



# **ANTI-DOPING RULES**

**OCTOBER 2020**

## **INTRODUCTION**

### **Preface**

- (A) Nepal Swimming Association (NSA) (PAN: 606169840) ("Nepal Swimming Association") is a member federation of the Federation Internationale de Natation ("FINA") and body that shall be responsible under the World Anti-Doping Agency Code ("the Code") Through Nepal Olympic Committee (NOC) for regulating doping control in all the disciplines of the sport of swimming in Nepal (namely swimming, para swimming, open water marathon swimming, diving, high diving, artistic swimming and water polo).
- (B) Nepal Swimming Association shall within its jurisdiction be the body responsible for regulating maintaining and enforcing doping control in all the said disciplines of the sport of swimming in Nepal (namely swimming, para swimming, open water marathon swimming, diving, high diving, artistic swimming and water polo). Nepal Swimming Association shall also oversee and implement Anti-Doping Rules for all the Regional Level Associations (Related to FINA Disciplines).
- (C) The purpose of the doping control programme of Nepal Swimming Association, of which these Anti-Doping Rules form part, is to protect the health and rights of individuals through education and controlled doping tests. Nepal Swimming Association considers doping to be contrary to the ethics of sport and in furtherance of the objectives of FINA the world governing body for the sport of swimming one of the objectives of Nepal Swimming Association is to provide drug free sport.
- (D) These Anti-Doping Rules are adopted and implemented in accordance with Nepal Swimming Association's responsibilities to FINA under the FINA Doping Control Rules, and in furtherance of FINA's continuing efforts to eradicate doping in the aquatic sports and in conformance with Nepal Swimming Association's responsibilities to the National Anti-Doping Agency of Nepal (Through Nepal Olympic Committee).
- (E) 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 proceedings, and are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings.

- (F) 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, FINA's Anti-Doping Rules and these Nepal Swimming Association 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 sport, 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 the 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

# **Nepal Anti-Doping Rules**

(Version - draft 1.0, in effect as from 1 October 2020)

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# The Nepal Swimming Association Anti-Doping Rules

## Article 1: Scope and Application

### 1.1 Introduction

1.1.1 Nepal Swimming Association has adopted these Anti-Doping Rules (the "Rules") to impose clear prohibitions and controls on doping in the sport of swimming in accordance with the requirements of the World Anti-Doping Code (the "**Code**") in order to preserve the integrity and values of play in the sport of swimming and to protect the rights and health of participation in the sport on a national basis within Nepal.

1.1.2 Nepal Swimming Association is a member of and subject to the anti-doping jurisdiction of FINA. Where the Code allows alternative approaches on a particular issue, and FINA mandates that Nepal Swimming Association in matters arising under these Rules, takes a different approach on such issue than is taken in these Rules, then the different approach mandated by FINA shall be followed.

### 1.2 Application

1.2.1 These Rules shall apply to:

- (a) all Athletes and Athlete Support Personnel who are members of Nepal Swimming Association and/or All Regional Level Association Body formed under Nepal Swimming Association or are licensees of Nepal Swimming Association (Affiliate Associations) within the jurisdiction of Nepal;
- (b) all Athletes and Athlete Support Personnel participating in such capacity in Events, Competitions and other activities organized, convened, authorized or recognized by Nepal Swimming Association or any of the Regional Level Association Body formed under Nepal Swimming Association or any of its member or affiliate organizations or licensees (including any clubs, teams, associations or leagues), wherever held;
- (c) any Athlete or Athlete Support Personnel who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of Nepal Swimming Association for purposes of anti-doping; and
- (d) any other Person who is subject to the authority of Nepal Swimming Association;

whether or not such person is a citizen of or resident in Nepal.



These Rules shall not apply to an apparent anti-doping violation by a participant who is a member of another member federation of FINA. Such matter would be referred by Nepal Swimming Association to the other member federation and FINA advised accordingly.

- 1.2.2 To be a member any of the Affiliate Associations or Nepal Swimming Association and/or of member or affiliate organisations or licensees of Nepal Swimming Association or any of the Affiliate Associations, or to be eligible to participate (in the case of an Athlete) or assist any participating Athlete (in the case of an Athlete Support Person) in any Event, Competition or other activity organised, convened or authorised by Nepal Swimming Association or any of the Affiliate Associations or any of its member or affiliate organisations or licensees, a Person must agree to be bound by and to comply with these Rules. Accordingly, by becoming such a member or by so participating or assisting, an Athlete/Athlete Support Person (as applicable) shall be deemed to have agreed:
- (a) to be bound by and to comply strictly with these Rules (without prejudice to any other anti-doping rules applicable to him/her);
  - (b) to submit to the authority of Nepal Swimming Association and NEPAL ANTI-DOPING to apply and enforce these Rules;
  - (c) to provide all requested assistance to Nepal Swimming Association and NEPAL ANTI-DOPING (as applicable) in the application and enforcement of these Rules, including (without limitation) cooperating fully with any investigation, results management exercise, and/or proceedings being conducted pursuant to these Rules in relation to any potential Anti-Doping Rule Violation(s);
  - (d) to submit to the exclusive jurisdiction of any NADP first instance tribunal convened under these Rules to hear and determine charges and related issues arising under these Rules;
  - (e) to submit to the exclusive jurisdiction of any NADP appeal tribunal and/or CAS Panel convened under these Rules to hear and determine appeals made pursuant to these Rules; and
  - (f) further to Article 16, not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the NADP first instance tribunal, the NADP appeal tribunal and CAS.
- 1.2.3 It is acknowledged that certain Athletes or other Persons who are subject to the authority of Nepal Swimming Association may also be subject to the anti-doping rules of other Anti-Doping Organisations, including (in the case of International-Level Athletes and Athletes participating in International Events) the anti-doping rules of FINA and (in the case of Athletes with disabilities) the International Paralympic Committee (the "**IPC**"), and that the same conduct of such Athletes or other Persons may implicate not only these Rules but also the rules of such other Anti-Doping Organisations. These Rules are not intended to limit the responsibilities of any Athlete or other Person under such other rules. The jurisdictional and other issues arising when the same conduct

implicates these Rules and such other rules shall be resolved in accordance with the Code.

- 1.2.4 Where the rules of FINA or the IPC (as applicable) require action to be taken at the national level against an Athlete or other Person for an alleged Anti-Doping Rule Violation, unless stipulated otherwise in the rules of FINA or the IPC (as applicable), such action shall be taken by NEPAL ANTI-DOPING in accordance with these Rules.
- 1.2.5 For the avoidance of doubt, nothing in these Rules shall be interpreted as limiting the rights, functions and obligations of NEPAL ANTI-DOPING as a Signatory to the Code. Nothing in the Rules prevents NEPAL ANTI-DOPING from undertaking Doping Control, investigations, results management and/or any other anti-doping activity in accordance with any agreement or arrangement with FINA or the IPC (as applicable), any other Anti-Doping Organisation, or other Signatory to the Code, or in accordance with any right or obligation arising under the Code (including without limitation the right under the Code to test athletes from other jurisdictions when they are present in Nepal).

### **1.3 Core Responsibilities**

- 1.3.1 It is the personal responsibility of each Athlete (which may not be delegated to any other person):
- (a) to acquaint him/herself, and to ensure that each Person (including medical personnel) from whom he/she takes advice is acquainted, with all of the requirements of these Rules, including (without limitation) being aware of what constitutes an Anti-Doping Rule Violation and of what substances and methods are on the Prohibited List;
  - (b) to comply with these Rules in all respects;
  - (c) to take full responsibility for what he/she ingests and uses;
  - (d) to carry out research regarding any products or substances which he/she intends to ingest or Use (prior to such ingestion or Use) to ensure compliance with these Rules; such research shall, at a minimum, include a reasonable internet search of (1) the name of the product or substance, (2) the ingredients/substances listed on the product or substance label, and (3) other related information revealed through research of points (1) and (2);
  - (e) to ensure that any medical treatment he/she receives does not infringe these Rules;
  - (f) to make him/herself available for Testing at all times upon request, whether In-Competition or Out-of-Competition;
  - (g) when included in a Registered Testing Pool, or the Domestic Testing Pool to provide accurate and up-to-date whereabouts information for purposes of Testing;

- (h) to disclose to NEPAL ANTI-DOPING and to his/her International Federation any decision by a non-Signatory finding that the Athlete infringed anti-doping rules within the previous ten years; and
- (i) to cooperate fully with NEPAL ANTI-DOPING and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations.

1.3.2 It is the personal responsibility of each Athlete Support Personnel:

- (a) to acquaint him/herself with all of the provisions of these Rules, including (without limitation) being aware of what constitutes an Anti-Doping Rule Violation and what substances and methods are on the Prohibited List;
- (b) to comply with these Rules in all respects;
- (c) not to Use or Possess any Prohibited Substance or Prohibited Method without valid justification. An Athlete Support Person who uses a Prohibited Substance or Prohibited Method without valid justification may not provide support to any Athlete;
- (d) to cooperate fully with the Testing of Athletes;
- (e) to use his/her influence on Athlete values and behaviour to foster anti-doping attitudes;
- (f) to disclose to NEPAL ANTI-DOPING and to his/her International Federation any decision by a non-Signatory finding that the Athlete Support Person infringed applicable anti-doping rules within the previous ten years; and
- (g) to cooperate fully with NEPAL ANTI-DOPING and any other Anti-Doping Organisation conducting investigations into possible Anti-Doping Rule Violations.

## **1.4 Retirement**

1.4.1 Each Athlete or other Person shall continue to be bound by and required to comply with these Rules unless and until he/she has given written notice to Nepal Swimming Association that he/she has retired from the sport of swimming. Where an Athlete is in the International Registered Testing Pool, the National Registered Testing Pool or Domestic Testing Pool at the time of such retirement, he/she must also send written notice to NEPAL ANTI-DOPING, FINA or the IPC (if applicable) of such retirement. Nepal Swimming Association, FINA, the IPC NEPAL ANTI-DOPING, the National Ant-Doping Panel and Court of Arbitration for Sports (as applicable) shall continue to have jurisdiction over an Athlete or other Person under these Rules after retirement in respect of matters taking place prior to retirement.

1.4.2 Subject to Article 1.4.3, an Athlete who retires from his/her sport in accordance with Article 1.4.1 at a time when he/she is in the International Registered Testing Pool, the National Registered Testing Pool or the Domestic Testing Pool may not return to compete in any sport unless:

- (a) he/she has given Nepal Swimming Association, NEPAL ANTI-DOPING FINA or the IPC (if applicable) written notice of no less than six months of his/her intent to return to competition; and
- (b) during that notice period he/she has submitted to the application of these Rules and to the jurisdiction of Nepal Swimming Association, NEPAL ANTI-DOPING, the National Ant-Doping Panel and Court of Arbitration for Sports (as applicable) under the Rules, including by making him/herself available for Testing and (if requested by NEPAL ANTI-DOPING) by providing information as to his/her whereabouts during the notice period. For Athletes in the National Registered Testing Pool, such whereabouts information shall be in accordance with ISTI Annex I.

WADA, in consultation with NEPAL ANTI-DOPING, FINA or the IPC (as applicable), may grant an exemption to an Athlete in the National Registered Testing Pool in respect of the six-month written notice rule where the strict application of that rule would be manifestly unfair to that Athlete. WADA's decision may be appealed under Article 13. NEPAL ANTI-DOPING may grant an exemption to an Athlete in the Domestic Testing Pool in respect of the six-month written notice rule where the strict application of that rule would be manifestly unfair to that Athlete. NEPAL ANTI-DOPING's decision may be appealed under Article 13.

1.4.3 If an Athlete retires while serving a period of Ineligibility, such that he/she is no longer bound by and required to comply with these Rules, that Athlete may not return to compete in any sport unless:

- (a) he/she has given Nepal Swimming Association, NEPAL ANTI-DOPING, and FINA or the IPC (if applicable) written notice of no less than six months (or notice equivalent to the period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six months) of his/her intent to return to competition;
- (b) during that notice period he/she has submitted to the application of these Rules and to the jurisdiction of Nepal Swimming Association, FINA, the IPC, NEPAL ANTI-DOPING, the National Ant-Doping Panel and Court of Arbitration for Sports (as applicable) under the Rules, including by making him/herself available for Testing and (if requested by NEPAL ANTI-DOPING) by providing information as to his/her whereabouts during the notice period in accordance with ISTI Annex I, or as otherwise stipulated by NEPAL ANTI-DOPING.

1.4.4 If an Athlete or other Person retires while a results management process is underway, the Anti-Doping Organisation conducting the results management process retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, the Anti-Doping Organisation which would have had results management authority over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping violation, has authority to conduct results management in respect of that anti-doping rule violation.

1.4.5 Any competitive results obtained in violation of Article 1.4.2 or 1.4.3 shall be Disqualified.

## 1.5 Interpretation

- 1.5.1 The Appendix to these Rules shall be considered an integral part of these Rules.
- 1.5.2 Save where otherwise indicated:
- (a) references to Articles or the Appendix are references to articles of and the appendix to these Rules; and
  - (b) defined terms used in these Rules (i.e., those words or phrases starting with capitals) shall have the meaning given to them in the **Appendix**.
- 1.5.3 The headings used in these Rules are for convenience only and shall not be deemed part of the substance of these Rules or to affect in any way the language of the provisions to which they refer.
- 1.5.4 Further to Article 0, these Rules shall be interpreted and applied at all times (a) as an independent and autonomous text and not by reference to existing laws or statutes; and (b) in a manner that is consistent with the Code. The comments annotating various provisions of the Code shall be used to interpret these Rules.

## 1.6 Commencement and Amendment

- 1.6.1 These Rules came into full force and effect on the Effective Date. They do not apply retroactively to matters arising prior to the Effective Date; provided, however, that:
- (a) Any case pending prior to the Effective Date, or brought after the Effective Date but based on an anti-doping rule violation that occurred prior to the Effective Date, shall be governed by the rules in force at the time of the anti-doping rule violation, save that (i) Articles 7.10 and 10.7.5 shall apply retroactively (unless, in the case of Article 7.10, the original statute of limitations has already expired by the Effective Date, in which case Article 7.10 shall not apply); and (ii) the anti-doping tribunal hearing the case may decide to apply other provisions from these Rules as well where doing so benefits the Athlete or other Person alleged to have committed the Anti-Doping Rule Violation, based on the principle of *lex mitior*.
  - (b) Any whereabouts failure (whether a filing failure or a missed test) declared by NEPAL ANTI-DOPING (or any other Anti-Doping Organisation) under rules in force prior to the Effective Date, which has not expired prior to the Effective Date, shall be carried forward and may be relied upon (prior to its expiry in accordance with such rules) as one of the requisite elements of an Anti-Doping Rule Violation under Article 2.4 of these Rules.
  - (c) 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 NEPAL ANTI-DOPING for a reduction in the period of Ineligibility in light of the Previous Code in effect. To be valid, such application must be made before the period of Ineligibility has

expired. The decision rendered by NEPAL ANTI-DOPING may be appealed pursuant to Article 13.4. The Previous Code in effect shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.

- (d) Anti-Doping Rule Violations committed prior to the Effective Date, whether under predecessor versions of these Rules and/or other relevant rules, count as prior offences for purposes of determining sanctions under Article 10, including Article 10.7 and especially Article 10.7.5. For purposes of assessing the period of Ineligibility for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on pre- Previous Code in effect rules, the period of Ineligibility which would have been assessed for that first violation had Previous Code in effect rules been applicable, shall be applied.

