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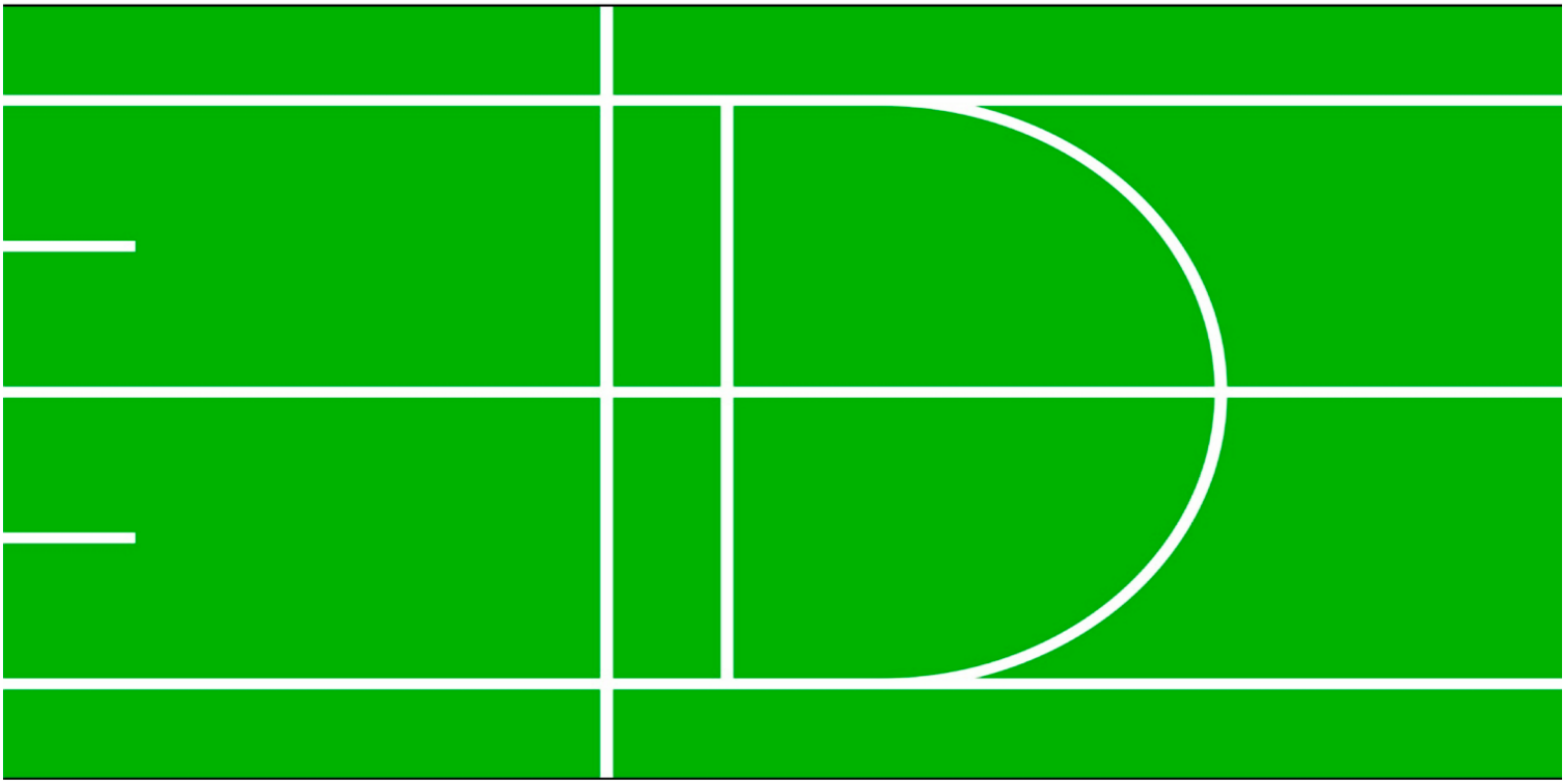
SLOVENSKA ANTIDOPING ORGANIZACIJA
SLOVENIAN ANTI-DOPING ORGANISATION

World Anti-Doping Code

Svetovni protidopinški kodeks



2027

World Anti-Doping *Code*

The World Anti-Doping *Code* was first adopted in 2003 and took effect in 2004. It was subsequently amended five times, the first time effective 1 January 2009, the second time effective 1 January 2015, the third time effective 1 April 2018 (compliance amendments), the fourth time effective 1 June 2019 (reporting of certain endogenous substances as *Atypical Findings*), and the fifth time effective 1 January 2021. The revised 2027 World Anti-Doping *Code* is effective as of 1 January 2027.

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Svetovni protidopinški *kodeks*

Svetovni protidopinški *kodeks* je bil prvič sprejet leta 2003 in je začel veljati leta 2004. Od takrat je bil petkrat spremenjen, in sicer prvič z veljavnostjo od 1. januarja 2009, drugič z veljavnostjo od 1. januarja 2015, tretjič z veljavnostjo od 1. aprila 2018 (spremembe zaradi skladnosti s predpisi), četrtič z veljavnostjo od 1. junija 2019 (poročanje o določenih endogenih snoveh kot t. i. *netipičnih ugotovitvah*) in petič z veljavnostjo od 1. januarja 2021. Spremenjeni Svetovni protidopinški *kodeks* 2027 začne veljati 1. januarja 2027.

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Zaradi praktičnosti je v besedilu uporabljen samo moški spol in velja popolnoma enakovredno tudi za ženski spol. V primeru razlik med slovenskim prevodom in izvirnikom v angleški ali francoski verziji, velja izvirnik v angleški verziji!

Prevod: Amidas d.o.o.

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Purposes, Scope and Organization of the World Anti-Doping Program

Purposes and Scope

The purposes of the World Anti-Doping Program are:

- To protect the *Athletes'* fundamental right to participate in doping-free sport and thus promote health, fairness and equality for *Athletes* worldwide, and

- To ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to the prevention of doping, including:

  Education — to protect clean sport by preventing unintentional and intentional anti-doping rule violations through raising awareness, providing information, instilling and reinforcing values and developing behaviors that support *Athletes, Athlete Support Personnel* and other *Persons* to act in accordance with the *Code*.

  Deterrence — to divert potential dopers, through ensuring that robust rules and sanctions are in place and salient for all stakeholders.

  Detection — an effective *Testing* and investigations system not only enhances a deterrent effect, but also is effective in protecting clean *Athletes* and the spirit of sport by catching those committing anti-doping rule violations, while also helping to disrupt anyone engaged in doping behavior.

  Enforcement — to adjudicate and sanction those found to have committed an anti-doping rule violation.

  Compliance – to support, monitor and enforce compliance with the *Code* and *International Standards.*

  Rule of law — to ensure that all relevant stakeholders have agreed to submit to the *Code* and the *International Standards*, and that all measures taken in application of their anti-doping programs respect the *Code*, the *International Standards*, human rights and the principle of proportionality.

Organization

The World Anti-Doping Program encompasses all of the elements needed in order to ensure optimal harmonization and best practice in international and national Anti-Doping programs. The main elements are:

Level 1: The World Anti-Doping *Code*

The *Code* is the fundamental and universal document upon which the World Anti-Doping Program in sport is based. The purpose of the *Code* is to advance the anti-doping effort through universal harmonization of core anti-doping elements. It is intended to be specific enough to achieve complete harmonization on issues where uniformity is required, yet general enough in other areas to permit flexibility on how agreed-upon anti-doping principles are implemented. The

Nameni, področje uporabe in organiziranost Svetovnega protidopinškega programa

Nameni in področje uporabe

Nameni Svetovnega protidopinškega programa so:

- zaščita temeljne pravice *športnikov* do sodelovanja v športu brez dopinga, ter s tem za spodbujanje zdravja, poštenosti in enakopravnosti *športnikov* po vsem svetu, ter
- zagotavljanje harmoniziranih, usklajenih in učinkovitih protidopinških programov, ki se nanašajo na preprečevanje dopinga, tako na mednarodni kot na nacionalni ravni, kar vključuje:

  izobraževanje – za varovanje čistega športa s preprečevanjem nenamernih in namernih kršitev protidopinških pravil na podlagi ozaveščanja, informiranja, privzgojitve in krepitve vrednot in razvoja vedenj, ki spodbujajo *športnike*, *spremljevalno osebje športnika* in druge *osebe* k ravnanju v skladu s *Kodeksom*;

  odvračanje – za odvračanje potencialnih kršiteljev z zagotavljanjem, da veljajo stroga pravila in sankcije, ki so pomembne za vse deležnike;

  odkrivanje – učinkovit sistem *testiranja* in preiskav ne le krepi odvračilni učinek, temveč tudi učinkovito ščiti čiste *športnike* in športni duh tako, da pomaga najti kršitelje protidopinških pravil in prekiniti uporabo dopinga;

  izvrševanje – za razsojanje o osebah, za katere je ugotovljeno, da so kršile protidopinška pravila, in njihovo sankcioniranje;

  skladnost – za podpiranje, spremljanje in zagotavljanje skladnosti s *Kodeksom* in *Mednarodnimi standardi;*

  vladavino prava – za zagotovitev, da so se vsi zadevni deležniki strinjali z upoštevanjem *Kodeksa* in *Mednarodnih standardov* ter da vsi ukrepi, sprejeti ob uporabi protidopinških programov, spoštujejo *Kodeks*, *Mednarodne standarde*, človekove pravice in načelo sorazmernosti.

Organizacija

Svetovni protidopinški program vključuje vse elemente, potrebne za zagotovitev optimalne harmonizacije, ter najboljše primere ravnanja v mednarodnih in nacionalnih protidopinških programih. Glavni elementi so:

1. raven: Svetovni protidopinški *Kodeks*

Kodeks je temeljna in univerzalna listina, na kateri temelji Svetovni protidopinški program v športu. Cilj *Kodeksa* je izboljšati uspeh protidopinških prizadevanj s splošno harmonizacijo bistvenih elementov boja proti dopingu. Njegov namen je biti dovolj natančen, da bo z njim mogoče doseči popolno harmonizacijo glede vprašanj, pri katerih je potrebna enotna ureditev, vendar dovolj splošen na drugih področjih, da dovoljuje tudi prilagodljivost glede uporabe dogovorjenih

Code has been drafted giving consideration to human rights and the principle of proportionality.[1]

protidopinških načel. Kodeks je bil oblikovan ob upoštevanju človekovih pravic in načela sorazmernosti. [5]

Level 2: *International Standards*, *Technical Documents* and *Technical Letters*

2. raven: *Mednarodni standardi*, *tehnični dokumenti* in *tehnična pojasnila*

International Standards

International Standards for different technical and operational areas within the anti-doping program have been and will be developed in consultation with *Signatories,* governments and other relevant stakeholders and approved by *WADA*. The purpose of the *International Standards* is harmonization among *Anti-Doping Organizations* and *WADA*-accredited or approved laboratories responsible for specific technical and operational parts of anti-doping programs. Adherence to the *International Standards* is mandatory for compliance with the *Code*. The *International Standards* may be revised from time to time by the *WADA* Executive Committee after reasonable consultation with *Signatories*, governments and other relevant stakeholders. *International Standards* and all revisions will be published on the *WADA* website and shall become effective on the date specified in the *International Standard* or revision.[2]

Mednarodni standardi

Oblikovanje *Mednarodnih standardov* za različna tehnična in operativna področja protidopinškega programa poteka ob posvetovanju s *podpisnicami*, vladami in drugimi zadevnimi deležniki ter ob potrditvi s strani *WADA*. Namen *Mednarodnih standardov* je harmonizacija med *protidopinškimi organizacijami* in laboratoriji, ki jih je akreditirala ali odobrila *WADA* ter so odgovorni za določene tehnične in operativne dele protidopinških programov. Upoštevanje *Mednarodnih standardov* je obvezno za skladnost s *Kodeksom*. Izvršni odbor *WADA* lahko po razumnem posvetovanju s *podpisnicami,* vladami in drugimi zadevnimi deležniki občasno spremeni *Mednarodne standarde*. *Mednarodni standardi* in vse spremembe se objavijo na spletnem mestu *WADA* ter začnejo veljati z dnem, določenim v *Mednarodnem standardu* oz. reviziji.[6]

Technical Documents

Technical Documents relating to mandatory technical requirements for the implementation of an *International Standard* may be approved and published from time to time by the *WADA* Executive Committee. Adherence to *Technical Documents* is mandatory for compliance with the *Code*. Where the implementation of a new or revised *Technical Document* is not time sensitive, the *WADA* Executive Committee shall allow for reasonable consultation with *Signatories*, governments and other relevant stakeholders. *Technical Documents* shall become effective immediately upon publication on the *WADA* website unless a later date is specified.[3]

Tehnični dokumenti

Izvršni odbor *WADA* lahko občasno odobri in objavi *tehnične dokumente* v zvezi z obveznimi tehničnimi zahtevami za izvajanje *Mednarodnega standarda*. Upoštevanje *tehničnih dokumentov* je obvezno za skladnost s *Kodeksom*. Če izvajanje novega ali spremenjenega *tehničnega dokumenta* ni časovno omejeno, izvršni odbor *WADA* dovoli razumno posvetovanje s *podpisnicami*, vladami in drugimi zadevnimi deležniki. *Tehnični dokumenti* začnejo veljati takoj po objavi na spletnem mestu WADA, razen če je določen poznejši datum.[7]

Technical Letters

Technical Letters relating to mandatory technical requirements for the analysis, interpretation and reporting of specific *Prohibited Substances* and/or *Prohibited Method(s)* or on the application of specific Laboratory or *Athlete Biological Passport* Laboratory procedures may be approved and published from time to time by the *WADA* Executive Committee. Adherence to *Technical Letters* is mandatory for compliance with the *Code*.

