2.2 to 21.2.10.
- (c) World Sailing may obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate test distribution plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s).

21.5.2 Authority to conduct Testing

- (a) Subject to the jurisdictional limitations for Event Testing set out in Article 5.3 of the *Code*, World Sailing shall have In-Competition and Out-of-Competition Testing authority over all of the Athletes specified in the Introduction to these Anti-Doping Rules (under the heading "Scope").

- (b) World Sailing 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.
- (c) WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.8 of the Code.
- (d) If World Sailing delegates or contracts any part of Testing to a National Anti-Doping Organization (directly or through a MNA), that National Anti-Doping Organization may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organization's expense. If additional Samples are collected or additional types of analysis are performed, World Sailing shall be notified.

21.5.3 Event Testing

- (a) Except as provided in Article 5.3 of the Code, only a single organization should be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events, the collection of Samples shall be initiated and directed by World Sailing (or any other international organization which is the ruling body for the Event). At the request of World Sailing (or any other international organization which is the ruling body for an Event), any Testing during the Event Period outside of the Event Venues shall be coordinated with World Sailing (or the relevant ruling body of the Event).
- (b) If an Anti-Doping Organization which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Athletes at the Event Venues during the Event Period, the Anti-Doping Organization shall first confer with World Sailing (or any other international organization which is the ruling body of the Event) to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organization is not satisfied with the response from World Sailing (or any other international organization which is the ruling body of the Event), the Anti-Doping Organization may ask WADA for permission to conduct Testing and to determine how to coordinate such Testing, in accordance with the procedures set out in the International Standard for Testing and Investigations. WADA shall not grant approval for such Testing before consulting with and informing World Sailing (or any other international organization which is the ruling body for the Event). WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organization initiating the test unless provided otherwise in the rules of the ruling body of the Event.

21.5.4 Test Distribution Planning

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

21.5.5 Coordination of Testing

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

21.5.6 Athlete Whereabouts Information

- (a) World Sailing shall identify a Registered Testing Pool of those Athletes who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, and shall make available through *ADAMS*, a list which identifies those Athletes included in its Registered Testing Pool either by name or by clearly defined, specific criteria. World Sailing shall coordinate with National Anti-Doping Organizations the identification of such Athletes and the collection of their whereabouts information. World Sailing shall review and update as necessary its criteria for including Athletes in its Registered Testing Pool, and shall revise the membership of its Registered Testing Pool from time to time as appropriate in accordance with the set criteria. Athletes shall be notified before they are included in a Registered Testing Pool and when they are removed from that pool. Each Athlete in the Registered Testing Pool shall do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations: (a) advise World Sailing of his/her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make him/herself available for Testing at such whereabouts.
- (b) For purposes of Regulation 21.2.4, an *Athlete's* failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a filing failure or a missed test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in the International Standard for Testing and Investigations for declaring a filing failure or missed test are met.
- (c) An Athlete in World Sailing's Registered Testing Pool shall continue to be subject to the obligation to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations unless and until (a) the Athlete gives written notice to World Sailing that he/she has retired or (b) World Sailing has informed him or her that he/she no longer satisfies the criteria for inclusion in World Sailing 's Registered Testing Pool.
- (d) Whereabouts information relating to an *Athlete* shall be shared (through *ADAMS*) with *WADA* and other *Anti-Doping Organizations* having authority to test that *Athlete*, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the *Code*, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

21.5.7 Retired Athletes Returning to Competition

- (a) An Athlete in World Sailing's Registered Testing Pool who has given notice of retirement to World Sailing may not resume competing in International Events or National Events until he/she has given World Sailing written notice of his/her intent to resume competing and has made him/herself available for Testing for a period of six months before returning to Competition, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. *WADA*, in consultation with World Sailing and the Athlete's National Anti-Doping Organization, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an Athlete. This decision may be appealed under Regulation 21.13. Any competitive results obtained in violation of this Regulation 21.5.7(a) shall be Disqualified.

- (b) If an Athlete retires from sport while subject to a period of Ineligibility, the Athlete shall not resume competing in International Events or National Events until the Athlete has given six 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 months) to World Sailing and to his/her National Anti-Doping Organization of his/her intent to resume competing and has made him/herself available for Testing for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

21.5.8 Independent Observer Program

World Sailing and the organizing committees for World Sailing's *Events*, as well as the *MNAs* and the organizing committees for *National Events*, shall authorize and facilitate the *Independent Observer Program* at such *Events*.

21.6 Analysis of Samples

Samples shall be analyzed in accordance with the following principles

21.6.1 Use of Accredited and Approved Laboratories

For purposes of Regulation 21.2.1, *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 the *Anti-Doping Organization* responsible for results management.

21.6.2 Purpose of Analysis of Samples

- (a) *Samples* shall be analyzed to detect Prohibited Substances and Prohibited Methods and other substances as may be directed by *WADA* pursuant to the Monitoring Program described in Article 4.5 of the Code; or to assist World Sailing in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.
- (b) World Sailing shall ask laboratories to analyze *Samples* in conformity with Article 6.4 of the Code and Article 4.7 of the International Standard for Testing and Investigations.

21.6.3 Research on Samples

No *Sample* may be used for research without the *Athlete's* written consent. *Samples* used for purposes other than Regulation 21.6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.

21.6.4 Standards for Sample Analysis and Reporting

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

- (a) World Sailing may request that laboratories analyze its *Samples* using more extensive menus than those described in the Technical Document.
- (b) World Sailing may request that laboratories analyze its *Samples* using less extensive menus than those described in the Technical Document only if it has satisfied *WADA* that, because of the particular circumstances of its sport, as set out in its test distribution plan, less extensive analysis would be appropriate.

- (c) As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the *Sample* analysis menu described in the Technical Document or specified by the *Testing* authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

21.6.5 Further Analysis of Samples

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes set out in Regulation 21.6.2: (a) by *WADA* at any time; and/or (b) by World Sailing at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by World Sailing to the *Athlete* as the asserted basis for an Regulation 21.2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

21.7 Results Management

21.7.1 Responsibility for Conducting Results Management

The circumstances in which World Sailing shall take responsibility for conducting results management in respect of anti-doping rule violations involving *Athletes* and other *Persons* under its jurisdiction shall be determined by reference to and in accordance with Article 7 of the *Code*.

21.7.2 Review of Adverse Analytical Findings From Tests Initiated by World Sailing

Results management in respect of the results of tests initiated by World Sailing (including tests performed by *WADA* pursuant to agreement with World Sailing) shall proceed as follows:

- (a) The results from all analyses must be sent to World Sailing in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted confidentially and in conformity with ADAMS.
- (b) Upon receipt of an Adverse Analytical Finding, World Sailing shall conduct a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.
- (c) If the review of an *Adverse Analytical Finding* under Regulation 21.7.2(b) reveals an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organization* and *WADA* shall be so informed.

21.7.3 Notification After Review Regarding Adverse Analytical Findings

- (a) If the review of an Adverse Analytical Finding under Regulation 21.7.2(b) does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, World Sailing shall promptly notify the *Athlete*, and simultaneously the Relevant MNA, the *Athlete's National Anti-Doping Organization* and *WADA*, in the manner set out in Regulation 21.14.1, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; (c) the *Athlete's* right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed

waived; (d) the scheduled date, time and place for the B Sample analysis if the Athlete or World Sailing chooses to request an analysis of the B Sample; (e) the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the Athlete's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. If World Sailing decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Athlete, the Relevant MNA, the Athlete's National Anti-Doping Organization and WADA.

- (b) Where requested by the Athlete or World Sailing, arrangements shall be made to analyze the B Sample in accordance with the International Standard for Laboratories. An Athlete may accept the A Sample analytical results by waiving the requirement for B Sample analysis. World Sailing may nonetheless elect to proceed with the B Sample analysis.
- (c) The Athlete and/or his representative shall be allowed to be present at the analysis of the B Sample. Also, a representative of World Sailing as well as a representative of the Relevant MNA shall be allowed to be present.
- (d) If the B Sample analysis does not confirm the A Sample analysis, then (unless World Sailing takes the case forward as an anti-doping rule violation under Regulation 21.2.2) the entire test shall be considered negative and the Athlete, the Athlete's National Anti-Doping Organization and WADA shall be so informed.

21.7.4 Review of Atypical Findings

- (a) As provided in the International Standard for Laboratories, in some circumstances laboratories are directed to report the presence of *Prohibited Substances*, which may also be produced endogenously, as *Atypical Findings*, i.e., as findings that are subject to further investigation.
- (b) Upon receipt of an Atypical Finding, World Sailing shall conduct a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Atypical Finding.
- (c) If the review of an *Atypical Finding* under Regulation 21.7.4(b) reveals an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the Athlete, the Relevant MNA, the Athlete's National Anti-Doping Organization and WADA shall be so informed.
- (d) If that review does not reveal an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, World Sailing shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Regulation 21.7.3(a), or else the Athlete, the Relevant MNA, the Athlete's National Anti-Doping Organization and WADA shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.
- (e) World Sailing will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

- (i) If World Sailing determines the B *Sample* should be analyzed prior to the conclusion of its investigation, it may conduct the B *Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Regulation 21.7.3(a)(d)-(f).
- (ii) If World Sailing is asked (a) by a *Major Event Organization* shortly before one of its *International Events*, or (b) by a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, World Sailing shall so advise the *Major Event Organization* or sports organization after first providing notice of the *Atypical Finding* to the *Athlete*.

21.7.5 Review of Atypical Passport Findings and Adverse Passport Findings

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

21.7.6 Review of Whereabouts Failures

World Sailing shall review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations, in respect of *Athletes* who file their whereabouts information with World Sailing, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as World Sailing is satisfied that an Regulation 21.2.4 anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the *Relevant MNA*, the *Athlete's National Anti-Doping Organization* and *WADA*) notice that it is asserting a violation of Regulation 21.2.4 and the basis of that assertion.

21.7.7 Review of Other Anti-Doping Rule Violations Not Covered by Regulations 21.7.2–21.7.6

World Sailing shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Regulations 21.7.2- 21.7.6. At such time as World Sailing is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* (and simultaneously the *Relevant MNA*, the *Athlete's* or other *Person's National Anti-Doping Organization* and *WADA*) notice of the anti-doping rule violation asserted and the basis of that assertion.