- 1.6.2 Further amendments to these Rules shall be approved and shall come into effect in the manner prescribed by Nepal Swimming Association, save that amendments by WADA to the Code, the Prohibited List and any International Standard shall come into effect automatically in the manner set out in the Code. Such amendments shall be binding upon all Athletes and other Persons without further formality.

## Article 2: **Anti-Doping Rule Violations**

Doping is defined as the occurrence of one or more of the Anti-Doping Rule Violations set forth in Article 2.1 through Article 2.10 of these Rules.

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

Athletes or other Persons shall be responsible for knowing what constitutes an Anti-Doping Rule Violation and the substances and methods which have been included on the Prohibited List.

The following constitute Anti-Doping Rule Violations:

### **2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample, unless the Athlete establishes that the presence is consistent with a TUE (Therapeutic Use Exemption) granted in accordance with Article 4**

- 2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his/her body. An Athlete is responsible for any Prohibited Substance or any of its Metabolites or Markers found to be present in his/her Sample. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation under Article 2.1; nor is the Athlete's lack of intent, Fault, negligence or knowledge a valid defence to a charge that an Anti-Doping Rule Violation has been committed under Article 2.1.

- 2.1.2 Proof of any of the following to the standard required by Article 8.3.1 is sufficient to establish an Anti-Doping Rule Violation under Article 2.1:
- (a) Presence of a Prohibited Substance or any of its Metabolites or Markers in the Athlete's A Sample, where the Athlete waives his/her right to have his/her B Sample analysed and so the B Sample is not analysed;
  - (b) Where the Athlete's B Sample is analysed and such analysis confirms the presence of the Prohibited Substance or any of its Metabolites or Markers found in the Athlete's A Sample; or
  - (c) Where the Athlete's B Sample has been 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.
- 2.1.3 Except in the case of those substances for which a quantitative threshold is specifically identified in the Prohibited List or other International Standard, the presence of any quantity of a Prohibited Substance or any of its Metabolites or Markers in an Athlete's Sample shall constitute an Anti-Doping Rule Violation, unless the Athlete establishes that such presence is consistent with a TUE (Therapeutic use Exemption) granted in accordance with Article 4.
- 2.1.4 As an exception to the general rule of Article 2.1.3, the Prohibited List or other International Standard may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

## **2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is consistent with a TUE granted in accordance with Article 4**

- 2.2.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his/her body and that he/she does not Use any Prohibited Method. 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; nor is the Athlete's lack of intent, Fault, negligence or knowledge a valid defence to a charge that an Anti-Doping Rule Violation for Use has been committed under Article 2.2.
- 2.2.2 It is necessary to demonstrate intent on the Athlete's part to establish an Anti-Doping Rule Violation of Attempted Use under Article 2.2.
- 2.2.3 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. For an Anti-Doping Rule Violation to be committed, it is sufficient that the Athlete Used or Attempted to Use a Prohibited Substance or Prohibited Method.
- 2.2.4 Out-Of-Competition Use of a substance that is only prohibited In-Competition is not an Anti-Doping Rule Violation. If, however, an Adverse Analytical Finding is reported for such substance or any of its Metabolites or Markers in respect of a Sample collected In-Competition, that may amount to an Anti-Doping Rule Violation under Article 2.1.

## **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 of Testing as authorised in these Rules or other applicable anti-doping rules.

## **2.4 Whereabouts Failures**

2.4.1 Any failure to file whereabouts information in accordance with ISTI Article I.3 shall be deemed a "**Filing Failure**". Any failure to be available for Testing at the declared whereabouts in accordance with ISTI Article I.4 shall be deemed a "**Missed Test**".

2.4.2 Any combination of three Filing Failures and/or Missed Tests committed within a 12-month period by an Athlete in a Registered Testing Pool, as declared by NEPAL ANTI-DOPING or any other Anti-Doping Organisation with the requisite jurisdiction over the Athlete in accordance with the International Standard for Testing and Investigations shall constitute an Anti-Doping Rule Violation under Article 2.4.

## **2.5 Tampering or Attempted Tampering with any part of Doping Control**

Conduct that subverts the Doping Control process but that would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation or intimidating or attempting to intimidate a potential witness.

## **2.6 Possession of a Prohibited Substance and/or a Prohibited Method**

2.6.1 Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a Therapeutic Use Exemption ("TUE") granted in accordance with Article 4 or other acceptable justification.

2.6.2 Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4 or other acceptable justification.

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



**2.8 Administration or Attempted Administration to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition, unless the Athlete establishes that the Administration or Attempted Administration was consistent with a TUE granted in accordance with Article 4**

**2.9 Complicity**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an Anti-Doping Rule Violation, Attempted Anti-Doping Rule Violation or violation of Article 10.12.1 by another Person.

**2.10 Prohibited Association**

2.10.1 Association by an Athlete or other Person who is subject to the authority of Nepal Swimming Association in a professional or sport-related capacity with any Athlete Support Person who:

- (a) (if subject to the authority of an Anti-Doping Organisation) is serving a period of Ineligibility; or
- (b) (if not subject to the authority of an Anti-Doping Organisation, and where Ineligibility has not been addressed in a results management process pursuant to these Rules or 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 these Rules or the Code 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 Article 2.10.1(a) or 2.10.1(b).

2.10.2 In order for this provision to apply, it is necessary that (a) the Athlete or other Person has previously been advised in writing by Nepal Swimming Association, NEPAL ANTI-DOPING, or by any other Anti-Doping Organisation with jurisdiction over the Athlete or other Person, or by WADA, of the Athlete Support Personnel's disqualifying status and the potential Consequences of prohibited association; and (b) the Athlete or other Person can reasonably avoid the association. Nepal Swimming Association and NEPAL ANTI-DOPING 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 Personnel may, within 15 days, come forward to Nepal Swimming Association or NEPAL ANTI-DOPING to explain that the criteria described in Articles 2.10.1(a) and 2.10.1(b) do not apply to him/her. (For the avoidance of doubt and notwithstanding Article 7.10, this Article 2.10 applies even when the Athlete Support Personnel's disqualifying conduct occurred prior to the Effective Date.)

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

- 2.10.4 If Nepal Swimming Association or NEPAL ANTI-DOPING becomes aware of Athlete Support Personnel who meet the criteria described in Article 2.10.1(a), 2.10.1(b), or 2.10.1(c), it shall submit that information to WADA.

## Article 3: **The Prohibited List**

### **3.1 Incorporation of the Prohibited List**

- 3.1.1 These Rules adopt and incorporate the Prohibited List, as amended from time to time. (Refer WADA's Prohibited List)
- 3.1.2 The Prohibited List may be amended by WADA from time to time in accordance with Code Article 4.1. Unless provided otherwise by WADA in the Prohibited List or a revision thereto, such amendments shall come into effect automatically under these Rules three months after publication of the amendments by WADA on its website, without requiring any further action by Nepal Swimming Association or NEPAL ANTI-DOPING.
- 3.1.3 All Athletes and other Persons shall be deemed to accept the Prohibited List, and any amendments thereto, 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 related International Standard and all amendments thereto.

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

- 3.2.1 The Prohibited List identifies those Prohibited Substances and Prohibited Methods which are prohibited at all times (i.e., both In-Competition and Out-of-Competition) and those additional substances and methods which are prohibited In-Competition only.
- 3.2.2 Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g. anabolic agents) or by specific reference to a particular substance or method or sport.

### **3.3 Specified Substances**

- 3.3.1 For purposes of these Rules, 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.
- 3.3.2 In the event that WADA expands the Prohibited List by adding a new class of Prohibited Substances, WADA's Executive Committee shall determine whether any or all of the Prohibited Substances within the new class of Prohibited Substances shall be considered Specified Substances within the meaning of Article 3.3.1.

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

The following shall be final and shall not be subject to challenge by any 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:

- 3.4.1 WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List;
- 3.4.2 WADA's classification of substances into categories on the Prohibited List (e.g., as a Specified Substance or a non-Specified Substance); and
- 3.4.3 WADA's classification of a substance as prohibited at all times or In-Competition only.

## Article 4: **Therapeutic Use Exemptions**

### **4.1 Incorporation of the International Standard for Therapeutic Use Exemptions**

- 4.1.1 The Code permits Athletes to apply for permission to Use, for therapeutic purposes, substances or methods on the Prohibited List whose Use would otherwise be prohibited.
- 4.1.2 The International Standard for Therapeutic Use Exemptions sets out the circumstances in which Athletes may claim such a therapeutic use exemption (or "**TUE**"). These Rules adopt and incorporate that International Standard, as amended from time to time. All Athletes and other Persons shall be deemed to accept the International Standard and any amendments thereto as binding upon them without further formality.

### **4.2 Scope and Effect of TUEs**

- 4.2.1 The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method shall not be considered an Anti-Doping Rule Violation if it is consistent with the provisions of a TUE validly granted to the Athlete in question in accordance with these Rules and the International Standard for Therapeutic Use Exemptions.
- 4.2.2 An Athlete who is not an International-Level Athlete should apply to NEPAL ANTI-DOPING for a TUE. Any TUE granted to an Athlete by or on behalf of a Signatory (including any TUE granted prior to the Effective Date) will be recognised under these Rules in accordance with the terms of the grant, provided that the grant is consistent with the Code and the criteria set out in the International Standard for Therapeutic Use Exemptions and is within that Signatory's authority. Otherwise, however, an Athlete required by Article 4.2.4 or Article 4.2.5 to obtain a TUE must obtain one from NEPAL TUE Committee in accordance with those articles, Article 4.2.6 and Article 4.3.
- 4.2.3 An Athlete who is an International-Level Athlete should apply to FINA or the IPC (as applicable) for a TUE.
  - (a) Athletes should note that a TUE granted by NEPAL TUE Committee shall not be valid for purposes of FINA's or the

IPC's rules (e.g., if the Athlete becomes an International-Level Athlete or competes in an International Event) unless and until FINA or the IPC (as applicable) recognizes that TUE in accordance with the International Standard for Therapeutic Use Exemptions. An application to FINA 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. FINA shall appoint a FINA TUE Committee to consider applications for the grant or recognition of TUEs. The FINA TUE Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions, FINA's Anti-Doping Rules and any FINA protocols. Its decision shall be the final decision of FINA, and shall be reported to the Athlete, WADA and other relevant Anti-Doping Organisations, including NEPAL ANTI-DOPING or Nepal Swimming Association as relevant through ADAMS, in accordance with the International Standard for Therapeutic Use Exemptions.

Athletes are also warned that TUEs granted by the NEPAL TUE Committee or FINA may not be automatically recognised by Major Event Organisations (e.g. the IOC, for the Olympic Games).

- (b) Pursuant to Code Article 4.4.3.1, where an Athlete already has a TUE granted by the UK TUE Committee for the substance or method in question:
  - (i) if the TUE granted by NEPAL TUE Committee meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then FINA or the IPC (as applicable) must recognise it.
  - (ii) if FINA or the IPC (as applicable) considers that the TUE granted by the UK TUE Committee does not meet those criteria and so refuses to recognise it, it must notify the Athlete and NEPAL ANTI-DOPING promptly, with reasons. The Athlete and NEPAL ANTI-DOPING shall have 21 days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review, the TUE granted by the NEPAL TUE Committee 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.
- (c) Pursuant to Code Article 4.4.3.2, where FINA or the IPC (as applicable) grants a TUE to an Athlete who did not already have a TUE granted by the NEPAL TUE Committee for the substance or method in question, FINA or the IPC (as applicable) must notify the Athlete and NEPAL ANTI-DOPING. If NEPAL ANTI-DOPING considers that the TUE 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. If NEPAL ANTI-DOPING refers the matter to WADA for review, the TUE granted by FINA or the IPC (as applicable)

remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If NEPAL ANTI-DOPING does not refer the matter to WADA for review, the TUE granted by FINA or the IPC (as applicable) becomes valid for national-level Competition as well when the 21-day review deadline expires.

- 4.2.4 Subject only to Articles 4.2.2 (which provides that a TUE granted by another Signatory, such as FINA, may be recognised under these Rules) and 4.2.5 (which identifies the limited circumstances in which a TUE may be granted retroactively):
- (a) An Athlete in the National Registered Testing Pool must obtain a TUE in accordance with Article 4.3 prior to Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question;
  - (b) NEPAL ANTI-DOPING may also establish a further pool of Athletes not in the National Registered Testing Pool (the "National TUE **Pool**") who are required to obtain a TUE in accordance with Article 4.3 prior to Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question; and
  - (c) In the event that an Athlete who is not included in the National Registered Testing Pool or National TUE Pool wishes to obtain a TUE in accordance with Article 4.3 prior to Use, Possession or Administration of the Prohibited Substance or Prohibited Method in question, NEPAL ANTI-DOPING may, at its sole and absolute discretion, choose to process the Athlete's advance TUE application or refer the Athlete to the procedure for retroactive TUE applications set out in Articles 4.2.5 and 4.2.6.
- 4.2.5 A TUE may be granted retroactively in the following limited circumstances:
- (a) Where an Athlete who is not in the National Registered Testing Pool or the National TUE Pool is tested pursuant to these Rules, and that Athlete has been Using a Prohibited Substance or Prohibited Method for which he/she is entitled to a TUE;
  - (b) Where emergency treatment or treatment of an acute medical condition was necessary;
  - (c) Where, due to other exceptional circumstances, there was insufficient time or opportunity for the Athlete to submit, or for the TUE Committee to consider, an application for the TUE prior to Sample collection; or
  - (d) Where it is agreed by NEPAL ANTI-DOPING and by WADA that fairness requires the grant of a retroactive TUE.
- 4.2.6 An Athlete must submit an application for a retroactive TUE to NEPAL TUE Committee no later than five working days after an Adverse Analytical Finding is reported in respect of the Sample collected from that Athlete; provided that:

- (a) NEPAL ANTI-DOPING may extend this deadline upon request by the Athlete for good cause shown; and
  - (b) any such TUE application shall be resolved before any Adverse Analytical Finding, Atypical Finding or Adverse Passport Finding relating to that Athlete's Sample is processed under Articles 7.2, 7.3 or 7.4.
- 4.2.7 Subject to Articles 4.2.2 and 4.2.3, an Athlete may not apply to more than one Anti-Doping Organisation for a TUE. An Athlete who applies for a TUE pursuant to the rules of FINA or another Anti-Doping Organisation shall report the grant or denial of the application immediately to NEPAL ANTI-DOPING, by sending it copies of the application and the decision.
- 4.2.8 The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) may result in a charge of Tampering or Attempted Tampering under Article 2.5.

### **4.3 Grant of a TUE**

- 4.3.1 An Athlete requiring a TUE must apply to NEPAL TUE Committee in accordance with the TUE application process set out in the UK Anti-Doping Procedures Guide.
- 4.3.2 NEPAL TUE Committee will determine the TUE application in strict accordance with the criteria set out in the International Standard for Therapeutic Use Exemptions.
- 4.3.3 All decisions by NEPAL TUE E Committee (whether for the grant/denial or recognition/non-recognition of a TUE application) will be notified to the Athlete in writing by NEPAL ANTI-DOPING and made available by NEPAL ANTI-DOPING to other Anti-Doping Organisations and WADA via ADAMS or any other system approved by WADA, in accordance with Article 5.4 of the International Standard for Therapeutic Use Exemptions.
- (a) A decision to grant a TUE must specify the dosage(s), frequency, route and duration of Administration of the Prohibited Substance or Prohibited Method in question that NEPAL TUE Committee is permitting, reflecting the clinical circumstances, as well as any conditions imposed in connection with the TUE.
  - (b) A decision to deny a TUE application must include an explanation of the reason(s) for the denial.
- 4.3.4 A TUE will be effective as of the date it is granted (save where a retroactive TUE is granted pursuant to Article 4.2.5, in which case NEPAL TUE Committee will specify the applicable effective date in its decision) and will have a specified duration as decided on a case by case basis by NEPAL TUE Committee. The TUE may also be granted subject to such conditions or restrictions as NEPAL TUE Committee sees fit.
- 4.3.5 An Athlete may not assume that his/her application for a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or

Administration of a Prohibited Substance or Prohibited Method before an application has been granted shall be entirely at the Athlete's own risk.