Tehnična pojasnila

Izvršni odbor *WADA* lahko občasno odobri in objavi *tehnična pojasnila* v zvezi z obveznimi tehničnimi zahtevami za analizo, razlago in prijavo določenih *prepovedanih snovi* in/ali *prepovedanih postopkov* ali o uporabi določenih laboratorijskih postopkov ali laboratorijskih postopkov za *biološki potni list športnika*. Upoštevanje *tehničnih pojasnil* je obvezno za skladnost s *Kodeksom*.

Level 3: Guidelines and Templates

3. raven: Smernice in vzorci

Guidelines and templates based on the *Code* and *International Standards* have been and will be developed to provide

Na podlagi *Kodeksa* in *Mednarodnih standardov* so bile in bodo pripravljene smernice in vzorci, ki bodo zagotovili

[1] *[Comment: The Olympic Charter and the International Convention against Doping in Sport 2005 adopted in Paris on 19 October 2005 ("UNESCO Convention"), both recognize the prevention of and the fight against doping in sport as a critical part of the mission of the International Olympic Committee and UNESCO, and also recognize the fundamental role of the Code.]*

[2] *[Comment: The International Standards contain much of the technical detail necessary for implementing the Code and will be developed by subject matter experts and set forth in separate documents. It is important that the WADA Executive Committee be able to make timely changes to the International Standards without requiring any amendment of the Code.]*

[3] *[Comment: For example, where an additional analytical procedure is required before reporting a Sample as an Adverse Analytical Finding, that procedure would be mandated in a Technical Document issued immediately by the WADA Executive Committee.]*

[5] *[Komentar: Olimpijska listina in Mednarodna konvencija proti uporabi nedovoljenih snovi v športu, ki je bila sprejeta 19. oktobra 2005 v Parizu (»UNESCO konvencija«), priznavata, da sta preprečevanje dopinga v športu in boj proti njemu bistven del poslanstva Mednarodnega olimpijskega komiteja in UNESCO; poleg tega priznavata tudi temeljno vlogo Kodeksa.]*

[6] *[Komentar: Mednarodni standardi vsebujejo veliko strokovnih podrobnosti, potrebnih za izvajanje Kodeksa. Te pripravljajo in v ločenih dokumentih objavljajo področni strokovnjaki. Pomembno je, da lahko izvršni odbor WADA pravočasno spremeni Mednarodne standarde, ne da bi bilo pri tem potrebno spreminjati Kodeks.]*

[7] *[Komentar: Če je na primer pred prijavo vzorca kot nasprotne analitične ugotovitve zahtevan dodatni analitični postopek, se ta postopek določi v tehničnem dokumentu, ki ga takoj izda izvršni odbor WADA.]*

solutions in different areas of anti-doping. The guidelines and templates will be recommended by *WADA* and made available to *Signatories* and other relevant stakeholders but will not be mandatory. In addition to providing templates of anti-doping documentation, *WADA* will also make training available to *Signatories*.[4]

rešitve na različnih področjih boja proti dopingu. Smernice in vzorce priporoči *WADA* ter jih da na razpolago *podpisnicam* in drugim zadevnim deležnikom, vendar njihova uporaba ni obvezna. WADA poleg vzorcev za protidopinško dokumentacijo zagotovi podpisnicam tudi izobraževanje.[8]

Fundamental Rationale for the World Anti-Doping *Code*

Temeljni razlogi za Svetovni protidopinški *kodeks*

Anti-doping is primarily an ethical position based on a vision of the spirit of sport.

Pri boju proti dopingu gre v prvi vrsti za etično stališče, ki temelji na viziji športnega duha.

Anti-doping programs are founded on the intrinsic value of sport. This intrinsic value is known as "the spirit of sport": the ethical pursuit of athletic excellence through the dedicated perfection of each *Athlete's* natural talents. Anti-doping endeavors to preserve the spirit of sport.

Protidopinški programi temeljijo na temeljnih vrednotah športa, ki jih pogosto imenujemo »športni duh«: etično prizadevanje za športno odličnost prek predanega izpopolnjevanja naravnih talentov vsakega *športnika*. Namen protidopinških prizadevanj je torej ohraniti športni duh.

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

Cilj protidopinških programov je v svetu ohraniti integriteto športa, kar zadeva spoštovanje pravil in drugih športnikov, pravico do poštenega tekmovanja in pomen čistega športa.

The spirit of sport is the celebration of the human spirit, body and mind. It is reflected in the following values we find in and through sport, including:

- Community
- Equality
- Fun and joy
- Respect
- Solidarity

Športni duh je praznovanje človeškega duha, telesa in uma. Odraža se v naslednjih vrednotah, ki jih najdemo v športu in prek njega, med drugim, v:

- skupnosti;
- enakopravnosti;
- zabavi in veselju;
- spoštovanju;
- solidarnosti.

Therefore, in the spirit of sport, *Athletes* demonstrate values such as:

- Accomplishment
- Commitment
- Courage
- Discipline
- Excellence in performance
- Fair play
- Honesty
- Personal responsibility

Športniki v duhu športa tako izkazujejo vrednote, kot so:

- uspeh;
- predanost;
- pogum;
- disciplina;
- odličnost v nastopanju;
- poštena igra;
- iskrenost;
- osebna odgovornost.

Equally, *Athlete Support Personnel* have a fundamental role to both demonstrate and promote these values, including the fun and joy of sport, to ensure positive sporting experiences for *Athletes*.

Tudi *spremljevalno osebje športnika* ima ključno vlogo pri izkazovanju in spodbujanju teh vrednot, vključno z zabavo in veseljem ob športu, da se *športnikom* zagotovi pozitivna športna izkušnja.

Anti-doping programs seek both to protect the health of *Athletes* and to provide the opportunity for *Athletes* to develop and express their athletic abilities without the *Use* of *Prohibited Substances* and *Methods*.

Cilj protidopinških programov je zaščititi zdravje *športnikov* ter jim zagotoviti priložnost za razvijanje in izkazovanje športnih sposobnosti brez *uporabe prepovedanih snovi* in *postopkov*.

Values embedded in anti-doping programs include:

Vrednote, ki so sestavni del protidopinških programov, med drugim vključujejo:

[4] *[Comment: These templates may provide alternatives from which stakeholders may select. Some stakeholders may choose to adopt the templates and other models of best practices verbatim. Others may decide to adopt the templates with modifications. Still other stakeholders may choose to develop their own rules consistent with the general principles and specific requirements set forth in the Code.*
Guidelines or templates for specific parts of anti-doping work have been developed and may continue to be developed based on generally recognized stakeholder needs and expectations.]

[8] *[Komentar: Ti vzorci lahko vsebujejo različne možnosti, med katerimi lahko izbirajo deležniki. Deležniki lahko sprejmejo vzorce in druge modele dobre prakse dobesedno, lahko pa vzorce sprejmejo z določenimi prilagoditvami. Deležniki lahko sprejmejo tudi svoja pravila, ki so skladna s splošnimi načeli in določenimi zahtevami, opredeljenimi v Kodeksu.*
Smernice ali vzorci za določena področja dejavnosti boja proti dopingu se oblikujejo in se bodo nadalje oblikovali glede na splošno ugotovljene potrebe in pričakovanja deležnikov.]

- *Athletes'* rights and responsibilities as set forth in the *Code*
- Cooperation with others
- *Education* and knowledge
- Fairness
- Health
- Respect for human rights
- Respect for rules, laws and justice

The spirit of sport is expressed in how we 'Play True'. Doping is fundamentally contrary to the spirit of sport.

- pravice in odgovornosti *športnikov*, kot so določene v *Kodeksu*;
- sodelovanje z drugimi;
- *izobrazbo* in znanje;
- poštenost;
- zdravje;
- spoštovanje človekovih pravic;
- spoštovanje pravil, zakonodaje in pravičnosti.

Športni duh se izraža v tem, kako »igramo pošteno«. Doping je popolno nasprotje športnega duha.

PART ONE
DOPING CONTROL

PRVI DEL
KONTROLA DOPINGA

Introduction

Part One of the *Code* sets forth specific anti-doping rules and principles that are to be followed by organizations responsible for adopting, implementing or enforcing anti-doping rules within their authority, e.g., the International Olympic Committee, International Paralympic Committee, International Federations, *National Olympic Committees* and Paralympic Committees, *Major Event Organizations*, *National Anti-Doping Organizations* and *WADA*. All such organizations are collectively referred to as *Anti-Doping Organizations*.

All provisions of the *Code* are mandatory in substance and shall be followed as applicable by each *Anti-Doping Organization* and *Athlete* or other *Person*. The *Code* does not, however, replace or eliminate the need for comprehensive anti-doping rules to be adopted by each *Anti-Doping Organization*. While some provisions of the *Code* shall be incorporated without substantive change by each *Anti-Doping Organization* in its own anti-doping rules, other provisions of the *Code* establish mandatory guiding principles that allow flexibility in the formulation of rules by each *Anti-Doping Organization* or establish requirements that shall be followed by each *Anti-Doping Organization* but need not be repeated in its own anti-doping rules.[9]

Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. *Athletes*, *Athlete Support Personnel* or other *Persons* (including board members, directors, officers, and specified employees and *Delegated Third Parties* and their employees) accept these rules as a condition of participation or involvement in sport and shall be bound by these rules.[10] Each *Signatory* shall establish rules and procedures to ensure that all *Athletes*, *Athlete Support Personnel* or other *Persons* under the authority of the *Signatory* and its member organizations are informed of and agree to be bound by anti-doping rules in force of the relevant *Anti-Doping Organizations*.

Uvod

Prvi del *Kodeksa* opredeljuje posebna protidopinška pravila in načela, ki jih morajo upoštevati organizacije, odgovorne za sprejem, izvajanje ali uveljavitev protidopinških pravil v okviru svoje pristojnosti, npr. Mednarodni olimpijski komite, Mednarodni paralimpijski komite, mednarodne zveze, *nacionalni olimpijski komiteji* in paralimpijski komiteji, *organizatorji velikih prireditev*, *nacionalne protidopinške organizacije* in *WADA*. Vse take organizacije skupno imenujemo *protidopinške organizacije*.

