

NATIONAL ANTI-DOPING APPEAL BODY
Procedural Rules

Implementing the *WADA Code* and the *International Standard for Results Management*

Version 1.0, in effect as from 1 January 2021

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INTRODUCTION

The *National Anti-Doping Appeal Body, Procedural Rules* (hereinafter “NADAB_PR”) implements the *WADA Code* and the *International Standard for Results Management* (hereinafter “ISRM”). In the event of any conflict between the *Code* and the ISRM and the NADAB_PR, the *Code* and/or the ISRM shall, as applicable, prevail.

The comments annotating various provisions of the *Code* and of the ISRM are incorporated by reference into the NADAB_PR, shall be treated as if set out fully herein, and shall be used to interpret this NADAB_PR.

Interpretation

Unless otherwise specified, references to Sections and Articles are references to Sections and Articles of the NADAB_PR.

Terms used in this NADAB_PR that are defined terms from the *Code* and from the *Anti-Doping Sports Code* of NADO Italia (hereinafter “*ADSC*”) are italicized. Terms that are defined in this or another *WADA International Standard* are underlined.

General Principles

Judgements on Appeals under the NADAB_PR are aimed at the fair, expeditious and efficient manner of resolving disputes on appeal against decisions rendered by the National Anti-Doping Tribunal of NADO Italia (hereinafter “NADT”) pursuant to *Code* Article 13 – except for the decisions involving *International Level Athletes* or cases arising from the participation in *International Events*, for which the Court of Arbitration for Sport in Lausanne (hereinafter “*CAS*”) has jurisdiction – and appeals against TUEs rejection decisions adopted by the TUEC of NADO Italia.

The principles set out in *ADSC* Articles 23 and 24 shall apply, where applicable.

ARTICLE 1 JURISDICTION CRITERIA

The NADAB has jurisdiction to judge on appeals lodged against decisions adopted as pursuant to *Code* Article 13 by the NADT – except for the decisions involving *International Level Athlete* or cases arising from the participation in *International Events*, for which has jurisdiction the Court of Arbitration for Sport in Lausanne (hereinafter “CAS”) – and on appeals against TUEs rejection decisions adopted by the TUEC of NADO Italia.

ARTICLE 2 REVIEW OF NADO ITALIA TUEC’S DECISIONS

- 2.1 The *Athlete* shall have the right to file an appeal with the NADAB against any decision of rejection of a *TUE* by the TUEC of NADO Italia.
- 2.2 Review requests shall not cause a stay of the rejection decision adopted by the TUEC of NADO Italia.
- 2.3 The appeal must be filed in writing within and not later than ten (10) days of the date on which the rejection is notified, together with the medical documents submitted to the TUEC of NADO Italia and, under penalty of exclusion, proof of payment of the administrative fees set forth in the Financial Schedule of Fees in force.
- 2.4 The appeal must also be notified to the TUEC of NADO Italia within the same deadline. Within five (5) days of such notice being served, the TUEC shall be required to submit the relevant file to the NADAB, together with a brief, if appropriate.
- 2.5 The Panel shall deal with the review in closed session based on the documents acquired, without prejudice to the right to seek further information from the *Athlete* and the TUEC of NADO Italia.
- 2.6 The decision, to be issued within fourteen (14) days after receipt of the appeal, must be notified to the *Athlete* and TUEC of NADO Italia during the next seven (7) days, after the decision has been rendered.
- 2.7 If the NADAB overturns the decision of rejection of the TUEC of NADO Italia, then the *TUE* shall have immediate effect as pursuant to the terms of the decision.
- 2.8 The decision whereby the Panel confirms or annuls the measures taken by the TUEC of NADO Italia shall be final, subject to *WADA*’s right to review the NADAB’s decision.

ARTICLE 3 APPEAL AGAINST *PROVISIONAL SUSPENSION* DECISIONS

- 3.1 An appeal may be filed against a decision of *Provisional Suspension* as under NADO Italia’s *Results Management Procedure* (RMP) Article 3 by the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed. The appeal must be filed with the NADAB.