#### **4.4 Expiration or Cancellation of a TUE**

- 4.4.1 A TUE granted pursuant to these Rules:
- (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;
  - (b) may be cancelled by NEPAL TUE Committee if the Athlete does not promptly comply with any requirements or conditions imposed by the UK TUE Committee upon grant of the TUE;
  - (c) may be withdrawn by NEPAL TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or
  - (d) may be reviewed by WADA pursuant to Article 4.5.
- 4.4.2 An Athlete in a National Registered Testing Pool or the National TUE Pool who wishes to continue to Use the Prohibited Substance or Prohibited Method in question after the term for which the TUE has been granted must apply well in advance of the end of the term for renewal of the TUE in accordance with Article 4.3.
- 4.4.3 Cancellation of a TUE pursuant to Article 4.4.1(b) or withdrawal of a TUE pursuant to Article 4.4.1(c) shall be made in writing and notified by NEPAL ANTI-DOPING to the Athlete in accordance with Article 17.2, and made available by NEPAL ANTI-DOPING to other Anti-Doping Organisations and WADA via ADAMS or any other system approved by WADA, in accordance with Article 5.4 of the International Standard for Therapeutic Use Exemptions. Such notice shall take effect upon receipt, in accordance with Article 17.2.
- 4.4.4 In the event of an expiration, cancellation or withdrawal of the TUE pursuant to Article 4.4.1, 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 at any time prior to the effective date of expiry, cancellation or withdrawal of the TUE. The review pursuant to Article 7.2 or 7.4 of any subsequent Adverse Analytical Finding or Adverse Passport Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Method prior to that date, in which event there shall be no case to answer.

#### **4.5 Review of TUE Decisions**

- 4.5.1 In accordance with Code Article 4.4 and Article 8 of the International Standard for Therapeutic Use Exemptions, WADA may review TUE decisions as follows:
- (a) WADA must review any decision by FINA or the IPC (as applicable) not to recognise a TUE granted by NEPAL ANTI-DOPING that is referred to it by NEPAL ANTI-DOPING or the Athlete. In addition, WADA must review FINA's or the IPC's decision (as applicable) to grant a TUE that is referred to it by NEPAL ANTI-DOPING.

- (b) WADA may review any other TUE decisions at any time, whether upon request by those affected (e.g. at the request of an Athlete in the National Registered Testing Pool whose application for a TUE has been denied by NEPAL TUE Committee) or on its own initiative.
  - (c) If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.
- 4.5.2 Decisions of FINA or the IPC (as applicable) , NEPAL TUE Committee (and decisions of NEPAL TUE Appeal Panel), and WADA may be challenged by appeal in accordance with Article 13.2.
  - 4.5.3 A failure to take action (whether by FINA or the IPC (as applicable), NEPAL TUE Committee, or WADA) within a reasonable time on a properly-submitted TUE application shall be considered a denial of the application for purposes of the appeal rights set out in Article 13.2.
  - 4.5.4 Until such time as the grant or denial of a TUE application made pursuant to these Rules has been reversed pursuant to Article 4.5.1 or Article 4.5.2 (and Article 13.2), such grant or denial shall remain in full force and effect.

## Article 5: **Testing and Investigations**

### **5.1 Incorporation of the International Standard for Testing and Investigations**

These Rules adopt and incorporate the International Standard for Testing and Investigations, as amended from time to time. All Athletes and other Persons shall be deemed to accept that International Standard and any amendments thereto as binding upon them without further formality.

### **5.2 Testing Jurisdiction**

- 5.2.1 All Athletes (including but not limited to Athletes in the National Registered Testing Pool) must make themselves available for and must submit to Testing by (or as authorized by) NEPAL ANTI-DOPING (urine and/or blood) pursuant to these Rules at any place and time (whether In-Competition or Out-of-Competition, whether in the UK or overseas).
- 5.2.2 Testing pursuant to these Rules shall be carried out in accordance with the International Standard for Testing and Investigations in force at the time of Testing. Testing shall only be undertaken under these Rules for anti-doping purposes, i.e., to obtain analytical evidence as to the Athlete's compliance (or non-compliance) with the strict prohibition on the presence/Use of Prohibited Substances and Prohibited Methods. For the avoidance of doubt, NEPAL ANTI-DOPING may select Athletes for Target Testing so long as such Target Testing is not used for any purpose other than legitimate anti-doping purposes. Save in exceptional and justifiable circumstances, all Out-of-Competition Testing shall take place without advance notice to the Athlete in question.



- 5.2.3 An Athlete shall continue to be subject to NEPAL ANTI-DOPING's Testing jurisdiction unless and until he/she retires from sport in accordance with Article 1.4.1.
- 5.2.4 An Athlete who is in the National Registered Testing Pool shall continue to be subject to the requirements of ISTI Annex I unless and until:
- (a) he/she retires from his/her sport in accordance with Article 1.4.1; or
  - (b) NEPAL ANTI-DOPING has informed him/her in writing that he/she no longer satisfies the criteria for inclusion in the National Registered Testing Pool.
- 5.2.5 Other Anti-Doping Organisations may also have jurisdiction to test Athletes who are subject to these Rules, in accordance with Code Article 5. Nepal Swimming Association and NEPAL ANTI-DOPING shall recognise such Testing in accordance with Code Article 15.1 (Application and Recognition of Decisions) and NEPAL ANTI-DOPING may bring proceedings against an Athlete pursuant to these Rules for an Anti-Doping Rule Violation arising in relation to such Testing.

### **5.3 In-Competition Testing**

- 5.3.1 At National Events, NEPAL ANTI-DOPING shall determine the number of Athletes to be selected for Testing in each Competition and the procedures for selecting the Athletes for Testing.
- 5.3.2 At International Events held in the Nepal, the collection of Samples shall be initiated and directed by the ruling body for the Event, subject always to the right of NEPAL ANTI-DOPING to initiate and conduct such Testing in accordance with Code Article 5.3.2.

### **5.4 Out-of-Competition Testing**

- 5.4.1 In addition to the general obligation on all Athletes to submit to Testing, including Out-of-Competition Testing, at any time and place, in accordance with ISTI Article 4.8 and I.2, NEPAL ANTI-DOPING shall establish a pool of Athletes (the "**National Registered Testing Pool**") who are required to provide whereabouts information in accordance with ISTI Article I.3 and to make themselves available for Testing at such whereabouts in accordance with ISTI Article I.4. Unless otherwise specified by NEPAL ANTI-DOPING, Athletes in the National Registered Testing Pool shall use ADAMS to file their whereabouts information. This whereabouts information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting Doping Control, providing information relevant to the Athlete Biological Passport or other analytical results, to support an investigation into a potential Anti-Doping Rule Violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the International Standard for the Protection of Privacy and Personal Information.
- 5.4.2 Subject to the results management provisions set out at ISTI Article I.5 and Article 7.1.2 of these Rules:
- (a) the failure of an Athlete in the National Registered Testing Pool to provide whereabouts information in accordance with ISTI

Article I.3 shall be deemed a Filing Failure for purposes of Article 2.4 where the conditions of ISTI Article I.3.6 are met; and

- (b) the failure of an Athlete in the National Registered Testing Pool to be available for Testing at such whereabouts in accordance with ISTI Article I.4 shall be deemed a Missed Test for purposes of Article 2.4 where the conditions of ISTI Article I.4.3 are met.

5.4.3 An Athlete will be notified in writing of his/her inclusion in (or removal from) the National Registered Testing Pool. An Athlete may be included in the National Registered Testing Pool notwithstanding that he/she is also included in an International Registered Testing Pool. In that case, NEPAL ANTI-DOPING and FINA or the IPC (as applicable) will agree on which of them receives the Athlete's whereabouts filings and shares it with the other and with other Anti-Doping Organisations with jurisdiction to test that Athlete in accordance with ISTI Articles I.2.2 and I.2.3 (and, in the absence of agreement, then WADA shall decide which of them shall take that responsibility). In any event, the Athlete will only be required to file whereabouts information with either NEPAL ANTI-DOPING or FINA or the IPC (as applicable).

## 5.5 ABP Testing

- 5.5.1 NEPAL ANTI-DOPING shall implement its ABP Programme in accordance with the International Standard for Testing and Investigations, the International Standard for Laboratories, and the ABP Guidelines.
- 5.5.2 NEPAL ANTI-DOPING will designate one or more person(s) to administer and manage the ABP Programme within and on behalf of NEPAL ANTI-DOPING (the "**Athlete Passport Management Unit**", or "**APMU**"). NEPAL ANTI-DOPING will also appoint suitably qualified, independent experts to form an expert panel ("**Expert Panel**") for purposes of the ABP Programme.
- 5.5.3 NEPAL ANTI-DOPING will decide, in its sole discretion, which Athletes will be selected for ABP Testing. NEPAL ANTI-DOPING will also decide, consulting as appropriate with the Expert Panel (via the APMU), on the timing of such Testing. NEPAL ANTI-DOPING will also coordinate as necessary with other competent Anti-Doping Organisations carrying out ABP Testing in relation to any Athlete(s). Athletes consent to NEPAL ANTI-DOPING and such other Anti-Doping Organisations sharing their data in relation to such ABP Testing with each other for purposes of their respective ABP Programmes.
- 5.5.4 Samples that are intended to be part of the ABP Programme will be collected, transported and analysed in accordance with the International Standard for Testing and Investigations, the International Standard for Laboratories, and the mandatory protocols set out in Appendices A to C of the ABP Guidelines.
- 5.5.5 The data arising from analysis of such Samples will be processed and reviewed in accordance with the ABP Guidelines to identify Atypical Passport Findings that warrant referral to a single expert from the Expert Panel, and thereafter (in the event that the evaluation of the single expert supports the proposition that the profile is unlikely to be the result of a normal physiological or pathological condition) to a group of three experts from the Expert Panel (composed of the single expert

appointed in the initial review and two further experts chosen by the APMU from the Expert Panel), for consideration in accordance with Appendix E of the ABP Guidelines.

- 5.5.6 Where all of the three experts from the Expert Panel, having reviewed the ABP Documentation Package conclude that, subject to any explanation provided by the Athlete, it is highly likely that the Athlete Used a Prohibited Substance or Prohibited Method, and unlikely that there is any other plausible explanation for the Atypical Passport Finding, that conclusion (which should include the reasons for the conclusion) (an "**Adverse Passport Finding**"), shall be dealt with as set out in Article 7.4.

## **5.6 Selection of Athletes for Testing**

- 5.6.1 NEPAL ANTI-DOPING will select Athletes for Testing using Target Testing, Weighted and random selection methods, in accordance with the International Standard for Testing and Investigations in force at the time of selection.
- 5.6.2 In order to preserve the ability to conduct Testing without advance notice, those who become aware of the selection of an Athlete for Testing shall only disclose such information on a strictly need-to-know basis. Any failure to comply with this requirement may result in a charge of Tampering or Attempted Tampering under Article 2.5.

## **5.7 Testing of Minors**

- 5.7.1 Testing of an Athlete who is a Minor shall be conducted in accordance with ISTI Annex C (Modifications for Athletes who are Minors).
- 5.7.2 A Minor may not participate in the sport of swimming unless a parent or guardian of that Minor has consented to Testing of the Minor. For purposes of these Rules, such consent shall be deemed from the fact that the Minor has been permitted by his/her parent or guardian to participate in the sport. Confirmation in writing of such consent may be required to be provided at any time. Where the Minor is included in the National Registered Testing Pool or the Domestic Testing Pool, such consent must be confirmed upon notification of inclusion in the pool as a pre-condition to further participation in the sport. In addition, the rules of a particular Event may require the provision of written consent as a pre-condition of participation by any Minor in the Event.

## **5.8 Liability for Testing**

Although every reasonable effort will be made to avoid inconvenience to the Athlete being tested, no liability shall arise on the part of Nepal Swimming Association or NEPAL ANTI-DOPING or any of their respective members, directors, officers, employees, agents or representatives for any inconvenience or loss arising on the part of the Athlete as a result of such Testing.

## **5.9 Investigations**

- 5.9.1 In addition to conducting the Testing referenced in this Article 5, NEPAL ANTI-DOPING shall have the power to gather anti-doping intelligence and conduct investigations in accordance with the requirements of the Code and the International Standard for Testing and Investigations into matters that may evidence or lead to the discovery of evidence of an Anti-Doping

Rule Violation. NEPAL ANTI-DOPING shall conduct an automatic investigation of Athlete Support Personnel within its jurisdiction (i) in the case of any Anti-Doping Rule Violation by a Minor, and (ii) where the Athlete Support Person has provided support to more than one Athlete found to have committed an Anti-Doping Rule Violation. Investigations may be conducted in conjunction with, and/or information obtained in such investigations may be shared with, other Anti-Doping Organisations and/or other relevant authorities. NEPAL ANTI-DOPING shall have discretion, where it deems appropriate, to stay its own investigation pending the outcome of investigations being conducted by other Anti-Doping Organisations and/or other relevant authorities.

- 5.9.2 In its investigation as to whether there is a case to answer under Article 2, NEPAL ANTI-DOPING may seek to obtain additional information from any source, which may include (without limitation):
- (a) Where NEPAL ANTI-DOPING considers it appropriate to do so, giving the Athlete(s) or other Person(s) implicated in the potential Anti-Doping Rule Violation an opportunity, subject to compliance with a strict time-table, to make such submissions as he/she may wish. If NEPAL ANTI-DOPING decides to invite such submissions, a formal hearing is not required to be held. Instead, NEPAL ANTI-DOPING shall determine how the submissions should be made, such as (for example) in writing, or by telephone conference;
  - (b) NEPAL ANTI-DOPING may make a written demand to an Athlete or other Person (a "**Demand**") to furnish to NEPAL ANTI-DOPING any information that may evidence or lead to the discovery of evidence of an Anti-Doping Rule Violation, including (without limitation) requiring the Athlete or other Person to attend an interview and/or to provide a written statement setting forth the Athlete's or other Person's knowledge of the relevant facts and circumstances. The Athlete or other Person must furnish such information within seven business days of the making of such Demand, or within such other deadline as may be specified by NEPAL ANTI-DOPING. Any information furnished to NEPAL ANTI-DOPING shall be kept confidential except when it becomes necessary to disclose such information to further the investigation of and/or to bring proceedings relating to an Anti-Doping Rule Violation, or when such information is reported to administrative, professional, or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations.
- 5.9.3 Where an Athlete or other Person knows or suspects that any other Athlete or other Person has committed an Anti-Doping Rule Violation, it shall be the first Athlete's or other Person's obligation to report such knowledge or suspicion to NEPAL ANTI-DOPING as soon as possible. The first Athlete or other Person shall have a continuing obligation to report any new knowledge or suspicion regarding any Anti-Doping Rule Violation to NEPAL ANTI-DOPING, even if the Athlete's or other Person's prior knowledge or suspicion has already been reported. Failure to comply with any of the foregoing without acceptable justification may be treated as misconduct under the National Governing Body's (NGB) rules of conduct and may be sanctioned accordingly.
- 5.9.4 Athletes and other Persons must cooperate fully with investigations conducted pursuant to this Article 5.9. Failure or refusal to so without

acceptable justification may be treated as misconduct under the NGB's rules of conduct and may be sanctioned accordingly.