21.7.8 Identification of Prior Anti-Doping Rule Violations

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

21.7.9 Provisional Suspensions

- (a) **Mandatory Provisional Suspension:** If analysis of an A *Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or for a *Prohibited Method*, and a review in accordance with Regulation 21.7.2(b) does not reveal an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, a

Provisional Suspension shall be imposed by the *Relevant MNA*, upon or promptly after the notification described in Regulations 21.7.2, 21.7.3 or 21.7.5.

- (b) **Optional Provisional Suspension:** In case of an *Adverse Analytical Finding* for a *Specified Substance*, or in the case of any other anti-doping rule violations not covered by Regulation 21.7.9(a), the *Relevant MNA*, may impose a *Provisional Suspension* on the *Athlete* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Regulations 21.7.2–21.7.7 and prior to the final hearing as described in Regulation 8.
- (c) Where a *Provisional Suspension* is imposed pursuant to Regulation 21.7.9(a) or Regulation 21.7.9(b), the *Athlete* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Regulation 21.8 on a timely basis after imposition of the *Provisional Suspension*. Furthermore, the *Athlete* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Regulation 21.13.2 (save as set out in Regulation 21.7.9(c)(i)).
 - (i) The *Provisional Suspension* may be lifted if the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.
 - (ii) The *Provisional Suspension* shall be imposed (or shall not be lifted) unless the *Athlete* or other *Person* establishes that: (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the *Athlete* or other *Person*; or (b) the *Athlete* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Regulation 21.10.4; or (c) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Regulation 21.8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.
- (d) If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and subsequent analysis of the *B Sample* does not confirm the *A Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Regulation 21.2.1. In circumstances where the *Athlete* (or the *Athlete's* team) has been removed from a *Competition* based on a violation of Regulation 21.2.1 and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, then if it is still possible for the *Athlete* or team to be reinserted, without otherwise affecting the *Competition*, the *Athlete* or team may continue to take part in the *Competition*. In addition, the *Athlete* or team may thereafter take part in other *Competitions* in the same *Event*.
- (e) In all cases where an *Athlete* or other *Person* has been notified of an anti-doping rule violation but a *Provisional Suspension* has not been imposed on him or her, the *Athlete* or other *Person* shall be offered the opportunity to accept a *Provisional Suspension* voluntarily pending the resolution of the matter.

21.7.10 Resolution Without a Hearing

- (a) An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by the *Relevant MNA*.
- (b) Alternatively, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by World Sailing asserting the violation, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by the *Relevant MNA*.
- (c) In cases where Regulation 21.7.10(a) or Regulation 21.7.10(b) applies, a hearing before a hearing panel shall not be required. Instead the *Relevant MNA*, shall promptly issue a written decision confirming the commission of the anti-doping rule violation and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. The *Relevant MNA*, shall send copies of that decision to World Sailing and other *Anti-Doping Organizations* with a right to appeal under Regulation 21.13.2(c), and shall *Publicly Disclose* that decision in accordance with Regulation 21.14.3(b).

21.7.11 Notification of Results Management Decisions

In all cases where World Sailing has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, a *Relevant MNA* has imposed a *Provisional Suspension*, or a *Relevant MNA* has agreed with an *Athlete* or other *Person* on the imposition of *Consequences* without a hearing, World Sailing or the *Relevant MNA* (as appropriate) shall give notice thereof in accordance with Regulation 21.14.2(a) to World Sailing, the *Relevant MNA*, and other *Anti-Doping Organizations* with a right to appeal under Regulation 21.13.2(c).

21.7.12 Retirement from Sport

If an *Athlete* or other *Person* retires while World Sailing is conducting the results management process, World Sailing retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, and World Sailing 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, World Sailing has authority to conduct results management in respect of that anti-doping rule violation.

21.8 Right to a Fair Hearing

21.8.1 Principles for a Fair Hearing

- (a) When World Sailing sends a notice to an *Athlete* or other *Person* asserting an anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Regulation 21.7.10(a) or Regulation 21.7.10(b), then the case shall be referred to a hearing panel of the *Relevant MNA* (“the Panel”), for hearing and adjudication.
- (b) Hearings shall be scheduled and completed within a reasonable time. Hearings held in connection with *Events* that are subject to these Anti-Doping Rules may be conducted by an expedited process where permitted by the hearing panel.
- (c) The *Panel* shall determine the procedure to be followed at the hearing (which may include reference to any rules of procedure adopted by the *Relevant MNA*).

- (d) WADA and World Sailing may attend the hearing as observers. In any event, the *Relevant MNA*, shall keep WADA and World Sailing fully apprised as to the status of pending cases and the result of all hearings.
- (e) The *Panel* shall act in a fair and impartial manner towards all parties at all times.

21.8.2 Decisions

- (a) At the end of the hearing, or on a timely basis thereafter, the *Panel* shall issue a written decision that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed.
- (b) The decision may be appealed to the CAS as provided in Regulation 21.13. Copies of the decision shall be provided to the Athlete or other Person, World Sailing and to other Anti-Doping Organizations with a right to appeal under Regulation 21.13.2(c).
- (c) If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Regulation 21.14.3(b); but (b) if the decision is that no anti-doping rule violation was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *Relevant MNA* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the Athlete or other Person may approve. The principles contained at Regulation 21.14.3(f) shall be applied in cases involving a *Minor*.

21.8.3 Single Hearing Before CAS

- (a) Cases asserting anti-doping rule violations may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the Athlete, World Sailing, the *Relevant MNA*, WADA, and any other *Anti-Doping Organization* that would have had a right to appeal a first instance hearing decision to CAS.
- (b) If World Sailing is satisfied that a *Relevant MNA* is not conducting the hearing process in accordance with this Code, or, if prior to the commencement of any hearing procedure before the *Relevant MNA* World Sailing is satisfied that any potential *Consequences* imposed following a hearing might change the results of any *Event* of the 35th America's Cup, it may direct that the case be heard directly at CAS. World Sailing shall consult with the *Athlete*, WADA and the *Relevant MNA* before exercising its discretion under this Regulation.

21.9 Automatic Disqualification of Individual Results

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

21.10 Sanctions on Individuals

21.10.1 Disqualification of Results in the Event during which an Anti-Doping Rule Violation Occurs

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Regulation 21.10.1(a).

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*.

- (a) 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.

21.10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method

The period of *Ineligibility* for a violation of Regulations 21.2.1, 21.2.2 or 21.2.6 shall be as follows, subject to potential reduction or suspension pursuant to Regulations 21.10.4, 21.10.5 or 21.10.6:

- (a) The period of *Ineligibility* shall be four years where:
 - (i) The anti-doping rule violation does not involve a *Specified Substance*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.
 - (ii) The anti-doping rule violation involves a *Specified Substance* and World Sailing can establish that the anti-doping rule violation was intentional.
- (b) If Regulation 21.10.2(a) does not apply, the period of *Ineligibility* shall be two years.
- (c) As used in Regulations 21.10.2 and 21.10.3, the term "intentional" is meant to identify those *Athletes* who cheat. The term therefore requires that the *Athlete* or other *Person* engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be 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.

21.10.3 Ineligibility for Other Anti-Doping Rule Violations

The period of *Ineligibility* for anti-doping rule violations other than as provided in Regulation 21.10.2 shall be as follows, unless Regulations 21.10.5 or 21.10.6 are applicable:

- (a) For violations of Regulation 21.2.3 or Regulation 21.2.5, the period of *Ineligibility* shall be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Regulation 21.10.2(c)), in which case the period of *Ineligibility* shall be two years.
- (b) For violations of Regulation 21.2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Regulation 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*.
- (c) For violations of Regulations 21.2.7 or 21.2.8, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Regulation 21.2.7 or Regulation 21.2.8 violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Athlete*. In addition, significant violations of Regulations 21.2.7 or 21.2.8 which

may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

- (d) For violations of Regulation 21.2.9, the period of *Ineligibility* imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.
- (e) For violations of Regulation 21.2.10, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.

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

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

21.10.5 Reduction of the Period of Ineligibility based on No Significant Fault or Negligence

- (a) Reduction of Sanctions for *Specified Substances* or *Contaminated Products* for Violations of Regulation 21.2.1, 21.2.2 or 21.2.6.

- (i) *Specified Substances*

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

- (ii) *Contaminated Products*

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

- (b) Application of *No Significant Fault or Negligence* beyond the Application of Regulation 21.10.5(a)

If an *Athlete* or other *Person* establishes in an individual case where Regulation 21.10.5(a) is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Regulation 21.10.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Regulation may be no less than eight years.

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

- (a) *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations

- (i) World Sailing may, prior to a final appellate decision under Regulation 21.13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it has results management authority where the *Athlete* or other *Person* has provided *Substantial Assistance* to an Anti-Doping 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 World Sailing. After a final appellate decision under Regulation 21.13 or the expiration of time to appeal, World Sailing may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. No more than three-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 Regulation must be no less than eight years. If the Athlete or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, World Sailing shall reinstate the original period of Ineligibility. If World Sailing decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Regulation 21.13.

- (ii) To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organizations, at the request of World Sailing or at the request of the Athlete or other Person who has (or has been asserted to have) committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Regulation 21.13, 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 Regulation, or even no period of Ineligibility, and/or no return of prize or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Regulation. Notwithstanding Regulation 21.13, WADA's decisions in the context of this Regulation may not be appealed by any other Anti-Doping Organization.
- (iii) If World Sailing 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 Regulation 21.13.2(c) as provided in Regulation 21.14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize World Sailing to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of *Substantial Assistance* being provided.

(b) 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 Regulation 21.2.1, before receiving first notice of the admitted violation pursuant to Regulation 21.7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility*

may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

- (c) Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Regulation 21.10.2(a) or Regulation 21.10.3(a)

An *Athlete* or other *Person* potentially subject to a four-year sanction under Regulation 21.10.2(a) or 21.10.3(a) (for evading or refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by World Sailing, and also upon the approval and at the discretion of both *WADA* and World Sailing, may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*.