Vse določbe *Kodeksa* so vsebinsko zavezujoče ter jih morajo upoštevati vsaka *protidopinška organizacija*, vsak *športnik* oziroma druga *oseba*. *Kodeks* pa ne nadomešča in ne izključuje potrebe po celostnem protidopinškem pravilniku, ki ga sprejme vsaka *protidopinška organizacija*. Nekatere določbe *Kodeksa* morajo *protidopinške organizacije* vključiti v svoje protidopinške pravilnike brez vsebinskih sprememb, medtem ko druge določbe *Kodeksa* vzpostavljajo obvezna vodilna načela, ki vsaki *protidopinški organizaciji* dovoljujejo prilagodljivost pri sestavi pravilnikov ali vzpostavljajo zahteve, ki jih mora izpolniti vsaka *protidopinška organizacija*, ni pa jih treba ponovno navesti v njihovih lastnih pravilnikih.[129]

Protidopinška pravila so, prav tako kot pravila tekmovanja, športna pravila, ki urejajo pogoje, pod katerimi se določen šport igra. *Športniki, spremljevalno osebje športnika* ali druge *osebe* (vključno s člani odbora, direktorji, vodilnimi delavci ter določenimi zaposlenimi in *pooblaščenimi tretjimi osebami* ter njihovimi zaposlenimi) sprejemajo ta pravila kot pogoj za sodelovanje ali udeležbo v športu ter se jih morajo držati.[130] Vsaka *podpisnica* mora vzpostaviti pravila in postopke, s katerimi zagotovi, da so vsi *športniki, spremljevalno osebje športnika* ali druge *osebe* pod pristojnostjo *podpisnice* in njenih organizacij članic seznanjeni s protidopinškimi pravili zadevnih *protidopinških organizacij* in da se strinjajo, da jih ta pravila zavezujejo.

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[9] *[Comment: Those Articles of the Code which shall be incorporated into each Anti-Doping Organization's rules without substantive change are set forth in Article 23.2.2. For example, it is critical for purposes of harmonization that all Signatories base their decisions on the same list of anti-doping rule violations, the same burdens of proof and impose the same Consequences for the same anti-doping rule violations. These rules shall be the same whether a hearing takes place before an International Federation, at the national level or before the Court of Arbitration for Sport (CAS).*
Code provisions not listed in Article 23.2.2 are still mandatory in substance even though an Anti-Doping Organization is not required to incorporate them verbatim. Those provisions generally fall into two categories. First, some provisions direct Anti-Doping Organizations to take certain actions but there is no need to restate the provision in the Anti-Doping Organization's own anti-doping rules. For example, each Anti-Doping Organization shall plan and conduct Testing as required by Article 5, but these directives to the Anti-Doping Organization need not be repeated in the Anti-Doping Organization's own rules. Second, some provisions are mandatory in substance but give each Anti-Doping Organization some flexibility in the implementation of the principles stated in the provision. As an example, it is not necessary for effective harmonization to force all Signatories to use one single Results Management process as long as the process utilized satisfies the requirements stated in the Code and the International Standard for Results Management.]

[10] *[Comment: Where the Code requires a Person other than an Athlete or Athlete Support Person to be bound by the Code, such Person would of course not be subject to Sample collection or Testing, and would not be charged with an anti-doping rule violation under the Code for Use or Possession of a Prohibited Substance or Prohibited Method. Rather, such Person would only be subject to discipline for a violation of Code Articles 2.5 (Tampering), 2.7 (Trafficking), 2.8 (Administration), 2.9 (Complicity), 2.10 (Prohibited Association) and 2.11 (Retaliation). Furthermore, such Person would be subject to the additional roles and responsibilities according to Article 21.3. Also, the obligation to require an employee to be bound by the Code is subject to applicable law.]*

[129] *[Komentar: Členi Kodeksa, ki morajo biti vključeni v pravilnik vsake protidopinške organizacije brez vsebinske spremembe, so navedeni v členu 23.2.2. Za namene harmonizacije je na primer ključnega pomena, da odločitve vseh podpisnic izhajajo z istega seznama kršitev protidopinških pravil, da vse podpisnice uporabljajo enake dokazne standarde in vse nalagajo enake posledice za enake kršitve protidopinških pravil. Pravila morajo biti enaka ne glede na to, ali obravnava poteka pred mednarodno zvezo, na nacionalni ravni ali pred CAS.*
Določbe Kodeksa, ki niso naštete v členu 23.2.2, so vsebinsko zavezujoče, čeprav jih protidopinške organizacije niso dolžne vključiti v lastne pravilnike dobesedno. Te določbe večinoma spadajo v dve kategoriji. Prvič: nekatere določbe protidopinškim organizacijam nalagajo sprejetje določenih ukrepov, ni pa potrebe, da bi protidopinška organizacija takšno določbo ponovno navajala v lastnem pravilniku. Vsaka protidopinška organizacija mora na primer načrtovati in izvesti testiranje, kot je to določeno v 5. členu, vendar pa ji teh navodil, ki so naslovljena nanjo, ni treba ponovno navesti v lastnem pravilniku. Drugič: nekatere določbe so vsebinsko zavezujoče, vendar pa vsaki protidopinški organizaciji omogočajo določeno mero prilagodljivosti pri uporabi načel, zapisanih v določbi. Na primer, za učinkovito harmonizacijo ni treba siliti vseh podpisnic k uporabi enakega postopka upravljanja z rezultati, če uporabljeni postopek izpolnjuje zahteve, navedene v Kodeksu in Mednarodnih standardih za upravljanje z rezultati.]

[130] *[Komentar: Če Kodeks zahteva, da njegova določila zavezujejo osebo, ki ni športnik ali član spremljevalnega osebja športnika, ta oseba seveda ni podvržena odvzemu vzorca ali testiranja in ne bi bila obtožena kršitve protidopinških pravil na podlagi Kodeksa zaradi uporabe ali posesti prepovedane snovi ali postopka. Taka oseba bi bila disciplinirana le zaradi kršitve členov*
2.5 (Nedovoljeno poseganje), 2.7 (Trgovanje), 2.8 (Dajanje), 2.9 (Udeležba), 2.10 (Prepovedano sodelovanje) in 2.11 (Povračilni ukrepi) Kodeksa. Poleg tega bi skladno s členom 21.3 za to osebo veljale dodatne vloge in obveznosti. Za obveznost, ki zahteva, da Kodeks zavezuje zaposlenega, se uporablja veljavna zakonodaja.]

Each *Signatory* shall establish rules and procedures to ensure that all *Athletes*, *Athlete Support Personnel* or other *Persons* under the authority of the *Signatory* and its member organizations are informed of the dissemination of their private data as required or authorized by the *Code*, and are bound by and compliant with the anti-doping rules found in the *Code*, and that the appropriate *Consequences* are imposed on those *Athletes* or other *Persons* who breach those rules. These sport- specific rules and procedures, aimed at enforcing anti-doping rules in a global and harmonized way, are distinct in nature from criminal and civil proceedings. They are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings, although they are intended to be applied in a manner which respects human rights and the principle of proportionality. When reviewing the facts and the law of a given case, all courts, arbitral hearing panels and other adjudicating bodies should be aware of and respect the distinct nature of the anti- doping rules in the *Code* and the fact that those rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

As provided in the *Code*, each *Anti-Doping Organization* shall be responsible for conducting all aspects of *Doping Control*. Subject to the requirements in Article 20 of the *Code*, any aspect of *Doping Control* or anti-doping *Education* may be delegated by an *Anti-Doping Organization* to a *Delegated Third Party*, however, the delegating *Anti-Doping Organization* shall require the *Delegated Third Party* to perform such aspects in compliance with the *Code* and *International Standards*, and the *Anti- Doping Organization* shall remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*.

Vsaka *podpisnica* mora vzpostaviti pravila in postopke, ki zagotavljajo, da so vsi *športniki, spremljevalno osebje športnika* ali druge *osebe* pod pristojnostjo *podpisnice* in njenih organizacij članic obveščeni o razširjanju njihovih osebnih podatkov, kot je zahtevano ali dovoljeno na podlagi *Kodeksa*, da jih protidopinška pravila, vsebovana v *Kodeksu*, zavezujejo in da morajo ravnati v skladu z njimi ter da *športnike* ali druge *osebe*, ki kršijo ta pravila, doletijo ustrezne *posledice*. Ta pravila in postopki, značilni za šport, so usmerjeni v globalno in harmonizirano uveljavitev protidopinških pravil ter se po svoji naravi razlikujejo od kazenskih in civilnih postopkov. Zato niso predmet nacionalnih pravnih standardov, ki veljajo v takih postopkih, ter jih z njimi tudi ni mogoče omejiti, vendar pa morajo biti uporabljeni na način, ki upošteva človekove pravice in načelo sorazmernosti. Pri obravnavanju dejstev in pravnih vprašanj v posameznih primerih se morajo vsa sodišča, arbitražni obravnavni senati in druga razsodišča zavedati in upoštevati posebno naravo protidopinških pravil, vsebovanih v *Kodeksu*, ter dejstvo, da ta pravila predstavljajo soglasje širokega spektra deležnikov z vsega sveta, ki si želijo poštenosti v športu.

Kot določa *Kodeks*, je vsaka *protidopinška organizacija* odgovorna za izvajanje vseh vidikov *kontrole dopinga*. *Protidopinška organizacija* lahko ob upoštevanju zahtev iz 20. člena *Kodeksa* kateri koli vidik *kontrole dopinga* ali *izobraževanja* glede preprečevanja dopinga prenese na *pooblaščeno tretjo osebo*, vendar *protidopinška organizacija*, ki prenaša pooblastila, od *pooblaščene tretje osebe* zahteva, da te vidike izvaja v skladu s *Kodeksom* in *Mednarodnimi standardi*, *protidopinška organizacija* pa ostane v celoti odgovorna za zagotavljanje, da se vsi preneseni vidiki izvajajo v skladu s *Kodeksom*.

Article 1 Definition of Doping
Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.11 of the *Code*.

1. člen Definicija dopinga
Doping je opredeljen kot pojav ene ali več kršitev protidopinških pravil, navedenih v členih 2.1 do 2.11 *Kodeksa*.

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

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

The following constitute anti-doping rule violations:

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

2.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.[11]

2. člen Kršitve protidopinških pravil
Namen 2. člena je določiti okoliščine in ravnanja, ki predstavljajo kršitev protidopinških pravil. Obravnave v primerih dopinga potekajo na podlagi trditve, da je bilo kršeno eno ali več teh pravil.

Športniki ali druge *osebe* so odgovorni za seznanjenost s tem, kaj predstavlja kršitev protidopinških pravil ter katere snovi in postopki so uvrščeni na *Listo prepovedanih snovi in postopkov*.

Kršitve protidopinških pravil so:

2.1 Prisotnost *prepovedane snovi* ali njenih *presnovkov* ali *označevalcev* v *športnikovem vzorcu*

2.1.1 Osebna dolžnost *športnika* je, da prepreči vnos *prepovedanih snovi* v svoje telo. *Športniki* odgovarjajo za vsakršno prisotnost *prepovedane snovi*, njenih *presnovkov* ali *označevalcev*, najdenih v njihovih *vzorcih*. Skladno s tem za ugotovitev kršitve protidopinških pravil po členu 2.1 ni potrebno, da je *športniku* dokazan njegov naklep, *krivda*, *malomarnost* ali zavestna

[11] *[Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's Fault is taken into consideration in determining the Consequences of this anti- doping rule violation*

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's* A *Sample* where the *Athlete* waives analysis of the B *Sample* and the B *Sample* is not analyzed; or, where the *Athlete's* B *Sample* is analyzed and the analysis of the *Athlete's* B *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's* A *Sample*; or where the *Athlete's* A or B *Sample* is split into two parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.[12]

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

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

2.2 *Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*[13]

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

uporaba prepovedane snovi.[131]

2.1.2 Za zadosten dokaz kršitve protidopinških pravil po členu 2.1 se šteje kar koli izmed naštetega: prisotnost *prepovedane snovi* ali njenih *presnovkov* ali *označevalcev* v *športnikovem vzorcu* A, če se *športnik* odpove analizi *vzorca* B in se zato *vzorec* B ne analizira; ali če je opravljena analiza *športnikovega vzorca* B in analiza potrdi prisotnost *prepovedane snovi*, njenih *presnovkov* ali *označevalcev* v *športnikovem vzorcu* A; ali če je *športnikov vzorec* A ali B razdeljen na dva dela in analiza potrditvenega dela razdeljenega *vzorca* potrdi prisotnost *prepovedane snovi*, njenih *presnovkov* ali *označevalcev*, najdenih v prvem delu razdeljenega *vzorca*, ali če se *športnik* odpove analizi potrditvenega dela razdeljenega *vzorca*.[132]

2.1.3 Z izjemo tistih snovi, za katere je na *Listi prepovedanih snovi in postopkov* ali v *tehničnem dokumentu* posebej določena *mejna vrednost*, se šteje za kršitev protidopinških pravil prisotnost katere koli navedene količine *prepovedane snovi* ali njenih *presnovkov* ali *označevalcev* v *športnikovem vzorcu*.