- 5.9.5 If the Athlete or other Person subverts or Attempts to subvert the investigation process (e.g., by providing false, misleading or incomplete information, and/or by destroying potential evidence), proceedings may be brought against him or her for violation of Article 2.5 (Tampering or Attempted Tampering).
- 5.9.6 Where, as the result of an investigation under this Article 5.9, NEPAL ANTI-DOPING considers that an Athlete or other Person has a case to answer under Article 2, it shall refer the matter to one or more Independent Reviewers, as appropriate, to be dealt with as set out in Article 7.6.

## Article 6: **Analysis of Samples**

### **6.1 Incorporation of the International Standard for Laboratories**

These Rules adopt and incorporate the International Standard for Laboratories, as amended from time to time. All Athletes and other Persons shall be deemed to accept the International Standard for Laboratories and any amendments thereto as binding upon them without further formality.

### **6.2 Use of Accredited and Approved Laboratories**

- 6.2.1 For purposes of detecting the presence of a Prohibited Substance or any of its Metabolites or Markers, or to screen a blood Sample to determine whether the Athlete's corresponding urine Sample should be analysed, Samples collected under these Rules shall be sent for analysis only to a WADA-accredited laboratory or a laboratory otherwise approved by WADA selected exclusively by NEPAL ANTI-DOPING.
- 6.2.2 Laboratories shall analyse Samples collected under these Rules, and shall report the results of such analysis, in compliance with the Code and the International Standard for Laboratories in force at the time of analysis.
- 6.2.3 Save in the circumstances set out at Article 7.8.5, NEPAL ANTI-DOPING shall be responsible for the costs of analysis of Samples under these Rules.

### **6.3 Substances Subject to Detection**

- 6.3.1 Samples shall be analysed:
  - (a) to detect Prohibited Substances (and their Metabolites or Markers) and Prohibited Methods and other substances as may be directed by WADA pursuant to the Monitoring Programme described in Code Article 4.5; and/or
  - (b) to assist NEPAL ANTI-DOPING in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA profiling, or for any other legitimate anti-doping purpose.
- 6.3.2 Samples may be collected and stored for future analysis for the purposes set out in Article 6.3.1.

## **6.4 Further Analysis of Samples**

- 6.4.1 Any Sample may be subject to further analysis by NEPAL ANTI-DOPING (provided that it is responsible for results management) 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 NEPAL ANTI-DOPING to the Athlete as the asserted basis for an Article 2.1 Anti-Doping Rule Violation.
- 6.4.2 Any Sample collected under these Rules may be stored and subjected to further analysis for the purposes set out in Article 6.3.1 at any time exclusively at the direction of NEPAL ANTI-DOPING (provided that it initiated and directed the Sample collection) or WADA. Any Sample storage or further analysis initiated by WADA shall be at WADA's expense. The circumstances and conditions for further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

## **6.5 Research on Samples**

- 6.5.1 As between the Athlete and NEPAL ANTI-DOPING, Samples provided by an Athlete under these Rules shall be the property of NEPAL ANTI-DOPING, and NEPAL ANTI-DOPING shall be entitled (subject to Article 6.5.2) to determine all matters regarding the analysis and disposal of such Samples.
- 6.5.2 No Sample may be used for research without the Athlete's written consent. A Sample used (with the Athlete's consent) for purposes other than as described in Article 6.3 shall have the identity code removed or shall be transferred into an anonymous container so that it cannot be traced back to the Athlete.
- 6.5.3 Any Adverse Analytical Finding reported by the laboratory shall be dealt with in accordance with Article 7.2.
- 6.5.4 Any Atypical Finding reported by the laboratory shall be dealt with in accordance with Article 7.3.
- 6.5.5 Any Adverse Passport Finding reported by the laboratory shall be dealt with in accordance with Article 7.4.

## **Article 7: Results Management**

### **7.1 Responsibility for Results Management**

- 7.1.1 Results management and the investigation of potential Anti-Doping Rule Violations shall proceed under these Rules in accordance with Code Article 7.1 and Article 7.1 of these Rules. Without prejudice thereto, this includes where the conduct in question:

- (a) was identified by Testing initiated and directed by NEPAL ANTI-DOPING pursuant to these Rules or otherwise arose in relation to these Rules;
- (b) was identified by Testing conducted pursuant to other applicable rules (e.g. at an International Event) or otherwise arose in relation to those other rules, and the Anti-Doping Organisation that issued such rules requests or it is otherwise appropriate in all of the circumstances for NEPAL ANTI-DOPING to take jurisdiction over the matter; or
- (c) was identified by means other than Testing, and NEPAL ANTI-DOPING was the first Anti-Doping Organisation to provide notice to the Athlete or other Person of an asserted Anti-Doping Rule Violation and it diligently pursues that Anti-Doping Rule Violation.

7.1.2 NEPAL ANTI-DOPING shall have results management authority in relation to an Article 2.4 Anti-Doping Rule Violation (subject to ISTI Article I.6) where the Athlete in question files his/her whereabouts information with NEPAL ANTI-DOPING.

- (a) Results management in relation to potential Whereabouts Failures shall be conducted by NEPAL ANTI-DOPING in accordance with this Article 7.1.2 and Article I.5 of the International Standard for Testing and Investigations (with the administrative review, if any, carried out by one or more Independent Reviewers in accordance with Article 7.5) in order to determine whether all of the requirements of Article I.3.6 of the International Standard for Testing and Investigations (in the case of a Filing Failure) or all of the requirements of Article I.4.3 of the International Standard for Testing and Investigations (in the case of a Missed Test) are met such that a Whereabouts Failure should be declared and recorded against the Athlete.
- (b) Where a Whereabouts Failure by an Athlete who is subject to NEPAL ANTI-DOPING's results management authority is uncovered through an attempt by or on behalf of an Anti-Doping Organisation other than NEPAL ANTI-DOPING to test that Athlete, then NEPAL ANTI-DOPING shall procure the requisite information and assistance from that other Anti-Doping Organisation pursuant to ISTI Article I.5.2, so that NEPAL ANTI-DOPING may carry out its result management in respect of the Whereabouts Failure in accordance with this Article 7.1.2 and Article ISTI Article I.5.
- (c) Where an Athlete who is subject to NEPAL ANTI-DOPING's Article 7.1.2 results management authority is declared to have committed three Whereabouts Failures (i.e. any combination of Filing Failures and/or Missed Tests adding up to three) within any 12-month period, then the matter shall be referred to one or more Independent Reviewer(s) to determine, in accordance with Article 7.5 and ISTI Article I.5.4, whether the Athlete has a case to answer under Article 2.4.

7.1.3 Where responsibility for results management arises under these Rules, it shall be undertaken by NEPAL ANTI-DOPING. Any dispute between NEPAL ANTI-DOPING and another Anti-Doping Organisation over which organisation has results management authority shall be settled by WADA in accordance with Code Article 7.1.

- 7.1.4 Where NEPAL ANTI-DOPING has responsibility for results management under these Rules in respect of a case that has been passed to it by an International Federation or other Anti-Doping Organisation, NEPAL ANTI-DOPING may (at its sole discretion) submit the file received from the International Federation or other Anti-Doping Organisation to one or more Independent Reviewer(s) to review the file in accordance with Articles 7.2-7.6 (as applicable).
- 7.1.5 If an Athlete or other Person retires while NEPAL ANTI-DOPING is conducting the results management process, NEPAL ANTI-DOPING retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, and NEPAL ANTI-DOPING 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, NEPAL ANTI-DOPING has authority to conduct results management in respect of that Anti-Doping Rule Violation.

## **7.2 Review of Adverse Analytical Findings**

- 7.2.1 Upon receipt of an Adverse Analytical Finding in relation to an A Sample, NEPAL ANTI-DOPING shall proceed in accordance with the following provisions of this Article 7.2.
- 7.2.2 Notwithstanding any other provision of these Rules, at any point in the results management process (including, without limitation, after any further analysis of the Sample conducted in accordance with Article 6.4, and/or further Testing, and/or any further investigation conducted in accordance with Article 5.9), NEPAL ANTI-DOPING may decide not to bring the Adverse Analytical Finding forward as an anti-doping rule violation (either at all, or at that stage). NEPAL ANTI-DOPING will notify the Athlete and each Interested Party of that decision (with reasons).
- 7.2.3 Subject always to Article 7.2.2, upon receipt of an Adverse Analytical Finding in relation to an A Sample, NEPAL ANTI-DOPING (involving Independent Reviewers as appropriate) shall conduct a review of any TUE granted to the Athlete as well as of the documentation relating to the Doping Control and the A Sample analysis, and any other relevant documentation, to determine whether:
- (a) the presence of the Prohibited Substance or its Metabolite or Marker in the Athlete's Sample is consistent with a valid and applicable TUE held by the Athlete (or which could be referred to the retroactive TUE procedure in accordance with Articles 4.2.5 and 4.2.6); or
  - (b) there has been any apparent departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding.
- 7.2.4 If it is determined pursuant to Article 7.2.3 either that the Adverse Analytical Finding is consistent with a valid and applicable TUE held by the Athlete (or with a retroactive TUE), or that there has been an



apparent departure from either the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, then NEPAL ANTI-DOPING shall advise the Athlete and each Interested Party of that fact. NEPAL ANTI-DOPING shall take no further action in relation to such Adverse Analytical Finding.

- 7.2.5 If pursuant to Article 7.2.3 NEPAL ANTI-DOPING determines that there is neither a valid and applicable TUE with which the Adverse Analytical Finding is consistent, nor a departure from either the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, then there shall be deemed to be a case to answer under Article 2 and NEPAL ANTI-DOPING shall send the Athlete a Notice of Charge in accordance with Article 7.7.

### **7.3 Review of Atypical Findings**

- 7.3.1 Where a laboratory reports the presence in a Sample of a Prohibited Substance or its Marker or Metabolite as an Atypical Finding, NEPAL ANTI-DOPING (using Independent Reviewers as appropriate) will conduct a review to determine whether:

- (a) the presence of the Prohibited Substance or its Marker or Metabolite in the Athlete's Sample is consistent with a valid and applicable TUE held by the Athlete (or which could be referred to the retroactive TUE procedure in accordance with Articles 4.2.5 and 4.2.6); or
- (b) there has been any apparent departure from the International Standard for Testing and Investigations or from the International Standard for Laboratories that caused the Atypical Finding.

- 7.3.2 If it is determined pursuant to Article 7.3.1 either that the Atypical Finding is consistent with a valid and applicable TUE held by the Athlete (or with a retroactive TUE), or that there has been an apparent departure from either the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, then NEPAL ANTI-DOPING shall advise the Athlete and each Interested Party of that fact. NEPAL ANTI-DOPING shall take no further action in relation to such Atypical Finding.

- 7.3.3 If it is determined pursuant to Article 7.3.1 that there is neither a valid and applicable TUE with which the Atypical Finding is consistent, nor a departure from either the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, then NEPAL ANTI-DOPING may conduct any necessary follow-up investigation.

- 7.3.4 The results of the investigation shall be referred to one or more Independent Reviewers, as appropriate. If the Independent Reviewer(s) conclude(s) that the Atypical Finding should be considered an Adverse Analytical Finding, such that there is a case to answer under Article 2, NEPAL ANTI-DOPING shall send the Athlete a Notice of Charge in accordance with Article 7.7.

- 7.3.5 Pending the outcome of the investigation, the Atypical Finding shall be kept confidential, save that:

- (a) if it determines that the B Sample should be analysed as part of the investigation, NEPAL ANTI-DOPING shall notify the Athlete in accordance with Article 7.7.1(e), and such notice shall additionally include a description of the Atypical Finding and specify the Athlete's right to request copies of the A and B Sample laboratory documentation packages; and
- (b) if requested by Nepal Swimming Association, an International Federation or Major Event Organisation or a sports organisation that is about to select Athletes to participate in an International Event, NEPAL ANTI-DOPING may confirm that the Athlete has a pending Atypical Finding, after informing the Athlete.

7.3.6 If NEPAL ANTI-DOPING decides not to pursue the Atypical Finding as an Adverse Analytical Finding, it shall notify the Athlete and each Interested Party of that fact. Any Interested Party may either appeal that decision as set out in Article 13 or may elect to treat the Atypical Finding as an Adverse Analytical Finding and initiate proceedings under its own rules.

#### **7.4 Review of Adverse Passport Findings**

- 7.4.1 If an Adverse Passport Finding is reported, NEPAL ANTI-DOPING will notify the Athlete and WADA of the Adverse Passport Finding, send the Athlete a copy of the ABP Documentation Package, invite the Athlete to provide (by a specified deadline) an alternative explanation for the data on which the Adverse Passport Finding is based, and explain that, in the absence of a satisfactory alternative explanation, NEPAL ANTI-DOPING will proceed on the basis that the Athlete has a case to answer under Article 2.2. NEPAL ANTI-DOPING will forward any explanation provided by the Athlete in response to that notice, together with any information supplied by the Athlete in support of that explanation, to the three experts from the Expert Panel referred to in Article 5.5.5, for consideration (along with any other information that the three experts deem necessary) in accordance with the ABP Guidelines.
- 7.4.2 If, following such consideration, the three experts from the Expert Panel are no longer unanimously of the view that it is highly likely that the Athlete Used a Prohibited Substance or Prohibited Method, NEPAL ANTI-DOPING shall notify the Athlete and each Interested Party and (subject to the rights of appeal set out at Article 13) the matter shall not proceed any further.
- 7.4.3 If, following such consideration, the three experts from the Expert Panel maintain, notwithstanding the Athlete's explanation, that it is highly likely that the Athlete Used a Prohibited Substance or Prohibited Method, and unlikely that the Adverse Passport Finding is the result of any other cause, then NEPAL ANTI-DOPING shall send the Athlete a Notice of Charge in accordance with Article 7.7.

#### **7.5 Review of Whereabouts Failures**

- 7.5.1 Where (in accordance with Article I.5.2 of the International Standard for Testing and Investigations) an Athlete requests an administrative review of a Filing Failure or Missed Test declared by NEPAL ANTI-DOPING (pursuant to Article 7.1.2), NEPAL ANTI-DOPING shall refer the file to one or more suitably qualified Independent Reviewer(s), who shall carry out that administrative review in accordance with the applicable Article of the International Standard for Testing and Investigations.