- (d) 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 Regulation 21.10.4, 21.10.5 or 21.10.6, before applying any reduction or suspension under Regulation 21.10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Regulations 21.10.2, 21.10.3, 21.10.4, and 21.10.5. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Regulation 21.10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

21.10.7 Multiple Violations

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

- (i) six months;
- (ii) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Regulation 21.10.6; or
- (iii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Regulation 21.10.6.

The period of *Ineligibility* established above may then be further reduced by the application of Regulation 21.10.6.

- (b) 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 Regulation 21.10.4 or 21.10.5, or involves a violation of Regulation 21.2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.
- (c) An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault or Negligence* shall not be considered a prior violation for purposes of this Regulation.
- (d) Additional Rules for Certain Potential Multiple Violations
- (i) For purposes of imposing sanctions under Regulation 21.10.7, an anti-doping rule violation will only be considered a second violation if World Sailing can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Regulation 21.7, or after World Sailing made reasonable efforts to give notice of the first anti-doping rule violation. If World Sailing 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.

- (ii) If, after the imposition of a sanction for a first anti-doping rule violation, World Sailing discovers facts involving an anti-doping rule violation by the Athlete or other Person which occurred prior to notification regarding the first violation, then World Sailing shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Regulation 21.10.8.
- (e) Multiple Anti-Doping Rule Violations during Ten-Year Period
For purposes of Regulation 21.10.7, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

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

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Regulation 21.9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

21.10.9 Allocation of CAS Cost Awards and Forfeited Prize Money

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; and second, reimbursement of the expenses of the *Relevant MNA* and World Sailing (*in the proportions they were incurred*).

21.10.10 Financial Consequences

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21.10.11 Commencement of Ineligibility Period

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

- (a) Delays Not Attributable to the *Athlete* or other *Person*
Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, World Sailing 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*.
- (b) Timely Admission
Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by World Sailing, 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 Regulation is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise

imposed. This Regulation shall not apply where the period of *Ineligibility* has already been reduced under Regulation 21.10.6(c).

- (c) Credit for *Provisional Suspension* or Period of *Ineligibility* Served
- (i) If a *Provisional Suspension* is imposed and respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.
 - (ii) If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from World Sailing 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 Regulation 21.14.1.
 - (iii) No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by his or her team.
 - (iv) 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.

21.10.12 Status During Ineligibility

- (a) Prohibition Against Participation During *Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by World Sailing or any *MNA* or a club or other member organization of World Sailing or any *MNA*, 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 years may, after completing four years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the jurisdiction of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Minors*.

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

- (b) Return to Training

As an exception to Regulation 21.10.12(a), an *Athlete* may return to train with a

team or to use the facilities of a club or other member organization of World Sailing'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.

(c) **Violation of the Prohibition of Participation During Ineligibility**

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Regulation 21.10.12(a), the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *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 World Sailing. This decision may be appealed under Regulation 21.13.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, World Sailing shall impose sanctions for a violation of Regulation 21.2.9 for such assistance.

(d) **Withholding of Financial Support during Ineligibility**

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Regulation 21.10.4 or 21.10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by World Sailing and its *MNAs*.

21.10.13 Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Regulation 21.14.3.

21.11 Consequences to Teams

21.11.1 Testing of Team Sports

Where one member of a team has been notified of an anti-doping rule violation under Regulation 21.7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of all members of the team during the *Event Period*.

21.11.2 Consequences for Team Sports

If more than two 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.

21.11.3 Event Ruling Body may Establish Stricter Consequences for Team Sports

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences* for *Team Sports* stricter than those in Regulation 21.11.2 for the purposes of the *Event*.

21.11.4 The boat and its crewmembers may be subject to such further disciplinary action by the protest committee, jury or World Sailing as deemed appropriate, when satisfied that there has been a breaching Racing Rule of Sailing 2 (Fair Sailing).

21.12 Sanctions and Costs Assessed Against Sporting Bodies

12.1 World Sailing has the authority to withhold some or all funding or other non-financial support to *MNAs* that are not in compliance with these Anti-Doping Rules

21.13 Appeals

21.13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Regulation 21.13.2 through 21.13.7 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organization's* rules must be exhausted, provided that such review respects the principles set forth in Regulation 21.2.2 below (except as provided in Regulation 21.13.1(c)).

(a) 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.

(b) CAS Shall Not Defer to the Findings Being Appealed

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

(c) WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Regulation 21.13 and no other party has appealed a final decision within World Sailing and its MNA's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in World Sailing and its MNA's process.

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

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months notice requirement for a retired *Athlete* to return to *Competition* under Regulation 21.5.7(a); a decision by WADA assigning results management under Article 7.1 of the *Code*; a decision by World Sailing not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Regulation 21.7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; World Sailing's failure to comply with Regulation 21.7.9; a decision that World Sailing and/or its MNA lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Regulation 21.10.6(a); a decision under Regulation 21.10.12(c); and a decision by World Sailing not to recognize another *Anti-Doping Organization's* decision under Regulation 21.15, may be appealed exclusively as provided in Regulations 21.13.2 – 21.13.7

(a) 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.

(b) Appeals Involving Other *Athletes* or Other *Persons*

In cases where Regulation 21.13.2(a) is not applicable, the decision may be appealed to a national-level appeal body, being an independent and impartial body established in accordance with rules adopted by the *National Anti-Doping Organization* having jurisdiction over the *Athlete* or other *Person*. The rules for such appeal shall respect the following principles: a timely hearing; a fair and

impartial hearing panel; the right to be represented by counsel at the *Person's* own expense; and a timely, written, reasoned decision. If the *National Anti-Doping Organization* has not established such a body, the decision may be appealed to CAS in accordance with the provisions applicable before such court.

(c) *Persons Entitled to Appeal*

In cases under Regulation 21.13.2(a), 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) World Sailing; (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

In cases under Regulation 21.13.2(b), the parties having the right to appeal to the national-level appeal body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties: (a) the *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) World Sailing; (d) the *National Anti-Doping Organization* of the *Person's* country of residence; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA. For cases under Regulation 21.13(b), WADA, the International Olympic Committee, the International Paralympic Committee, and World Sailing shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

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

(d) *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 Regulation 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

21.13.3 Failure to Render a Timely Decision

Where, in a particular case, World Sailing and/or its MNAs 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 World Sailing and its MNAs 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 World Sailing and/or its MNAs.

21.13.4 Appeals Relating to TUEs

TUE decisions may be appealed exclusively as provided in Regulation 21.4.4.

21.13.5 Notification of Appeal Decisions

Any *Anti-Doping Organization* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Regulation 21.13.2(c) as provided under Regulation 21.14.2.

21.13.6 Appeal from Decisions Pursuant to Regulation 12

Decisions by World Sailing pursuant to Regulation 21.12 may be appealed exclusively to CAS by the *MNA*.

21.13.7 Time for Filing Appeals

(a) Appeals to CAS

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

- (i) Within fifteen days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- (ii) If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one 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:

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

(b) Appeals Under Regulation 21.13.2(b)

The time to file an appeal to an independent and impartial body established at national level in accordance with rules established by the *National Anti-Doping Organization* shall be indicated by the same rules of the *National Anti-Doping Organization*.

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

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

21.14 Confidentiality and Reporting

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

- (a) 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 Regulations 21.7 and 21.14 of these Anti-Doping Rules.
- (b) Notice of Anti-Doping Rule Violations to National Anti-Doping Organizations and WADA

Notice of the assertion of an anti-doping rule violation to *National Anti-Doping Organizations* and *WADA* shall occur as provided under Regulations 21.7 and 21.14 of these Anti-Doping Rules, simultaneously with the notice to the *Athlete* or other *Person*.

(c) Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation under Regulation 21.2.1 shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

Notice of anti-doping rule violations other than under Regulation 21.2.1 shall include the rule violated and the basis of the asserted violation.

(d) Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Regulation 21.14.1(a), *National Anti-Doping Organizations* and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Regulation 21.7, 21.8 or 21.13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

(e) 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, MNA*, and team in a *Team Sport*) until World Sailing has made *Public Disclosure* or has failed to make *Public Disclosure* as required in Regulation 21.14.3.

(f) World Sailing 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 Regulation 21.14.3.

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

- (a) Anti-doping rule violation decisions rendered pursuant to Regulation 21.7.11, 21.8.2, 21.10.4, 21.10.5, 21.10.6, 21.10.12(c) or 21.13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, the *Relevant MNA* shall provide a short English or French summary of the decision and the supporting reasons.
- (b) An Anti-Doping Organization having a right to appeal a decision received pursuant to Regulation 21.14.2(a) or World Sailing may, within fifteen days of receipt, request a copy of the full case file pertaining to the decision.

21.14.3 Public Disclosure

- (a) The identity of any Athlete or other Person who is asserted by the Relevant MNA to have committed an anti-doping rule violation may be Publicly Disclosed by the Relevant MNA only after notice has been provided to the Athlete or other Person in accordance with Regulation 21.7.3, 21.7.4, 21.7.5, 21.7.6 or 21.7.7 and simultaneously to WADA, World Sailing, and the National Anti-Doping Organization of the Athlete or other Person in accordance with Regulation 21.14.1(b).
- (b) No later than twenty days after it has been determined in a final appellate decision under Regulation 21.13.2(a) or 21.13.2(b), or such appeal has been

waived, or a hearing in accordance with Regulation 21.8 has been waived, the Relevant MNA the assertion of an anti-doping rule violation has not been timely challenged, World Sailing must Publicly Report the disposition of the matter, including the sport, the anti-doping rule violated, the name of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved (if any), and the Consequences imposed. The Relevant MNA must also Publicly Report within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

- (c) In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *Relevant MNA* shall use reasonable efforts to obtain such consent. If consent is obtained, the *Relevant MNA* shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
- (d) Publication shall be accomplished at a minimum by placing the required information on the *Relevant MNA* website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.
- (e) Neither World Sailing, nor its MNAs, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete or other Person against whom an anti-doping rule violation is asserted, or their representatives.
- (f) The mandatory *Public Reporting* required in Regulation 21.14.3(b) shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

21.14.4 Statistical Reporting

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

21.14.5 Doping Control Information Clearinghouse

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

21.14.6 Data Privacy

- (a) World Sailing and MNAs may collect, store, process or disclose personal information relating to Athletes and other Persons where necessary and appropriate to conduct their anti-doping activities under the Code, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information) and these Anti-Doping Rules.
- (b) Any *Participant* who submits information including personal data to any *Person* in accordance with these Anti-Doping Rules shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such *Person* for the

purposes of the implementation of these Anti-Doping Rules, in accordance with the International Standard for the Protection of Privacy and Personal Information and otherwise as required to implement these Anti-Doping Rules.