- 3.2 Under penalty of exclusion, the appeal must be lodged by the individual against whom the decision is made by written notice to be served on the NADAB and National Anti-Doping Prosecutor of NADO Italia (NADP), according to the same terms and conditions as under Article 11, within and not later than ten (10) days after notice of the decision of *Provisional Suspension*.
- 3.3 The appeal, signed personally or by the *Athlete's* own counsel, must contain the specific grounds on which it is based. Under penalty of exclusion, receipt of payment of the administrative fees set forth in the Financial Schedule of Fees in force, together with proof of notice served on the NADP must also be attached to the appeal.
- 3.4 Once the appeal has been received by the NADAB, it shall request the NADT that issued the decision being appealed against to produce copy of the case file, which must be submitted within three (3) days of the request.
- 3.5 The hearing must be held within ten (10) days after receipt of the case file, promptly informing the appellant and/or his/her counsel and the NADP of the date, time and place of the hearing.
- 3.6 The matter shall be discussed in closed session. The person under investigation shall have the right to attend the hearing personally, if not a *Protected Person*, or through the holder of parental responsibility and to rely on the aid of his/her own counsel and, if necessary, an interpreter. If the party or his/her counsel fail to attend, the proceedings shall nonetheless be carried out. The NADP shall attend the proceedings with one or more members.
- 3.7 At the end of the discussion, the text of the decision shall be read out immediately, such text being final. Both the text and the decision complete with grounds shall be notified to the party, with the former also being notified to the relevant National Sports Federation (NSF)/Associated Sports Discipline (ASD)/Sports Promotion Entity (SPE) and Club.

ARTICLE 4 APPEAL AGAINST FIRST INSTANCE DECISIONS ADOPTED BY THE NADT

- 4.1 All decisions referred to in *ADSC* Article 18.2 may be subject to appeal.
- 4.2 First instance decisions adopted by the NADT – as pursuant to Article 1 and RMP Article 6 – may be appealed against in writing before the NADAB. Under penalty of exclusion, such appeals must be filed within and not later than fifteen (15) days of the date of receipt of the first instance decision, without prejudice to any special deadline set out in *ADSC* Article 18.5.
- 4.3 Subject to Article 4.4, the decisions adopted by the NADT for *ADSC* violations involving *Athletes* who are included in the *Registered Testing Pool* (RTP) of the relevant International Federation or *International Level Athlete* or arising from the participation in an *International Events*, or may be appealed against before the Court of Arbitration for Sport (*CAS*) in Lausanne within and not later than twenty-one (21) days of receipt of the decision, without prejudice to other deadlines granted by *WADA* in the cases governed by *Code* Article 13. The decisions adopted by *CAS* may be appealed against before

the Swiss Federal Tribunal, observing the procedures established by the said jurisdictional body.

- 4.4 *WADA*, the International Federation concerned, the International Olympic Committee or International Paralympic Committee, when applicable, may also lodge an appeal against the decision adopted by the NADAB before *CAS*, as pursuant to *Code* Articles 13.2.1 and 13.2.3.
- 4.5 The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.
- 4.6 The following individuals shall have the right to appeal against first instance decisions adopted by the NADT: the *Athlete* or other *Person* being sanctioned; NADP; relevant International Federation; *National Anti-Doping Organization* of the country where the *Athlete* or other *Person* have their residence (if different from NADO Italia); *WADA*; IOC and 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.
- 4.7 The parties to the case at first instance shall be considered to be parties to the appeal proceedings, without prejudice to the right to attend for other parties who were not parties to the case.
- 4.8 If none of the parties appeals against a first instance decision, then *WADA* shall have the right to file an appeal against such decision directly with the *CAS* as pursuant to *Code* Article 13.1.3.
- 4.9 The appeal shall not result in a stay of a first instance decision.
- 4.10 The appeal lodged with the NADAB must be notified to the other parties as pursuant to Article 11, while reference shall be made to the specific provisions of the *CAS* with respect to the terms and conditions for lodging an appeal before such body and notifying it to the parties concerned.
- 4.11 The appeal must be lodged by *WADA*, depending on the circumstance that arises subsequently, within: (a) twenty-one (21) days after expiry of the deadline by which the other parties to first instance proceedings were to file an appeal; (b) twenty-one (21) days after receipt of the complete case file pertaining to the first instance decision.
- 4.12 Under penalty of exclusion, the appeal must indicate the decision being appealed against and its date and the specific grounds on which the appeal is based. To the same appeal, under penalty of exclusion, must be enclosed the receipt of payment of the administrative fees set forth in the Financial Schedule of Fees in force, together with proof of the notice served on the other parties.
- 4.13 In the event the appeal is lodged by the relevant International Federation or *WADA*, notice to the individual being sanctioned may also be served through the NSF/ASD/SPE who shall make every reasonable effort to forward the deed of appeal to the individual being sanctioned, providing proof of notification thereof.

