

EXPLANATORY SHEET FOR THE NEW FINA DC RULES

The new FINA Doping Control Rules as a consequence of the new World Anti-Doping Code (Code)

In accordance with Part 1, Doping Control, Introduction, 2nd paragraph of the Code, the following Doping Control Rules must be incorporated into the Rules of each *Anti-Doping Organisation* of which FINA is one:

- DC 1** **Definition of Doping (new)**
- DC 2** **Anti-Doping Rule Violations** (present Rule DC 2 Doping)
- DC 3** **Proof of Doping** (present Rules DC 2.4, DC 9.1.7, DC 9.10)
- DC 9** **Automatic Disqualification on Individual Results** (present Rule DC 9.7)
- DC 10** **Sanctions on Individuals** (present Rules DC 9.1.1, DC 9.1.2, DC 9.1.3, DC 9.1.4, DC 9.1.5, DC 9.1.6, DC 9.1.8, DC 9.2, DC 9.3, DC 9.4, DC 9.10, DC 9.11)

- DC 11** **Consequences to Teams** (present Rule DC 9.5)
- DC 13** **Appeals** (present Rules C 12.8.3, C 21.7, DC 12.3, DC 12.5, DC 12.6)
- DC 16** **Statute of Limitation** (new)
- Appendix 1** **Definitions Applicable to Doping Rules**

As a consequence of **DC 13 “Appeals”**, DC 13.2.3, the present FINA DC Rules C 21.7, DC 12.3 and DC 12.5 have been deleted. This Rule instead gives FINA right to appeal against a decision by a Member Federation to CAS. **DC 13.4** also gives FINA extra time in order to request a copy of the file from the Member. A new appeal deadline will run from the day of receipt of the file from the body having issued the decision.

FINA Rule DC 3 “Substances” has been replaced with **DC 4 “The Prohibited List”**. *The Prohibited List* will be the List published and revised by the World Anti-Doping Agency and found on WADA’s website. FINA will distribute copies of the current Prohibited List to its Members.

FINA Rule DC 3.5 has been replaced with **DC 4.4** in which the new term *therapeutic use exemption*, TUE, has been incorporated. WADA has been given the right to review the granting or denial of therapeutic use exemption subject to appeal to CAS. Also decisions on TUE cases by FINA may be appealed to CAS (**DC 13.3**)

FINA Rules DC 5,6,7 and 8 except for the rules about “Analysis of Samples” have been transferred to one rule **DC 5 “Testing”**. The Rules about Analysis have been concentrated into **DC 6 “Analysis of Samples”**.

DC 7 “Result Management” is a new rule in which FINA Rules DC 8.3.3. – DC 8.4 have been incorporated. In the new rule, the FINA DCRB has a more important role than in the present rules. A new term “*Provisional Suspension*” covering FINA Rules DC 8.3.5 and DC 9.6 has been introduced in **DC 7.1.12**. This new rule also contains a right to a hearing in connection with the “*Provisional Suspension*”. A decision to impose Provisional Suspension may be appealed to CAS in accordance with **DC 13.2**

DC 10 “Sanctions on Individuals” contains rules about sanctions for two new violations namely **DC 10.2** and **DC 10.4.3 “Possession” (DC 2.6)** and *whereabouts violations or missed tests (DC 2.4)*. On a first violation of substances except for specified substances on *the Prohibited List*, the period of **Ineligibility shall be 2 years**. Also note that *the Prohibited List* only contains two classes, one with prohibited substances and another with specified substances, which are particularly susceptible to unintentional anti-doping violations **DC 10.3**. **DC 10.2** covers FINA Rules DC 9.1.1 – DC 9.1.3.

In **DC 11.2** the requirement for disqualification of a Water Polo Team in a Competition now is that *more than one player* has committed a violation as in **DC 10.2**

FINA Rule DC 9.9 has been transferred to **DC 12.1**. Also note new **DC 12.4** containing fine of Member Federations for failing to make diligent efforts to keep FINA informed about competitors’ whereabouts.

Rules about *Retirement and Return to Competition* can be found in **DC 5.6**

No action may be commenced against a Competitor or other Person for violation of the DC Rules unless such action is commenced within eight (8) years from the date the violation occurred, **DC 16**.

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DOPING CONTROL INTRODUCTION

Preface

The FINA Extraordinary Congress in Barcelona (ESP) on 11 July 2003, decided to accept the World Anti-Doping *Code* (the "*Code*"). These Anti-Doping Rules are adopted and implemented in conformance with FINA's responsibilities under the *Code*, and are in furtherance of FINA's continuing efforts to eradicate doping in the aquatic sports.

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

Fundamental Rationale for the *Code* and FINA's Anti-Doping Rules

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Sport; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

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

Doping is fundamentally contrary to the spirit of sport.

Scope

These Anti-Doping Rules shall apply to each *Participant* in the activities of FINA or any of its *Member Federations* by virtue of the *Participant's* membership, accreditation, or participation in FINA, its *Member Federations*, or their *Competitions*.

These Anti-Doping Rules shall apply to all *Doping Controls* over which FINA has jurisdiction.

All *Member Federations* shall comply with these Anti-Doping Rules. The regulations of *Member Federations* shall indicate that all FINA Rules including Anti-Doping Rules shall be deemed as incorporated into and shall be directly applicable to and shall be followed by *Competitors, Competitor Support Personnel*, coaches, physicians, team leaders, and club and Federation representatives under the jurisdiction of the respective *Member Federations*. Each *Member Federation*, by being a Member of FINA, agrees that it shall:

- a) report all *Doping*
- b) *Control* results to FINA in accordance with DC 14.
- c) allow FINA to conduct *Doping Control* at that *Member Federation's* National Championships or any other *Competition* within its jurisdiction; and
- d) allow FINA to conduct unannounced *Testing* on any *Competitor* under that *Member Federation's* jurisdiction.

All *Competitors* shall submit to *Doping Control* carried out by FINA *In Competition, Out-of-Competition*, announced or unannounced. The *Competitor* shall submit to *Doping Control* whenever requested by an authorised official.

DC 1 DEFINITION OF DOPING

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

DC 2 ANTI-DOPING RULE VIOLATIONS

The following constitute anti-doping rule violations:

DC 2.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Competitor's* bodily *Specimen*.

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

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

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

DC 2.2 *Use or Attempted Use of a Prohibited Substance or a Prohibited Method.*

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

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

DC 2.4 Violation of the requirements regarding *Competitor* availability for *Out-of-Competition Testing* including failure to provide required whereabouts information in violation of DC 5.4.4, DC 5.4.5 and DC 5.4.6.

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

DC 2.6 *Possession of Prohibited Substances and Methods:*

DC 2.6.1 *Possession* by a *Competitor* at any time or place of a substance that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* unless the *Competitor* establishes that the *Possession* is pursuant to a therapeutic use exemption granted in accordance with DC 4.4 (Therapeutic Use) or other acceptable justification.