21.15 Application and Recognition of Decisions

21.15.1 Subject to the right to appeal provided in Regulation 21.13, *Testing*, hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority shall be applicable worldwide and shall be recognized and respected by World Sailing and all its *MNAs*.

21.15.2 World Sailing and its *MNAs* shall recognize the measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

21.15.3 Subject to the right to appeal provided in Regulation 21.13, any decision of World Sailing regarding a violation of these Anti-Doping Rules shall be recognized by all *MNAs*, which shall take all necessary action to render such decision effective.

21.16 Incorporation of World Sailing Anti-Doping Rules and Obligations of MNAs

21.16.1 All *MNAs* and their members shall comply with these Anti-Doping Rules. All *MNAs* and other members shall include in their regulations the provisions necessary to ensure that World Sailing may enforce these Anti-Doping Rules directly as against *Athletes* under their anti doping jurisdiction (including *National-Level Athletes*). These Anti-Doping Rules shall also be incorporated either directly or by reference into each *MNA's* rules so that the *MNA* may enforce them itself directly as against *Athletes* under its anti-doping jurisdiction (including *National-Level Athletes*).

21.16.2 All *MNAs* shall establish rules requiring all *Athletes* and each *Athlete Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorized or organized by a *MNA* or one of its member organizations to agree to be bound by these Anti-Doping Rules and to submit to the results management authority of the *Anti-Doping Organization* responsible under the *Code* as a condition of such participation.

21.16.3 All *MNAs* shall report any information suggesting or relating to an anti-doping rule violation to World Sailing and to their *National Anti-Doping Organizations*, and shall cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.

21.16.4 All *MNAs* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the jurisdiction of World Sailing or the *MNA*.

21.16.5 All *MNAs* shall be required to conduct anti-doping education in coordination with their *National Anti-Doping Organizations*.

21.17 Statute of Limitations

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation as provided in Regulation 21.7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

21.18 World Sailing Compliance Reports to WADA

World Sailing will report to *WADA* on World Sailing's compliance with the *Code* in accordance with Article 23.5.2 of the *Code*.

21.19 Education

World Sailing shall plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Regulation 21.18.2 of the *Code*, and shall support active participation by *Athletes* and *Athlete Support Personnel* in such programs.

21.20 Amendment and Interpretation of Anti-Doping Rules

21.20.1 These Anti-Doping Rules may be amended from time to time by World Sailing in accordance with its agreement with America's Cup Management Ltd.

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

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

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

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

21.20.6 The comments annotating various provisions of the *Code* and these Anti-Doping Rules shall be used to interpret these Anti-Doping Rules.

21.20.7 These Anti-Doping Rules have come into full force and effect on 1 January 2015 (the "Effective Date"). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

- (a) Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Regulation 21.10 for violations taking place after the Effective Date.
- (b) The retrospective periods in which prior violations can be considered for purposes of multiple violations under Regulation 21.10.7(e) and the statute of limitations set forth in Regulation 21.17 are procedural rules and should be applied retroactively; provided, however, that Regulation 21.17 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.
- (c) Any Regulation 21.2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for Testing and Investigations) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Testing and Investigation, but it shall be deemed to have expired 12 months after it occurred.
- (d) With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organization* which had results

management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Regulation 21.13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

- (e) For purposes of assessing the period of *Ineligibility* for a second violation under Regulation 21.10.7(a), where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

21.21 Interpretation of the Code

- 21.21.1 The official text of the *Code* shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 21.21.2 The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.
- 21.21.3 The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.
- 21.21.4 The headings used for the various Parts and Regulations of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.
- 21.21.5 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "first violations" or "second violations" for purposes of determining sanctions under Regulation 21.10 for subsequent post-*Code* violations.
- 21.21.6 The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Definitions, and Appendix 1, Examples of the Application of Regulation 21.10, shall be considered integral parts of the *Code*.

21.22 Additional Roles and Responsibilities of Athletes and Other Persons

21.22.1 Roles and Responsibilities of Athletes

It is the responsibility of *Athletes*:

- (a) to be knowledgeable of and comply with these Anti-Doping Rules;
- (b) to be available for *Sample* collection at all times;
- (c) take responsibility, in the context of anti-doping, for what they ingest and *Use*;
- (d) to inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules;
- (e) to disclose to their National Anti-Doping Organization and to World Sailing any decision by a non-Signatory finding that the Athlete committed an anti-doping rule violation within the previous ten years; and
- (f) to cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.
- (g) Failure by any Athlete to cooperate in full with World Sailing, a MNA or Anti-Doping Organizations investigating anti-doping rule violations may result in a report being

made under Racing Rule of Sailing 69 and the failure may be regarded as gross misconduct under that rule.

21.22.2 Roles and Responsibilities of *Athlete Support Personnel*

It is the responsibility of *Athlete Support Personnel*:

- (a) to be knowledgeable of and comply with these Anti-Doping Rules;
- (b) to cooperate with the *Athlete Testing* program;
- (c) to use his or her influence on *Athlete* values and behavior to foster anti-doping attitudes;
- (d) to disclose to his or her *National Anti-Doping Organization* and to World Sailing any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years;
- (e) to cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations; and
- (f) not to *Use or Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.

Failure by *Athlete Support Personnel* to cooperate in full with *Anti-Doping Organizations* investigating anti-doping rule violations, or *Use or Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Personnel* without valid justification, may result in a report being made under Racing Rule of Sailing 69 and the conduct in question may be regarded as gross misconduct.

ANNEXE 1 EXAMPLES OF THE APPLICATION OF REGULATION 21.10

EXAMPLE 1.

Facts: An *Adverse Analytical Finding* results from the presence of an anabolic steroid in an *In-Competition* test (Regulation 21.2.1); the *Athlete* promptly admits the anti-doping rule violation; the *Athlete* establishes *No Significant Fault or Negligence*; and the *Athlete* provides *Substantial Assistance*.

Application of Consequences:

1. The starting point would be Regulation 21.10.2. Because the *Athlete* is deemed to have *No Significant Fault* that would be sufficient corroborating evidence (Regulations 21.10.2(a)(i) and 21.10(b)(iii)) that the anti-doping rule violation was not intentional, the period of *Ineligibility* would thus be two years, not four years (Regulation 21.10.2(b)).
2. In a second step, the panel would analyze whether the *Fault*-related reductions (Regulations 21.10.4 and 21.10.5) apply. Based on *No Significant Fault or Negligence* (Regulation 21.10.5(a)) since the anabolic steroid is not a *Specified Substance*, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The panel would then determine the applicable period of *Ineligibility* within this range based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of 16 months.)
3. In a third step, the panel would assess the possibility for suspension or reduction under Regulation 21.10.6 (reductions not related to *Fault*). In this case, only Regulation 21.10.6(a) (*Substantial Assistance*) applies. (Regulation 21.10.6(c), Prompt Admission, is not applicable because the period of *Ineligibility* is already below the two-year minimum set forth in Regulation 21.10.6(c).) Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 16 months.* The minimum period of *Ineligibility* would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of *Ineligibility* would thus be six months.)
4. Under Regulation 21.10.11, the period of *Ineligibility*, in principle, starts on the date of the final hearing decision. However, because the *Athlete* promptly admitted the anti-doping rule violation, the period of *Ineligibility* could start as early as the date of *Sample* collection, but in any event the *Athlete* would have to serve at least one-half of the *Ineligibility* period (i.e., three months) after the date of the hearing decision (Regulation 21.10.11(b)).
5. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would have to automatically *Disqualify* the result obtained in that *Competition* (Regulation 21.9).
6. According to Regulation 21.10.8, all results obtained by the *Athlete* subsequent to the date of the *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
7. The information referred to in Regulation 21.14.3(b) must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Regulation 21.10.13).
8. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Regulation 21.10.12(a)). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed

(Regulation 21.10.12(b)). Thus, the *Athlete* would be allowed to return to training one and one-half months before the end of the period of *Ineligibility*.

EXAMPLE 2.

Facts: An *Adverse Analytical Finding* results from the presence of a stimulant which is a *Specified Substance* in an *In-Competition* test (Regulation 21.2.1); the *Anti-Doping Organization* is able to establish that the *Athlete* committed the anti-doping rule violation intentionally; the *Athlete* is not able to establish that the *Prohibited Substance was Used Out-of-Competition* in a context unrelated to sport performance; the *Athlete* does not promptly admit the anti-doping rule violation as alleged; the *Athlete* does provide *Substantial Assistance*.

Application of Consequences:

1. The starting point would be Regulation 21.10.2. Because the *Anti-Doping Organization* can establish that the anti-doping rule violation was committed intentionally and the *Athlete* is unable to establish that the substance was permitted *Out-of-Competition* and the *Use* was unrelated to the *Athlete's* sport performance (Regulation 21.10.2(c)), the period of *Ineligibility* would be four years (Regulation 21.10.2.(a)(ii)).
2. Because the violation was intentional, there is no room for a reduction based on *Fault* (no application of Regulations 21.10.4 and 21.10.5). Based on *Substantial Assistance*, the sanction could be suspended by up to three-quarters of the four years.* The minimum period of *Ineligibility* would thus be one year.
3. Under Regulation 21.10.11, the period of *Ineligibility* would start on the date of the final hearing decision.
4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.
5. According to Regulation 21.10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Regulation 21.14.3(b) must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Regulation 21.10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Regulation 21.10.12(a)). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Regulation 21.10.12(b)). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

EXAMPLE 3.

Facts: An *Adverse Analytical Finding* results from the presence of an anabolic steroid in an *Out-of-Competition* test (Regulation 21.2.1); the *Athlete* establishes *No Significant Fault or Negligence*; the *Athlete* also establishes that the *Adverse Analytical Finding* was caused by a *Contaminated Product*.