- 4.14 The NADP, *WADA* and the International Federation concerned shall not be required to pay the administrative fees related to the appeal.

ARTICLE 5 CROSS-APPEAL

- 5.1 If one of the parties has filed an appeal against a first instance decision, the other parties may file a cross appeal.
- 5.2 Under penalty of exclusion, the appeal must be filed by informing the NADAB thereof. Such appeal must be notified to the other parties according to the same terms and conditions as under Article 11 within and not later than seven (7) days of the date of notice of the main appeal.
- 5.3 In the event that the incidental appeal is filed by the NADP, International Federation or *WADA*, the *reformatio in peius* principle shall apply whereby the first instance decision is amended to a worse one.
- 5.4 Under penalty of exclusion, the cross-appeal must contain the specific grounds on which the appeal is based as well as receipt of payment of the administrative fees set forth in the Financial Schedule of Fees in force, together with proof of the notice served on the other parties.
- 5.5 In the event the incidental appeal is lodged by the relevant International Federation or *WADA*, notice to the individual being sanctioned may also be served through the NSF/ASD/SPE who shall make every reasonable effort to forward the deed of appeal to the individual being sanctioned, providing proof of notification thereof.
- 5.6 The NADP, *WADA* and the International Federation concerned shall not be required to pay the administrative fees related to the incidental appeal.
- 5.7 Cross-appeals and other subsequent appeals by any respondent named in cases brought to *CAS* under the *Code* are specifically permitted. Any party with a right to appeal under *Code* Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

ARTICLE 6 STARTING A SECOND INSTANCE HEARING

- 6.1 Following notice of an appeal being filed, the Panel shall be provided with copy of the records of the case file directly by the NADT who shall cause such records to be forwarded within and not later than five (5) days after receipt of the request.
- 6.2 Within a time limit of forty (40) days after receipt of the records, the Panel shall set the date of the hearing to discuss the case.
- 6.3 The date of the hearing must be notified to the parties to the first instance proceedings at least twenty (20) days in advance.
- 6.4 Within and not later than ten (10) days prior to the date set for the hearing, the appealing parties may

file an initial brief with the NADB containing their own arguments and defense submissions and related preliminary allegations. The aforesaid brief shall, under penalty of exclusion, be notified to the parties within the same deadline of ten (10) days prior to the date of the hearing according to the same terms and conditions as under Article 11.

- 6.5 Within and not later than five (5) days prior to the date of the hearing, the parties shall have the power to file a second brief limited to the reply to the defense submissions and exceptions of the other parties. The aforesaid brief shall, under penalty of exclusion, be notified to the other parties within the same deadline of five (5) days prior to the date of the hearing according to the same terms and conditions as under Article 11.
- 6.6 The NADAB shall be responsible for notifying the procedural briefs to *WADA* and the relevant International Federation, if appropriate.
- 6.7 No submissions or defense briefs shall be allowed other than those listed above or may be filed after the final deadlines as set forth.
- 6.8 The parties to the case shall have the right to seek the postponement of the hearing by filing an appropriate application containing specific grounds for such postponement. The application must be sent to the office of the NADB at least seven (7) days prior to the date of the hearing, except in cases of proven emergency. If the application is filed by the *Athlete* or other *Person*, it must be notified to the NADP for its perusal and opinion. The President of the NADB shall reach a final decision within two (2) days after the application is filed. The acceptance of the postponement shall not cause the deadlines set for the submission of the briefs to be postponed if such deadlines have already expired. The postponement of the hearing may also be ordered *ex parte* by the President of the NADB due to logistic and/or organizational reasons. Again, any such postponement shall not cause the deadlines set for the submission of the briefs to be postponed if such deadlines have already expired.