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

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

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

DC 3 PROOF OF DOPING

DC 3.1 FINA and its *Member Federations* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FINA or its *Member Federation* has established an anti-doping rule violation to the comfortable satisfaction of the hearing body bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Rules place the burden of proof upon the *Competitor* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

DC 3.2 Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

DC 3.2.1 *WADA*-accredited laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for laboratory analysis. The *Competitor* may rebut this presumption by establishing that a departure from the *International Standard* occurred. If the *Competitor* rebuts the preceding presumption by showing that a departure from the *International Standard* occurred, then FINA or its *Member Federation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

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

DC 4 THE PROHIBITED LIST

DC 4.1 These Anti-Doping Rules incorporate the *Prohibited List* which is published and revised by *WADA* (1).

(1) The most up to date *Prohibited List* is available on *WADA*'s website at www.wada-ama.org.

DC 4.2 Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication of the *Prohibited List* by WADA without requiring any further action by FINA. The FINA Bureau may upon recommendation of the DCRB recommend expansion of the *Prohibited List* by WADA particularly for the aquatic sports.

DC 4.3 WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* shall be final and shall not be subject to challenge by a *Competitor* or other *Person*.

DC 4.4 The FINA Executive, upon recommendation of the DCRB, may grant a *Competitor* a therapeutic use exemption, TUE, without violating these rules. Before such exemption can be granted, the *Competitor* must convince the DCRB and the Executive that the exemption is medically justified and will not create a competitive advantage. Requests for therapeutic use exemptions shall be evaluated in accordance with the *International Standard For Therapeutic Use Exemptions* (2). The Executive may grant an exemption under such conditions as it deems appropriate to assure that no competitive advantage can be gained. *Competitors* included by FINA in its *Registered Testing Pool* and other *Competitors* prior to participating in any *International Competition* must obtain a TUE from FINA. All other *Competitors* must obtain a TUE from the *National Anti-Doping Organisation* or other body designated by their *Member Federation*. *Member Federations* shall promptly report any such TUE to FINA and WADA.

WADA may review the granting or denial of therapeutic use exemptions.

DC 4.5 FINA, upon the recommendation of the DCRB, may recommend to WADA the inclusion of substances in the monitoring program established in Article 4.5 of the *Code*.

DC 5 TESTING

Testing by FINA and its *Member Federations* shall substantially comply with the *International Standard for Testing* (3) as more particularly provided below.

DC 5.1 Submission to *Doping Control*

(2) The most up to date *International Standard for Therapeutic Use Exemptions* is also available on WADA's website.

(3) The most up to date *International Standard for Testing* is also available on WADA's website.

All *Competitors* shall submit in accordance with these Anti-Doping Rules or other applicable regulations to *In-* and *Out-of-Competition Doping Controls* carried out in accordance with these Anti-Doping Rules or other applicable regulations.

DC 5.2 Responsibility for *Doping Control*

DC 5.2.1 FINA is entitled to carry out *Doping Control* in and out of *Competition* on any *Competitor* affiliated to a *Member Federation*.

DC 5.2.2 The actual conduct of *Doping Control* at all FINA *Competitions* shall be the responsibility of a *Doping Control Commission* of one or more people appointed by the FINA Bureau. FINA may designate any party that is deemed suitable by FINA to collect *Samples* in accordance with these Rules. Such designee shall be referred to in these Rules as a "Sampling Agent or Agency" ("SA").

DC 5.2.3 In the Olympic Games, the FINA Executive, in collaboration with the IOC Medical Commission, shall determine the number of *Competitors* to be tested each day and for each discipline, and procedures followed shall be those set forth in the then-current anti-doping rules of the IOC. A similar procedure shall be followed in all other *Competitions* not organised by FINA with collaboration of other medical and organising committees, as appropriate.

DC 5.2.4 At all FINA *Competitions*, FINA shall be responsible for conducting *Doping Control*. All violations of these Anti-Doping Rules and disputes regarding *Doping Control* at FINA *Competitions* shall be heard by the FINA Doping Panel.

DC 5.2.5 At every *Competition* conducted by either a Continental Body recognised by FINA or by a regional organisation consisting of *Member Federations* of FINA, the respective Continental Body or regional organisation shall be responsible for conducting *Doping Control*. Sanctions for violations of these Rules at such *Competitions* beyond *Disqualifications* from the *Competitions* or the results of the *Competition* shall be heard by the FINA Doping Panel.

DC 5.2.6 At all other *Competitions* (except where *Doping Control* is carried out under the rules of another sporting body), the *Member Federation* conducting the *Doping Controls* or in whose territory a *Competition* is held shall be responsible for conducting *Doping Control*. The *Member Federation* shall apply FINA procedures or procedures substantially in accordance with the *International Standard for Testing*, it being understood that the difference does not affect the reliability of the results. The FINA Bureau may impose a sanction to a *Member Federation* that does not apply procedures in accordance with this Rule.

DC 5.2.7 Where the conduct of *Doping Control* at a *Competition* controlled by DC 5.2.6 results in a positive test on a *Competitor* who is not a member of the *Member Federation* that conducted the *Doping Control*, the *Member Federation* that conducted the *Doping Control* shall, as soon as possible, report the results of such test to the *Member Federation* which normally exercises jurisdiction over such *Competitor*, which will conduct the appropriate hearing procedures and impose the appropriate sanctions on the *Competitor*. The *Member Federation* that conducted the *Doping Control* shall send a copy of its report of the positive test to FINA.

DC 5.3 *Doping Control in FINA Competition*

DC 5.3.1 Selection of *Competitors* to be tested at FINA *Competition* shall be decided by the *Doping Control* Commission together with the Bureau Delegate at the *Competition*. All participating *Competitors* shall be considered. Selection shall be made before the start of each race or *Competition*. In Water Polo the draw shall occur immediately after the beginning of the last period of the game.

DC 5.3.2 Any swimmers establishing or breaking a World Record shall submit to *Doping Control* following the race. When a relay team breaks or equals a World Record, all *Competitors* swimming the relay shall be tested. If no *Doping Control* is conducted at the *Competition*, *Competitors* shall submit to *Doping Control* no later than 24 hours after the race. No World Record shall be recognised without a negative doping test certificate for all *Prohibited Substances* or *Methods* identified on the *Prohibited List* for which an analytical technique is available. It shall be the responsibility of any *Competitor* anticipating a possible World Record to ensure that *Doping Control* is available.

DC 5.3.3 Should a *Competitor* obtain a national record in a FINA *Competition* and not otherwise be selected for *Doping Control*, and the Rules of the *Member Federation* of the *Competitor* are similar to DC 5.3.2, the *Member Federation* may request FINA to conduct *Doping Control* on such *Competitor* upon payment of a fee reasonably determined by FINA.