2.1.4 Kot izjema od splošnega pravila po členu 2.1 so lahko na *Listi prepovedanih snovi in postopkov*, v *Mednarodnih standardih* ali *tehničnih dokumentih* določeni posebni kriteriji za prijavo ali ocenjevanje nekaterih *prepovedanih snovi*.

2.2 *Uporaba* ali *poskus uporabe prepovedane snovi* ali *prepovedanega postopka* s strani *športnika*[133]

2.2.1 Osebna dolžnost *športnika* je, da prepreči vnos *prepovedanih snovi* v svoje telo in da ne *uporablja prepovedanih postopkov*. Skladno z navedenim za ugotovitev kršitve protidopinških pravil z *uporabo prepovedane snovi* ali *prepovedanega postopka* ni potrebno, da je *športniku* dokazan njegov naklep, *krivda*, *malomarnost* ali zavestna

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under Article 10. This principle has consistently been upheld by CAS. An anti-doping rule violation for Presence is established when a Prohibited Substance is detected in the Sample of an Athlete who was subject to rules adopted pursuant to the Code at the time of Sample collection, regardless of whether the Athlete was subject to the Code at the time the Prohibited Substance was Used.]

[12] *[Comment to Article 2.1.2: The Anti-Doping Organization with Results Management authority may, at its discretion, choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]*

[13] *[Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1.*

For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]

[131] *Komentar k členu 2.1.1: Kršitev protidopinških pravil po tem členu je storjena ne glede na športnikovo krivdo. To pravilo je CAS v več svojih odločbah imenovalo »objektivna odgovornost«. Športnikova krivda pa se upošteva pri določanju posledic kršitve tega protidopinškega pravila po določbi 10. člena. To načelo CAS dosledno upošteva. Kršitev protidopinških pravil zaradi prisotnosti se ugotovi, ko se v vzorcu športnika, za katerega so ob času odvzema vzorca veljala pravila, sprejeta v skladu s Kodeksom, ugotovi prisotnost prepovedane snovi, ne glede na to, ali je Kodeks za športnika veljal že ob času uporabe prepovedane snovi.]*

[132] *[Komentar k členu 2.1.2: Protidopinška organizacija, pristojna za upravljanje z rezultati, lahko po lastni presoji da v analizo vzorec B, četudi športnik tega ne zahteva.]*

[133] *[Komentar k členu 2.2: Od nekdaj velja, da je uporabo ali poskus uporabe prepovedanih snovi ali prepovedanih postopkov dovoljeno ugotavljati s katerimi koli zanesljivimi sredstvi. Kot izhaja iz komentarja k členu 3.2, se lahko v primerjavi z dokazi, potrebnimi za ugotovitev kršitve protidopinških pravil po členu 2.1, uporaba ali poskus uporabe ugotavljata z drugimi zanesljivimi sredstvi, kot so na primer priznanje športnika, izjave prič, listinski dokazi, izsledki longitudinalnega profiliranja, vključno s podatki, zbranimi kot del športnikovega biološkega potnega lista, ali z drugimi analitičnimi informacijami, ki drugače ne izpolnjujejo vseh zahtev, da bi bilo z njimi mogoče ugotoviti prisotnost prepovedane snovi po členu 2.1.*

Uporabo je na primer mogoče ugotoviti na podlagi zanesljivih analitičnih podatkov iz analize vzorca A (brez potrditve z analizo vzorca B) ali iz analize samega vzorca B, če protidopinška organizacija ponudi zadostno razlago za odsotnost potrditve iz drugega vzorca.]

Prohibited Method.

2.2.2 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.[14]

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

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*[15]

2.4 Whereabouts Failures by an *Athlete*

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

2.5 *Tampering* or *Attempted Tampering* with any Part of *Doping Control* by an *Athlete* or Other *Person*[16]

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

2.6.1 *Possession* by an *Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is consistent with a *Therapeutic Use Exemption* granted in accordance with Article 4.4 or other acceptable justification.[17]

uporaba.

2.2.2 Uspešnost ali neuspešnost *uporabe* ali *poskusa uporabe prepovedane snovi* ali *prepovedanega postopka* nista bistveni. Za kršitev protidopinških pravil zadostuje *uporaba* ali *poskus uporabe prepovedane snovi* ali *prepovedanega postopka*.[134]

2.3 *Športnikovo* izogibanje odvzemu *vzorca*, zavračanje ali nepristop k odvzemu *vzorca*

Izogibanje odvzemu *vzorca*, zavračanje ali nepristop k odvzemu *vzorca* brez tehtne obrazložitve po obvestilu uradno pooblaščene *osebe*.[135]

2.4 *Športnikove* kršitve v zvezi z lokacijo

Katera koli kombinacija treh neuspešnih testiranj in/ali neposredovanih prijav lokacije, kot jih določajo *Mednarodni standardi* za *upravljanje z rezultati*, v obdobju dvanajstih mesecev s strani *športnika* v *registrirani skupini za testiranje*.

2.5 *Nedovoljeno poseganje* ali *poskus nedovoljenega poseganja* v kateri koli del postopka *kontrole dopinga* s strani *športnika* ali druge *osebe*[136]

2.6 *Posest prepovedane snovi* ali *prepovedanega postopka* s strani *športnika* ali *člana spremljevalnega osebja športnika*

2.6.1 *Športniku* je *med tekmovanjem* prepovedano *posedovati* katero koli *prepovedano snov* ali *prepovedan postopek*, prav tako mu je *izven tekmovanj* prepovedano *posedovati* katero koli *prepovedano snov ali prepovedan postopek*, ki je prepovedan *izven tekmovanj*, razen če dokaže, da je njegova *posest* v skladu s *terapevtsko izjemo*, podeljeno na podlagi člena 4.4, ali drugim

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[14] *[Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method.*
An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such Substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that Substance might have been administered.)
To establish an anti-doping rule violation under this Article 2.2, the alleged Use or Attempted Use shall have occurred when the Athlete was bound by rules adopted pursuant to the Code. However, this does not preclude an Anti-Doping Organization or other sport organization from adopting and enforcing eligibility rules that allow the organization to deny or revoke the membership of a Person who engaged in conduct, before being bound by rules adopted pursuant to the Code, where such conduct would have constituted an anti-doping rule violation had it occurred while the Person was bound by rules adopted pursuant to the Code.]

[15] *[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]*

[16] *[Comment to Article 2.5: The mere failure by an Athlete, Athlete Support Person or other Person to cooperate with Anti-Doping Organizations investigating anti-doping rule violations or violations of Article 10.14.1 does not constitute Tampering under Article 2.5. Such failure to cooperate may, however, be the basis for disciplinary action under a Signatory's rules where such rules include appropriate procedural safeguards.]*

[17] *[Comment to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.]*

[134] *[Komentar k členu 2.2.2: Da bi dokazali poskus uporabe prepovedane snovi ali prepovedanega postopka, je treba dokazati športnikov naklep. Dejstvo, da je treba za dokazovanje te kršitve protidopinških pravil dokazati naklep, ne vpliva na načelo objektivne odgovornosti za kršitve člena 2.1 in kršitve člena 2.2 v zvezi z uporabo prepovedanih snovi ali prepovedanih postopkov.*
Športnikova uporaba prepovedanih snovi predstavlja kršitev protidopinških pravil, razen če snov ni prepovedana izven tekmovanja in jo športnik tudi uporablja izven tekmovanja. (Vendar pa je prisotnost prepovedane snovi ali njenih presnovkov ali označevalcev v vzorcu, odvzetem med tekmovanjem, kršitev člena 2.1 ne glede na to, kdaj je bila snov vnesena v telo.)
Za ugotovitev kršitve protidopinških pravil v skladu s tem členom 2.2 se šteje, da je do domnevne uporabe ali poskusa uporabe prišlo, ko je bil športnik zavezan k upoštevanju pravil, sprejetih v skladu s Kodeksom. Vendar pa to ne izključuje možnosti protidopinške organizacije ali druge športne organizacije, da sprejme in izvaja pravila o upravičenosti, ki organizaciji omogočajo, da zavrne ali prekliče članstvo osebe, ki je pred tem, ko je bila zavezana k upoštevanju pravil, sprejetih v skladu s Kodeksom, ravnala na način, ki bi pomenil kršitev protidopinških pravil, če bi do tega ravnanja prišlo, ko je bila oseba zavezana k upoštevanju pravil, sprejetih v skladu s Kodeksom.]

[135] *[Komentar k členu 2.3: Za kršitev protidopinških pravil z »izogibanjem odvzemu vzorca« bi se na primer štelo, če bi se ugotovilo, da se športnik namenoma izogiba uradniku za kontrolo dopinga, zato da bi se izognil obvestilu ali testiranju. Kršitev z »nepristopom k odvzemu vzorca« lahko temelji bodisi na naklepnem ali malomarnem ravnanju športnika, medtem ko »izogibanje« ali »zavračanje odvzema vzorcev« zahtevata naklepno ravnanje športnika.]*

[136] *[Komentar k členu 2.5: Samo dejstvo, da športnik, član spremljevalnega osebja športnika ali druga oseba ne sodeluje s protidopinškimi organizacijami, ki preiskujejo kršitve protidopinških pravil ali kršitve člena 10.14.1, ne pomeni nedovoljenega poseganja iz člena 2.5. Lahko pa je tako nesodelovanje podlaga za disciplinske ukrepe v skladu s pravili podpisnice, če ta pravila vključujejo ustrezna postopkovna jamstva.]*

2.6.2 *Possession* by an *Athlete Support Person In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Support Person Out-of- Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete*, competition or training, unless the *Athlete Support Person* establishes that the *Possession* is consistent with a *Therapeutic Use Exemption* granted to an *Athlete* in accordance with Article 4.4 or other acceptable justification.[18]

2.7 *Trafficking* or *Attempted Trafficking* by an *Athlete* or Other *Person*.

2.8 *Administration* or *Attempted Administration* by an *Athlete* or Other *Person*

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

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.14.1 by another *Person*.[19]

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

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

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

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

upravičenim razlogom.[137]

2.6.2 *Posest katere koli prepovedane snovi ali uporaba katerega koli prepovedanega postopka s strani spremljevalnega osebja športnika med tekmovanjem oziroma posest katere koli prepovedane snovi ali uporaba katerega koli prepovedanega postopka s strani spremljevalnega osebja športnika izven tekmovanja, kadar je taka snov ali postopek prepovedan tudi izven tekmovanja, v povezavi s športnikom, tekmovanjem ali treningom,* razen če *član spremljevalnega osebja športnika* dokaže, da je njegova *posest* v skladu s *terapevtsko izjemo*, podeljeno *športniku* na podlagi člena 4.4, ali predloži drug upravičen razlog.[138]

2.7 *Trgovanje* ali *poskus trgovanja* s strani *športnika* ali druge *osebe*

2.8 *Dajanje* ali *poskus dajanja* s strani *športnika* ali druge *osebe*

2.9 Udeležba ali *poskus* udeležbe s strani *športnika* ali druge *osebe*

Pomoč, spodbuda, podpora, dogovarjanje, prikrivanje ali katera koli druga oblika naklepne udeležbe ali *poskusa* udeležbe pri kršitvi protidopinških pravil, *poskusu* kršitve protidopinških pravil ali kršitvi člena 10.14.1 s strani druge *osebe*.[139]

2.10 Prepovedano sodelovanje s strani *športnika* ali druge *osebe*

2.10.1 Združevanje *športnika* ali druge *osebe* pod pristojnostjo *protidopinške organizacije* v poklicni vlogi ali s športom povezani vlogi, s katerim koli *članom spremljevalnega osebja športnika*, ki:

2.10.1.1 spada pod pristojnost *protidopinške organizacije*, prestaja obdobje *izločitve*; ali