ARTICLE 7 SECOND INSTANCE HEARING

- 7.1 Disputes shall be discussed in closed session, unless the *Athlete* or other *Person* requests a public hearing, or unless NADP requests a public hearing and the *Athlete* or other *Person* agrees to the same, the parties request a public hearing, and recording thereof, by filing a reasoned motion with the NADB within seven (7) days of the date set for the hearing. After hearing the other parties, the Panel shall uphold the motion unless the need for confidentiality and/or protection of the individuals involved in the proceedings otherwise requires, in accordance with the *ISRM*, without prejudice however to the Panel's right to arrange such public hearing *ex parte*.
- 7.2 The appealing party, if other than the NADP, shall have the right to (i) appear in person, if not a *Minor* or not a *Protected Person*, or through the holder of parental responsibility, if a *Minor* or a *Protected Person*, (ii) be aided by his/her own counsel during the hearing and (iii) seek the support of an interpreter, if necessary, whose personal details must be notified to the secretary's office of the NADAB within twenty-four (24) hours prior to the date set for the hearing so that accreditation papers may be issued.
- 7.3 If they choose to do so, the NADP shall attend the proceedings with one of its members, while the International Federation and *WADA* shall attend the proceedings with their own representatives.

- 7.4 The Chairman of the Panel or a member appointed by him/her shall report on the case and then the parties shall be heard, keeping the discussion as brief as possible.
- 7.5 The Chairman of the Panel may ask questions to the parties and admit or reject the measures of enquiry requested in the case as referred to in RMP Article 13.10.
- 7.6 To the extent as it shall deem necessary, the Panel may seek the opinion of an expert appointed by the court. To this end, it shall define the (i) questions to be dealt with, including on an *inter partes* basis, (ii) deadline by which the expert opinion must be filed and the parties' memos must be submitted, and (iii) the date of the next hearing. The parties may also rely on the aid of their own expert, whose personal details must be notified as pursuant to Article 7.2.
- 7.7 A brief report of the hearing shall be drawn up by the secretary's office staff.

ARTICLE 8 DECISION ON THE APPEAL

- 8.1 Following the hearing, the text of the decision shall be immediately read out to the parties, unless the complexity or magnitude of the matters to be decided upon or the need to renew individual deeds lead the Chairman of the Panel to deem it appropriate to postpone such reading to another hearing or arrange for such text to be notified in writing without reading it out during the hearing.
- 8.2 If it is not possible to draft the grounds immediately during the closed session meeting, it shall be done within thirty (30) days after the text of the decision has been notified.
- 8.3 The text and the decision complete with grounds shall be notified to the parties, with the former also being notified to the relevant NSF/ASD/SPE, Club, the *Athlete's* International Federation, the *Athlete's National Anti-Doping Organization* (if different from NADO Italia) and *WADA*.
- 8.4 The Panel shall declare the appeal to be inadmissible on grounds of lack of the right to start proceedings and/or interest to appeal.
- 8.5 In the event that the Panel finds that the NADT did not act on all the claims filed, did not consider factual circumstances deemed as crucial for the settlement of the case, did not provide the grounds for its decision, or where the Panel takes a different view, in fact and in law, of the outcome of first instance proceedings, then it shall rectify the impugned decision, either wholly or partly, deciding on the merits.
- 8.6 The Panel may rule that the unsuccessful party should bear the costs of proceedings and pay a financial sanction as per Financial Schedule of Fees in force.
- 8.7 If the appeal is waived, then the matter at issue shall be deemed as terminated, without prejudice to any ruling pertaining to the costs of proceedings.
- 8.8 The operative part and the decision complete with grounds shall be notified to the parties, pursuant to Article 11. The operative part with the former also being notified to the relevant NSF/ASD/SPE

and Club.

- 8.9** In accordance with Article 13.2.3.2 of the *Code, WADA*, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal the decision on appeal to *CAS*.

ARTICLE 9 EXCLUSION AND OBJECTION

- 9.1** The judge shall be required to abstain from attending proceedings if:
- (a) he/she or one of his/her close relatives has an interest in the case he/she brought before him/her;
 - (b) he/she or his/her spouse is a next of kin of one of the parties or counsels in the case brought before him/her;
 - (c) he/she holds serious enmity towards or has conflicts with one of the parties or any of the counsels in the case brought before him/her;
 - (d) he/she carried out investigation tasks with respect to the case brought before him/her or related cases or acted as legal or technical expert in such cases.
- 9.2** In all other cases where serious grounds exist, including those indicated in the ISRM, the judge shall be required to abstain from attending proceedings.
- 9.3** A decision on the request for abstention submitted by the member shall be reached by the Panel, excluding the member submitting such request, *ex parte* within fifteen (15) days of the request being submitted. The decision so adopted shall be final.
- 9.4** If each party believes that the conditions under (a), (b), (c) or (d) of Article 9.1 (obligation for the judge to abstain) are fulfilled, they may seek the challenge of the members of the NADB by submitting a written request, to be signed personally by the party or his/her own counsel holding appropriate proxy. The request must contain the specific grounds for the challenge as well as the evidence provided within three (3) days of the reason warranting the challenge being disclosed. The secretary's office of the NADB having jurisdiction shall cause a notice to be served on the other parties to the case and the challenged member, who may submit his/her own comments within the following three (3) days.
- 9.5** A decision on the request for challenge submitted by the party shall be reached by the Panel, excluding the challenged member, *ex parte* within fifteen (15) days of the request being submitted. The decision so adopted shall be final.
- 9.6** A challenge will cause disciplinary proceedings to be suspended, without prejudice to the effects of any *Provisional Suspension* inflicted under RMP Article 3, unless such measure has already expired.
- 9.7** The order upholding the request for challenge shall exclude the challenged judge from the case. The challenge shall be declared inadmissible if the request is not submitted as specified under the previous paragraph.