DC 5.3.4 Upon selection of the *Competitor* for *Doping Control* during a *Competition*, the following procedures shall be followed:

DC 5.3.4.1 A member of the *Doping Control* Commission, or its designate (the "escort"), shall write the name of the *Competitor* on a notification card and present it to the *Competitor*, as discreetly as possible, immediately after the event. The *Competitor* shall sign to confirm receipt of the card and retain a copy. The time of signing shall be recorded on the card. The *Competitor* must stay in view of the escort until reporting to the *Doping Control* station.

DC 5.3.4.2 If a *Competitor* refuses to sign the notification card, the escort shall immediately report this to the *Doping Control* Commission who shall make every effort to inform the *Competitor* of his obligation to undergo *Doping Control*. If the *Competitor* fails or refuses to sign this notice or fails to report to *Doping Control* within one hour of acknowledging the notice, he shall be deemed to have refused to submit to *Doping Control* for the purpose of DC 2.3 and DC 10.4.1. Even if the *Competitor* indicates reluctance to report to the *Doping Control* station, the escort shall keep the *Competitor* in view until there is no question that the *Competitor* has refused to submit to *Doping Control*.

DC 5.3.4.3 The *Competitor* must appear in the *Doping Control* station within sixty (60) minutes after having been notified. However, if the *Competitor* has another closely following *Event*, he may, on request to the appointed *Doping Control* Commission, delay his arrival to the *Doping Control* station until sixty (60) minutes after completion of his final *Event* of that session. If a *Competitor* refuses *Doping Control*, this shall be recorded and the FINA Executive shall be notified.

DC 5.3.4.4 The *Competitor* shall be entitled to be accompanied to the *Doping Control* station by a *Competition*-accredited representative from his *Member Federation*.

DC 5.3.4.5 The *Competitor* must show identification at the *Doping Control* station. If accreditation has been picked up by the clerk of course before the *Competition*, this will suffice. The *Competitor's* time of arrival at the *Doping Control* station shall be recorded on the doping protocol.

DC 5.3.4.6 If a *Competitor* has to leave the *Doping Control* station for any justifiable reason, he may do so only under the constant supervision of an escort.

DC 5.3.4.7 Only the following persons may be present in the *Doping Control* station:

- a. *Doping Control* Commission
- b. Staff assigned to the station
- c. Authorised interpreters
- d. The *Competitors* selected for *Doping Control* and their respective accredited representative
- e. Other people only with the permission of the *Doping Control* Commission.

The news media shall not be admitted to the *Doping Control* station. The doors of the station must not be left open. No photography shall be permitted in the *Doping Control* station during the hours of operation.

DC 5.4 Unannounced *Testing* by FINA

DC 5.4.1 Unannounced *Doping Control* may be conducted by FINA at any time, including at the time or location of any *Competition* in every Member country. Preferably it shall be carried out without any advance notice to the *Competitor* or his *Member Federation*. Every *Competitor* affiliated to any *Member Federation* is obliged to undergo unannounced *Doping Control* as decided by FINA.

DC 5.4.2 Every *Member Federation* shall include in their Rules a provision obliging the *Member Federation* to allow unannounced *Doping Control* of any *Competitor* under its jurisdiction. It is the duty of every *Member Federation* to assist FINA and, if appropriate, other *Member Federations* in the carrying out of unannounced *Testing*. Any *Member Federation* preventing, hindering or otherwise obstructing the carrying out of such *Testing* shall be liable to sanctions according to Rule C 12.

DC 5.4.3 FINA shall keep a register of *Competitors* who are being subject to unannounced *Doping Control*. *Member Federations* shall have the obligation to submit the names, current places of living, addresses, training times and facilities, telephone numbers of *Competitors* requested by FINA, to enable FINA to conduct unannounced *Testing*.

DC 5.4.4 It shall be the obligation of each *Competitor* specifically identified by FINA for *Out-of Competition Testing* as well as that *Competitor's Member Federation*, to keep FINA informed about where the *Competitor* can be met for unannounced *Testing* any time, by utilising the FINA Location Form. If the *Competitor* cannot be found for unannounced *Testing* due to incorrect or insufficient information provided to FINA, the *Member Federation* to which the *Competitor* is affiliated shall be obliged to pay expenses for the unsuccessful attempt of *Testing*.

DC 5.4.5 If FINA attempts to conduct unannounced *Testing* but twice is unable to locate a *Competitor* at the address or location provided to FINA for such purposes, FINA shall send notice regarding the situation to both the *Competitor* and his or her *Member Federation*, requesting more detailed information as to the *Competitor's* schedule. If the *Competitor* cannot be located thereafter for a *Doping Control* test during a period up to twelve (12) months from the first date the *Competitor* was unable to be located, the *Competitor* shall be considered to have committed a doping violation under DC 2.4.

DC 5.4.6 A *Competitor* who fails to submit location information as required by FINA after receipt of a formal written warning from FINA to do so shall be considered to have committed a doping violation under DC 2.4.

DC 5.5 Procedures

DC 5.5.1 Collection of Urine *Samples* at FINA *Competition*.

DC 5.5.1.1 Each *Competitor* asked to provide a *Sample* shall also provide information on a form generated by FINA. The *Competitor's* name, country, code number and the event number will be entered into the form, as well as any medication taken by the *Competitor* which (a) is on the *Prohibited List* of substances and methods (DC 4.1), but which may be permitted under certain circumstances specified in the *Prohibited List*; or (b) has been approved for legitimate medical purposes pursuant to DC 4.4. The *Competitor* shall declare any medication and nutritional supplements that he/she has used in the preceding three (3) days. The form shall provide the names of the people present at the *Doping Control* station involved with the obtaining of the *Sample*, including the *Doping Control* Commission and the head of the station. Any irregularities must be registered on the form. The form shall include four copies for distribution as follows:

- a. a copy to be retained by the representative of FINA;
- b. a copy to be given to the *Competitor*;
- c. a special copy to be sent to the laboratory which is to conduct the analysis. The copy that is sent to the laboratory should not contain any information which could identify the *Competitor* who provided the *Sample*;
- d. an extra copy, for distribution as FINA deems appropriate.

DC 5.5.1.2 The *Competitor* shall select a collection vessel from a number of such vessels, visually check that it is empty and clean, and proceed to provide a minimum of 75 ml of urine under the direct supervision of, and within the view of, a sampling agent (SA), who shall be of the same gender as the *Competitor*. To ensure authenticity of the *Sample*, the SA may require such disrobing as is necessary to confirm the urine has been produced by the *Competitor*. No one other than the *Competitor* and SA shall be present when the urine is collected. Blood sampling may be performed prior to, after or instead of a urine *Sample* (see DC 5.5.3 below).