Application of Consequences:

1. The starting point would be Regulation 21.10.2. Because the *Athlete* can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, i.e., he had *No Significant Fault in Using a Contaminated Product* (Regulations 21.10.2(a)(i) and 21.10.2(c)), the period of *Ineligibility* would be two years (Regulations 21.10.2(b)).

2. In a second step, the panel would analyze the *Fault*-related possibilities for reductions (Regulations 21.10.4 and 21.10.5). Since the *Athlete* can establish that the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with *No Significant Fault or Negligence* based on Regulation 21.10.5(a)(ii), the applicable range for the period of *Ineligibility* would be reduced to a range of two years to a reprimand. The panel would determine the period of *Ineligibility* within this range, based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of four months.)
3. According to Regulation 21.10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.
4. The information referred to in Regulation 21.14.3(b) must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Regulation 21.10.13).
5. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Regulation 21.10.12(a)). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Regulation 21.10.12(b)). Thus, the *Athlete* would be allowed to return to training one month before the end of the period of *Ineligibility*.

EXAMPLE 4.

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

Application of Consequences:

1. Since the violation was intentional, Regulation 21.10.2(a) would be applicable and the basic period of *Ineligibility* imposed would be four years.
2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Regulations 21.10.4 and 21.10.5).
3. Based on the *Athlete's* spontaneous admission (Regulation 21.10.6(b)) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the *Athlete's Substantial Assistance* (Regulation 21.10.6(a)) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.* Under Regulation 21.10.6(d), in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.
4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Regulation 21.10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Regulation 21.10.11(b) would not be permitted. The provision seeks to prevent an *Athlete* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Regulation 21.10.11(b) may still be applied, and the period of *Ineligibility* started as early as the *Athlete's* last *Use* of the anabolic steroid.
5. According to Regulation 21.10.8, all results obtained by the *Athlete* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.

6. The information referred to in Regulation 21.14.3(b) must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Regulation 21.10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Regulation 21.10.12(a)). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Regulation 21.10.12(b)). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

EXAMPLE 5.

Facts:

An *Athlete Support Person* helps to circumvent a period of *Ineligibility* imposed on an *Athlete* by entering him into a *Competition* under a false name. The *Athlete Support Person* comes forward with this anti-doping rule violation (Regulation 21.2.9) spontaneously before being notified of an anti-doping rule violation by an *Anti-Doping Organization*.

Application of Consequences:

1. According to Regulation 21.10.3(d), the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)
2. There is no room for *Fault*-related reductions since intent is an element of the anti-doping rule violation in Regulation 21.2.9 (see comment to Regulation 21.10.5(b)).
3. According to Regulation 21.10.6(b), provided that the admission is the only reliable evidence, the period of *Ineligibility* may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of *Ineligibility* of 18 months.)
4. The information referred to in Regulation 21.14.3(b) must be *Publicly Disclosed* unless the *Athlete Support Person* is a *Minor*, since this is a mandatory part of each sanction (Regulation 21.10.13).

EXAMPLE 6.

Facts: An *Athlete* was sanctioned for a first anti-doping rule violation with a period of *Ineligibility* of 14 months, of which four months were suspended because of *Substantial Assistance*. Now, the *Athlete* commits a second anti-doping rule violation resulting from the presence of a stimulant which is not a *Specified Substance* in an *In-Competition* test (Regulation 21.2.1); the *Athlete* establishes *No Significant Fault or Negligence*; and the *Athlete* provided *Substantial Assistance*. If this were a first violation, the panel would sanction the *Athlete* with a period of *Ineligibility* of 16 months and suspend six months for *Substantial Assistance*.

Application of Consequences:

1. Regulation 21.10.7 is applicable to the second anti-doping rule violation because Regulation 21.10.7(d)(i) and Regulation 21.10.7(e) apply.
2. Under Regulation 21.10.7(a), the period of *Ineligibility* would be the greater of:
 - (a) six months;
 - (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Regulation 21.10.6 (in this example, that would equal one-half of 14 months, which is seven months); or

- (c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Regulation 21.10.6 (in this example, that would equal two times 16 months, which is 32 months).

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

3. In a next step, the panel would assess the possibility for suspension or reduction under Regulation 21.10.6 (non-*Fault*-related reductions). In the case of the second violation, only Regulation 21.10.6(a) (*Substantial Assistance*) applies. Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 32 months.* The minimum period of *Ineligibility* would thus be eight months. (Assume for purposes of illustration in this example that the panel suspends eight months of the period of *Ineligibility* for *Substantial Assistance*, thus reducing the period of *Ineligibility* imposed to two years.)
4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.
5. According to Regulation 21.10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Regulation 21.14.3(b) must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Regulation 21.10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Regulation 21.10.12(a)). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Regulation 21.10.12(b)). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*

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

ANNEXE 2 Consent Form

As an *Athlete* participating in *Competition(s)* of the 35th America's Cup Events, I hereby declare as follows:

I acknowledge that I am bound by, and confirm that I shall comply with, all of the provisions of World Sailing Anti-Doping Rules (as contained in the Racing Rules of Sailing America's Cup Edition, Schedule 2, Anti-Doping Code, as amended from time to time) and the *International Standards* issued by the World Anti-Doping Agency and published on its website.

I acknowledge the authority of World Sailing, the *Relevant MNA* MNAs and/or National Anti-Doping Organizations under the World Sailing Anti-Doping Rules to enforce, to manage results under, and to impose sanctions in accordance with, the World Sailing Anti-Doping Rules.

I acknowledge and agree that any dispute arising out of a decision made pursuant to the World Sailing Anti-Doping Rules, after exhaustion of the process expressly provided for in the World Sailing Anti-Doping Rules, may be appealed exclusively as provided in Regulation 21.13 of the World Sailing Anti-Doping Rules to an appellate body for final and binding arbitration, which in the case of International-Level Athletes is the Court of Arbitration for Sport (CAS).

I acknowledge and agree that the decisions of the arbitral appellate body referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.

I have read and understand the present declaration.

Date

Print Name (Last Name, First Name)

Date of Birth
(Day/Month/Year)

Signature (or, if a minor, signature of
legal guardian)

ANNEXE 3 Testing

1. Validation of the Identity of Athletes

The *Sample* Collection Authority appointed by World Sailing will validate the identity of an *Athlete* selected to provide a sample by their Event accreditation which includes a photograph, or by their passport.

2. Delayed Reporting

The DCO / Chaperone may at his / her discretion consider any reasonable third party request or any request by the *Athlete* for permission to delay reporting to the *Doping Control* Station following acknowledgement and acceptance of notification, and / or to leave the *Doping Control* Station temporarily after arrival, and may grant such permission if the *Athlete* can be continuously chaperoned and kept under direct observation during the delay. For example, delayed reporting to / temporary departure from the *Doping Control* Station may be permitted for the following activities:

- (a) For *In-Competition Testing*:
 - (i) The washing down of equipment and making safe;
 - (ii) Participation in a presentation ceremony;
 - (iii) Fulfilment of media commitments;
 - (iv) Obtaining necessary medical treatment;
 - (v) Locating a representative and / or interpreter;
 - (vi) Obtaining photo identification; or
 - (vii) Any other reasonable circumstances, as determined by the DCO, taking into account any instructions of the *Testing* Authority.
- (b) For *Out-of-Competition Testing*:
 - (i) Locating a representative;
 - (ii) Completing a training session;
 - (iii) Receiving necessary medical treatment;
 - (iv) Obtaining photo identification; or
 - (v) Any other reasonable circumstances, as determined by the DCO, taking into account any instructions of the *Testing* Authority

3. Who May be Present During the Sample Collection Session

In addition to the *Sample* Collection Personnel the following people may be present during the *Sample* Collection Session.

- (a) A representative and / or interpreter; except when the *Athlete* is passing a urine sample;
- (b) A *Minor* may choose to be accompanied by a representative throughout the entire *Sample* Collection Session. The representative shall not witness the passing of a urine *Sample* unless requested to do so by the *Minor*. Even if the *Minor* declines a representative, the *Sample* Collection Authority, DCO or Chaperone shall consider whether another third party ought to be present during notification and / or collection of the *Sample* from the *Athlete*.

- (c) An *Athlete* with an intellectual, physical or sensorial impairment may be assisted by the *Athlete's* representative or *Sample* collection personnel during the *Sample* Collection process where authorized by the *Athlete* and agreed to by the DCO.
- (d) A WADA observer where applicable under the *Independent Observer Program*. The WADA observer shall not directly observe the passing of a urine *Sample*.

4. Storage of *Sample* Collected

To ensure the integrity, identity and security of each *Sample* collected prior to transport from the Doping Control Station:

- (a) *Samples* must not be left unattended, unless they are locked away in a refrigerator or cupboard, for example. Access shall be restricted to authorized personnel.
- (b) Where possible, *Samples* should be stored in a cool environment. Warm conditions should be avoided.
- (c) The DCO shall accurately complete appropriate documentation for each transport bag / container to ensure that the laboratory can verify the contents of the bag / container.
- (d) The DCO shall follow the ADO's system to ensure that, where required, instructions for the type of analysis to be conducted are provided to the laboratory.
- (e) The DCO shall complete the Chain of Custody form. The laboratory copy of this form(s) and the laboratory copy of the Doping Control form should be placed in the transport bag with the *Samples*. Documentation identifying the *Athlete* shall not be included with the *Samples*.
- (i) The DCO shall keep the *Samples* secured and under his or her control until they are passed to the courier.

Athlete: Any Person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “Athlete.” In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Regulation 21.2.1, 21.2.3 or 21.2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Regulation 21.14.3(b)) must be applied. For purposes of Regulation 21.2.8 and Regulation 21.2.9 and for purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.

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 Regulation 21.10.12(a); (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 Regulation 21.8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure or Public Reporting* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Regulation 21.14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Regulation 21.11 of the *Code*.

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

SCHEDULE 3 - DISCIPLINARY, APPEALS AND REVIEW CODE

35.1 Introduction

- 35.1.1 This Code defines the structures applicable to allegations of Misconduct and to other judicial processes in the sport of sailing.
- 35.1.2 This Introduction is intended to give an overview of the way in which the Code operates. The introduction does not define the structures, and participants should carefully read all the applicable Parts of this Code.
- 35.1.3 There are four different structures in place, each designed to address the different circumstances which will apply to matters which will be addressed under them. Those structures are:
- (a) those relating to major international events (Part C);
 - (b) those relating to all other events (Part D);
 - (c) those relating to other disciplinary complaints (Part E); and
 - (d) those relating to appeals and reviews of other decisions made or within World Sailing.
- 35.1.4 The whole structure and process is administered by the Judicial Board.