- 9.8 If the challenge is deemed to be inadmissible or rejected, the challenged judge may take part in the proceedings.
- 9.9 Under the order whereby the challenge is deemed to be inadmissible or rejected, the Panel may rule that the unsuccessful party should bear the cost of proceedings as per Financial Schedule of Fees available on www.nadoitalia.it website.
- 9.10 The order whereby the request for challenge is upheld or rejected shall be notified by the secretary's office of the NADAB to the applicant, the judge being challenged as well the other parties to the case.
- 9.11 To the extent as applicable, the foregoing paragraphs shall also apply to any expert appointed by the court.

ARTICLE 10 LAPSING AND SUSPENSION OF PROCEDURAL TIME LIMITS

- 10.1 The lapsing of procedural time limits relating to proceedings started before the NADAB shall be suspended *ipso facto* for a summer period not exceeding thirty (30) days per year or in other periods of the year to be identified by joint decision of the Presidents of the NADB, and shall become effective again as of the end of the suspension period. The decision shall be published on CONI's website (www.coni.it). If the lapsing of procedural time limits starts during the suspension period, then time limits shall be deemed to start at the end of such period.
- 10.2 Limited to the periods during which NADAB office is closed, the operations of organizations providing support to NADAB may suffer disruptions.
- 10.3 When calculating procedural time limits, the starting day shall not be calculated, whereas the final day will. If the day of expiry of time limits falls on a holiday, then the expiry shall be postponed *ipso facto* to the first working day thereafter. The time limits expressly defined as final shall be considered as such.

ARTICLE 11 NOTICES AND COMMUNICATIONS

- 11.1 Without prejudice to the provisions as under 11.2 here below, notices to be served by the NADAB shall be delivered either by registered mail with acknowledgement of receipt, fax, cable, courier or email as follows:
- if sent to private individuals: to the address chosen for the purposes of the proceedings;
 - if sent to club: to the registered office as filed with the records at the time of registration with the relevant NSF/ASD/PSE.
- 11.2 The NSF/ASD/PSE, relevant sports organizations and/or club the *Athlete* is registered with shall, where requested, be required to ensure that the individual concerned has received the foregoing notices and, if not, see to it forthwith.

- 11.3** In the event of a registered individual being unavailable, notification shall be deemed to have been served by delivering the deed to the relevant NSF/ASD/PSE and/or Club.
- 11.4** In the event of a non-registered individual being unavailable, notification shall be deemed to have been served by filing the deed with the NADAB's office.
- 11.5** For the purposes of checking the timely service of process, reference shall be made solely to the date shown on the postmark set by the Post Office accepting the registered mail with acknowledgement of receipt or certifying delivery to the courier or receipt by fax, cable or email.
- 11.6** During the hearing held before the NADAB or, failing which, in the first act of defense, the parties shall be required to state the email address where they wish to receive communications. Failing this, communications may be forwarded to any personal email address of the *Athlete* or other *Person* already known to the relevant NSF/ASD/SPE and/or International Federation.

Definitions

Defined Terms from the *Code* and from the *ADSC*

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

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

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

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

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

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

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

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

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

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

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

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

Consequences of Anti-Doping Rule Violations (“Consequences”): An *Athlete’s* or other *Person’s* violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the *Athlete’s* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) Ineligibility means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in *Code* Article 10.14.1; (c) Provisional Suspension means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with *Code* Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in *Code* 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.

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

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

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection

and handling, laboratory analysis, *Results Management* and investigations or proceedings relating to violations of *Code* Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Specified Method: See *Code* Article 4.2.2.