- 7.5.2 If the conclusion following administrative review is that all of the requirements for recording a Whereabouts Failure are not met, NEPAL ANTI-DOPING shall so advise the Interested Parties (and the Anti-Doping Organisation that uncovered the Whereabouts Failure, if applicable), giving reasons for that decision. Subject to the rights of appeal set out at Article 13, the matter shall not proceed any further.
- 7.5.3 If the conclusion following administrative review is that all of the requirements for recording a Whereabouts Failure are met, or if the Athlete does not request an administrative review, NEPAL ANTI-DOPING shall notify the Athlete and shall record the notified Whereabouts Failure against him/her.
- 7.5.4 NEPAL ANTI-DOPING shall report a decision to record a Whereabouts Failure against an Athlete to WADA and all other relevant Anti-Doping Organisations on a confidential basis via ADAMS or another system approved by WADA.
- 7.5.5 Where two Whereabouts Failures have already been recorded against the Athlete in the 12-month period prior to the alleged Whereabouts Failure under administrative review, if the Independent Reviewer(s) determines(s) that the alleged Whereabouts Failure under review should be recorded against the Athlete as well, then Article 7.1.2(c) shall apply, and if that/those Independent Reviewer(s) determines(s) there is a case to answer under Article 2.4, then NEPAL ANTI-DOPING shall send the Athlete a Notice of Charge in accordance with Article 7.7.

## **7.6 Review of Evidence Other Than Adverse Analytical Findings, Atypical Findings or Adverse Passport Findings**

- 7.6.1 Where a matter is referred to one or more Independent Reviewer(s) that involves evidence of a potential Anti-Doping Rule Violation other than an Adverse Analytical Finding, an Atypical Finding or an Adverse Passport Finding, NEPAL ANTI-DOPING shall identify one or more Independent Reviewer(s) who have the expertise required by the nature of the particular case to review the evidence to determine whether there is a case to answer under Article 2.
- 7.6.2 Where the Independent Reviewer(s) conclude(s) that there is a case to answer under Article 2, NEPAL ANTI-DOPING shall send the Athlete or other Person a Notice of Charge in accordance with Article 7.7.

## **7.7 Notice of Charge**

- 7.7.1 Where it is determined, pursuant to Article 7, that an Athlete or other Person has a case to answer under Article 2, then NEPAL ANTI-DOPING shall as soon as practicable notify the Athlete or other Person in writing (the "**Notice of Charge**") of:
- (a) the Anti-Doping Rule Violation(s) that the Athlete or other Person is charged with committing;
  - (b) a summary of the facts and evidence relied upon by NEPAL ANTI-DOPING in support of such charge, and (where the charge is based upon an Adverse Analytical Finding) 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;

- (c) any Provisional Suspension to be imposed on the Athlete or other Person pursuant to Article 7.9.1 or Article 7.9.2, along with an explanation of the Athlete's or other Person's Article 7.9.3 rights in relation to such Provisional Suspension;
- (d) the Consequences applicable under these Rules if it is established that the Athlete or other Person has committed the Anti-Doping Rule Violation(s) charged (including identifying any discretion that may exist in relation to such Consequences under these Rules);
- (e) where the charge is based on an Adverse Analytical Finding:
  - (i) the right of the Athlete to request the analysis of the B Sample by the laboratory that analysed the A Sample, explaining that if the Athlete wishes to exercise such right he/she must submit a written request for such analysis so that it is received by NEPAL ANTI-DOPING within 10 days of the Athlete's receipt of the Notice of Charge, failing which the right to the B Sample analysis shall be deemed to be waived; and
  - (ii) if such right is exercised, the right of the Athlete and/or the Athlete's representative to attend the opening and analysis of the B Sample at a date and time to be specified by NEPAL ANTI-DOPING in accordance with Article 7.8;
- (f) the right of the Athlete or other Person to respond to the Notice of Charge in one of the following ways:
  - (i) to admit the Anti-Doping Rule Violation(s) charged, and accede to the Consequences specified in the Notice of Charge;
  - (ii) to admit the Anti-Doping Rule Violation(s) charged, but to dispute and/or seek to mitigate the Consequences specified in the Notice of Charge, and to have the Consequences determined at a hearing conducted in accordance with Article 8; or
  - (iii) to deny the charge, and to have the charge and (if the charge is upheld) any Consequences determined at a hearing conducted in accordance with Article 8;

provided that if the Athlete or other Person wishes to exercise his/her right to a hearing, he/she must submit a written request for such a hearing so that it is received by NEPAL ANTI-DOPING as soon as possible, but in any event within 10 days of the Athlete's or other Person's receipt of the Notice of Charge. The request must also state how the Athlete or other Person responds to the charge in the Notice of Charge and must explain (in summary form) the basis for such response. In the event no such response is received by that deadline, the Athlete or other Person will be deemed to have admitted the Anti-Doping Rule Violation(s) charged, and, unless NEPAL ANTI-DOPING (at its sole discretion) refers the determination of the applicable Consequences to a hearing conducted in accordance with Article 8, the Athlete or other Person shall also be deemed to have acceded to the Consequences specified in the Notice of Charge.

- 7.7.2 NEPAL ANTI-DOPING shall send copies of the Notice of Charge to each Interested Party.
- 7.7.3 In the Notice of Charge, and/or at any other time prior to the determination of the charge at a hearing, NEPAL ANTI-DOPING may invite the Athlete or other Person to admit the Anti-Doping Rule Violation(s) charged and accede to the specified Consequences.
- 7.7.4 In the event that NEPAL ANTI-DOPING withdraws the Notice of Charge, or the Athlete or other Person admits the Anti-Doping Rule Violation(s) charged and accedes to the Consequences specified by NEPAL ANTI-DOPING (or is deemed to have done so in accordance with Article 7.7.1), neither B Sample analysis nor a hearing is required. Instead, NEPAL ANTI-DOPING shall promptly issue a reasoned decision confirming the withdrawal of the Notice of Charge or the commission of the Anti-Doping Rule Violation(s) and the imposition of the specified Consequences (as applicable), shall send notice of the decision to the Athlete or other Person and to each Interested Party, and (if applicable) shall Publicly Disclose the decision in accordance with Article 8.4.

## **7.8 B Sample Analysis**

- 7.8.1 If the Athlete exercises the right to have his/her B Sample analysed, such analysis shall be conducted on the date and at the time specified by NEPAL ANTI-DOPING, and the Athlete and/or his/her representative shall have a right to attend at the laboratory that analysed the A Sample on that date and at that time, at the Athlete's cost, to witness the opening and analysis of the B Sample, as shall representatives of NEPAL ANTI-DOPING, FINA or the IPC (as applicable) and Nepal Swimming Association (at their own cost). The Athlete shall have no right to an adjournment of the specified date and time. If the Athlete or his representative is unable to attend on the specified date or at the specified time, and does not offer an alternative date and/or time that is acceptable to NEPAL ANTI-DOPING and the laboratory, then the laboratory shall arrange for an independent witness to attend the B Sample analysis on the specified date and at the specified time to verify, in accordance with the International Standard for Laboratories, that the B Sample container shows no signs of tampering and that the identifying numbers correspond to those on the Sample collection documentation. Where an Athlete has been provisionally suspended (in accordance with Article 7.9.1 or 7.9.2), he/she shall remain provisionally suspended notwithstanding the fact that he/she has requested the analysis of his B Sample.
- 7.8.2 If the Athlete admits the Anti-Doping Rule Violation(s) charged, and/or does not exercise his/her right to the B Sample analysis (in accordance with Article 7.7.1(e)(i)), he/she will be deemed to have accepted the Adverse Analytical Finding based on the A Sample analysis alone. NEPAL ANTI-DOPING may however proceed with such analysis at any time if it believes that it is relevant to the proceedings against the Athlete, in which case an independent witness shall attend the analysis for the purpose set out in Article 7.8.1.
- 7.8.3 If the analysis of the B Sample does not confirm the Adverse Analytical Finding in respect of the A Sample, then (unless NEPAL ANTI-DOPING charges the Athlete with Use under Article 2.2) the entire test shall be considered negative and the Athlete and each Interested Party will be so informed. In such circumstances, the Notice of Charge will be withdrawn, the proceedings instituted against the Athlete shall be discontinued, any

Provisional Suspension previously imposed on the Athlete pursuant to Article 7.9 shall be deemed automatically vacated with immediate effect, and no further disciplinary action shall be taken against the Athlete by NEPAL ANTI-DOPING in relation to the original Adverse Analytical Finding (provided, however, that NEPAL ANTI-DOPING may investigate why the A Sample did not match the B Sample). In addition, where the Athlete or the Athlete's team has been removed from a Competition as a result of the Adverse Analytical Finding, if it is still possible (without otherwise affecting the Competition) for the Athlete or team to be reinstated, the Athlete or team may be reinstated and continue to take part in the Competition.

- 7.8.4 If the B Sample analysis confirms (or is deemed to confirm) the Adverse Analytical Finding in respect of the A Sample, then NEPAL ANTI-DOPING shall provide the B Sample laboratory documentation package to the Athlete (if applicable), and the matter shall proceed to a hearing as set out in Article 8. In case of doubt as to whether the B Sample analysis confirms the Adverse Analytical Finding in respect of the A Sample, NEPAL ANTI-DOPING may refer the matter to one or more Independent Reviewer(s), as it deems appropriate.
- 7.8.5 Where Article 7.8.2 and/or 7.8.3 applies, NEPAL ANTI-DOPING shall be responsible for the costs of the B Sample analysis. Where Article 7.8.4 applies, NEPAL ANTI-DOPING may require the Athlete to pay the costs of the B Sample analysis.

## **7.9 Provisional Suspension**

- 7.9.1 Mandatory Provisional Suspension after an Adverse Analytical Finding:

Where an Adverse Analytical Finding or Adverse Passport Finding is issued against an Athlete for a Prohibited Substance or for evidence of a Prohibited Method, other than a Specified Substance, and it has been concluded in accordance with Article 7.2 or Article 7.4 that the Athlete has a case to answer under Article 2, then (subject only to Article 7.9.3) a Provisional Suspension will come into effect automatically on the date specified by NEPAL ANTI-DOPING in the Notice of Charge.

- 7.9.2 Discretionary Provisional Suspension in other cases:

- (a) In all other cases not covered by Article 7.9.1 where it is determined that an Athlete or other Person has a case to answer under Article 2, unless NEPAL ANTI-DOPING decides to disapply this Article 7.9.2 then (subject only to Article 7.9.3) a Provisional Suspension will come into effect automatically on the date specified by NEPAL ANTI-DOPING in the Notice of Charge.
- (b) If NEPAL ANTI-DOPING disapplies Article 7.9.2(a) so that no date is specified in the Notice of Charge for a Provisional Suspension to come into effect, no Provisional Suspension will come into effect prior to determination of the charge unless so ordered by the NADP on application by NEPAL ANTI-DOPING, which application must be based on evidence that was not available to NEPAL ANTI-DOPING at the time the Notice of Charge was sent.

- 7.9.3 An Athlete's or other Person's right to challenge the imposition of a Provisional Suspension:

An Athlete or other Person who receives notice of an automatic Provisional Suspension pursuant to Article 7.9.1 or Article 7.9.2(a) has the right to apply to the NADP, either immediately (i.e., before the Provisional Suspension comes into force) or at any time prior to the full hearing, showing cause why the Provisional Suspension should not be imposed (or, where it has been imposed, why it should be lifted), provided that:

- (a) If the Athlete or other Person applies for an order that the Provisional Suspension not be imposed before the Provisional Suspension comes into effect under Article 7.9.1 or 7.9.2(a), then the Provisional Suspension shall not come into effect pending the decision on the application.
- (b) If the Athlete or other Person does not make an application before the Provisional Suspension comes into effect under Article 7.9.1 or 7.9.2(a), but makes an application after that date for the Provisional Suspension to be lifted, the Provisional Suspension shall remain in place pending the decision on the application.
- (c) The Provisional Suspension shall be imposed (or shall not be lifted) unless the Athlete or other Person establishes that:
  - (i) the charge(s) has/have no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the Athlete or other Person;
  - (ii) 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) charged, so that any period of Ineligibility that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4;
  - (iii) the violation is likely to have involved a Contaminated Product; or
  - (iv) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a Provisional Suspension prior to a full hearing on the merits of the charge(s) against the Athlete or other Person. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the Athlete or other Person participating in a particular Competition or Event shall not qualify as exceptional circumstances for these purposes.

7.9.4 Provisional Suspensions may be appealed as provided under Article 13.3.

7.9.5 No Provisional Suspension if B Sample analysis does not confirm A Sample analysis:

In accordance with Article 7.8.3, if the B Sample analysis does not confirm the Adverse Analytical Finding in respect of the A Sample, then no Provisional Suspension shall be imposed upon the Athlete. If a Provisional Suspension was imposed prior to receipt of the non-

confirmatory results of the B Sample analysis, it shall be deemed automatically vacated with immediate effect, without the need for any order from the NADP.

7.9.6 Effect of Provisional Suspension:

An Athlete or other Person who is subject to a Provisional Suspension may not, during the period of Provisional Suspension, participate in any capacity (or, in the case of an Athlete Support Person, assist an Athlete who is participating in any capacity) in any Competition, Event or other activity organised, convened, authorised or recognised by Nepal Swimming Association or by anybody that is a member of, or affiliated to, or licensed by Nepal Swimming Association. In addition, Nepal Swimming Association shall take all steps within its power to have the Provisional Suspension recognised and enforced by all other relevant parties, including in accordance with Code Article 15.1.

7.9.7 Notice of Provisional Suspension:

- (a) Any Provisional Suspension imposed under this Article 7.9 will be notified to all Interested Parties, but will otherwise remain confidential in accordance with Article 14, save only to the extent disclosure is required to ensure that the Provisional Suspension is recognised and enforced, including in accordance with Code Article 15.1.
- (b) In all cases where an Athlete has been notified of an Anti-Doping Rule Violation that does not result in a mandatory Provisional Suspension under Article 7.9.1, the Athlete shall be offered the opportunity to accept a Provisional Suspension pending the resolution of the matter.

7.9.8 Right to expedited hearing:

An Athlete who is subject to a Provisional Suspension has the right, if he/she so wishes, to an expedited hearing on the merits of the charge(s) against him/her pursuant to Article 8, to take place (save in exceptional circumstances) no later than 14 days after the date of imposition of the Provisional Suspension.

## **7.10 Statute of Limitations**

Notwithstanding any other provision of these Rules, no charge may be brought under these Rules against an Athlete or other Person in respect of an Anti-Doping Rule Violation unless he/she has been notified of the Anti-Doping Rule Violation as provided in Article 7.7, or notification has been reasonably attempted, within ten years from the date that the Anti-Doping Rule Violation is asserted to have occurred.

## **Article 8: Disciplinary Proceedings**

### **8.1 Jurisdiction of the National Anti-Doping Panel (NADP)**

The following matters arising under these Rules shall be submitted for determination by the National Anti-Doping Panel (NADP), in accordance with the NADP Rules, as amended from time to time:

- 8.1.1 A charge that one or more Anti-Doping Rule Violations has been committed: see Article 7.7. Where such charge is upheld, the NADP first instance tribunal will determine what Consequences (if any) should be imposed, in accordance with and pursuant to Articles 9 and 10.



- 8.1.2 An application that a Provisional Suspension not be imposed (or be lifted): see Article 7.9.3.
- 8.1.3 An appeal brought in accordance with Article 13.

## **8.2 Observers**

Interested Parties who are not joined as a party to the proceedings before the NADP shall have the right (a) to be kept advised of the status and outcome (with reasons) of the proceedings; and (b) to attend all hearings as observers.