DC 5.5.1.3 The *Competitor* shall remain in the *Doping Control* station until he or she has fulfilled the duty to pass an adequate quantity of urine. If the *Competitor* is unable to provide the required amount, the urine which is collected shall be sealed in a container and the seal shall be broken when the *Competitor* is ready to provide more urine. The *Competitor* shall retain custody of the sealed container while waiting to provide more urine.

DC 5.5.1.4 When the *Competitor* has provided at least 75 ml of urine, he or she shall select from a number of such kits a urine control kit, containing two containers for *Samples* (A and B). The *Competitor* shall check to be sure the containers are empty and clean.

DC 5.5.1.5 The *Competitor*, or his representative, shall pour approximately two-thirds of the urine from the collection vessel into an A bottle and one-third into a B bottle which can be sealed as provided in the *International Standard for Testing*. A few drops of urine should remain in the collection vessel for the measurement of acidity and specific gravity. The *Competitor* shall then close both bottles and verify that no leakage can occur. The *Competitor* shall also verify that both containers have the same number code. The SA may, with permission of the *Competitor*, assist the *Competitor* with the procedures in this DC 5.5.1.5. The *Competitor* must also verify at each step in the *Doping Control* procedure that each bottle has the same code.

DC 5.5.1.6 The *Competitor* shall certify, by signing the appropriate form (see DC 5.5.1.1), that the entire procedure has been performed in compliance with the procedures outlined above. The *Competitor* shall also record any irregularities or procedural deviations he/she identifies. Any irregularities or procedural deviations identified by the *Competitor's* accredited representative (if present), the SA, *Doping Control* Commission member(s) or station staff shall be recorded on the form. The form will also be signed by the SA who witnessed the *Sample* procedure and by the *Competitor's* accredited representative (if present).

DC 5.5.1.7 The accumulation of *Samples* may take place over several sessions of *Competition* before dispatch to the laboratory. During this time, the *Samples* must be kept under security. If there is prolonged delay in dispatching the *Samples* to the laboratory, storage in a cool, secure place may be necessary. The organising committee of the *Competition* shall be responsible for the secure transport of the containers as soon as possible after *Doping Control*.

DC 5.5.1.8 FINA will provide identification labels, if required, for customs purposes. The opening of the transport container will not, of itself, invalidate *Doping Control*.

DC 5.5.2 Collection of urine *Samples* at unannounced *Testing*

DC 5.5.2.1 When a *Competitor* has been selected for unannounced *Doping Control*, the SA may either make an appointment to meet the *Competitor* or he may arrive unannounced at the *Competitor's* training camp, accommodation or any other place where the *Competitor* is likely to be found. In either case, the SA shall show proof of identity and provide a copy of his letter of appointment from FINA. The SA shall also require proof of identity of the *Competitor*. The actual collection of the *Sample* shall be in as much accordance with DC 5.5.1 as reasonably practicable.

DC 5.5.2.2 Arrangements for collection of the *Sample* shall be made as soon as possible after the appointment with the *Competitor* has been made. It is the *Competitor's* responsibility to check the arranged date, time and precise location of the meeting.

DC 5.5.2.3 Where an SA arrives unannounced he must give the *Competitor* reasonable time to complete any reasonable activity in which he is engaged under the observation of the SA, but *Testing* should commence as soon as possible.

DC 5.5.2.4 Each *Competitor* selected for unannounced *Testing* shall complete a form similar to the form described in DC 5.5.1.1.

DC 5.5.2.5 If the *Competitor* refuses to provide a urine *Sample*, the SA shall note this on the *Doping Control* form, sign his name to the form and ask the *Competitor* to sign the form. The SA shall also note any other irregularities in the *Doping Control* process.

DC 5.5.2.6 The nature of unannounced, *Out-of-Competition Doping Control* makes it desirable that little or no prior warning is given to the *Competitor*. Every effort will be made by the SA to collect the *Sample* speedily and efficiently with the minimum of interruption to the *Competitor's* training, social or work arrangements. If there is an interruption, however, no *Competitor* may take action to gain compensation for any inconvenience incurred.

DC 5.5.3 Blood *Sample* collection procedure – *In-Competition* and *Out-of-Competition Testing*

DC 5.5.3.1 Each *Competitor* selected to provide a blood *Sample* shall provide the information provided in DC 5.5.1.1.

DC 5.5.3.2 Blood *Samples* shall not be taken until a *Competitor* has completed all scheduled *Events* on the day of *Testing*.

DC 5.5.3.3 Blood sampling may be performed prior to, after or instead of a urine *Sample*. If after two attempts successful venipuncture is not achieved, no further blood sampling efforts will be attempted for 24 hours. No *Competitor* shall be required to provide more than two blood *Samples* in a 48-hour period. The total amount to be withdrawn in this period shall not exceed 20 mls. Blood *Samples* shall always be taken by physicians or other health care professionals trained and experienced in the collection of blood *Samples*. Blood shall be analysed only to detect the use of EPO, GH or other *Prohibited Substances* or *Methods*.

DC 5.5.3.4 The *Competitor* shall declare the following on the *Sample* collection form (DC 5.5.1.1):

- a. the use of any medications that may affect the venipuncture procedure, particularly those that affect clotting (e.g. aspirin, warfarin, non-steroidal anti-inflammatory agents),
- b. any other medications or nutritional supplements that he/she has used in the preceding three (3) days,
- c. any bleeding disorder, and
- d. any blood or blood product transfusions the *Competitor* has received in the preceding six months and the reason for the transfusion.

DC 5.5.3.5 The *Competitor* shall select one Blood Collection Kit, open it, inspect the contents and place these on a table in front of him/herself. The sampling official shall explain the blood sampling procedure to the *Competitor*. The *Competitor* will be asked to sit or lie down during the *Sample* taking. The sampling official will clean the skin with a disinfectant, apply a tourniquet and under sterile conditions using new, single-use blood collection equipment withdraw approximately 12 ml of blood. Blood and/or serum will then be prepared and stored in an appropriate manner. There shall not be separate A and B bottles for blood.

DC 5.5.3.6 The SA shall check that the code numbers on the Venipuncture tubes and Security Containers correspond and record the control numbers on appropriate forms (as provided for in DC 5.5.1.1). The *Competitor* shall verify that the code numbers correspond and have been correctly documented.

DC 5.5.3.7 Centrifugation of the Serum Blood Tube may be required prior to the sealing of the Serum Blood Tube in a security container. The *Competitor* shall observe the SA place the Blood Tubes in the designated security containers and the sealing of such containers. The *Competitor* shall certify, by signing the appropriate form (see DC 5.5.1.1), that the entire procedure has been performed in substantial compliance with the procedures outlined above. The *Competitor* shall also record any irregularities or procedural deviations he/she identifies. Any irregularities or procedural deviations identified by the *Competitor's* accredited representative (if present), the SA, *Doping Control* Commission member(s) or station staff shall be recorded on the form. The form will also be signed by the SA who witnessed the *Sample* procedure and the *Competitor's* accredited representative (if present). The *Competitor* shall be given a copy of the form.