Major International Events

- 35.1.5 At major international events, an investigator (known as the Event Disciplinary Investigation Officer) is appointed and makes decisions as to whether cases of Misconduct should be presented to the protest committee. If a case is to be presented, the matter proceeds to the protest committee at the event, which makes decisions as to any penalties appropriate to the event in question. Appeals against such event-level decisions are governed by the RRS, which exclude appeals from decisions of an international jury acting in accordance with RRS Appendix N.
- 35.1.6 If the penalty imposed at the event is above a certain threshold, the protest committee must report the matter directly to World Sailing. World Sailing will investigate and decide whether a charge of Misconduct should be laid against the participant and be determined by an independent panel appointed by the Judicial Board. That Panel will be empowered to impose sanctions wider than the event itself, including national or international sanctions, if it decides that the charge is made out.
- 35.1.7 An appeal lies to the Court of Arbitration for Sport against any decision by the Independent Panel (special arrangements apply for the Olympic and Paralympic Games).

All Other Events

- 35.1.8 At all other events the protest committee decides all issues of Misconduct at event level in accordance with the RRS. Appeals against such event-level decisions are governed by the RRS, which exclude appeals from decisions of an international jury acting in accordance with RRS Appendix N.
- 35.1.9 If the penalty imposed at the event is above a certain threshold the protest committee must report the matter to the Participant's MNA, which then has three months to decide whether a wider penalty should be imposed or not (subject to any extensions of time which may be granted by the Judicial Board). Each MNA will have its own procedures by which such decisions are to be made and it is the responsibility of each MNA to ensure that such processes are fair and compliant with due process.
- 35.1.10 An appeal against the MNA decision will lie to either:
- (a) an Independent Appeal Panel appointed by the Judicial Board; or
 - (b) any other judicial making body that the MNA has previously nominated and which has been previously approved by World Sailing for that purpose.

- 35.1.11 If the MNA fails to reach any decision within 3 months, it must report the matter to World Sailing, and Judicial Board will then investigate the matter as if the event was a major international event.

Other Disciplinary Cases

- 35.1.12 Any complaint of Misconduct concerning an World Sailing committee or commission member, World Sailing Member, World Sailing officer, World Sailing Race Official or an World Sailing Representative may be made by certain persons with a legitimate interest in the alleged Misconduct. The complaint is to be made to the World Sailing Chief Executive Officer.
- 35.1.13 For other disciplinary complaints, the complaint is made to the relevant National Authority and processed under its rules of procedure and this Code.
- 35.1.14 For World Sailing -level complaints:
- (a) the Judicial Board will appoint a Disciplinary Investigation Officer to investigate and decide whether a charge should be laid against the person against whom the complaint is made;
 - (b) if a charge is laid, the Judicial Board will appoint an Independent Panel to determine the case and impose any appropriate sanction; and
 - (c) an appeal will lie to an Independent Appeal Panel appointed by the Judicial Board.

Appeals and Reviews of Decisions made by World Sailing

- 35.1.15 Where the World Sailing Constitution or Regulations permit a decision to be reviewed or appealed the appeal will be heard by an Independent Panel appointed by the Judicial Board. In certain cases, an appeal will lie to the Court of Arbitration for Sport. In other cases, there is no appeal against the decision of the Independent Panel.

35.2 Part A – Obligations concerning Misconduct

- 35.2.1 In this Code, a “Participant” means any competitor, boat owner, support person, World Sailing committee or commission member, World Sailing Member, World Sailing Officer, World Sailing Race Official, or World Sailing Representative.
- 35.2.2 In this Code “Misconduct” means a breach of Regulation 35.2.3, 35.2.4 and/or Regulation 35.3.9.
- 35.2.3 No Participant shall commit gross misconduct, as defined under RRS 69.1(a).
- 35.2.4 No World Sailing committee or commission member, World Sailing member, World Sailing officer, World Sailing Race Official or World Sailing Representative shall commit a breach of the World Sailing Constitution or Regulations that is deliberate, repeated or otherwise more than a misjudgement.

35.3 Part B –Bodies, Personnel and General Provisions

The Judicial Board

- 35.3.1 The Judicial Board is appointed and constituted under Article 77 of the World Sailing Constitution.
- 35.3.2 The Judicial Board is responsible and has authority for:
- (a) overall administrative oversight of the disciplinary system of World Sailing and ensuring that all disciplinary functions are carried out by appropriate persons or panels;
 - (b) overall administrative oversight of the appellate and judicial system of World Sailing and ensuring that all appeals and reviews permitted by the World Sailing Constitution or Regulations of any decisions made within or by World Sailing are carried out by appropriate persons or panels;
 - (c) appointing and maintaining lists of people who may sit on Independent Panels to carry out decision making in respect of disciplinary issues and other matters of an appellate or review nature;

- (d) appointing Disciplinary Investigating Officers to major international events, or to disciplinary matters in which World Sailing has become involved by virtue of this Code;
- (e) appointing Independent Panels to make decisions and impose sanctions in relation to disciplinary matters in which World Sailing has become involved by virtue of this Code and other matters of an appellate or review nature;
- (f) issuing rules of procedure for all forms of hearings and procedures contemplated under this Code;
- (g) publishing guidance on disciplinary matters (including recommended sanctions);
- (h) ensuring cases are conducted expeditiously and authorising any requests for under it);
- (i) maintaining and publishing a database of Independent Panel and National Authority decisions in relation to disciplinary matters made under the auspices of this code; and
- (j) the proper education and training of Disciplinary Investigating Officers and Independent Panel members.

Disciplinary Investigating Officer

- 35.3.3 A Disciplinary Investigating Officer is an official appointed by the Judicial Board who is responsible for one or more of the following (depending upon the stage of the process in respect of which he is appointed):
- (a) the investigation of allegations of Misconduct at any event at which he is appointed;
 - (b) presenting any case of Misconduct before a protest committee at any event at which he is appointed;
 - (c) the investigation of reports received by World Sailing which require investigation;
 - (d) any decision to charge a Participant for Misconduct; and
 - (e) the prosecution of such cases before an Independent Panel.
- 35.3.4 A Disciplinary Investigating Officer shall have the right to conduct an initial interview and follow-up interviews (as deemed necessary by him), with any Participant in furtherance of investigation of the possibility of any commission of act(s) of Misconduct, subject as follows:
- (a) the date and time of interviews shall be determined by the Disciplinary Investigating Officer with reasonable allowances made for Participants' racing commitments and schedules;
 - (b) a Participant has the right to be accompanied to an interview (including by counsel at his own cost);
 - (c) interviews will be recorded and recorded interviews shall be used for transcription and evidentiary purposes and thereafter will be retained by World Sailing for a minimum of 3 years in a secure place;
 - (d) a Participant has the right to request an interpreter (the interpreter shall be arranged by the Participant and provided at his own cost); and
 - (e) a recording or a transcript of an interview shall be provided to the Participant upon request within a reasonable time following its conclusion.

Independent Panel

- 35.3.5 An Independent Panel is a panel appointed by the Judicial Board to hear and adjudicate upon any matter in which World Sailing becomes involved by virtue of this Code.
- 35.3.6 Except as set out in Regulation 35.3.7, an Independent Panel shall consist of either:
- (a) three persons, in which case its chairman shall be legally qualified. As far as possible, at least one member of a 3-person Independent Panel shall be an active

competitor. No World Sailing employee, World Sailing officer or Judicial Board member shall be appointed as a member of a 3-person Independent Panel; or

(b) one person, in which case he shall be legally qualified. No World Sailing committee or commission member, World Sailing employee, World Sailing officer or World Sailing Race Official or Judicial Board member shall be appointed as a one-person Independent Panel.

35.3.7 If an Independent Panel is appointed to exercise any disciplinary appellate functions under this Code (an Independent Appeals Panel), it shall consist of three legally qualified persons appointed by the Judicial Board. No World Sailing employee or World Sailing officer shall be appointed as a member of an Independent Appeals Panel.

35.3.8 The Judicial Board shall decide upon the constitution of the Independent Panel or Independent Appeals Panel in any individual case, and shall appoint it, having regard to all the circumstances of the case, and to any guidance which it has published. Any challenge to the constitution of the Panel shall be made in accordance with the time limits and procedure set out in the Rules of Procedure and shall be decided by the Judicial Board. There shall be no appeal against the decision of the Judicial Board in this respect.

General Provisions

35.3.9 All Participants must take all reasonable measures to assist Disciplinary Investigating Officers in the collection of evidence. If a Disciplinary Investigating Officer requests the production of evidence from any person that person shall (subject to considerations of legal professional privilege or other legal entitlement) be under an obligation to provide it. Failure to comply with a Disciplinary Investigating Officer's request shall be regarded as Misconduct.

35.3.10 Participants shall be determined to be immediately available at the most current postal address held by World Sailing, by a National Authority or by the Organising Authority of an event concerning the investigation which has been commenced.

35.3.11 Any notice delivered to a Participant shall be deemed to have been received by the Participant on the date of delivery to such an address in the recorded in the confirmation of delivery provided by any courier or postal service. Any other method of secure and confidential communication may be used including email and fax but the burden of proving delivery in such circumstances shall rest with the person delivering the document.

35.3.12 All decisions made under the auspices of this Code by any Independent Panel or Independent Appeals Panel, or by any National Authority, shall be published by the Judicial Board, save that the Judicial Board may, in its absolute discretion (against which there is no appeal):

(a) decide not to publish a decision if such publication is inappropriate in all the circumstances; or

(b) decide to redact parts of the decision and publish only the redacted copy.

35.3.13 Where any National Authority is required under this Code to reach any decision on any disciplinary or other matter, that National Authority shall use its best endeavours to ensure that the procedures by which it reaches such a decision are fair and appropriate having regard to all the circumstances of any individual case.

35.3.14 Subject to the rights of appeal provided in this Code, all decisions made under this Code shall be recognized by World Sailing and all National Authorities, which shall take any necessary action to render such decision effective.