## **8.3 Rules of Evidence and Procedure**

- 8.3.1 NEPAL ANTI-DOPING shall have the burden of establishing that the Athlete or other Person charged has committed the Anti-Doping Rule Violation(s) specified in the Notice of Charge. To meet that burden, NEPAL ANTI-DOPING must establish the Athlete's or other Person's commission of the Anti-Doping Rule Violation(s) charged to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegations that are made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.
- 8.3.2 Where these Rules place the burden of proof upon the Athlete or other Person charged with the commission of an Anti-Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, then the applicable standard of proof shall be by a balance of probability.
- 8.3.3 The hearing panel shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any legal rules in relation to such matters. Facts may be established by any reliable means, including admissions.
- 8.3.4 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review shall be 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.
- 8.3.5 WADA-accredited laboratories, and other laboratories approved by WADA, shall be presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person charged with the commission of an Anti-Doping Rule Violation may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred that could reasonably have caused the Adverse Analytical Finding (or the factual basis for any other Anti-Doping Rule Violation with which the Athlete or other Person is charged). If he/she does so, then NEPAL ANTI-DOPING shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding (or the factual basis for such other Anti-Doping Rule Violation).

- 8.3.6 Departures from any other International Standard or other anti-doping rule or policy set forth in these Rules of the Code that did not cause an Adverse Analytical Finding or the factual basis for any other Anti-Doping Rule Violation with which the Athlete or other Person is charged shall not invalidate such evidence or results. If the Athlete or other Person charged with committing the Anti-Doping Rule Violation establishes the occurrence of a departure from another International Standard or other anti-doping rule or policy occurred that could reasonably have caused the Anti-Doping Rule Violation based on an Adverse Analytical Finding or the factual basis for any other Anti-Doping Rule Violation with which the Athlete or other Person is charged, then NEPAL ANTI-DOPING shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding or the factual basis for such other Anti-Doping Rule Violation.
- 8.3.7 Any other deviation from these Rules or the procedures referred to in these Rules shall not invalidate any finding, procedure, decision or result under the Rules unless the Athlete or other Person relying on such deviation establishes that it casts material doubt on the reliability of that finding, procedure, decision or result, and NEPAL ANTI-DOPING is unable to rebut that showing.
- 8.3.8 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction that 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.
- 8.3.9 The hearing panel may draw an inference that is adverse to an Athlete or other Person charged with commission of 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 by telephone, as directed by the hearing panel) and to answer questions put by the hearing panel or NEPAL ANTI-DOPING.

#### **8.4 Publication of Decisions**

- 8.4.1 Where the hearing panel determines that an Anti-Doping Rule Violation has been committed, the decision shall be Publicly Reported within 20 days of the decision unless the Athlete or other Person charged has a right to appeal against the decision, in which case the decision shall not be Publicly Reported (a) until the deadline for appeal has passed and no appeal has been filed; or (b) if an appeal is filed, unless and until the decision that an Anti-Doping Rule Violation was committed is affirmed on appeal (in which case the final appellate decision shall also be Publicly Reported within 20 days of that decision). However, this

mandatory Public Reporting requirement shall not apply 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.

- 8.4.2 Where the hearing panel has determined that an Anti-Doping Rule Violation has not been committed, the decision shall not be Publicly Disclosed unless the Athlete or other Person charged consents to such disclosure. Where the Athlete or other Person charged does not so consent, a summary of the decision may be published, provided that

what is disclosed does not enable the public to identify the Athlete or other Person charged.

- 8.4.3 Publication shall be accomplished at a minimum by placing the required information on NEPAL ANTI-DOPING's website and leaving the information up for the longer of one month or the duration of any period of Ineligibility.

## **8.5 Single Hearing before Court of Arbitration for Sport (CAS)**

Anti-Doping Rule Violations asserted against International-Level Athletes or National-Level Athletes may, with the consent of the Athlete, NEPAL ANTI-DOPING, WADA and any other Anti-Doping Organisation that would have had a right to appeal a first instance hearing decision to CAS all consent, charges asserting Anti-Doping Rule Violations may be heard directly by CAS, with no requirement for a prior hearing.

## **Article 9: Automatic Disqualification of Individual Results**

### **9.1 Disqualification of Competition Results as a Consequence of an Anti-Doping Rule Violation Committed in Connection with or Arising out of an In-Competition test**

An Anti-Doping Rule Violation in Individual Sports in connection with or arising out of an In-Competition test automatically leads to Disqualification of the result obtained in the Competition in question, with all resulting Consequences, including forfeiture of any medals, titles, points and prizes.

### **9.2 Impact of Disqualification on an Opponent's Results**

There will be no adjustment of results, medals, titles, points, prizes or other consequences for the opponent of an Athlete (or the opponent of the team of an Athlete) subsequently found to have committed an Anti-Doping Rule Violation, irrespective of any Disqualification of results that may be ordered under these Rules, unless specific provision is made for such adjustment in the rules of FINA or the IPC (as applicable) or in the applicable Event or Competition rules.

## **Article 10: Ineligibility Sanctions for Individuals**

### **10.1 Disqualification of Event Results as a Consequence of an Anti-Doping Rule Violation Committed During or in Connection with a Competition in the Event**

- 10.1.1 Except as provided in Article 10.1.2, where an Athlete is found to have committed an Anti-Doping Rule Violation during or in connection with one Competition in an Event, then (in addition to the consequences set out at Article 9.1) the Anti-Doping Rule Violation may (upon the decision of the ruling body) lead to the Disqualification of any individual results obtained by the Athlete in other Competitions in that Event, with all resulting Consequences, including forfeiture of all medals, titles, points and prizes. Factors to be included in considering whether to Disqualify other results in an Event might include, for example, the seriousness of the Athlete's Anti-Doping Rule Violation and whether the Athlete tested negative in the other Competitions.

- 10.1.2 If the Athlete establishes that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation in question, the Athlete's individual results in such other Competitions shall not be Disqualified unless NEPAL ANTI-DOPING establishes that the Athlete's results in those other Competitions were likely to have been affected by the Athlete's Anti-Doping Rule Violation.

## **10.2 Imposition of a Period of Ineligibility for the Presence, Use or Attempted Use, or Possession of a Prohibited Substance and/or a Prohibited Method**

The period of Ineligibility for an Anti-Doping Rule Violation under Article 2.1, 2.2 or 2.6 that is the Athlete's or other Person's first anti-doping offence shall be as follows, subject to potential reduction or suspension pursuant to Article 10.4, 10.5 or 10.6:

- 10.2.1 The period of Ineligibility shall be four years where:
- (a) 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.
  - (b) The Anti-Doping Rule Violation involves a Specified Substance and NEPAL ANTI-DOPING can establish that the Anti-Doping Rule Violation was intentional.
- 10.2.2 If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.
- 10.2.3 As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Athletes or other Persons 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.

## **10.3 Imposition of a Period of Ineligibility for Other Anti-Doping Rule Violations**

The period of Ineligibility for Anti-Doping Rule Violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

- 10.3.1 For an Anti-Doping Rule Violation under Article 2.3 or Article 2.5 that is the Athlete's or other Person's first anti-doping offence, the period of Ineligibility shall be four years unless, in a case of failing to submit to Sample collection, the Athlete can establish that the commission of the Anti-Doping Rule Violation was not intentional (as defined in Article 10.2.3), in which case the period of Ineligibility shall be two years.

- 10.3.2 For violations of Article 2.4 that is the Athlete's first anti-doping offence, 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 Article is not available to Athletes where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Athlete was trying to avoid being available for Testing.
- 10.3.3 For an Anti-Doping Rule Violation under Article 2.7 or 2.8 that is the Athlete's or other Person's first anti-doping offence, the period of Ineligibility shall be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation, provided that:
- (a) An Anti-Doping Rule Violation under Article 2.7 or 2.8 involving a Minor shall be considered a particularly serious offence and, if committed by Athlete Support Personnel for violations other than those involving Specified Substances, shall result in lifetime Ineligibility for such Athlete Support Personnel.
  - (b) Significant Anti-Doping Rule Violations under Article 2.7 or 2.8 that may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.
- 10.3.4 For an Anti-Doping Rule Violation under Article 2.9 that is the Athlete's or other Person's first offence, the period of Ineligibility imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.
- 10.3.5 For an Anti-Doping Rule Violation under Article 2.10 that is the Athlete's or other Person's first offence, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Athlete's or other Person's degree of Fault and other circumstances of the case.

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

If an Athlete or other Person establishes in an individual case that he/she bears No Fault or Negligence for the Anti-Doping Rule Violation charged, then the otherwise applicable period of Ineligibility shall be eliminated.

#### **10.5 Reduction of the period of Ineligibility based on No Significant Fault or Negligence**

10.5.1 Reduction of Sanctions for Specified Substances or Contaminated Products for Anti-Doping Rule Violations under Article 2.1, 2.2 or 2.6:

(a) 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.

(b) 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.

10.5.2 Application of No Significant Fault or Negligence beyond the Application of Article 10.5.1:

In an individual case where Article 10.5.1 is not applicable, if an Athlete or other Person establishes that he/she bears No Significant Fault or Negligence, then (subject to further reduction or elimination as provided in Article 10.6) the otherwise applicable period of Ineligibility may be reduced based on the Athlete's or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight years.

**10.6 Elimination, Reduction, or Suspension of the Period of Ineligibility or other Consequences for Reasons Other than Fault**

10.6.1 Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations:

(a) NEPAL ANTI-DOPING may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case in which it has results management authority where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organisation, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organisation discovering or bringing forward an Anti-Doping Rule Violation by another Person, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal 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 NEPAL ANTI-DOPING. After a final appellate decision under Article 13 or the expiration of time to appeal, NEPAL ANTI-DOPING may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA and the applicable International Federation.

(b) The extent to which the otherwise applicable period of Ineligibility and/or other Consequences 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 Article 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, NEPAL ANTI-DOPING shall reinstate the original period of Ineligibility and/or other Consequences.

If NEPAL ANTI-DOPING decides to reinstate a suspended period of Ineligibility and/or other Consequences or decides not to reinstate a suspended period of Ineligibility and/or other Consequences that decision may be appealed by any Person entitled to appeal under Article 13.

- (c) To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of NEPAL ANTI-DOPING (provided it has results management authority) or at the request of the Athlete or other Person who has, or has been asserted to have, committed an Anti-Doping Rule Violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organisation.
- (d) If NEPAL ANTI-DOPING suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to each Interested Party. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise NEPAL ANTI-DOPING to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.
- (e) Where NEPAL ANTI-DOPING declines to exercise the discretion conferred on it by this Article 10.6.1, and the matter comes before a hearing

panel under Article 8 or an appeal panel under Article 13, the hearing panel/appeal panel (as applicable) may exercise such discretion if the conditions of Article 10.6.1(a) are satisfied.

#### 10.6.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence:

Where an Athlete or other Person voluntarily admits the commission of an Anti-Doping Rule Violation before having received either (a) notification of a Sample collection that could establish the Anti-Doping Rule Violation (in the case of an Anti-Doping Rule Violation under Article 2.1), or (b) a Notice of Charge (in the case of any other Anti-Doping Rule Violation), and that admission is the only reliable evidence of the violation at the time of the admission, then the otherwise applicable period of Ineligibility may be reduced, but not by more than one half.

#### 10.6.3 Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1:

An Athlete or other Person potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection), 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's or other Person's degree of Fault by promptly admitting the asserted Anti-Doping Rule Violation after being confronted with it, upon the approval and at the discretion of WADA and NEPAL ANTI-DOPING.

10.6.4 Application of Multiple Grounds for Reduction of a Sanction:

Where an Athlete or other Person establishes entitlement to a reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4, and 10.5. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.6, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

## 10.7 Multiple Violations

10.7.1 For an Athlete's or other Person's second Anti-Doping Rule Violation, the period of Ineligibility shall 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 Article 10.6; or
- (c) twice the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

The period of Ineligibility established above may then be further reduced by the application of Article 10.6.

10.7.2 A third Anti-Doping Rule Violation will always result in a lifetime period of Ineligibility, except if the third Anti-Doping Rule Violation fulfils the conditions for elimination or reduction of the period of Ineligibility under Article 10.4 or 10.5, or involves an Anti-Doping Rule Violation under Article 2.4. In these particular cases, the period of Ineligibility shall be from eight years to lifetime Ineligibility.

10.7.3 An Anti-Doping Rule Violation for which an Athlete or other Person has established No Fault or Negligence shall not be considered a prior violation for purposes of this Article.

10.7.4 Additional rules for certain potential multiple offences:

- (a) For the purposes of imposing sanctions under Article 10.7, an Anti-Doping Rule Violation will only be considered a second Anti-Doping Rule Violation if NEPAL ANTI-DOPING can establish that the Athlete or other Person committed the second Anti-Doping Rule Violation after he/she received notice, or after NEPAL ANTI-DOPING or its designee made a reasonable attempt to give notice, of the first Anti-Doping Rule



Violation. Otherwise, the Anti-Doping Rule Violations shall be considered as one single first Anti-Doping Rule Violation, and the sanction imposed shall be based on the Anti-Doping Rule Violation that carries the more severe sanction.

- (b) If, after the imposition of a sanction for a first Anti-Doping Rule Violation, NEPAL ANTI-DOPING discovers a second Anti-Doping Rule Violation by the same Athlete or other Person that occurred prior to notification of the first Anti-Doping Rule Violation, then an additional sanction shall be imposed based on the sanction that could have been imposed if the two Anti-Doping Rule Violations had been adjudicated at the same time. Results in all Competitions dating back to the earlier Anti-Doping Rule Violation will be subject to Disqualification in accordance with Article 10.8.

10.7.5 Multiple Anti-Doping Rule Violations during a ten-year period:

Any prior Anti-Doping Rule Violation shall only be taken into account for purposes of Article 10.7 if it took place within ten years of the Anti-Doping Rule Violation now under consideration.

- 10.7.6 For the avoidance of doubt, where an Athlete or other Person is found to have committed two or more separate Anti-Doping Rule Violations, the Ineligibility periods for the separate offences shall run sequentially, not concurrently.

### **10.8 Disqualification of Results in Competitions Taking Place After the Commission of the Anti-Doping Rule Violation**

Unless fairness requires otherwise, in addition to the Disqualification of results under Article 9.1 and Article 10.1, any other results obtained by the Athlete, in Competitions taking place after the date the Sample in question was collected or other Anti-Doping Rule Violation occurred through to the commencement of any

Provisional Suspension or Ineligibility period, shall be Disqualified, with all of the resulting Consequences, including forfeiture of any medals, titles, points and prizes.

### **10.9 Allocation of CAS Cost Awards and Forfeited Prize Money**

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Athletes only if provided for in the rules of the relevant International Federation and/or the ruling body of the Event in question; and third, reimbursement of NEPAL ANTI-DOPING's expenses in relation to its results management in the case and towards NEPAL ANTI-DOPING's costs in enforcing these Rules.

### **10.10 Financial Consequences**

[Intentionally left blank]

### **10.11 Commencement of Ineligibility Period**

The period of Ineligibility shall start on the date of the final decision providing for Ineligibility, or if the hearing is waived, or there is no hearing, on the date Ineligibility is accepted or otherwise imposed, save as follows:

- 10.11.1 Delays not attributable to the Athlete or other Person:

Where there have been substantial delays in the hearing process or other aspects of Doping Control that are not attributable to the Athlete or other Person charged, the period of Ineligibility may be deemed to have started at an earlier date, commencing as far back as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified.

#### 10.11.2 Timely Admission:

Where the Athlete or other Person promptly (which means, in any event, before he/she competes again) admits the Anti-Doping Rule Violation after being confronted with it by NEPAL ANTI-DOPING, the period of Ineligibility may start as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. In each case, however, where this Article is applied, the Athlete or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Athlete or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3.