2.10.1.2 ne spada pod pristojnost *protidopinške organizacije* in se o njegovi *izločitvi* ni odločalo v postopku *upravljanja z rezultati* na podlagi *Kodeksa*, a je bil v kazenskem, disciplinskem ali strokovnem postopku obsojen ali je bilo ugotovljeno, da je ravnal na način, ki bi pomenil kršitev protidopinških pravil, če bi se pravila, skladna s *Kodeksom*, uporabljala za tako *osebo*. Diskvalifikacijski status take *osebe* velja šest (6) let od odločitve kazenskega, disciplinskega ali strokovnega organa ali za čas trajanja sankcije, ki jo je izrekel kazenski, disciplinski ali

[18] *[Comment to Articles 2.6.1 and 2.6.2: Acceptable justification may include, for example, (a) an Athlete or a team doctor carrying Prohibited Substances or Prohibited Methods for dealing with acute and emergency situations (e.g., an epinephrine auto-injector), or (b) an Athlete Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a Therapeutic Use Exemption.]*

[19] *[Comment to Article 2.9: Complicity or Attempted Complicity may include either physical or psychological assistance.]*

[137] *[Komentar k členoma 2.6.1 in 2.6.2: Upravičen razlog na primer ne vključuje nakupa ali posesti prepovedane snovi z namenom dajanja prijatelju ali sorodniku, razen zaradi upravičenih zdravstvenih razlogov, ko je imela ta oseba tudi zdravniški recept, npr. nakup inzulina za otroka z diabetesom.]*

[138] *[Komentar k členoma 2.6.1 in 2.6.2: Za upravičen razlog se na primer lahko šteje, (a) če športnik ali ekipni zdravnik poseduje prepovedane snovi ali prepovedane postopke zaradi posredovanja v akutnih in nujnih primerih (npr. samoinjektor adrenalina) ali (b) če športnik poseduje prepovedane snovi ali prepovedane postopke v terapevtske namene, tik preden vloži prošnjo za podelitev terapevtske izjeme in prejme odločitev glede terapevtske izjeme.]*

[139] *[Komentar k členu 2.9: Udeležba ali poskus udeležbe lahko vključuje fizično ali psihološko pomoč.]*

duration of the criminal, disciplinary or professional sanction imposed; or

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

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

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

*Anti-Doping Organization*s that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to *WADA*.[20]

2.11 Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting to Authorities Where such conduct does not otherwise constitute a violation of Article 2.5:

2.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation, an alleged violation of Article 10.14.1, or alleged non-compliance with the *Code* to *WADA*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organization*.

2.11.2 Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation, an alleged violation of Article 10.14.1, or alleged non-compliance with the *Code* to *WADA*, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for *WADA* or an *Anti-Doping Organization*.[21]

strokovni organ, odvisno od tega, kaj traja dlje; ali

2.10.1.3 služi kot krinka ali posrednik za posameznika, navedenega v členu 2.10.1.1 ali 2.10.1.2.

2.10.2 *Protidopinška organizacija* mora za ugotovitev kršitve člena 2.10 dokazati, da je *športnik* ali druga *oseba* bil(-a) seznanjen(-a) z diskvalifikacijskim statusom *člana spremljevalnega osebja športnika*.

Dokazno breme pri dokazovanju, da s *članom spremljevalnega osebja športnika* po členu 2.10.1.1 ali 2.10.1.2 ne sodeluje poklicno ali v zvezi s športom in/ali da se takemu sodelovanju ni bilo mogoče razumno izogniti, nosi *športnik* ali druga *oseba*.

Protidopinške organizacije, ki vedo za člana *spremljevalnega osebja športnika*, ki izpolnjuje kriterije iz členov 2.10.1.1, 2.10.1.2 in 2.10.1.3, morajo te informacije predložiti *WADA*.[140]

2.11 Dejanja *športnika* ali druge *osebe* za odvračanje od poročanja organom ali povračilno ukrepanje zaradi poročanja organom, če tako ravnanje ne predstavlja kršitve člena 2.5:

2.11.1 Vsako dejanje, ki grozi drugi *osebi* ali katerega namen je ustrahovati drugo *osebo*, da bi to *osebo* odvrnilo od tega, da v dobri veri sporoči informacije, ki se nanašajo na domnevno kršitev protidopinških pravil, domnevno kršitev člena 10.14.1 ali domnevno neskladnost s *Kodeksom, WADA*, *protidopinški organizaciji*, organom pregona, regulatornemu ali strokovnemu disciplinskemu organu, obravnavnemu organu ali *osebi*, ki za *WADA* ali *protidopinško organizacijo* vodi preiskavo.

2.11.2 Povračilni ukrepi proti *osebi*, ki je *WADA*, *protidopinški organizaciji*, organom pregona, regulatornemu ali strokovnemu disciplinskemu organu, obravnavnemu organu ali *osebi*, ki za *WADA* ali *protidopinško organizacijo* vodi preiskavo, v dobri veri predložila dokaze ali informacije, ki se nanašajo na domnevno kršitev protidopinških pravil, domnevno kršitev člena 10.14.1 ali domnevno neskladnost

[20] *[Comment to Article 2.10: Athletes and other Persons shall not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. This also prohibits association with any other Athlete who is acting as a coach or Athlete Support Person while serving a period of Ineligibility. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.*

While Article 2.10 does not require the Anti-Doping Organization to notify the Athlete or other Person about the Athlete Support Person's disqualifying status, such notice, if provided, would be important evidence to establish that the Athlete or other Person knew about the disqualifying status of the Athlete Support Person.]

[21] *[Comment to Article 2.11.2: This Article is intended to protect Persons who make good faith reports, and does not protect Persons who knowingly make false reports.]*

[140] *[Komentar k členu 2.10: Športniki in druge osebe ne smejo sodelovati s trenerji, zdravniki ali drugim spremljevalnim osebjem športnika, ki so bili izločeni zaradi kršitev protidopinških pravil ali obsojeni zaradi dopinga v kazenskih ali disciplinskih postopkih. To vključuje tudi prepoved sodelovanja s katerim koli drugim športnikom, ki med prestajanjem obdobja izločitve nastopa kot trener ali član spremljevalnega osebja športnika. Nekateri primeri prepovedanega sodelovanja: pridobivanje nasvetov glede treninga, strategij, tehnike, prehrane ali zdravniških nasvetov; prejemanje terapije, zdravljenja ali receptov; dajanje telesnih tekočin, izločkov ali tkiv v analizo; omogočanje članu spremljevalnega osebja športnika, da nastopa kot agent ali zastopnik. Prepovedano sodelovanje ni nujno povezano s kakršno koli obliko nadomestila.*

Čeprav člen 2.10 ne zahteva, da mora protidopinška organizacija športnika ali drugo osebo obvestiti o diskvalifikacijskem statusu člana spremljevalnega osebja

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.[22]

s *Kodeksom*.[141]

Za namene člena 2.11 povračilni ukrepi, grožnje in ustrahovanje obsegajo dejanje zoper tako *osebo* bodisi zato, ker dejanje ne temelji na dobri veri, bodisi zato, ker gre za nesorazmeren odziv.[142]

Article 3 Proof of Doping

3.1 Burdens and Standards of Proof

The *Anti-Doping Organization* shall have the burden of establishing that an anti-doping rule violation, or a violation of Article 10.14.1 has occurred. The standard of proof shall be whether the *Anti-Doping Organization* has established an anti-doping rule violation, or a violation of Article 10.14.1 to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.[23] Where the *Code* places the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation, or violation of Article 10.14.1 to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.

3. člen Dokazovanje dopinga

3.1 Dokazno breme in dokazni standardi

Dokazno breme, da je prišlo do kršitve protidopinških pravil ali kršitve člena 10.14.1, nosi *protidopinška organizacija*. *Protidopinška organizacija* mora dokazati kršitev protidopinških pravil ali kršitev člena 10.14.1 s stopnjo utemeljenega prepričanja, ki je dokazni standard, po katerem odloča obravnavni senat, pri čemer upošteva tudi resnost obtožbe. Ta dokazni standard je vsekakor višji kot le stopnja utemeljene verjetnosti, toda nižji kot prepričanje onkraj razumnega dvoma.[143] Če *športniku* ali drugi *osebi*, ki naj bi kršila protidopinška pravila ali člen 10.14.1, *Kodeks* nalaga dokazno breme, tj. dolžnost izpodbijati domnevo ali dokazati določena dejstva ali okoliščine, razen kot je določeno v členih 3.2.2 in 3.2.3, se kot dokazni standard uporablja stopnja utemeljene verjetnosti.

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations, or violations of Article 10.14.1 may be established by any reliable means, including admissions.[24] The following rules of proof shall be applicable in doping cases:

3.2.1 Analytical methods or *Decision Limits* approved by *WADA* after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge. The initial hearing body, appellate body or *CAS*, on its own initiative, may also inform *WADA* of any such challenge. Within ten (10) days of *WADA's* receipt of such notice and the

3.2 Metode ugotavljanja dejstev in domnev

Dejstva v zvezi s kršitvami protidopinških pravil ali kršitvami člena 10.14.1 je dovoljeno ugotavljati s kakršnimi koli zanesljivimi sredstvi, vključno s priznanjem.[144] V primerih dopinga veljajo naslednja dokazna pravila:

3.2.1 Velja domneva, da so znanstveno ustrezne tiste analitične metode ali *mejne vrednosti*, ki jih odobri *WADA* po posvetovanju z upoštevno znanstveno skupnostjo in ki so bile predmet pregleda ter ocene s strani stroke. *Športnik* ali druga *oseba*, ki želi izpodbijati domnevo znanstvene ustreznosti ali dejstvo, da so bili pogoji za tako domnevo izpolnjeni, mora kot predhodni pogoj za tako izpodbijanje *WADA* najprej obvestiti o izpodbijanju in o razlogih zanj. Prvostopenjski organ, pritožbeni organ ali *CAS* lahko obvesti *WADA* o takem izpodbijanju tudi na lastno pobudo. *WADA* ima pravico, da v desetih (10) dneh od dne, ko prejme obvestilo in spis v zvezi

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športnika, bi bilo tako obvestilo, če je posredovano, pomemben dokaz za ugotavljanje, da je športnik ali druga oseba bil(-a) seznanjen(-a) z diskvalifikacijskim statusom člana spremljevalnega osebja športnika.]

[22] *[Comment to Article 2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting Persons, their families or associates. Retaliation would not include an Anti-Doping Organization asserting in good faith an anti-doping rule violation against the reporting Person. For purposes of Article 2.11, a report is not made in good faith where the Person making the report knows the report to be false.]*

[23] *[Comment to Article 3.1: This standard of proof required to be met by the Anti-Doping Organization is comparable to the standard which is applied in most countries to cases involving professional misconduct.]*

[24] *[Comment to Article 3.2: For example, an Anti-Doping Organization may establish an anti-doping rule violation under Article 2.2 based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples, such as data from the Athlete Biological Passport. The results of lie-detector tests shall not be considered reliable analytical or scientific evidence.]*

[141] *[Komentar k členu 2.11.2: Ta člen je namenjen zaščiti oseb, ki v dobri veri sporočajo informacije, in ne ščiti oseb, ki zavestno sporočajo lažne informacije.]*

[142] *[Komentar k členu 2.11.2: Povračilni ukrepi vključujejo na primer dejanja, ki ogrozijo fizično ali duševno dobrobit oziroma gospodarske interese oseb, ki sporočajo informacije, njihovih družin ali sodelavcev. Če protidopinška organizacija v dobri veri zatrjuje kršitev protidopinških pravil zoper osebo, ki sporoča informacije, to ne predstavlja povračilnega ukrepa. Za namene člena 2.11 se informacije ne poročajo v dobri veri, če oseba, ki informacije sporoča, ve, da so informacije lažne.]*

[143] *[Komentar k členu 3.1: Dokazni standard, ki ga mora izpolniti protidopinška organizacija, je primerljiv z dokaznim standardom, ki se v večini držav uporablja v postopkih zaradi kršitev poklicnih dolžnosti.]*

[144] *[Komentar k členu 3.2: Protidopinška organizacija lahko na primer ugotovi kršitev protidopinških pravil po členu 2.2 na podlagi športnikovega priznanja, verodostojnega pričanja tretjih oseb, zanesljivih listinskih dokazov, zanesljivih analitičnih podatkov bodisi iz vzorca A bodisi iz vzorca B, kot to izhaja iz komentarja k členu 2.2, ali na podlagi sklepov, ki jih pridobi glede na profil, sestavljen na podlagi serije športnikovih vzorcev krvi ali urina, kot so na primer podatki iz športnikovega biološkega potnega lista. Rezultati testiranja z detektorjem laži se ne štejejo za zanesljive analitične ali znanstvene dokaze.]*

case file related to such challenge, *WADA* shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before *CAS*, at *WADA's* request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.[25]

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

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.[26]

3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or in an *Anti-Doping Organization's* rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation;[27] provided, however, if the *Athlete* or other *Person* establishes that a departure from one of the specific *International*

s takim izpodbijanjem, vstopi v postopek kot stranski intervenient, *amicus curiae* ali da drugače predlaga dokaze v postopku. Senat *CAS* v zadevah pred *CAS* na zahtevo *WADA* imenuje ustreznega izvedenca iz stroke, ki senatu pomaga ovrednotiti izpodbijanje.[145]

3.2.2 Domneva se, da laboratoriji, ki jih je akreditirala *WADA*, in drugi laboratoriji, ki jih je odobrila *WADA*, postopke analize *vzorcev* in postopke shranjevanja izvajajo v skladu z *Mednarodnimi standardi* za laboratorije. *Športnik* ali druga *oseba* lahko to domnevo izpodbije, če dokaže, da je prišlo do odstopanja od *Mednarodnih standardov* za laboratorije, za katero je mogoče razumno domnevati, da bi lahko povzročilo *nasprotno analitično ugotovitev*.