Transitional Provisions Relating to Disciplinary and Misconduct Complaints

35.3.15 These Regulations shall apply only to allegations of Misconduct occurring after 14 November 2015. For all Misconduct occurring on or before 14 November 2015 the provisions in force as at 13 November 2015 shall apply until the conclusion of those processes, including any appeal.

- 35.3.16 In the event that it is unclear whether the alleged Misconduct occurred on or before 14 November 2015, or if the alleged Misconduct occurred or continued both before and after 14 November 2015, the Judicial Board shall decide whether to follow the old or new process, and shall make that decision having regard to the requirements of natural justice and having provided the person alleged to have committed the Misconduct a reasonable opportunity to make representations as to the appropriate procedure. Such a decision shall not be open to appeal.

Transitional Provisions Relating to Appeals and Reviews of other Decisions of World Sailing

- 35.3.17 Part G of this Regulation shall apply only to appeals or reviews of any decision of World Sailing if such appeal or review is made after 14 November 2015. For all appeals and reviews commenced on or before 14 November 2015 the provisions in force as at 13 November 2015 shall apply until the conclusion of those processes.

35.4 Part C – Misconduct at Major International Events

- 35.4.1 The procedures in this Part apply only to the following events.
- (a) Olympic and Paralympic Sailing Competition;
 - (b) all events organised by or on behalf of World Sailing;
 - (c) the America's Cup and its associated events; and
 - (d) the Volvo Ocean Race.

Investigation of allegations of Misconduct

- 35.4.2 The Judicial Board shall appoint a Disciplinary Investigating Officer (the "Event Disciplinary Investigating Officer") to investigate at the event complaints of Misconduct. If the Event Disciplinary Investigating Officer is a member of the international jury of the event, then he shall not be part of any hearing panel and shall not take part in any discussions or decisions concerning the case. The international jury remains properly constituted if one of its number is unable to hear a case due to appointment as the Event Disciplinary Investigating Officer, as provided for in RRS Appendix N.
- 35.4.3 Any complaint of Misconduct shall be referred to the Event Disciplinary Investigating Officer. Referrals shall be made within 48 hours of the alleged Misconduct occurring unless the Event Disciplinary Investigating Officer determines, in his absolute discretion (against which there is no appeal), that there is good reason to extend this time.
- 35.4.4 The Event Disciplinary Investigating Officer shall, following and considering his investigation, in his absolute discretion (against which there is no appeal):
- (a) take no further action; or
 - (b) issue a warning to a Participant against whom the complaint was made, and thereafter take no further action; or
 - (c) charge the Participant with Misconduct.
- 35.4.5 The decision of the Event Disciplinary Investigating Officer made under Regulation 35.4.4 shall be communicated in writing to the Participant and to the protest committee at the first reasonable opportunity.

Protest Committee Hearing and Decision

- 35.4.6 If the Event Disciplinary Investigating Officer decides that a charge of Misconduct should be made against the Participant, that case shall be considered by and adjudicated upon by the protest committee in accordance with the procedures in RRS 69 as modified by this Part of the Code. The protest committee may impose any sanctions relevant to the event as provided for in the RRS. Any right of appeal of that decision will be governed by the RRS.
- 35.4.7 The protest committee shall report its decision, and provide all recordings of the hearing and all documents or other evidence available to it, to World Sailing if it:
- (a) imposes a penalty greater than one non-excludable disqualification from a race;
 - (b) excludes the person from the event or venue; or

- (c) in any other case if it considers it appropriate to do so.
- 35.4.8 When a report is received by World Sailing under Regulation 35.4.7, the Judicial Board shall appoint a new Disciplinary Investigating Officer (the World Sailing Disciplinary Investigating Officer) to review it. The World Sailing Disciplinary Investigating Officer shall not be the Event Disciplinary Investigating Officer and shall not have been a race official at the event.
- 35.4.9 Following the review, the World Sailing Disciplinary Investigating Officer shall in his absolute discretion (against which there is no appeal):
 - (a) take no further action; or
 - (b) issue a warning to any Participant in the report, and thereafter take no further action; or
 - (c) charge any Participant with any act(s) of Misconduct which, in the opinion of the World Sailing Disciplinary Investigating Officer, may warrant disciplinary action wider than the event jurisdiction of the protest committee.
- 35.4.10 The decision of the World Sailing Disciplinary Investigating Officer made under Regulation 35.4.9 shall be communicated in writing to the Participant and to the Judicial Board at the first reasonable opportunity.
- 35.4.11 Within 14 days of receipt of a charge of Misconduct, the Judicial Board shall appoint an Independent Panel to determine the charge.
- 35.4.12 Rules of procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the charge by the Independent Panel and to the time limits for any appeal.
- 35.4.13 The sanctions that may be imposed by the Independent Panel following a proven charge of Misconduct are set out in Part F of this Code. When considering sanctions, the Independent Panel shall have regard to:
 - (a) any sanction guidelines published by the Judicial Board prior to the event; and
 - (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).

Appeals against the Decision of the Independent Panel

- 35.4.14 World Sailing and Participants hereby agree to respect and be bound by the decision of any Independent Panel, subject only to the right of appeal set out below.
- 35.4.15 There is a right of appeal from a decision of the Independent Panel acting under Part C of this Code by way of arbitration brought before the Court of Arbitration for Sport in Lausanne, Switzerland. An appeal may be brought:
 - (a) by World Sailing; or
 - (b) by a Participant who has had a penalty greater than a warning, admonishment or caution imposed on him,
- 35.4.16 The arbitration shall be conducted in accordance with the Code of Sports-Related Arbitration. The Court of Arbitration for Sport panel will consist of one arbitrator and the language of the arbitration will be English.

General Procedures relating to Charging

- 35.4.17 If a charge is issued, as soon as practicable a written notice of the charge shall be provided to the Participant and the protest committee and/or Judicial Board (as appropriate), which shall:
 - (a) state briefly the nature of the alleged Misconduct;
 - (b) identify the rule(s) alleged to have been breached; and
 - (c) provide copies of documents or other material referred to in the charge.

- 35.4.18 A single charge may be issued against a Participant in respect of more than one instance of Misconduct, but the charge shall state separately the nature of each alleged act of Misconduct and the provision(s) alleged to have been breached and shall have effect as separate charges.
- 35.4.19 Where the subject matter of or facts relating to a charge or charges against one or more Participant(s) are sufficiently linked (including, but not limited to, where Misconduct is alleged to have been committed at the same time or place or where there is common evidence), the relevant Disciplinary Investigating Officer may consolidate the disciplinary proceedings so that they are conducted together and determined at a joint hearing, subject to the protest committee and/or Independent Panel appointed deciding upon some alternative procedure.

35.5 Part D – All Other Events

- 35.5.1 The provisions of this Part of this Code apply to all events raced under the RRS except those listed in Regulation 35.4.1.
- 35.5.2 All complaints, allegations or reports of Misconduct shall be considered and adjudicated upon by the protest committee in accordance with the procedures in RRS 69. The protest committee may impose any sanctions relevant to the event as provided for in RRS 69. Any right of appeal of that decision will be governed by the RRS.
- 35.5.3 The protest committee shall report its decision, and provide all recordings of the hearing and all documents or other evidence available to it, to the National Authority of the Participant if it:
- (a) imposes a penalty greater than one non-excludable disqualification from a race;
 - (b) excludes the person from the event or venue; or
 - (c) in any other case if it considers it appropriate.

Review by the National Authority and further action

- 35.5.4 When a report is received by a National Authority under Regulation 35.5.3, it shall review the report and may conduct a further investigation in relation to the matters in the report.
- 35.5.5 The National Authority shall, within three months of receipt of the report from the protest committee, issue a decision in writing in which it decides:
- (a) to take no further action; or
 - (b) to issue a warning to any Participant in the report, and thereafter take no further action; or
 - (c) that a case of Misconduct has been made out and whether any and if so what further sanction within the jurisdiction of the National Authority should be imposed.
- 35.5.6 The decision of the National Authority made under Regulation 35.5.5 shall be communicated in writing to the Participant and to the Judicial Board at the first reasonable opportunity.
- 35.5.7 The sanctions that may be imposed by the National Authority are set out in Part F of this Code. When considering sanctions, the National Authority shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event; and
 - (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).
- 35.5.8 The time for reaching a decision set out in Regulation 35.5.5 may be extended by the Judicial Board on written application by the National Authority.
- 35.5.9 If a National Authority fails to reach a decision within the time limits prescribed in Regulation 35.5.5 (or any extended time):
- (a) the National Authority shall report that failure to the Judicial Board; and
 - (b) any person with a sufficient connection with the subject matter of the report may bring that failure to the attention of the Judicial Board.

- 35.5.10 If the Judicial Board becomes aware of any failure of a National Authority to reach a decision within the specified time, it may then, in its absolute discretion (in respect of which there is no appeal):
- (a) extend the time for the National Authority to reach its decision; and/or
 - (b) require the National Authority to reach a decision within any such extended time; or
 - (c) take over conduct of the report.
- 35.5.11 In the event that the Judicial Board takes over conduct of the report, such conduct shall be in accordance with Regulations 35.4.8 to 35.4.16, save that the time limits will run from the date that the Judicial Board took over conduct of the report. The National Authority shall provide to the Judicial Board, all recordings of any hearing and all documents or other evidence available to it.

Appeals against the decision of the National Authority

- 35.5.12 There is a right of appeal from the decision of the National Authority to:
- (a) an alternative dispute resolution body appointed by the National Authority if those arrangements have been approved by World Sailing; or
 - (b) if World Sailing has not approved any alternative arrangements, to the Judicial Board if, and only if, the decision of the National Authority imposes a suspension or revocation of more than three months on the Competition Eligibility or World Sailing Eligibility of the Participant.
- 35.5.13 Any appeal shall be made in writing within fourteen days of the decision of the National Authority.
- 35.5.14 If the appeal is made to the Judicial Board, the Board shall, within 14 days of receipt of the appeal appoint an Independent Appeal Panel to hear and determine the appeal.
- 35.5.15 The procedure to be adopted by the Independent Appeal Panel will be governed by Rules of Procedure published by the Judicial Board.
- 35.5.16 World Sailing, National Authorities and Participants hereby agree to be bound by the decision of the Independent Appeal Panel determining the appeal, or by the decision of the alternative dispute resolution body appointed. There will be no appeal from such a decision.