#### 10.11.3 Credit for Provisional Suspension or period of Ineligibility Served:

- (a) Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Athlete or other Person shall be credited against the total period of Ineligibility to be served. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Athlete or other Person shall receive credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal. To get credit for any period of voluntary Provisional Suspension, however, the Athlete or other Person must have given written notice at the beginning of such period to NEPAL ANTI-DOPING (and NEPAL ANTI-DOPING shall copy that notice to each Interested Party) and have respected the Provisional Suspension.
- (b) No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension (whether imposed or voluntarily accepted), regardless of whether the Athlete elected not to compete or was suspended by his or her team.
- (c) 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 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 served.

### **10.12 Status During Ineligibility**

- 10.12.1 An Athlete or other Person who has been declared Ineligible may not, during the period of Ineligibility, participate in any capacity (or, in the case of an Athlete Support Person, assist any Athlete participating in any capacity) in a Competition, Event or other activity (other than authorised

anti-doping education or rehabilitation programmes) organised, convened, authorised or recognised by (a) Nepal Swimming Association or by any body that is a member of, or affiliated to, or licensed by Nepal Swimming Association; (b) any Signatory; (c) any club or other body that is a member of, or affiliated to, or licensed by, a Signatory or a Signatory's member organisation; (d) any professional league or any international-or national-level Event organisation; or (e) any elite or national-level sporting activity funded by a governmental agency. In addition, save where the Anti-Doping Rule Violation involved a reduced sanction as described in Article 10.4 or 10.5, some or all financial support or benefits (if any) that Nepal Swimming Association might have otherwise provided to the Athlete or other Person shall be withheld. In addition, Nepal Swimming Association shall take all steps within its power to have the period of Ineligibility recognised and enforced by all relevant parties, including other Signatories pursuant to Code Article 15.1.

10.12.2 Where an Event that will take place after the period of Ineligibility has an entry deadline that falls during the period of Ineligibility, the Athlete may submit an application for entry in the Event in accordance with that deadline, notwithstanding that at the time of such application he/she is still Ineligible.

10.12.3 An Athlete who is Ineligible shall remain subject to Testing and must provide whereabouts information (as applicable) for that purpose during the period of Ineligibility.

10.12.4 The only exceptions to Article 10.12.1 are as follows:

- (a) An Athlete or other Person who is 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 Nepal Swimming Association or by any body that is a member of, or affiliated to, or licensed by Nepal Swimming Association or a Signatory or member of a Signatory, but only so long as the local sports events are not at a level that could otherwise qualify such Athlete or other Person directly or indirectly to compete in (or accumulate points towards) a national championship or International Event, and does not involve the Athlete or other Person working in any capacity with Minors; and
- (b) an Athlete may return to train with a team or to use the facilities of a club or other member organisation of Nepal Swimming Association or a Signatory's member organisation 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.

10.12.5 If an Athlete or other Person who is Ineligible violates the prohibition against participation during Ineligibility set out in Article 10.12.1, any results he/she obtained during such participation shall be Disqualified, with all resulting Consequences, including forfeiture of all medals, titles, points and prizes, and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Athlete's or other Person's degree of Fault and other circumstances of the case. The determination of whether an Athlete or other Person has violated the prohibition against participation, and

whether an adjustment is appropriate, shall be made by the Anti-Doping Organisation which brought the charge that led to the initial period of Ineligibility. This decision may be appealed under Article 13.

- 10.12.6 Where an Athlete Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, NEPAL ANTI-DOPING (or the Anti-Doping Organisation with jurisdiction over such Athlete Support Person or other Person) shall impose sanctions for an Anti-Doping Rule Violation under Article 2.9 for such assistance.

### **10.13 Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in Articles 8.4 and 13.8.

### **10.14 Reinstatement**

- 10.14.1 Once an Athlete's or other Person's period of Ineligibility has expired, provided the Athlete or other Person has (a) respected Article 10.12.3, (b) respected Article 1.4.3, and (c) satisfied in full all forfeiture penalties due under these Rules and any costs order made against him/her by an NADP tribunal and/or CAS, the Athlete or other Person will become automatically re-eligible to compete and no application by the Athlete or other Person for reinstatement will then be necessary (unless the Athlete or other Person is otherwise Ineligible for reasons not related to

the Anti-Doping Rule Violation for which the expired period of Ineligibility was imposed).

- 10.14.2 NEPAL ANTI-DOPING may in its absolute discretion establish an instalment plan for payment of any prize money forfeited under these Rules. The payment schedule may extend beyond any period of Ineligibility imposed on the Athlete in question. In such a case, the Athlete will be eligible to compete at the end of the period of Ineligibility provided no sums are overdue under that plan. If sums subsequently become overdue, the Athlete shall be automatically Ineligible again until all remaining sums payable under such plan (or, at NEPAL ANTI-DOPING's absolute discretion, only the overdue amounts) are paid in full.

## **Article 11: Consequences To Teams**

### **11.1 Testing of Team Sports or a sport in which awards are given to teams**

Where more than one member of a team has been notified of a possible Anti-Doping Rule Violation in connection with an Event, the team may be subjected to Target Testing during the Event Period.

### **11.2 Consequences for Team Sports or a sport in which awards are given to teams**

- 11.2.1 Where an Anti-Doping Rule Violation has been committed by a member of a relay in swimming or team in open water swimming, or a duet or team in synchronised swimming or diving, the relay, duet or team shall be Disqualified from the Competition or Event with all resulting Consequences including forfeiture of any medals, points or prizes.

- 11.2.2 Where more than one player in a water polo team has committed an Anti-Doping Rule Violation in connection with an Event or Competition, then (unless each player establishes all of the conditions for reduction of sanction under Article 10.5.1) the results of the team shall be Disqualified for the match(es) in the Event or Competition in which those players took part, and the other team(s) shall be declared winner(s) with the score 5 – 0 unless the other team(s) actually won by a greater margin (in which case the actual score will stand).
- 11.2.3 Further sanction in regard to teams may be decided by Nepal Swimming Association pursuant to the Nepal Swimming Association disciplinary rules (e.g. loss of points or other sanction) over and above any consequences that are imposed on the individual team members and/or the team under these Rules or the ruling body of the Event or Competition in question.

## Article 12: **Sanctions against Sporting Bodies**

[Intentionally left blank].

## Article 13: **Appeals**

### **13.1 Appeal Rights**

Decisions made under these Rules may be challenged only by appeal exclusively as set out in this Article 13 or as otherwise provided under these Rules. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

### **13.2 Appeals from TUE Decisions**

- 13.2.1 In the event that the TUE application of an Athlete who is not an International-Level Athlete is denied by the Nepal TUE Committee, the Athlete may appeal the decision, in whole or in part, exclusively to the Nepal TUE Appeal Panel, in the manner set out in the Nepal Anti-Doping Procedures Guide for Sport.
- 13.2.2 Decisions of the Nepal TUE Appeal Panel shall be final and binding and are not subject to appeal (but for the avoidance of doubt, they may still be reviewed by WADA at any time in accordance with Article 4.5.1).
- 13.2.3 Any TUE decision by an International Federation that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or NEPAL ANTI-DOPING exclusively to CAS.
- 13.2.4 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, NEPAL ANTI-DOPING and/or the International Federation affected exclusively to CAS.

### **13.3 Appeals from Provisional Suspensions**

- 13.3.1 If an application under Article 7.9.3 not to impose (or to lift) a Provisional Suspension is rejected, only the Athlete or other Person upon

whom the Provisional Suspension is imposed shall have a right to appeal that decision (save that there shall be no right to appeal a decision not to eliminate a mandatory Provisional Suspension on account of the Athlete's assertion that the violation is likely to have involved a Contaminated Product). The Athlete or other Person shall have the right to an immediate expedited appeal in accordance with Articles 13.4 and 13.7. The Provisional Suspension shall remain in effect pending a decision on the merits of the appeal.

- 13.3.2 If an application under Article 7.9.3 not to impose (or to lift) a Provisional Suspension is granted, that decision shall be final and binding on the parties (subject only to reconsideration in the light of any new evidence), and neither NEPAL ANTI-DOPING nor any other Person shall have a right to appeal against it.

#### **13.4 Appeals from Other Decisions**

- 13.4.1 The following decisions -- a decision that an Anti-Doping Rule Violation was (or was not) committed, a decision imposing (or not imposing) Consequences for an Anti-Doping Rule Violation (other than as provided for in Article 13.3); a decision that a charge cannot go forward for

procedural reasons (e.g., because of lapse of time); a decision by WADA or by NEPAL ANTI-DOPING (as applicable) not to grant an exception to the six month notice requirement for a retired Athlete to return to Competition under Article 1.4.2; a decision by WADA assigning results management under Code Article 7.1; a decision 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 a charge after an investigation under Article 7.6; NEPAL ANTI-DOPING's failure to comply with Article 7.9; a decision on an application made pursuant to Article 1.6.1(c); a decision that NEPAL ANTI-DOPING or a hearing panel lacks jurisdiction to deal with an alleged Anti-Doping Rule Violation or its Consequences; a decision made pursuant to Article 10.6.1 in relation to suspension or reinstatement of a period of Ineligibility; a decision under Article 10.12.5; and a decision not to recognise a decision of another Anti-Doping Organisation under Code Article 15.1 -- may be appealed by any of the following parties exclusively as provided in this Article 13:

- (a) the Athlete or other Person who is the subject of the decision being appealed;
- (b) Nepal Swimming Association;
- (c) NEPAL ANTI-DOPING;
- (d) the relevant International Federation;
- (e) the National Anti-Doping Organisation(s) of the Person's country of residence, country of nationality, and country where he/she is licensed to participate in sport (if different from NEPAL ANTI-DOPING);
- (f) any other Anti-Doping Organisation under whose rules a sanction could have been imposed for the Anti-Doping Rule Violation in question;
- (g) 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

- (h) WADA.

In the absence of any such appeal, such decisions shall be final and binding on all of the above Persons.

13.4.2 Subject to Article 13.5, an appeal pursuant to Article 13.4.1 shall be made as follows:

- (a) In a case arising from participation in an International Event or involving an International-Level Athlete, the appeal shall be made exclusively to CAS, following the procedures set out in CAS Code of Sports-related Arbitration and in Article 13.7 of these Rules.
- (b) In all other cases, the appeal shall be made to an NADP appeal tribunal, following the procedures set out in the NADP Rules

and in Article 13.7 of these Rules, unless the parties to the appeal all consent that the appeal should be heard by CAS.

### **13.5 Appeals by WADA**

13.5.1 Notwithstanding any other provision of these Rules, where WADA has a right of appeal under these Rules against a decision, and no other party has appealed against that decision, WADA may appeal such decision directly to CAS without having first to exhaust any other remedy, including (without limitation) without having to appeal to an NADP appeal tribunal.

13.5.2 Where, in a particular case, NEPAL ANTI-DOPING fails to render a decision with respect to whether an Anti-Doping Rule Violation was committed within a reasonable deadline set by WADA, WADA shall have a right of appeal to CAS as if NEPAL ANTI-DOPING had rendered a decision finding no Anti-Doping Rule Violation. If CAS 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 pursuing the appeal shall be reimbursed to WADA by NEPAL ANTI-DOPING.

### **13.6 Appeals from NADP Appeal Tribunal Decisions**

For cases under Article 13.4.2, decisions of an NADP appeal tribunal may be challenged by appeal to CAS only by WADA, the relevant International Federation, and, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, by the International Olympic Committee and International Paralympic Committee (as applicable). Subject thereto, decisions of the NADP shall be the full, final and complete disposition of the appeal and will be binding on all of the Persons identified in Article 13.4.1. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organisation whose decision is being appealed and the information shall be provided if CAS so directs.

### **13.7 Appeal Procedure**

13.7.1 The time to file an appeal to the NADP or to CAS (as applicable) shall be 21 days from the date of receipt of the decision by the appealing party; save that:

- (a) Within 10 days of receipt of the decision, a potential appellant that was not a party to the proceedings that gave rise to the decision shall have the right to request from the body that issued the decision a copy of the file on which such body relied. It shall then have 21 days from receipt of the file to file an appeal.
  - (b) The filing deadline for an appeal filed by WADA shall be the later of:
    - (i) 21 days after the last day on which any other party in the case could have appealed; and
    - (ii) 21 days after WADA's receipt of a copy of the file on which the body that issued the decision relied.
- 13.7.2 Each Interested Party, if not joined as a party to the appeal, shall have the right to be kept apprised of the status and outcome (with reasons) of the appeal, as well as the right to attend appeal hearings as an observer.
- 13.7.3 Cross appeals and other subsequent appeals by any respondent named in appeals brought to the NADP or the CAS under these Rules or the Code are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with its answer to the original appeal.
- 13.7.4 The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.
- 13.7.5 In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.
- 13.7.6 NEPAL ANTI-DOPING (or any other Anti-Doping Organisation that is a party to an appeal) shall promptly provide the appeal decision to the Athlete or other Person and to the Interested Parties. Any Interested Party may, within 15 days of receipt of a decision pursuant this Article 13.7.6, request a copy of the full case file pertaining to the decision.

### **13.8 Publication of Decisions**

- 13.8.1 A decision on appeal that an Anti-Doping Rule Violation has been committed shall be Publicly Reported within 20 days of the decision, unless a further appeal right exists, in which case the decision shall not be Publicly Reported (a) until the deadline for appeal has passed and no appeal against that decision has been filed; or (b) if an appeal against that decision is filed, unless and until the decision that an Anti-Doping Rule Violation has been committed has been affirmed on appeal (in which case the final appellate decision shall also be Publicly Reported within 20 days of that decision). However, this mandatory Public Reporting requirement shall not apply 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.
- 13.8.2 A decision on appeal that an Anti-Doping Rule Violation has not been committed shall not be Publicly Disclosed unless the Athlete or other Person who is the subject of the decision consents to such disclosure.



Where he/she does not so consent, a summary of the decision may be Publicly Disclosed, provided that what is disclosed does not enable the public to identify the Athlete or other Person.

## Article 14: **Confidentiality and Reporting**

### **14.1 Reporting of Pending Cases**

- 14.1.1 Any notice given to Interested Parties and/or other third parties of pending cases pursuant to these Rules shall be provided to them on the confidential basis set out in Code Article 14.1.5.
- 14.1.2 Subject to Article 7.9.7, the identity of an Athlete or other Person charged with an Anti-Doping Rule Violation shall not be Publicly Disclosed except in accordance with Article 8.4 and Article 13.8. Where such Public Disclosure is permitted under those Articles, the Athlete's or other Person's identity shall be Publicly Disclosed, including on NEPAL ANTI-DOPING's website.
- 14.1.3 NEPAL ANTI-DOPING will not comment publicly on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete or other Person charged or his/her representatives.
- 14.1.4 NEPAL ANTI-DOPING may consult with Nepal Swimming Association at any time in relation to pending investigations and/or cases on the confidential basis set out in Code Article 14.1.5.

### **14.2 Reporting of Testing**

To ensure efficient use of anti-doping resources, completed tests conducted pursuant to these Rules shall be reported by NEPAL ANTI-DOPING to the WADA clearinghouse, using ADAMS or another system approved by WADA as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete, the Athlete's International Federation, and any other Anti-Doping Organisation with Testing authority over the Athlete.

### **14.3 Reporting under the Code**

The number of Adverse Analytical Findings and Anti-Doping Rule Violations arising under these Rules shall be Publicly Reported by NEPAL ANTI-DOPING, as a minimum on a quarterly basis.