Specified Substance: See *Code* Article 4.2.2.

Substance of Abuse: See *Code* Article 4.2.3.

Substantial Assistance: For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that

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

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

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

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

Technical Document for Testing and Investigations (TD_TI): The document adopted by NADO Italia implementing the *International Standard for Testing and Investigations*, published on NADO Italia's website (www.nadoitalia.it).

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

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

Therapeutic Use Exemptions' Application Procedure (TUE_AP): The procedure adopted by NADO Italia for the TUEs' application, published on NADO Italia's website (www.nadoitalia.it).

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

WADA: The World Anti-Doping Agency.

Defined Terms from the *International Standard for Testing and Investigations*

Doping Control Officer (or DCO): An official who has been trained and authorized by the *Sample Collection Authority* to carry out the responsibilities given to DCOs in the *International Standard for Testing and Investigations*.

Expert: The Expert(s) and/or Expert Panel, with knowledge in the concerned field, chosen by the *Anti-Doping Organization* and/or Athlete Passport Management Unit, are responsible for providing an evaluation of the Passport. The Expert must be external to the *Anti-Doping Organization*.

For the Haematological Module, the Expert panel should consist of at least three (3) Experts who have qualifications in one or more of the fields of clinical and Laboratory haematology, sports medicine or exercise physiology, as they apply to blood doping. For the Steroidal Module, the Expert panel should be composed of at least three (3) individuals with qualifications in the fields of Laboratory steroid analysis, steroid doping and metabolism and/or clinical endocrinology. For both modules, an Expert panel should consist of Experts with complementary knowledge such that all relevant fields are represented. The Expert panel may include a pool of at least three (3) appointed Experts and any additional ad hoc Expert(s) who may be required upon request of any of the appointed Experts or by the Athlete Passport Management Unit of the *Anti-Doping Organization*.

Sample Collection Authority: The organization that is responsible for the collection of *Samples* in compliance with the requirements of the *International Standard for Testing and Investigations*, whether (1) the Testing Authority itself; or (2) a *Delegated Third Party* to whom the authority to conduct *Testing* has been granted or sub-contracted. The Testing Authority always remains ultimately responsible under the *Code* for compliance with the requirements of the *International Standard for Testing and Investigations* relating to collection of *Samples*.

Sample Collection Session: All of the sequential activities that directly involve the *Athlete* from the point that initial contact is made until the *Athlete* leaves the Doping Control Station after having provided their *Sample(s)*.

Testing Authority: The *Anti-Doping Organization* that authorizes *Testing* on *Athletes* it has authority over. It may authorize a *Delegated Third Party* to conduct *Testing* pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organization*. Such authorization shall be documented. The *Anti-Doping Organization* authorizing *Testing* remains the Testing Authority and ultimately responsible under the *Code* to ensure the *Delegated Third Party* conducting the *Testing* does so in compliance with the requirements of the *International Standard for Testing and Investigations*.

Unsuccessful Attempt Report: A detailed report of an unsuccessful attempt to collect a *Sample* from an *Athlete* in a Registered Testing Pool or Testing pool setting out the date of the attempt, the location visited, the exact arrival and departure times at the location, the steps taken at the location to try to find the *Athlete* (including details of any contact made with third parties), and any other relevant details about the attempt.

Whereabouts Filing: Information provided by or on behalf of an *Athlete* in a *Registered Testing Pool* (or *Testing pool* if applicable) that sets out the *Athlete's* whereabouts during the following quarter, in accordance with ISTI Article 4.8.

Defined Terms from the *International Standard for Laboratories*

Adaptive Model: A mathematical model designed to identify unusual longitudinal results from *Athletes*. The model calculates the probability of a longitudinal profile of *Marker* values assuming that the *Athlete* has a normal physiological condition.

Athlete Passport Management Unit (APMU): A unit composed of a *Person* or *Persons* that is responsible for the timely management of *Athlete Biological Passports* in *ADAMS* on behalf of the *Passport Custodian*.

Confirmation Procedure (CP): An *Analytical Testing Procedure* that has the purpose of confirming the presence and/or, when applicable, confirming the concentration/ratio/score and/or establishing the origin (exogenous or endogenous) of one or more specific *Prohibited Substances*, *Metabolite(s)* of a *Prohibited Substance*, or *Marker(s)* of the *Use of a Prohibited Substance* or *Prohibited Method* in a *Sample*.