DC 5.5.3.8 If the *Competitor* refuses to provide a blood *Sample* the SA shall note this on the *Doping Control* form, sign his name to the form and ask the *Competitor* to sign the form.

DC 5.5.3.9 Additional procedures for the collection of blood may be set forth in Procedural Guidelines for Blood *Testing* modified from time to time by the *Doping Control* Review Board and approved by the FINA Executive.

5.5.4. Coordination of Testing. FINA and *Member Federations* shall promptly report completed tests through the *WADA* clearinghouse to avoid unnecessary duplication in *Testing*.

DC 5.6 Retirement and Return to *Competition*

DC 5.6.1 A *Competitor* who has been identified by FINA for inclusion in FINA's *Registered Testing Pool* shall continue to be subject to these Anti-Doping Rules, including the obligation to be available for unannounced *Testing*, unless and until the *Competitor* gives notice to FINA that he or she has retired.

DC 5.6.2 A *Competitor* who has given notice of retirement to FINA may not resume competing unless he or she notifies FINA at least nine (9) months before he or she expects to return to *Competition* and is available for unannounced *Out-of-Competition Testing*, at any time during the period before actual return to *Competition*.

DC 6 ANALYSIS OF SAMPLES

Doping Control Samples shall be analysed in accordance with the following principles:

DC 6.1 FINA shall send *Doping Control Samples* for analysis only to *WADA*-accredited laboratories or as otherwise approved by *WADA*. The choice of the *WADA*-accredited laboratory (or other method approved by *WADA*) used for the *Sample* analysis shall be determined exclusively by FINA.

DC 6.2 *Doping Control Samples* shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to Article 4.5 (Monitoring Program) of the *Code*.

DC 6.3 No *Sample* may be used for any purpose other than the detection of substances (or classes of substances) or methods on the *Prohibited List*, or as otherwise identified by *WADA* pursuant to Article 4.5 (Monitoring Program) of the *Code*, without the *Competitor's* written consent.

DC 6.4 Laboratories shall analyse *Doping Control Samples* and report results in conformity with the *International Standard* for laboratory analysis.

DC 6.5 There shall be no B *Sample* required for the analysis of blood.

DC 7 RESULTS MANAGEMENT

7.1 Results Management for Tests initiated by FINA

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

DC 7.1.2 Upon receipt of an A *Sample Adverse Analytical Finding*, the DCRB or its designee shall conduct a review to determine whether: (a) an applicable therapeutic use exemption has been granted, or (b) based on the documentation submitted to FINA there is any apparent departure from the *International Standards for Testing* or laboratory analysis that undermines the validity of the *Adverse Analytical Finding*.

DC 7.1.3 If the initial review under DC 7.2 does not reveal an applicable therapeutic use exemption or departure that undermines the validity of the *Adverse Analytical Finding*, FINA shall promptly notify the *Competitor* through the *Competitor's Member Federation* of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated, or, in a case under Article 7.4, a description of the additional investigation that will be conducted as to whether there is an anti-doping rule violation; (c) the *Competitor's* right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived; (d) the right of the *Competitor* and/or the *Competitor's* representative to attend the B *Sample* opening and analysis if such analysis is requested; and (e) the *Competitor's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the *International Standard* for laboratory analysis.

DC 7.1.4 The DCRB or its designee shall also conduct any follow-up investigation of apparent anti-doping rule violations as may be required by the *Prohibited List* or is otherwise necessary. Upon completion of such follow-up investigation, FINA shall promptly notify the *Competitor* through the *Competitor's Member Federation* regarding the results of the follow-up investigation and whether or not FINA asserts that an anti-doping rule was violated.

DC 7.1.5 FINA shall promptly give the *Competitor* or other *Person* subject to sanction notice through the *Competitor* or other *Person's Member Federation* of the anti-doping rule which appears to have been violated, and the basis of the violation.

DC 7.1.6 Arrangements shall be made for *Testing* the B *Sample* within three weeks of the notification described in DC 7.3.

DC 7.1.7 The B *Sample* shall be tested to ascertain whether that *Sample* discloses the presence of the same *Prohibited Substance* detected in the A *Sample* or suggests the same *Prohibited Method*, but a *Competitor* may accept the results of the test on the A *Sample* by so advising FINA within fourteen (14) days of receiving notification that the A *Sample* discloses the presence of a *Prohibited Substance* or the *Use* of a *Prohibited Method*. A *Competitor* who has accepted the results of the test on the A *Sample* is nevertheless entitled to a hearing before the FINA Doping Panel.

DC 7.1.8 A *Competitor* and/or his representative shall be allowed to be present at the analysis on the B *Sample*. Also a representative of the *Competitor's Member Federation* as well as a representative of FINA shall be allowed to be present.

DC 7.1.9 If the B *Sample* proves negative, the entire test shall be considered negative and the *Competitor*, his *Member Federation*, and FINA shall be so informed.

DC 7.1.10 If the B *Sample* proves positive and a *Prohibited Substance* or the *Use* of a *Prohibited Method* is identified, the findings shall be reported to the *Competitor*, his *Member Federation* and the FINA Doping Panel for further considerations according to FINA Rule C 21.5.

DC 7.1.11 The FINA Executive, upon the recommendation of the DCRB, may determine at any point after an *Adverse Analytical Finding* on an A *Sample* and before the final decision in a *Doping Control* case that there is not sufficient scientific or factual basis to proceed further with the case against the *Competitor* involved.

DC 7.1.12 The FINA Executive, after consultation with the DCRB, may Provisionally Suspend a *Competitor* prior to the opportunity for a full hearing based on an *Adverse Analytical Finding* from the *Competitor's A Sample* and the review described in DC 7.1.2. If a *Provisional Suspension* is imposed, either the hearing in accordance with DC 8 shall be advanced to a date, which avoids substantial prejudice to the *Competitor*, or the *Competitor* shall be given an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*.

DC 7.2 Results Management for Tests initiated by *Member Federations*

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

DC 8 RIGHT TO A FAIR HEARING

DC 8.1 For *Doping Controls* conducted by FINA or for the consideration of additional sanctions on account of *Doping Controls* conducted by the IOC, or an organisation described in DC 5.2.5., FINA shall give the *Competitor* or other *Person* the opportunity for a hearing before the FINA Doping Panel as provided in Rule C 21 which respects the following principles:

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

Hearings held in connection with *Competitions* may be conducted by an expedited process.

DC 8.2 *Hearings Arising Out of Member Federation Testing.*

DC 8.2.1 When it appears, following the Results Management process described in Article 7, that an anti-doping rule violation has occurred in connection with a *Member Federation's Test*, the *Competitor* or other *Person* involved shall be brought before a disciplinary panel of the *Competitor* or other *Person's Member Federation* for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what *Consequences* should be imposed.