## Article 15: **Application and Recognition of Decisions**

### **15.1 Recognition of Signatories' Decisions**

The Testing, hearing results or other final adjudications of any Signatory that are consistent with the Code and are within that Signatory's authority shall be applicable worldwide and shall be recognised and respected by NEPAL ANTI-DOPING and Nepal Swimming Association, its member and affiliate organisations, its licensees and all those subject to these Rules automatically upon receipt of the same, without the need for further formality.

## **15.2 Recognition of Non-Signatories' Decisions**

NEPAL ANTI-DOPING and Nepal Swimming Association shall recognise the measures taken by other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

## Article 16: **Challenges to a Decision or these Rules**

### **16.1 Governing Law and Jurisdiction**

16.1.1 Subject to Article 1.5.4, these Rules and all matters and proceedings arising in connection with the Rules shall be governed by the laws of Nepal.

16.1.2 To the greatest extent allowable under applicable law:

- (a) any challenge to these Rules or to a decision made pursuant to these Rules shall be made exclusively in accordance with the provisions of Article 13, and shall not be made by recourse to any court or other forum; and
- (b) all Athletes and other Persons shall be deemed to have waived irrevocably any right to appeal against, to seek review of, or otherwise to challenge any decision made by a first instance NADP tribunal, an NADP appeal tribunal, or a CAS Panel under these Rules.

16.1.3 Subject strictly to Article 16.1.2, the courts of Nepal shall have exclusive jurisdiction in relation to these Rules and any decision made hereunder.

### **16.2 Limitation of Liability**

None of Nepal Swimming Association, NEPAL ANTI-DOPING, or any of their respective members, directors, officers, employees, agents, representatives and other Persons involved in the administration of the Rules shall be liable to any Person in any way, in relation to acts done or omitted to be done in good faith in connection with the enforcement of these Rules.

### **16.3 Severability**

If any part of these Rules is held invalid, unenforceable or illegal for any reason, these Rules shall remain otherwise in full force apart from such part, which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

## Article 17: **Miscellaneous**

### **17.1 Data**

Nepal Swimming Association and NEPAL ANTI-DOPING shall comply with the Code and International Standards (including specifically the Protection of Privacy and Personal Information) and with applicable data protection and privacy laws in respect of the handling of personal information provided to them under these Rules.

### **17.2 Notices**

- 17.2.1 All written notices or other written communications given or made under or referred to in these Rules shall be governed by the provisions of this Article.
- 17.2.2 Each Athlete in the National Registered Testing Pool or Domestic Testing Pool shall provide Nepal Swimming Association and NEPAL ANTI-DOPING with a proper postal address to which notice may be delivered. In the event of a change of address, it is the responsibility of the Athlete to provide Nepal Swimming Association and NEPAL ANTI-DOPING with such amended details.
- 17.2.3 Notice to an Athlete in the National Registered Testing Pool or Domestic Testing Pool shall be delivered by first class post to the address provided by that Athlete pursuant to Article 17.2.2. Such notice shall be deemed to have been received upon the expiry of three working days after the date of posting.
- 17.2.4 Notice to any other Person shall be accomplished by sending the notice by first class post to the address provided by that Person to Nepal Swimming Association, or to the last known address of such Person, as applicable. Such notice shall be deemed to have been received upon the expiry of three working days after the date of posting.
- 17.2.5 Nepal Swimming Association or NEPAL ANTI-DOPING may, at its discretion, as an alternative to, or in conjunction with notice by first class post, use any other method of secure and confidential communication available, including but not limited to registered post, facsimile, email and/or telephone. In the case of such means of communication, there shall be no deemed receipt; if disputed by the Person, actual receipt must be proved.
- 17.2.6 Written notice or other written communications to Nepal Swimming Association or NEPAL ANTI-DOPING given or made under or referred to in these Rules shall be accomplished by hand delivery or by first class post to Nepal Swimming Association or NEPAL ANTI-DOPING at its registered office or the fax number listed on its official website and shall be deemed to have been given or served on Nepal Swimming Association or NEPAL ANTI-DOPING on the day of delivery (if delivered by hand or faxed before 5pm on a business day; otherwise, on the next business day) or upon the expiry of three working days after the date of posting (if delivered by first class post), as applicable.
- 17.2.7 Written notices or other written communications given or made under, or referred to in these Rules, other than as set out in the preceding sub-articles, shall be accomplished by sending the notice by first class post to the address of the addressee. Such notice shall be deemed to have

been received upon the expiry of three working days after the date of posting.

### **17.3 Matters Not Otherwise Provided For**

- 17.3.1 Where a matter arises that is not otherwise provided for in these Rules, the Person or body called upon to resolve the matter shall have discretion to do so in such manner as he/she/it sees fit, provided that such resolution does not materially undermine the reliability of proceedings under these Rules or otherwise cause material injustice to the Athlete or other Person to whom the Rules are being applied.

## **Appendix: Definitions**

### **ABP**

See definition of Athlete Biological Passport.

### **ABP Documentation Package:**

The material produced by the Laboratory and APMU to support an Adverse Passport Finding such as, but not limited to, analytical data, Expert Panel comments, evidence of confounding factors as well as other relevant supporting information.

### **ABP Guidelines:**

WADA's Athlete Biological Passport Operating Guidelines and Compilation of Required Elements, as amended by WADA from time to time. In the event that these Rules are not consistent with the ABP Guidelines as amended from time to time, the ABP Guidelines shall take precedence over these Rules.

### **ABP Programme:**

The programme and methods of gathering and collating biological Markers on a longitudinal basis to facilitate indirect detection of the Use of Prohibited Substances and Prohibited Methods.

### **ABP Testing:**

The collection, transportation and analysis of Samples to measure individual blood variables for longitudinal profiling as part of the ABP Programme.

### **ADAMS:**

The Anti-Doping Administration and Management System maintained by WADA.

### **Administration:**

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

### **Adverse Analytical Finding:**

A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Testing and related technical documents, identifies in a Sample the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

### **Adverse Passport Finding:**

See Article 5.5.6.

**Anti-Doping Organisation:**

A Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other Major Event Organisations that conduct Testing at their Events, WADA, the International Federation, and National Anti-Doping Organisations such as NEPAL ANTI-DOPING.

**Anti-Doping Rule Violation:**

One of the prohibited acts or omissions set out at Article 2.

**APMU**

See definition of Athlete Passport Management Unit.

**Athlete:**

Any Person who competes at any level in the sport under the jurisdiction of the NGB; save that for purposes of Article 2.8 and Article 2.9, an Athlete is any Person who participates at any level in any sport under the authority of any Signatory, government or other sports organisation accepting the Code.

**Athlete Biological Passport (or ABP):**

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 Passport Management Unit (or APMU):**

See Article 5.5.2.

**Athlete Support Personnel:**

Any coach, trainer, manager, agent, team staff, official, nutritionist, 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 Athlete or other 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 that requires further investigation prior to the determination of an Adverse Analytical Finding, as provided in the Prohibited List or the International Standard for Laboratories or related technical documents or as otherwise specified by WADA.

**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 in Lausanne, Switzerland.

**Code:**

The World Anti-Doping Code. See Article 0.

**Competition:**

A single race, match, game or other sport contest.

**Consequences of Anti-Doping Rule Violations (or Consequences):**

An Athlete 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, titles, 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, in accordance with Article 10.12.1; and
- (c) **Provisional Suspension** means the Athlete or other Person is barred temporarily from participating in any Competition, Event or other activity organised, convened, authorised or recognised by the NGB or by any body that is a member of, or affiliated to, or licensed by the NGB pending determination of a charge that he/she has committed an Anti-Doping Rule Violation, as provided in Article 7.9.
- (d) **Public Disclosure or Public Reporting (or to Publicly Disclose or Publicly Report)** means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with these Rules.

Teams in Team Sports or a sport in which awards are given to teams may also be subject to Consequences as provided in Article 11.

**Contaminated Product:**

A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable internet search.

**Disqualification:**

See definition of Consequences of Anti-Doping Rule Violations.

**Domestic Testing Pool:**

A pool established by NEPAL ANTI-DOPING of Athletes who are not in the National Registered Testing Pool but are required to provide specified information to NEPAL ANTI-DOPING about their whereabouts so that they can be located for purposes of Testing, and may be transferred to the

National Registered Testing Pool if they fail to comply with those requirements.

**Doping Control:**

All steps and processes from test distribution planning through to ultimate disposition of any appeal, including all steps and processes in between, such as provision of whereabouts information, Sample collection and handling, laboratory analysis, TUEs, results management, hearings and appeals.

**Effective Date:**

1<sup>st</sup> October 2020.

**Event:**

A series of individual Competitions conducted together under one ruling body (e.g., the Olympic Games).

**Event Period:**

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

**Expert Panel:**

See Article 5.5.2.

**Fault:**

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

**Filing Failure:**

See Article 2.4.

**In-Competition:**

Unless provided otherwise in the rules of the International Federation for the sport in question or the ruling body of the Event in question, the period commencing 12 hours before a Competition in which the Athlete is scheduled to participate through to the end of such Competition and the Sample collection process related to such Competition.

**Independent Observers:**

A team of observers, under the supervision of WADA, who observe and provide guidance



on the Doping Control process at certain Events and report on their observations.

**Independent Reviewer(s):**

One or more suitably qualified experts, who are independent of NEPAL ANTI-DOPING, and who are appointed by NEPAL ANTI-DOPING to carry out the functions ascribed to Independent Reviewer(s) in these Rules.

**Individual Sport:**

Any sport that is not a Team Sport.

**Ineligibility:**

See definition of Consequences of Anti-Doping Rule Violations.

**Interested Party:**

The International Federation, WADA, the NGB and any other Anti-Doping Organisation that has a right to appeal the decision in question under Article 13.4.

**International Event:**

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

**International Federation:**

An international non-governmental organisation administering one or more sports at world level.

**International-Level Athlete:**

Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations.

**International Registered Testing Pool:**

A pool of Athletes designated by an International Federation in accordance with ISTI Article I.2.

**International Standard:**

A standard adopted by WADA in support of the Code (including any technical documents issued pursuant to such standard). Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. WADA's Executive Committee may approve revisions to an International Standard at any time, and such revisions shall become effective in relation to the Rules on the date specified by WADA, without the need for any further action by WADA, the NGB or NEPAL ANTI-DOPING. The version of each International Standard that is in effect at the relevant time will be the latest version published on WADA's website ([www.wada-ama.org](http://www.wada-ama.org)).

**International Standard for Laboratories:**

The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website ([www.wada-ama.org](http://www.wada-ama.org)).

**International Standard for the Protection of Privacy and Personal Information:**

The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website ([www.wada-ama.org](http://www.wada-ama.org)).

**International Standard for Testing and Investigations (or ISTI):**

The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website ([www.wada-ama.org](http://www.wada-ama.org)).

**International Standard for Therapeutic Use Exemptions:**

The International Standard of the same name adopted by WADA in support of the Code, which is available on WADA's website ([www.wada-ama.org](http://www.wada-ama.org)).

**ISTI:**

See definition of International Standard for Testing and Investigations.

**Major Event Organisation:**

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

**Marker:**

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

**Metabolite:**

Any substance produced by a biotransformation process.

**Minor:**

A natural Person under the age of 18.

**Missed Test:**

See Article 2.4.

**NADP:**

See definition of National Anti-Doping Panel.

**NADP Rules:**

The rules issued by the National Anti-Doping Panel, as amended from time to time, setting out the procedures to be followed by NADP arbitral tribunals and NADP appeal tribunals in matters referred to them under these Rules.

**National Anti-Doping Organisation:**

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

**National Anti-Doping Panel:**

The panel of arbitrators administered by Sport Resolutions (Nepal) or its successor to whom matters may be referred under Articles 8 and/or 13.

**National Anti-Doping Policy:**

The document of that name issued by or on behalf of Nepal Government, compliance with which is a condition of eligibility for public funding in Nepal.

**National Event:**

An Event or Competition held in Nepal that does not qualify as an International Event.

**National-Level Athlete:**

Any Person who competes at any level in the sport under the jurisdiction of the NGB and who is not an International-Level Athlete shall be deemed a "**National-Level Athlete**" for purposes of the Code and the International Standards.

**National Olympic Committee:**

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

**National Registered Testing Pool:**

See Article 5.4.1.

**National TUE Pool:**

See Article 4.2.4(b).

**No Fault or Negligence:**

The Athlete or other Person establishing that he or she did not know or suspect, and could not reasonably have known or suspected, even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his/her system.

**No Significant Fault or Negligence:**

The Athlete or other Person establishing that his or her Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relation to the Anti-Doping Rule Violation. Except in the

case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his/her system.

**Out-of-Competition:**

Any period which is not In-Competition.

**Person:**

A natural person or an organisation or other entity.

**Possession:**

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

**Prohibited List:**

The Prohibited List International Standard issued by WADA, identifying the Prohibited Substances and Prohibited Methods, as amended from time to time, which is available on WADA's website ([www.wada-ama.org](http://www.wada-ama.org)).

**Prohibited Method:**

Any method so described on the Prohibited List.

**Prohibited Substance:**

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

**Provisional Suspension:**

See definition of Consequences of Anti-Doping Rule Violations.

**Public Disclosure or Public Reporting (or to Publicly Disclose or Publicly Report):**

See definition of Consequences of Anti-Doping Rule Violations.

**Registered Testing Pool:**

The pool of highest-priority Athletes established separately at the international level by International Federations and at the national level by NEPAL ANTI-DOPING, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's

or NEPAL ANTI-DOPING's test distribution plan and therefore are required to provide whereabouts information as provided in Code Article 5.6 and the ISTI.

**Rules:**

See Article 0.

**Sample:**

Any biological material collected for the purposes of Doping Control. Biological material collected for other purposes (e.g. DNA collected as part of an investigation for identification purposes) shall not be considered a 'Sample' (and so shall not be subject to Article 6 for purposes of these Rules).

**Signatories:**

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

**Specified Substance:**

See Article 3.3.1.

**Strict Liability:**

The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, Fault, negligence, or knowing Use on the Athlete's part be demonstrated by NEPAL ANTI-DOPING in order to establish an Anti-Doping Rule Violation.

**Substantial Assistance:**

For purposes of Article 10.6.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement all information that he/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) by testifying at a hearing if requested to do so by NEPAL ANTI-DOPING or the hearing panel. Further, the information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis upon which such a case could have been brought.

**Tampering:**

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

**Target Testing:**

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

**Team Sport:**

A sport in which the substitution of players is permitted during a Competition.

**Testing:**

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

**Trafficking:**

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

**TUE:**

Therapeutic Use Exemption. See Article 4.1.2.

**NEPAL ANTI-DOPING:**

Nepal Anti-Doping

**Nepal Anti-Doping Procedures Guide:**

The document of that name issued by NEPAL ANTI-DOPING, as amended by NEPAL ANTI-DOPING from time to time, which is available on NOC's Website

**Nepal TUE Committee:**

The committee established by NEPAL ANTI-DOPING to review TUE applications in accordance with Nepal Anti-Doping Procedures Guide.

**Nepal TUE Appeal Panel:**

The panel established by NEPAL ANTI-DOPING to hear an appeal regarding a denial or conditional grant of a TUE in accordance with Nepal Anti-Doping Procedures Guide.

**Use:**

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

**WADA:**

The World Anti-Doping Agency.

**Weighted:**

A ranking method of selecting Athletes using criteria where the ranking is based on the potential risk of doping and possible doping patterns.

**Whereabouts Failure:**

A Filing Failure or a Missed Test.