Independent Witness: A *Person*, invited by the *Testing Authority*, the *Laboratory* or *WADA* to witness parts of the *Analytical Testing* process. The *Independent Witness* shall be independent of the *Athlete* and his/her representative(s), the *Laboratory*, the *Sample Collection Authority*, the *Testing Authority* / *Results Management Authority* or *WADA*, as applicable. The *Independent Witness* may be indemnified for his/her service.

Laboratory(ies): (A) *WADA*-accredited laboratory(ies) applying *Test Methods* and processes to provide evidentiary data for the detection and/or identification of *Prohibited Substances* or *Prohibited Methods* on the *Prohibited List* and, if applicable, quantification of a *Threshold Substance* in *Samples* of urine and other biological matrices in the context of *Doping Control* activities.

Laboratory Documentation Package: The material produced by the *Laboratory* to support an analytical result such as an *Adverse Analytical Finding* as set forth in the *WADA Technical Document* for *Laboratory Documentation Packages* (TD LDOC).

Limit of Quantification (LOQ): Analytical parameter of assay technical performance. Lowest concentration of an *Analyte* in a *Sample* that can be quantitatively determined with acceptable precision and accuracy (i.e. acceptable *Measurement Uncertainty*) under the stated test conditions

Threshold Substance: An exogenous or endogenous *Prohibited Substance*, *Metabolite* or *Marker* of a *Prohibited Substance* for which the identification and quantitative determination (e.g. concentration, ratio, score) in excess of a pre-determined *Decision Limit*, or, when applicable, the establishment of an exogenous origin, constitutes an *Adverse Analytical Finding*. *Threshold Substances* are identified as such in the *Technical Document* on *Decision Limits* (TD DL).

Defined Term from the *International Standard for Therapeutic Use Exemptions*

Therapeutic: Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

Defined Term from the *International Standard for Protection of Privacy and Personal Information*

Personal Information: Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable *Participant* or relating to other *Person* whose information is Processed solely in the context of an *Anti-Doping Organization's Anti-Doping Activities*.

Defined Terms Specific to the *International Standard for Results Management*

Athlete Biological Passport Documentation Package: The material compiled by the Athlete Passport Management Unit 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.

Expert Panel: The Experts, with knowledge in the concerned field, chosen by the *Anti-Doping Organization* and/or Athlete Passport Management Unit, who are responsible for providing an evaluation of the Passport. For the Haematological Module, Experts should have knowledge in one or more of the fields of clinical haematology (diagnosis of blood pathological conditions), sports medicine or exercise physiology. For the Steroidal Module, the Experts should have knowledge in Laboratory analysis, steroid doping and/or endocrinology. For both modules, an Expert Panel should consist of Experts with complementary knowledge such that all relevant fields are represented. The Expert Panel may include a pool of at least three appointed Experts and any additional ad hoc Expert(s) who may be required upon request of any of the appointed Experts or by the Athlete Passport Management Unit of the *Anti-Doping Organization*.

Failure to Comply: A term used to describe anti-doping rule violations under *Code* Articles 2.3 and/or 2.5.

Filing Failure: A failure by the *Athlete* (or by a third party to whom the *Athlete* has delegated the task) to make an accurate and complete Whereabouts Filing that enables the *Athlete* to be located for *Testing* at the times and locations set out in the Whereabouts Filing or to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete, all in accordance with Article 4.8 of the *International Standard for Testing and Investigations* and Annex B.2 of the *International Standard for Results Management*.

Hearing Process: The process encompassing the timeframe between the referral of a matter to a hearing panel or tribunal until the issuance and notification of a decision by the hearing panel (whether at first instance or on appeal).

Missed Test: A failure by the *Athlete* to be available for *Testing* at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the *International Standard for Testing and Investigations* and Annex B.2 of the *International Standard for Results Management*.

Passport: A collation of all relevant data unique to an individual *Athlete* that may include longitudinal profiles of *Markers*, heterogeneous factors unique to that particular *Athlete* and other relevant information that may help in the evaluation of *Markers*.

Passport Custodian: The *Anti-Doping Organization* responsible for *Result Management* of the *Athlete's Passport* and for sharing any relevant information associated to that *Athlete's Passport* with other *Anti-Doping Organization(s)*.

Results Management Authority: The *Anti-Doping Organization* responsible for conducting *Results Management* in a given case.

Whereabouts Failure: A Filing Failure or a Missed Test.