DC 8.2.2 Hearings pursuant to this Article 8.2 shall be completed expeditiously and in all cases within three months of the completion of the results management process described in Article 7. Hearings held in connection with *Competitions* may be conducted by an expedited process. If the completion of the hearing is delayed beyond three months, FINA may elect to bring the case directly before the FINA Doping Panel at the responsibility and at the expense of the *Member Federation*.

8.2.3 *Member Federations* shall keep FINA fully apprised as to the status of pending cases and the results of all hearings.

8.2.4 FINA shall have the right to attend hearings as an observer.

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

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

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

8.2.8 Hearings by *Member Federations* shall respect the principles described in DC 8.1 above.

DC 9 *AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS*

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

DC 10 SANCTIONS ON INDIVIDUALS

DC 10.1 An anti-doping rule violation occurring during or in connection with a *Competition* may lead to *Disqualification* of all of the *Competitor's* individual results obtained in that *Competition* with all consequences, including forfeiture of all medals, points and prizes, except as provided in DC 10.1.1.

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

DC 10.2 Except for the specified substances identified in DC 10.3, the period of *Ineligibility* imposed for a violation of DC 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), DC 2.2 (*Use* or *Attempted Use* of *Prohibited Substance* or *Prohibited Method*) and DC 2.6 (*Possession* of *Prohibited Substances* and *Methods*) shall be:

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

Second violation: Lifetime *Ineligibility*.

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

DC 10.3 The *Prohibited List* may identify specified substances which are particularly susceptible to unintentional anti-doping rules violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents. Where a *Competitor* can establish that the *Use* of such a specified substance was not intended to enhance sport performance, the period of *Ineligibility* found in DC 10.2 shall be replaced with the following:

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

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

Third violation: Lifetime *Ineligibility*.

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

DC 10.4 The period of *Ineligibility* for other anti-doping rule violations shall be:

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

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

DC 10.4.3 For violations of DC 2.4 (whereabouts violations or missed tests), the period of *Ineligibility* for the first violation shall be up to 2 years. Subsequent violations shall result in a period of *Ineligibility* of at least 2 years.

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

DC 10.5.1 If the *Competitor* establishes in an individual case involving an anti-doping rule violation under DC 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*) or *Use of a Prohibited Substance* or *Prohibited Method* under DC 2.2 that he or she bears *No Fault or Negligence* for the violation, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in a *Competitor's Specimen* in violation of DC 2.1 (presence of *Prohibited Substance*), the *Competitor* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for multiple violations under DC 10.2, 10.3 and 10.6.

DC 10.5.2 This DC 10.5.2 applies only to anti-doping rule violations involving DC 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Use of a Prohibited Substance* or *Prohibited Method* under DC 2.2, failing to submit to *Sample* collection under DC 2.3, or administration of a *Prohibited Substance* or *Prohibited Method* under DC 2.8. If a *Competitor* establishes in an individual case involving such violations that he or she bears

No Significant Fault or Negligence, then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in a *Competitor's Specimen* in violation of DC 2.1 (presence of *Prohibited Substance*), the *Competitor* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

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

DC 10.6 Rules for Certain Potential Multiple Violations

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

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

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

DC 10.7 In addition to the automatic *Disqualification* of the results in the *Event* which produced the positive *Sample* under DC 9 (Automatic *Disqualification* of Individual Results), all other competitive results obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other doping violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting consequences including forfeiture of any medals, points and prizes.

DC 10.8 The period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served. Where required by fairness, such as delays in the hearing process or other aspects of *Doping Control* not attributable to the *Competitor*, the period of *Ineligibility* may start at an earlier date commencing as early as the date of *Sample* collection.

DC 10.9 No *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by FINA or any *Member Federation*. In addition, for any anti-doping rule violation not involving specified substances described in DC 10.3, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by FINA and the *Member Federations*. A *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport competitions in a sport other than sports subject to the jurisdictions of FINA and its *Member Federations*, but only so long as the local sport competition is not at a level that could otherwise qualify such *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Competition*.

DC 10.10 As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, a *Competitor* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by FINA, the applicable *Member Federation*, and any other *Anti-Doping Organisation* having *Testing* jurisdiction, and must provide current and accurate whereabouts information as provided in DC 5.4.4. If a *Competitor* subject to a period of *Ineligibility* retires from sport and is removed from *Registered Testing Pools* and later seeks reinstatement, the *Competitor* shall not be eligible for reinstatement until the *Competitor* has notified FINA and the applicable *Member Federation* and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of the period set forth in DC 5.6.2 or the period of *Ineligibility* remaining as of the date the *Competitor* had retired. During such remaining period of *Ineligibility*, a minimum of three tests must be conducted by the *Competitor's Member Federation* with at least three months between each test. The results of such tests shall be reported to FINA. In addition, immediately prior to the end of the suspension period, a *Competitor* must undergo *Testing* by FINA for the *Prohibited Substances and Methods for Out-of-Competition Testing*. Once the period of a *Competitor's* suspension has expired, and the *Competitor* has fulfilled the conditions of reinstatement, he/she will then become automatically re-eligible. No application by a *Competitor* or by his or her *Member Federation* will then be necessary.

DC 11 CONSEQUENCES TO TEAMS

DC 11.1 Where any Anti-Doping Rule has been violated by a member of a relay team or a duet or team in synchronised swimming or in synchronised diving, the duet or team shall be *Disqualified* from the *Event*.

DC 11.2 A water polo team, in which more than one player has committed a violation of these rules in connection with a *Competition* other than a violation involving a specified substance under DC 10.3, shall be *Disqualified* for the match(es) in the *Competition* in which those players took part, and the other team(s) shall be declared winner(s) with the score 5 – 0 unless the actual goal score was greater. Further sanction in regard to the team may be decided by FINA. Where more than one team member has been notified of a possible anti-doping rule violation under Article 7 in connection with a *Competition*, the Team shall also be subject to *Target Testing* for the *Competition*.

DC 12 SANCTIONS AND COSTS ASSESSED AGAINST MEMBER FEDERATIONS

DC 12.1 If four or more doping offences are committed by *Competitors* in the same discipline affiliated to the same *Member Federation* within a period of twelve (12) months from the first offence and sanctioned according to DC 10.2 or DC 10.4.2, the *Member Federation* shall be suspended in that discipline for twenty-four (24)

months. A doping offence being under the jurisdiction of and reported to FINA by a *Member Federation* or its *National Anti-Doping Organisation* shall not be included under this rule.

DC 12.2 *Member Federations* shall be obliged to reimburse FINA for all costs (including laboratory fees and travel) related to a doping offence committed by a person affiliated to that *Member Federation*.

DC 12.3 *Member Federations* shall reimburse FINA for the cost of any interpreter which FINA is required to pay pursuant to DC 8.