35.6 Part E - Any Other Disciplinary Complaints

- 35.6.1 The provisions of this Part of this Code apply to all complaints of Misconduct received by World Sailing or by National Authorities which cannot be addressed under Parts C or D above. However it does not apply to complaints that could have been brought under any other Part of this Code, but which were excluded by virtue of time limits or decisions made under that Part.
- 35.6.2 All such complaints must be made:
- (a) in writing to the World Sailing Chief Executive Officer if the complaint relates to Misconduct of any World Sailing committee or commission member, World Sailing officer, World Sailing Race Official or World Sailing Representative whilst acting in that capacity;
 - (b) in writing to the equivalent person at a National Authority in all other instances;
 - (c) within 14 days of the alleged Misconduct, unless that time is extended by any person empowered by the rules of procedure applicable to grant an extension; and
 - (d) by a race official, competitor, technical delegate, National Authority or authorised member of an organising authority or an international class association, Participant or other person or body with sufficient standing or relationship to the alleged Misconduct as is permitted by the person authorised by the rules of procedure to determine standing.

- 35.6.3 Notwithstanding Regulation 35.6.2, the World Sailing Chief Executive Officer or the equivalent person at a National Authority may initiate a complaint of Misconduct within 14 days of the relevant information becoming available to them.

Complaints to National Authorities

- 35.6.4 The National Authority shall review the complaint and may conduct an investigation in relation to the matters in the complaint.
- 35.6.5 The National Authority shall, within three months of receipt of the complaint, issue a decision in writing in which it decides:
- (a) to take no further action; or
 - (b) to issue a warning to any person the subject of the complaint, and thereafter take no further action; or
 - (c) that a case of Misconduct has been made out and whether any and if so what further sanction within the jurisdiction of the MNA should be imposed.
- 35.6.6 The decision of the National Authority made under Regulation 35.6.5 of this Part of the Code shall be communicated in writing to the Participant, to the Judicial Board, and the complainant at the first reasonable opportunity.
- 35.6.7 The sanctions that may be imposed by the National Authority are set out in Part F. When considering sanctions, the National Authority shall have regard to:
- (a) any sanction guidelines published by the Judicial Board prior to the event;
 - (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).
- 35.6.8 The time for reaching a decision set out in Regulation 35.6.5 may be extended by the Judicial Board on written application by the National Authority.
- 35.6.9 If a National Authority fails to reach a decision within the time limits prescribed in Regulation 35.6.5 (or any extended time), any person with a sufficient connection with the subject matter of the complaint may bring that failure to the attention of the Judicial Board.
- 35.6.10 The Judicial Board may then, in its absolute discretion (in respect of which there is no appeal):
- (a) extend the time for the National Authority to reach its decision; and/or
 - (b) require the National Authority to reach a decision within any such extended time; or
 - (c) take over conduct of the complaint.
- 35.6.11 In the event that the Judicial Board takes over conduct of the complaint, such conduct shall be in accordance with Regulations 35.4.8 to 35.4.16 of this Code, save that the time limits will run from the date that the Judicial Board took over conduct of the complaint. The National Authority shall provide to the Judicial Board, all recordings of any hearing and all documents or other evidence available to it.

Complaints to World Sailing

- 35.6.12 When a complaint is received by World Sailing under this Part of the Code, it shall be passed by the Chief Executive Officer to the Judicial Board. The Judicial Board shall within fourteen days of the complaint appoint a Disciplinary Investigating Officer to investigate it.
- 35.6.13 Following the review, the Disciplinary Investigating Officer shall in his absolute discretion (against which there is no appeal):
- (a) take no further action; or
 - (b) issue a warning to any Participant in the report, and thereafter take no further action; or

(c) charge any Participant with any act(s) of Misconduct which, in the opinion of the Disciplinary Investigating Officer, may warrant disciplinary action within the jurisdiction of World Sailing.

35.6.14 The decision of the Disciplinary Investigating Officer made under Regulation 35.6.13 shall be communicated to the Participant and the complainant at the first reasonable opportunity.

35.6.15 In the event that the Disciplinary Investigating Officer has decided to take no further action, within seven days of receipt of the decision, the complainant may make a written request to the Judicial Board that a second Disciplinary Investigating Officer be appointed independently to investigate the complaint. If such a request is made the Judicial Board shall, within 14 days of the request, appoint a second Disciplinary Investigating Officer to investigate and make a decision in accordance with Regulation 35.6.13. This process may only be applied once in relation to any complaint.

Procedures relating to Charging by World Sailing

35.6.16 If a charge is issued against a Participant, as soon as practicable a written notice of the charge shall be provided to the Participant and to the Judicial Board, which shall:

- (a) state briefly the nature of the alleged Misconduct;
- (b) identify the rule(s) alleged to have been breached; and
- (c) provide copies of documents or other material referred to in the charge.

35.6.17 A single charge may be issued against a Participant in respect of more than one instance of Misconduct, but the charge shall state separately the nature of each alleged Misconduct and the provision(s) alleged to have been breached and shall have effect as separate charges.

35.6.18 Where the subject matter of or facts relating to a charge or charges against one or more Participant(s) are sufficiently linked (including, but not limited to, where Misconduct is alleged to have been committed at the same time or place or where there is common evidence), the Disciplinary Investigating Officer may consolidate the disciplinary proceedings so that they are conducted together and determined at a joint hearing, subject to the Independent Panel appointed deciding upon some alternative procedure.

Hearing and Determination of the Charge

35.6.19 Within fourteen days of receipt of a charge of Misconduct, the Judicial Board shall appoint an Independent Panel to determine the charge.

35.6.20 Rules of procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the charge by the Independent Panel and to the time limits for any appeal.

35.6.21 The penalties that may be imposed by the Independent Panel following a proven charge of Misconduct are set out in Part F. When considering sanctions, the Independent Panel shall have regard to:

- (a) any sanction guidelines published by the Judicial Board prior to the event;
- (b) any published decisions under RRS 69 and/or this Regulation which are consistent with relevant sanction guidelines (such decisions will be a guide but are in no sense binding precedents).

Appeals against the decision of the National Authority or the Independent Panel

35.6.22 World Sailing and Participants hereby agree to respect and be bound by the decision of any Independent Panel, subject only to the right of appeal set out below.

35.6.23 There is a right of appeal from the decision of the National Authority to:

- (a) an alternative dispute resolution body appointed by the National Authority if those arrangements have been approved by World Sailing; or
- (b) if World Sailing has not approved any alternative arrangements, to the Judicial Board if, and only if, the decision of the National Authority imposes a suspension or

revocation of more than three months on the Competition Eligibility or World Sailing Eligibility of the Participant.

- 35.6.24 There is a right of appeal from the Independent Panel if, and only if, the decision imposes:
- (a) a suspension or revocation of more than three months on the Competition Eligibility or World Sailing Eligibility in the case of a competitor, boat owner or support person; or
 - (b) any sanction imposed (except a warning, reprimand, admonishment or fine) in the case of World Sailing committee or commission members, World Sailing officers, World Sailing Race Officials or World Sailing Representatives.
- 35.6.25 Any appeal shall be made in writing within fourteen days of the decision appealed against.
- 35.6.26 If the appeal is made to the Judicial Board, the Judicial Board shall, within fourteen days of receipt of the appeal appoint an Independent Panel (the Independent Appeal Panel) to hear and determine the appeal.
- 35.6.27 The procedure to be adopted by the Independent Appeal Panel will be governed by rules of procedure published by the Judicial Board.
- 35.6.28 World Sailing, National Authorities and Participants hereby agree to be bound by the decision of the Independent Appeal Panel, or by the decision of the alternative dispute resolution body appointed. There will be no appeal from such a decision.

7. Part F – Penalties

- 35.7.1 The following penalties may be imposed on Participants by World Sailing or National Authorities:
- (a) no sanction;
 - (b) a warning, admonishment or reprimand;
 - (c) a fine not exceeding €1000;
 - (d) a direction not to compete or officiate in a particular event or class (or types of event or classes);
 - (e) suspension or revocation of Competition Eligibility and/or World Sailing Eligibility (or the imposition of conditions on such Eligibility);
 - (f) suspension or removal from office in the case of World Sailing officers or World Sailing Representatives;
 - (g) suspension or removal of a certificate of appointment in the case of World Sailing Race Officials (or the imposition of conditions on such appointment);
 - (h) any sanction set out in the World Sailing Code of Ethics;
 - (i) make a report to a Member National Authority, World Sailing Class, World Sailing (under another Regulation or the Racing Rule of Sailing) or any other appropriate organisation; and/or
 - (j) any other sanction which it is within the powers of World Sailing or the National Authority to impose.

35.8 Part G – Appeals and Reviews of Other Decisions made by or within World Sailing

- 35.8.1 The provisions of this Part of this Code apply to any appeal or review of any decision made within or by World Sailing where the World Sailing Constitution or Regulations expressly permit any such appeal or review.
- 35.8.2 Any appeal or request for a review shall be made in writing to the Chief Executive Officer within the relevant time limit specified in the World Sailing Constitution or Regulations, or if no such time limit is specified, within fourteen days of the notification of the decision being appealed or reviewed.

- 35.8.3 The Chief Executive Officer shall pass the appeal or request for review to the Judicial Board, who shall, within fourteen days of receipt, appoint an Independent Panel to hear and determine the appeal or review.
- 35.8.4 Rules of Procedure published by the Judicial Board shall apply to the conduct, determination and hearing of the appeal or review by the Independent Panel.
- 35.8.5 If the decision of the Independent Panel directly concerns the eligibility of a person to participate in a major international event as listed in Regulation 35.4.1 above, there is a right of appeal from the decision of the Independent Panel by way of arbitration brought before the Court of Arbitration for Sport in Lausanne, Switzerland. An appeal may be brought:
- (a) by World Sailing; or
 - (b) by a Participant
- 35.8.6 The arbitration shall be conducted in accordance with the Code of Sports-Related Arbitration. The Court of Arbitration for Sport panel will consist of one arbitrator and the language of the arbitration will be English.
- 35.8.7 There will be no right of appeal from any other decision of the Independent Panel.