Če *športnik* ali druga *oseba* izpodbije prejšnjo domnevo s tem, da dokaže, da je prišlo do odstopanja od *Mednarodnih standardov* za laboratorije, za katero je mogoče razumno domnevati, da bi lahko povzročilo *nasprotno analitično ugotovitev*, preide dokazno breme na *protidopinško organizacijo*, ki mora dokazati, da *nasprotne analitične ugotovitve* ni povzročilo tako odstopanje.[146]

3.2.3 Odstopanja od katerega koli drugega *Mednarodnega standarda* ali drugega protidopinškega pravila ali politike, določene v *Kodeksu* ali pravilih *protidopinške organizacije*, ne povzročijo neveljavnosti analitičnih rezultatov ali drugih dokazov o kršitvi protidopinškega pravila in jih ni mogoče uveljavljati kot obrambo v primeru kršitve protidopinškega pravila,[147] pri čemer pa velja, da če *športnik* ali druga *oseba* dokaže, da

[25] *[Comment to Article 3.2.1: For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the laboratory's estimated concentration of such Prohibited Substance in a Sample may only be an estimate. In no event shall the possibility that the exact concentration of the Prohibited Substance in the Sample may be below the Minimum Reporting Level constitute a defense to an anti-doping rule violation based on the presence of that Prohibited Substance in the Sample.]*

[26] *[Comment to Article 3.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. Thus, once the Athlete or other Person establishes the departure by a balance of probability, the Athlete or other Person's burden on causation is the somewhat lower standard of proof—"could reasonably have caused." If the Athlete or other Person satisfies these standards, the burden shifts to the Anti-Doping Organization to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]*

[27] *[Comment to Article 3.2.3: Departures from an International Standard or other rule unrelated to Sample collection or handling, Adverse Passport Finding, or Athlete notification relating to whereabouts failure or B Sample opening – e.g., the International Standard for Education, International Standard for Data Protection, International Standard for Intelligence and Investigations or International Standard for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defense in an anti-doping rule violation proceeding and are not relevant on the issue of whether the Athlete committed an anti-doping rule violation. Similarly, a Signatory's violation of its anti-doping Education responsibilities under Article 20 shall not constitute a defense to an anti-doping rule violation.]*

[145] *[Komentar k členu 3.2.1: WADA lahko za nekatere prepovedane snovi laboratorijem, ki jih je akreditirala WADA, naroči, naj vzorcev ne prijavljajo kot nasprotno analitično ugotovitev, če je ocenjena koncentracija prepovedane snovi ali njenih presnovkov ali označevalcev pod najnižjo ravnjo poročanja. Odločitve WADA pri določanju te najnižje ravni poročanja ali pri določanju, za katere prepovedane snovi je treba uporabiti najnižje ravni poročanja, ni mogoče izpodbijati. Poleg tega je laboratorijsko ocenjena koncentracija te prepovedane snovi v vzorcu lahko samo ocena. Možnost, da je natančna koncentracija prepovedane snovi v vzorcu pod najnižjo ravnjo poročanja, ne more v nobenem primeru biti obramba v postopku pri kršitvi protidopinških pravil na podlagi prisotnosti te prepovedane snovi v vzorcu.]*

[146] *[Komentar k členu 3.2.2: Športnik ali druga oseba nosi dokazno breme, da s stopnjo utemeljene verjetnosti dokaže, da je prišlo do odstopanja od Mednarodnih standardov za laboratorije, za katero je mogoče razumno domnevati, da bi lahko povzročilo nasprotno analitično ugotovitev. Ko torej športnik ali druga oseba s stopnjo utemeljene verjetnosti dokaže odstopanje, je dokazno breme športnika ali druge osebe glede vzročne zveze nekoliko nižji dokazni standard – »mogoče je razumno domnevati, da bi lahko povzročilo«. Če športniku ali drugi osebi to uspe, preide dokazno breme na protidopinško organizacijo, ki mora obravnavnemu senatu s stopnjo utemeljenega prepričanja dokazati, da nasprotne analitične ugotovitve ni povzročilo odstopanje.]*

[147] *[Komentar k členu 3.2.3: Odstopanja od Mednarodnega standarda ali drugega pravila, ki ni povezano z odvzemom vzorca, ravnanjem z vzorcem, nasprotno ugotovitvijo v zvezi s potnim listom ali obveščanjem športnika o kršitvi v zvezi z lokacijo ali odpiranjem vzorca B – npr. Mednarodnih standardov za izobraževanje, Mednarodnih standardov za varstvo osebnih podatkov, Mednarodnih standardov za zbiranje informacij in preiskave ali Mednarodnih standardov za terapevtske izjeme – imajo lahko za posledico postopke v zvezi s skladnostjo s strani WADA, vendar niso obramba v postopku pri kršitvi protidopinških pravil in niso pomembna pri vprašanju, ali je športnik kršil protidopinška pravila. Podobno tudi kršitve obveznosti podpisnice glede izobraževanja glede preprečevanja dopinga po 20. členu ni mogoče uveljavljati kot obrambo za kršitev protidopinških pravil.]*

Standard provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then the *Anti- Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or whereabouts failure:[28]

(i) a departure from the *International Standard* for *Testing* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

(ii) a departure from the *International Standard* for *Results Management* or *International Standard* for *Testing* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the anti-doping rule violation;

(iii) a departure from the *International Standard* for *Results Management* related to the requirement to provide notice to the *Athlete* of the B *Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;[29]

(iv) a departure from the *International Standard* for *Results Management* related to *Athlete* notification or attempts to locate the *Athlete* which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the whereabouts failure.

3.2.4 The facts established by a decision of a

je mogoče razumno domnevati, da bi odstopanje od katere od posebnih določb *Mednarodnega standarda*, navedenih v nadaljevanju, lahko povzročilo kršitev protidopinškega pravila na podlagi *nasprotne analitične ugotovitve* ali kršitve v zvezi z lokacijo, potem mora *protidopinška organizacija* dokazati, da tako odstopanje ni povzročilo *nasprotne analitične ugotovitve* ali kršitve v zvezi z lokacijo:[148]

(i) odstopanje od *Mednarodnih standardov* za *testiranja*, povezano z odvzemom *vzorca* ali ravnanjem z *vzorcem*, za katero je mogoče razumno domnevati, da bi lahko povzročilo kršitev protidopinških pravil na podlagi *nasprotne analitične ugotovitve*; v tem primeru preide dokazno breme na *protidopinško organizacijo*, ki mora dokazati, da *nasprotne analitične ugotovitve* ni povzročilo tako odstopanje;

(ii) odstopanje od *Mednarodnih standardov* za *upravljanje z rezultati* ali *Mednarodnih standardov* za *testiranja*, povezano z *nasprotno ugotovitvijo v zvezi s potnim listom*, za katero je mogoče razumno domnevati, da bi lahko povzročilo kršitev protidopinških pravil; v tem primeru preide dokazno breme na *protidopinško organizacijo*, ki mora dokazati, da kršitve protidopinških pravil ni povzročilo tako odstopanje;

(iii) odstopanje od *Mednarodnih standardov* za *upravljanje z rezultati*, povezano z zahtevo obveščanja *športnika* o odpiranju *vzorca* B, za katero je mogoče razumno domnevati, da bi lahko povzročilo kršitev protidopinških pravil na podlagi *nasprotne analitične ugotovitve*; v tem primeru preide dokazno breme na *protidopinško organizacijo*, ki mora dokazati, da *nasprotne analitične ugotovitve* ni povzročilo tako odstopanje;[149]

(iv) odstopanje od *Mednarodnih standardov* za *upravljanje z rezultati*, povezano z obveščanjem *športnika* ali poskusi lociranja *športnika*, za katero je mogoče razumno domnevati, da bi lahko povzročilo kršitev protidopinških pravil na podlagi kršitve v zvezi z lokacijo; v tem primeru preide dokazno breme na *protidopinško organizacijo*, ki mora dokazati, da kršitve v zvezi z lokacijo ni povzročilo tako odstopanje.

3.2.4 Dejstva, ki so bila ugotovljena z odločbo pristojnega sodišča ali strokovnega

[28] *[Comment to Article 3.2.3: For the avoidance of doubt, an Athlete's assertion of an alleged "fundamental" breach of any International Standard or other anti-doping rule or policy set forth in the Code or in an Anti-Doping Organization's rules cannot invalidate an Adverse Analytical Finding or anti- doping rule violation unless the Athlete can also establish that the breach could reasonably have caused the Adverse Analytical Finding or anti- doping rule violation.]*

[29] *[Comment to Article 3.2.3 (iii): An Anti-Doping Organization would meet its burden to establish that such departure did not cause the Adverse Analytical Finding by showing that, for example, the B Sample opening and analysis were observed by an independent witness and no irregularities were observed.]*

[148] *[Komentar k členu 3.2.3: V izogib dvomu, zgolj sklicevanje športnika o domnevni »bistveni« kršitvi katerega koli Mednarodnega standarda ali drugega protidopinškega pravila ali politike, določene v Kodeksu ali pravilih protidopinške organizacije, ne more razveljaviti nasprotne analitične ugotovitve ali kršitve protidopinškega pravila, razen če športnik dokaže tudi, da je mogoče razumno domnevati, da bi takšna kršitev lahko povzročila nasprotno analitično ugotovitev ali kršitev protidopinških pravil.]*

[149] *[Komentar k členu 3.2.3 (iii): Protidopinška organizacija izpolni svoje dokazno breme, da takšno odstopanje ni povzročilo nasprotne analitične ugotovitve, če na primer dokaže, da sta bila odpiranje in analiza vzorca B izvedena v prisotnosti neodvisne priče ter da pri tem niso bile ugotovljene nobene nepravilnosti.]*

court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained (and who has been charged with an anti-doping rule violation or violation of Article 10.14.1) of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.[30]

3.2.5 The hearing panel in a hearing on an anti-doping rule violation, or a violation of Article 10.14.1 may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation, or a violation of Article 10.14.1 based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or the *Anti-Doping Organization* asserting the anti-doping rule violation, or violation of Article 10.14.1.

disciplinskega razsodišča, ki ni predmet nerešene pritožbe, predstavljajo neizpodbojen dokaz proti *športniku* ali drugi *osebi*, na katero se odločba nanaša (in ki je bila obtožena kršitve protidopinškega pravila ali kršitve člena 10.14.1), razen če *športnik* ali druga *oseba* dokaže, da je bilo z odločbo kršeno načelo naravne pravičnosti.[150]

3.2.5 Obravnavni senat lahko na obravnavi v zvezi s kršitvijo protidopinških pravil ali kršitvijo člena 10.14.1 odloči v škodo *športnika* ali druge *osebe*, za katerega(-o) se trdi, da je kršil(-a) protidopinška pravila ali člen 10.14.1, če *športnik* ali druga *oseba*, potem ko je v razumnem času pred obravnavo prejel(-a) vabilo, odkloni udeležbo na obravnavi (bodisi osebno bodisi po telefonu, glede na navodila obravnavnega senata) in odgovarjanje na vprašanja obravnavnega senata ali *protidopinške organizacije*, ki ga dolži kršenja protidopinških pravil ali kršenja člena 10.14.1.