DC 12.4 *Member Federations* that have failed to make diligent efforts to keep FINA informed about where a *Competitor* can be met for *No Advance Notice Out-of-Competition Testing* may be fined by FINA in an amount up to one-thousand American dollars (USD 1'000.-) per *Competitor*.

DC 12.5 Except for costs and attorneys fees which may be awarded by CAS, FINA and its representatives shall not be liable to a *Competitor* or Member Federation for any cost, damage or other loss resulting from actions taken by FINA under these Doping Control Rules.

DC 13 APPEALS

DC 13.1 Decisions made under these Anti-Doping Rules may be appealed as set forth below in DC 13.2 through 13.4. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in these Anti-Doping Rules must be exhausted.

DC 13.2 A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* for an anti-doping rule violation, a decision that no anti-doping rule violation was committed, a decision that FINA lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*, and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or otherwise in violation of DC 7.12 may be appealed exclusively as provided in this DC 13.2.

DC 13.2.1 In cases arising from an *Event* in an *International Competition* or in cases involving *International-Level Competitors*, the decision may be appealed exclusively to the Court of Arbitration for Sport ("CAS") in accordance with the provisions applicable before such court.

DC 13.2.2 In cases involving *Competitors* that do not have a right to appeal under DC 13.2.1, each *Member Federation* shall have in place an appeal procedure that respects the following principles: a timely hearing, a fair and impartial hearing body; the right to be represented by a counsel at the person's expense; and a timely, written, reasoned decision. FINA's rights to appeal from hearing decisions by *Member Federations* are set forth in DC 13.2.3 below.

DC 13.2.3 In cases under DC 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Competitor* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FINA and any other *Anti-Doping Organisation* under whose rules a sanction could have been imposed; (d) the International Olympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games, including decisions affecting eligibility for the Olympic Games; and (e) *WADA*. In cases under DC 13.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the *Member Federation's* rules but, at a minimum, shall include: (a) the *Competitor* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FINA; and (d) *WADA*. For cases under Article 13.2.2, *WADA* and FINA shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body.

DC 13.3 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption. Decisions by *WADA* reversing the grant or denial of a TUE exemption may be appealed exclusively to CAS by the *Competitor*, FINA, or *National Anti-Doping Organisation* or other body designated by a *Member Federation*, which granted or denied the exemption. Decisions to deny therapeutic use exemptions, and which are not reversed by *WADA*, may be appealed by *International-Level Competitors* to CAS and by other *Competitors* to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a therapeutic use exemption, that decision may be appealed to CAS by FINA and *WADA*.

DC 13.4 Appeal from Decisions Pursuant to Article 12. Decisions by FINA pursuant to Article 12 may be appealed exclusively to CAS.

DC 13.5 The deadline to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party and FINA. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having lead to a decision subject to appeal:

- Within a deadline of ten (10) days from receipt of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied.

- If such request is raised within the above deadline, then a new appeal deadline will run for the concerned party from the day the copy of the file is received.

DC 13.6 In the event an appeal is filed before the CAS by a party, all other parties that may be effected by the decision in connection with the concerned case, shall have a right to join in the appeal proceedings.

DC 14 ***MEMBER FEDERATIONS: INCORPORATION OF FINA RULES, REPORTING AND RECOGNITION***

DC 14.1 All *Member Federations* shall comply with these Anti-Doping Rules. The regulations of *Member Federations* shall indicate that all FINA Rules including Anti-Doping Rules shall be deemed as incorporated into and shall be directly applicable to and shall be followed by *Competitors, Competitor Support Personnel*, coaches, physicians, team leaders, and club and Federation representatives under the jurisdiction of the respective *Member Federations*.

DC 14.2 All *Member Federations* shall include in their regulations the procedural rules necessary to effectively implement these FINA Anti-Doping Rules including in particular the determination of the person/s or body in charge of the application of the rules.

DC 14.3 *Member Federations* shall report at the end of every quarter (March 31, June 30, September 30, and December 31) all results of *Doping Controls* within their jurisdiction to FINA sorted by *Competitor* and identifying each date on which the *Competitor* was tested, the entity conducting the test, and whether the test was in or out of *Competition*. FINA shall publish at six (6) month intervals a report of all tests conducted by FINA and by *Member Federations*, sorted by *Member Federation* and *Competitor* and containing the same information set forth above.

DC 14.4 Every *Member Federation* shall report to FINA the times of all swimming performances, which fall within the top 50 FINA World Ranking lists of the previous year and the present year. The report shall be made to FINA within 60 days of the performance. The top 50 FINA World Ranking List shall be the ranking published by FINA dated May 31 for the Short Course Swimming performances and December 31 for the Long Course Swimming performances.

DC 14.5 Every Member Federation shall report to FINA the scores of all diving performances, which fall within the top 20 FINA World Ranking lists of the previous year and the present year. The report shall be made to FINA within 60 days of the performance.

DC 14.6 When a *Member Federation* has received an *Adverse Analytical Finding* on one of its *Competitors* it shall report the following information to FINA and *WADA* within fourteen (14) days of the process described in DC 7.2 and 7.3: the *Competitor's* name, country, sport and discipline within the sport, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory. The *Member Federation* shall also regularly update FINA and *WADA* on the status and findings of any review or proceedings conducted pursuant to DC 7 (*Results Management*), DC 8 (*Right to a Fair Hearing*) or DC 13 (*Appeals*), and, in any case in which the period of *Ineligibility* is eliminated under DC 10.5.1 (*No Fault or Negligence*) or reduced under DC 10.5.2 (*No Significant Fault or Negligence*), FINA and *WADA* shall be provided with a written reasoned decision explaining the basis for the elimination or reduction. Neither FINA nor *WADA* shall disclose this information beyond those persons within their organisations with a need to know until the *Member Federation* has made public disclosure or has failed to make public disclosure as required in DC 14.7 below.

DC 14.7 The identity of *Competitors* whose *Samples* have resulted in *Adverse Analytical Findings*, or *Competitors* or other *Persons* who were alleged to have violated other anti-doping rules, shall not be publicly disclosed by FINA or a *Member Federation* until the imposition of a *Provisional Suspension* or it has been determined in a hearing in accordance with DC 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, *Member Federations* must publicly report the disposition of the anti-doping matter.

DC 14.8 Any decision of FINA or a *Member Federation* regarding a violation of these Rules shall be recognised by all *Member Federations*, which shall take all necessary action to render such results effective.

DC 15 RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS

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

Where it is contended that the actions of the *Signatory* or other body were not in conformity with the *Code* the FINA Executive may decide to recognize the decision as final or it may decide to forward the matter to the Doping Panel to hold a hearing in accordance with DC 8.

DC 16 STATUTE OF LIMITATIONS

No action may be commenced under these Anti-Doping Rules against a *Competitor* or other *Person* for a violation of these Anti-Doping Rules unless such action is commenced within eight years from the date the violation occurred.