Article 4 The *Prohibited List*

4.1 Publication and Revision of the *Prohibited List*

WADA shall, as often as necessary and no less often than annually, publish the *Prohibited List* as an *International Standard*. The proposed content of the *Prohibited List* and all revisions shall be provided in writing promptly to all *Signatories* and governments for comment and consultation. Each annual version of the *Prohibited List* and all revisions shall be distributed promptly by *WADA* to each *Signatory*, *WADA*-accredited or approved laboratory, and government, and shall be published on *WADA's* website, and each *Signatory* shall take appropriate steps to distribute the *Prohibited List* to its members and constituents. The rules of each *Anti-Doping Organization* shall specify that, unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under the *Anti-Doping Organization's* rules three (3) months after publication of the *Prohibited List* by *WADA* without requiring any further action by the *Anti-Doping Organization*.

4.2 *Prohibited Substances* and *Prohibited Methods* Identified on the *Prohibited List*

4.2.1 *Prohibited Substances* and *Prohibited Methods*

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In- Competition* only. The *Prohibited List* may be expanded by *WADA* for a

4. člen *Lista prepovedanih snovi in postopkov*

4.1 Objava in spremembe *Liste prepovedanih snovi in postopkov*

WADA je dolžna tako pogosto, kot je potrebno, najmanj pa enkrat letno, objaviti *Listo prepovedanih snovi in postopkov* kot *Mednarodni standard*. Predlagana vsebina *Liste prepovedanih snovi in postopkov* ter njene spremembe morajo biti v najkrajšem možnem času sporočene vsem *podpisnicam* in vladam v pregled in posvetovanje. Vsako letno različico *Liste prepovedanih snovi in postopkov* ter njene spremembe *WADA* v najkrajšem možnem času pošlje vsem *podpisnicam*, laboratorijem, ki jih je akreditirala ali odobrila *WADA*, in vladam ter jih objavi na spletni strani *WADA*, vsaka *podpisnica* pa sprejme ustrezne ukrepe za pošiljanje *Liste prepovedanih snovi in postopkov* svojim članom in organom. Pravilniki vseh *protidopinških organizacij* morajo določati, razen če *Lista prepovedanih snovi in postopkov* ali njena sprememba določa drugače, da *Lista prepovedanih snovi in postopkov* začne veljati v skladu s pravilnikom *protidopinške organizacije* tri (3) mesece po tem, ko jo je *WADA* objavila, pri čemer dodatni ukrepi *protidopinške organizacije* niso potrebni.

4.2 *Prepovedane snovi* in *prepovedani postopki*, uvrščeni na *Listo prepovedanih snovi in postopkov*

4.2.1 *Prepovedane snovi* in *prepovedani postopki*

Lista prepovedanih snovi in postopkov vsebuje tiste *prepovedane snovi* in *prepovedane postopke*, ki so prepovedani ves čas (tako *med tekmovanjem* kot tudi *izven tekmovanj*) ter se štejejo za doping zaradi potencialnega izboljšanja rezultata na prihodnjih *tekmovanjih* ali zaradi svoje zmožnosti, da prikrijejo prisotnost prepovedanih snovi, ter tiste prepovedane snovi in postopke, ki so prepovedani le *med tekmovanjem*. Za

[30] *[Comment to Article 3.2.4: For the avoidance of doubt, this provision shall not apply to decisions on provisional suspensions.]*
[150] *[Komentar k členu 3.2.4: V izogib dvomu, ta določba ne velja za odločbe o začasnih izključitvah.]*

particular sport. *Prohibited Substance*s and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.[31]

posamezno športno panogo lahko *WADA* razširi *Listo prepovedanih snovi in postopkov*. *Prepovedane snovi* in *prepovedani postopki* so lahko na *Listo prepovedanih snovi in postopkov* uvrščeni bodisi kot splošna kategorija (npr. anabolični agensi) bodisi kot točno določena snov ali postopek.[151]

4.2.2 *Specified Substances* or *Specified Methods*

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*. *Specified Substances* and *Specified Methods* identified in this Article should not in any way be considered less important or less dangerous than other doping *Substances* or *Methods*. Rather, they are simply *Substances* and *Methods* which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.[32]

4.2.2 *Opredeljene snovi ali opredeljeni postopki*

Za namen uporabe 10. člena so vse *prepovedane snovi opredeljene snovi*, razen tistih, navedenih na *Listi prepovedanih snovi in postopkov*. Noben *prepovedani postopek* ni *opredeljeni postopek*, razen če je na *Listi prepovedanih snovi in postopkov* posebej naveden kot *opredeljeni postopek*. *Opredeljene snovi* in *opredeljeni postopki*, navedeni v tem členu, se nikakor ne štejejo za manj pomembne ali manj nevarne kot druge dopinške *snovi* ali *postopki*. Gre zgolj za *snovi* in *postopke*, za katere le velja večja verjetnost, da jih je *športnik* zaužil ali uporabil zaradi razloga, ki ni povezan z izboljšanjem športne zmogljivosti.[152]

4.2.3 *Substances of Abuse*

For purposes of applying Article 10, *Substances of Abuse* are those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are more frequently abused in society outside of the context of sport.

4.2.3 *Snovi, ki se zlorabljajo*

Za namene uporabe 10. člena so *snovi, ki se zlorabljajo*, tiste *prepovedane snovi*, ki so na *Listi prepovedanih snovi in postopkov* posebej navedene kot *snovi, ki se zlorabljajo*, ker se v družbi zunaj športnega področja pogosteje zlorabljajo.

4.2.4 New Classes of *Prohibited Substances* or *Prohibited Methods*

In the event *WADA* expands the *Prohibited List* by adding a new class of *Prohibited Substances* or *Prohibited Methods* in accordance with Article 4.1, *WADA's* Executive Committee shall determine whether any or all *Prohibited Substances* or *Prohibited Methods* within the new class shall be considered *Specified Substances* or *Specified Methods* under Article 4.2.2 or *Substances of Abuse* under Article 4.2.3.

4.2.4 Novi razredi *prepovedanih snovi* ali *prepovedanih postopkov*

Če *WADA* razširi *Listo prepovedanih snovi in postopkov* tako, da v skladu s členom 4.1 doda nov razred *prepovedanih snovi* ali *prepovedanih postopkov*, mora izvršni odbor *WADA* presoditi, ali se katera koli ali vse *prepovedane snovi* ali *prepovedani postopki* iz novega razreda štejejo med *opredeljene snovi* ali *opredeljene postopke* v skladu s členom 4.2.2 ali *snovi, ki se zlorabljajo*, v skladu s členom 4.2.3.

4.3 Criteria for Including Substances and Methods on the *Prohibited List*

WADA shall consider the following criteria in deciding whether to include a substance or method on the *Prohibited List*:

4.3 Kriteriji za uvrščanje snovi in postopkov na *Listo prepovedanih snovi in postopkov*

WADA pri odločanju o uvrstitvi snovi ali postopka na *Listo prepovedanih snovi in postopkov* upošteva naslednje kriterije:

4.3.1 A substance or method shall be considered for inclusion on the *Prohibited List* if *WADA*, in its sole discretion, determines that the substance or method meets any two of the following three criteria:

4.3.1 Snov ali postopek se uvrsti na *Listo prepovedanih snovi in postopkov*, če *WADA* po lastni presoji ugotovi, da snov ali postopek izpolnjuje dva izmed treh naslednjih kriterijev:

4.3.1.1 *WADA*'s determination, after consultation with the *Prohibited List* Expert Advisory Group, that the substance or method, alone or in combination with other substances or methods, has the

4.3.1.1 odločitev *WADA, sprejeta* po posvetovanju s strokovno svetovalno skupino za *Listo prepovedanih snovi in postopkov*, da snov ali postopek, bodisi sam(-a) bodisi v kombinaciji z drugimi snovmi ali

[31] *[Comment to Article 4.2.1: Out-of-Competition Use of a Substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the Substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]*

[32] *[Comment to Article 4.2.2: Prohibited Substances which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance would include, for example, marijuana or prohibited stimulants found in cold medications.]*

[151] *[Komentar k členu 4.2.1: Uporaba snovi, ki je prepovedana samo med tekmovanjem, izven tekmovanj ne predstavlja kršitve protidopinških pravil, razen če je za snov ali njene presnovke ali označevalce, najdene v vzorcu, odvzetem med tekmovanjem, prijavljena nasprotna analitična ugotovitev.]*

[152] *[Komentar k členu 4.2.2: Med prepovedane snovi, za katere je verjetneje, da jih športnik zaužije ali uporabi za namene, ki niso povezani z izboljšanjem športne zmogljivosti, spadajo na primer marihuana ali prepovedana poživila, ki jih vsebujejo zdravila proti prehladu.]*

potential to enhance or enhances sport performance;[33]

4.3.1.2 *WADA*'s determination, after consultation with the *Prohibited List* Expert Advisory Group, that the *Use* of the substance or method represents an actual or potential health risk to the *Athlete*; or

4.3.1.3 *WADA's* determination that the *Use* of the substance or method violates the spirit of sport described in the introduction to the *Code*.

4.3.2 A substance or method shall also be included on the *Prohibited List* if *WADA* determines there is scientific evidence that the substance or method has the potential to mask the *Use* of other *Prohibited Substance*s or *Prohibited Methods*.[34]

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

4.4 *Therapeutic Use Exemptions*

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

4.4.2 *Athletes* who are not *International-Level Athletes* shall apply to their *National Anti-Doping Organization* for a *Therapeutic Use Exemption*. If the *National Anti-Doping Organization* denies the application, the *Athlete* may appeal to the national-level appeal body described in Article 13.2.2, unless provided otherwise in the *International*

postopki, lahko izboljša ali dejansko izboljša športno zmogljivost;[153]

4.3.1.2 odločitev *WADA, sprejeta* po posvetovanju s strokovno svetovalno skupino za *Listo prepovedanih snovi in postopkov*, da *uporaba* snovi ali postopka predstavlja dejansko ali potencialno tveganje za zdravje *športnika*; ali

4.3.1.3 ugotovitev *WADA*, da *uporaba* snovi ali postopka krši športni duh, opisan v uvodnem delu *Kodeksa*.

4.3.2 Snov ali postopek se uvrsti na *Listo prepovedanih snovi in postopkov* tudi, če *WADA* ugotovi, da obstaja znanstveni dokaz, da snov ali postopek lahko potencialno prikrije *uporabo* drugih *prepovedanih snovi* ali *prepovedanih postopkov*.[154]

4.3.3 Odločitev *WADA* o tem, katere *prepovedane snovi* in *prepovedani postopki* bodo vključeni na *Listo prepovedanih snovi in postopkov*, razvrstitev snovi v kategorije na tej *listi*, opredelitev, ali je snov prepovedana ves čas ali le *med tekmovanjem*, ter opredelitev snovi ali postopka kot *opredeljene snovi*, *opredeljenega postopka* ali *snovi, ki se zlorablja*, je dokončna in jih *športnik* ali druga *oseba* ne more izpodbijati, kar med drugim vključuje izpodbijanje z argumentom, da snov ali postopek nista maskirna agensa ali da ne vplivata na potencialno izboljšanje športne zmogljivosti, nista nevarna za zdravje ali da ne kršita športnega duha.

4.4 *Terapevtske izjeme*

4.4.1 Prisotnost *prepovedane snovi*, njenih *presnovkov* ali *označevalcev* in/ali *uporaba* ali *poskus uporabe*, *posest* ali *dajanje* ali *poskus dajanja prepovedane snovi* ali *omogočanje prepovedanega postopka* se ne štejejo za kršitev protidopinških pravil, če so v skladu z določbami o *terapevtski izjemi*, ki je bila podeljena v skladu z *Mednarodnimi standardi* za *terapevtske izjeme*.