DC 17 INTERPRETATION OF ANTI-DOPING RULES

DC 17.1 These Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

DC 17.2 The headings used for the various Parts and Articles of these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.

DC 17.3 The INTRODUCTION and the APPENDIX I DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.

DC 17.4 These Anti-Doping Rules have been adopted in compliance with the applicable provisions of the *Code*. These Anti-Doping Rules shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The comments annotating various provisions of the *Code* may, where applicable, assist in the understanding and interpretation of these Anti-Doping Rules.

APPENDIX 1 DEFINITIONS APPLICABLE TO DOPING CONTROL RULES

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

Anti-Doping Organisation. A *Signatory* to the *Code* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process.

Competitor. Any *Person* who participates in sport at the international level or national level.

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

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

Code. The World Anti-Doping *Code*.

Competition. A series of individual *Events* conducted together under one ruling body.¹ Also, the act of participating in an *Event*.

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

¹ This definition has been changed from the *Code* definition in order to be consistent with other FINA rules. Under FINA rules, a "Competition" is the same as an "Event" under the *Code*.

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

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

Event. A single race, match, game or singular athletic contest.²

In-Competition. For purposes of differentiating between *In-Competition* and *Out-of-Competition Testing*, an *In-Competition* test is a test where a *Competitor* is selected for *Testing* in connection with a specific *Competition*.

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

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

International-Level Competitor. *Competitors* designated by the FINA as being within its *Registered Testing Pool*.

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

Major Event Organisations. This term refers to 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 parameters that indicates the *Use* of a *Prohibited Substance* or *Prohibited Method*.

Member Federation. A national or regional entity recognized by the FINA as the entity governing the FINA's sport in that nation or region.

Metabolite. Any substance produced by a biotransformation process.

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

² This definition has been changed from the *Code* definition in order to be consistent with other FINA rules. Under FINA rules, an "Event" is the same as a "Competition" under the *Code*.

National Anti-Doping Organisation. The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings, all at the national level.

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

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

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

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

Participant. Any *Competitor* or *Competitor Support Personnel*.

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

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

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

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

Provisional Hearing. For purposes of Article 7.12, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the *Competitor* with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension. See *Consequences* above.

Registered Testing Pool. The pool of *Competitors*, established by FINA, that is subject to both *In-Competition* and *Out-of-Competition Testing*.

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

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

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

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

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

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

WADA. The World Anti-Doping Agency.

CONSTITUTION

C 21 DOPING PANEL

RULE N°	PROPOSAL	RULE
C 21.1	UNCHANGED	The FINA Doping Panel shall consist of six persons. No two members of the Doping Panel shall be from the same country or Sport Country. Members of the Doping Panel shall serve for a period of four years, or until their successors are appointed.
C 21.2	UNCHANGED	The outgoing President shall select six (6) persons to form the FINA Doping Panel. They shall be known for their ability, their impartiality and their knowledge and experience of doping matters, of FINA disciplines and sport in general. At least four (4) of them shall also have legal training and experience. The outgoing Bureau shall confirm the Doping Panel and appoint one of the members to be Chairman. The General Congress shall confirm the Doping Panel.
C 21.3	UNCHANGED	A person may not serve on the Doping Panel if he or she: (a) is a member of the Bureau or of a Standing Committee of FINA, or (b) cannot speak English or French.
C 21.4	UNCHANGED	If a member of the FINA Doping Panel should die or retire, a replacement shall be decided in accordance with Rule C 21.2.
C 21.5	<u>NEW</u>	The Doping Panel shall hear all controversies regarding doping control within FINA and shall apply sanctions in accordance with FINA Rule DC 9 to those individuals or Member Federations who are found to be in violation of FINA's Rules relating to doping control. <i>The Doping Panel shall</i> 1. <u>Conduct all hearings in accordance with DC 8</u> a) <u>Concerning doping offences committed within FINA</u> b) <u>Concerning cases put forward to the Doping Panel according to DC 15</u> <u>2. Apply sanctions for a doping violation pursuant DC 10</u>

RULE N°	PROPOSAL	RULE
C 21.6	AMENDED	Where testing has indicated the presence of a banned substance, or there is suspicion or evidence of the use of a prohibited method or other violation of FINA Rules relating to doping control. Whenever necessary the Chair Chairman of the Doping Panel shall appoint three persons from the Doping Panel to adjudicate all matters before it. No member of the Doping Panel shall be appointed to hear a specific case when he or she is a citizen of the country of the competitor suspected of violating FINA Rules; the Chair of the Doping Panel may also determine situations in which a Panel member should not be named as due to other potential conflicts.
C 21.7	DELETED	Where a Member federation has held a hearing under DC 8, and the FINA Executive believes that in the conduct or conclusions of such hearing the Member federation has misinterpreted FINA Rules or otherwise reached an erroneous conclusion, the Executive may call for a hearing before a Doping Panel.
C 21.8	RENUMBERED	C 21.7 Where testing has indicated the presence of a banned substance or there is suspicion or evidence of a violation of FINA Rules relating to doping control, and, contrary to DC 8, a Member federation refuses to allow a competitor a hearing, the competitor may demand a hearing on the issues raised before a FINA Doping Panel.
C 21.9	RENUMBERED	C 21.8 Where testing by another sporting body has indicated the presence of a banned substance, and the competitor considers that the decision of the other sporting body is unsatisfactory and should not be relied upon, the competitor may demand a hearing before a FINA Doping Panel.

GENERAL RULES

GR 7 ADVERTISING

1.2 OLD ~~**GR 7.1** Identification in the form of two logos, one of the manufacturer and one of another sponsor on each swimwear, i.e. swimsuit and cap, not exceeding 20 square centimetres each is permitted. A two-piece swimsuit shall be regarded as one swimwear. No other form of advertising is permitted. The name and the flag of the country of the competitor or the country code shall not be regarded as advertisements.~~

1.3 **NEW**

GR 7.1 Identification in the form of the logo of the manufacturer not exceeding 20 square centimetres on each swimwear i.e. swimsuit and cap is permitted. A two-piece swimsuit shall be regarded as one swimwear. Except for the foregoing only one and the same logo of a sponsor is permitted on swimwear. The name and the flag of the country of the competitor or the country code shall not be regarded as advertisements.

25 April 2003

DC ARTICLE 2

DC ARTICLE 3 INTERPRETATION OF

DC ARTICLE 4 ACTUAL FINA RULE GR 7.1

The FINA Bureau has, as a consequence of several questions from the National Federations, manufacturers and sponsors related to FINA Rule GR 7.1 “Advertising”, interpreted the Rule so that except for the manufacturer’s logo on each swimwear, only one and the same sponsor logo on all swimwear is permitted.

The temporary rule concerning the increase of the size of the identification in swimwear from 16 square centimetres to 20 square centimetres shall also include the sponsor’s logo permitted.