4.4.2 *Športniki*, ki niso *športniki mednarodnega razreda*, morajo za *terapevtsko izjemo* zaprositi svojo *nacionalno protidopinško organizacijo*. Če *nacionalna protidopinška organizacija* prošnjo zavrne, lahko *športnik* vloži pritožbo pri nacionalnem pritožbenem organu iz člena 13.2.2, razen če je v *Mednarodnih standardih* za *terapevtske izjeme*

[33] *[Comment to Article 4.3.1.1: This Article anticipates that there may be Substances that, when Used alone, are not prohibited but which will be prohibited if Used in combination with certain other Substances. A Substance which is added to the Prohibited List because it has the potential to enhance performance only in combination with another Substance shall be so noted and shall be prohibited only if there is evidence relating to both Substances in combination.]*

[34] *[Comment to Article 4.3.2: As part of the process each year, all Signatories, governments and other interested Persons are invited to provide comments to WADA on the content of the Prohibited List.]*

[153] *[Komentar k členu 4.3.1.1: Ta člen predvideva obstoj snovi, ki niso prepovedane, kadar so uporabljene same, vendar pa postanejo prepovedane, če se uporabljajo v kombinaciji z določenimi drugimi snovmi. Snov, ki je dodana na Listo prepovedanih snovi in postopkov, ker lahko potencialno izboljša športno zmogljivost le v kombinaciji z drugimi snovmi, se kot taka označi in prepove samo, če obstajajo dokazi, ki se nanašajo na obe snovi v medsebojni kombinaciji.]*

[154] *[Komentar k členu 4.3.2: Kot del vsakoletnega procesa so vse podpisnice, vlade in druge zainteresirane osebe vabljene, da WADA predložijo komentarje glede vsebine Liste prepovedanih snovi in postopkov.]*

Standard for *Therapeutic Use Exemptions*.

4.4.3 *Athletes* who are *International-Level Athletes* shall apply to their International Federation.

4.4.3.1 Where the *Athlete* already has a *Therapeutic Use Exemption* granted by their *National Anti-Doping Organization* for the substance or method in question, if that *Therapeutic Use Exemption* meets the criteria set out in the *International Standard* for *Therapeutic Use Exemptions*, then the International Federation shall recognize it. If the International Federation considers that the *Therapeutic Use Exemption* does not meet those criteria and so refuses to recognize it, it shall notify the *Athlete* and the *Athlete's National Anti-Doping Organization* promptly, with reasons. The *Athlete* or the *National Anti-Doping Organization* shall have twenty-one (21) days from such notification to refer the matter to *WADA* for review. If the matter is referred to *WADA* for review, the *Therapeutic Use Exemption* granted by the *National Anti-Doping Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA's* decision. If the matter is not referred to *WADA* for review within the twenty-one (21) day deadline, the *Athlete's National Anti-Doping Organization* shall determine whether the original *Therapeutic Use Exemption* granted by that *National Anti-Doping Organization* should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in international-level *Competition*). Pending the *National Anti-Doping Organization's* decision, the *Therapeutic Use Exemption* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*).

4.4.3.2 If the *Athlete* does not already have a *Therapeutic Use Exemption* granted by their *National Anti-Doping Organization* for the substance or method in question, the *Athlete* shall apply directly to the *Athlete*'s International Federation for a *Therapeutic Use Exemption*. If the International Federation denies the *Athlete's* application, it shall notify the *Athlete* promptly, with reasons. If the International

predvideno drugače.

4.4.3 *Športniki*, ki so *športniki mednarodnega razreda*, morajo vložiti prošnjo pri svoji mednarodni zvezi.

4.4.3.1 Kadar je *nacionalna protidopinška organizacija športniku* za predmetno snov ali postopek že podelila *terapevtsko izjemo* in *terapevtska izjema* izpolnjuje kriterije, ki jih predpisujejo *Mednarodni standardi za terapevtske izjeme*, mora mednarodna zveza to *terapevtsko izjemo* priznati. Če mednarodna zveza meni, da *terapevtska izjema* ne izpolnjuje teh kriterijev, in je zato ne prizna, mora o tem v najkrajšem možnem času obvestiti *športnika* in njegovo *nacionalno protidopinško organizacijo*, ob tem pa navesti tudi razloge za svoje mnenje. *Športnik* ali *nacionalna protidopinška organizacija* imata od prejema takega obvestila enaindvajset (21) dni časa, da zadevo predata v pregled *WADA*. Če *WADA* prejme zadevo v pregled, ostane *terapevtska izjema*, ki jo je podelila *nacionalna protidopinška organizacija*, do odločitve *WADA* veljavna za testiranja *med tekmovanjem* in *izven njega* na nacionalni ravni (ne pa za *tekmovanja* na mednarodni ravni). Če *WADA* v navedenem roku enaindvajsetih (21) dni ne prejme zadeve v pregled, mora *nacionalna protidopinška organizacija*, pristojna za *športnika*, določiti, ali naj prvotna *terapevtska izjema*, ki jo je podelila ta *nacionalna protidopinška organizacija*, vseeno ostane veljavna za testiranja *med tekmovanjem* in *izven tekmovanj* na nacionalni ravni (če *športnik* ni več *športnik mednarodnega razreda* in ne sodeluje na *tekmovanju* na mednarodni ravni). Do odločitve *nacionalne protidopinške organizacije* ostane *terapevtska izjema* veljavna za *testiranja med tekmovanjem* in *izven tekmovanj* na nacionalni ravni, ne pa za *tekmovanja* na mednarodni ravni.

4.4.3.2 Če *nacionalna protidopinška organizacija športniku* še ni podelila *terapevtske izjeme* za obravnavano snov ali postopek, mora *športnik* vložiti prošnjo neposredno pri svoji mednarodni zvezi. Če mednarodna zveza *športnikovo* prošnjo zavrne, mora *športnika* o tem obvestiti v najkrajšem možnem času in ob tem navesti razloge za svojo odločitev. Če mednarodna zveza *športnikovo* prošnjo odobri, o tem

Federation grants the *Athlete's* application, it shall notify not only the *Athlete* but also the *Athlete's National Anti-Doping Organization*, and if the *National Anti-Doping Organization* considers that the *Therapeutic Use Exemption* does not meet the criteria set out in the *International Standard* for *Therapeutic Use Exemptions*, it has twenty-one (21) days from such notification to refer the matter to *WADA* for review. If the *National Anti-Doping Organization* refers the matter to *WADA* for review, the *Therapeutic Use Exemption* granted by the International Federation remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA's* decision. If the *National Anti-Doping Organization* does not refer the matter to *WADA* for review, the *Therapeutic Use Exemption* granted by the International Federation becomes valid for national-level *Competition* as well when the twenty-one (21) day review deadline expires.

4.4.4 A *Major Event Organization* may require *Athletes* to apply to it for a *Therapeutic Use Exemption* if they wish to *Use* a *Prohibited Substance* or a *Prohibited Method* in connection with the *Event*. In that case:

4.4.4.1 The *Major Event Organization* shall ensure a process is available for an *Athlete* to apply for a *Therapeutic Use Exemption* if they do not already have one. If the *Therapeutic Use Exemption* is granted, it is effective for its *Event* only.

4.4.4.2 Where the *Athlete* already has a *Therapeutic Use Exemption* granted by the *Athlete's National Anti-Doping Organization* or International Federation, if that *Therapeutic Use Exemption* meets the criteria set out in the *International Standard* for *Therapeutic Use Exemptions*, the *Major Event Organization* shall recognize it. If the *Major Event Organization* decides the *Therapeutic Use Exemption* does not meet those criteria and so refuses to recognize it, it shall notify the *Athlete* promptly, explaining its reasons.

4.4.4.3 Unless provided otherwise in the *International Standard* for *Therapeutic Use Exemptions*, a decision by a *Major Event Organization* not to recognize or not to grant a *Therapeutic Use Exemption* may be appealed by the *Athlete* exclusively to an independent body

poleg *športnika* obvesti tudi njegovo *nacionalno protidopinško organizacijo*. Če *nacionalna protidopinška organizacija* meni, da *terapevtska izjema* ne izpolnjuje kriterijev, določenih v *Mednarodnih standardih* za *terapevtske izjeme*, mora v enaindvajsetih (21) dnevih od takega obvestila zadevo predati v pregled *WADA*. Če *nacionalna protidopinška organizacija* preda zadevo v pregled *WADA*, ostane *terapevtska izjema*, ki jo je podelila mednarodna zveza, do odločitve *WADA* veljavna za *testiranja med tekmovanji* in *izven tekmovanj* na mednarodni ravni (ne pa tudi na *tekmovanjih* na nacionalni ravni). Če *nacionalna protidopinška organizacija* ne preda zadeve v pregled *WADA*, postane *terapevtska izjema*, ki jo je podelila mednarodna zveza, po poteku navedenega roka enaindvajsetih (21) dni za predajo v pregled veljavna tudi za *tekmovanja* na nacionalni ravni.

4.4.4 *Organizator velikih prireditev* lahko od *športnikov* zahteva, da zaprosijo za podelitev *terapevtske izjeme*, če nameravajo *uporabljati prepovedano snov* ali *prepovedan postopek* v zvezi s to *prireditvijo*. V tem primeru:

4.4.4.1 mora *organizator velikih prireditev* zagotoviti postopek vložitve prošnje za podelitev *terapevtske izjeme*, če športnik *terapevtske izjeme* še nima. Če je *terapevtska izjema* podeljena, je veljavna le za to *prireditev*.

4.4.4.2 Kadar je *nacionalna protidopinška organizacija* ali mednarodna zveza *športniku* že podelila *terapevtsko izjemo* in *terapevtska izjema* izpolnjuje kriterije, ki jih predpisujejo *Mednarodni standardi* za *terapevtske izjeme*, mora *organizator velikih prireditev* to *terapevtsko izjemo* priznati. Če se *organizator velikih prireditev* odloči, da *terapevtska izjema* ne izpolnjuje teh kriterijev, in je zato ne prizna, mora o tem v najkrajšem možnem času obvestiti *športnika*, ob tem pa navesti tudi razloge za svojo odločitev.

4.4.4.3 Razen če je v *Mednarodnih standardih* za *terapevtske izjeme* predvideno drugače, lahko *športnik* vloži pritožbo na odločitev *organizatorja velikih prireditev*, s katero mu *terapevtska izjema* ni bila priznana ali podeljena, le pri neodvisnem organu, ki ga v ta namen

established or appointed by the *Major Event Organization* for that purpose. If the *Athlete* does not appeal (or the appeal is unsuccessful), the *Athlete* may not *Use* the substance or method in question in connection with the *Event*, but any *Therapeutic Use Exemption* granted by the *Athlete's National Anti-Doping Organization* or International Federation for that substance or method remains valid outside of that *Event*.

4.4.5 Retroactive *Therapeutic Use Exemptions* may be granted under the conditions described in the *International Standard* for *Therapeutic Use Exemptions*.

4.4.6 *WADA* shall review an International Federation's decision not to recognize a *Therapeutic Use Exemption* granted by the *National Anti-Doping Organization* that is referred to it by the *Athlete* or the *Athlete's National Anti-Doping Organization*. In addition, *WADA* shall review an International Federation's decision to grant a *Therapeutic Use Exemption* that is referred to it by the *Athlete's National Anti-Doping Organization*. *WADA* may review any other *Therapeutic Use Exemption* decisions at any time, whether upon request by those affected or on its own initiative. If the *Therapeutic Use Exemption* decision being reviewed meets the criteria set out in the *International Standard* for *Therapeutic Use Exemptions*, *WADA* will not interfere with it. If the *Therapeutic Use Exemption* decision does not meet those criteria, *WADA* will reverse it.[35]

4.4.7 Unless provided otherwise in the *International Standard* for *Therapeutic Use Exemptions*, any *Therapeutic Use Exemption* decision by an International Federation that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organization*, exclusively to *CAS*.[36]

4.4.8 A decision by *WADA* to reverse a *Therapeutic Use Exemption* decision may be appealed by the *Athlete*, the *National Anti-Doping Organization* and/or the International Federation affected, exclusively to *CAS*.

4.4.9 A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *Therapeutic Use Exemption* or for review of a

ustanovi ali imenuje *organizator velikih prireditev*. Če *športnik* pritožbe ne vloži ali s pritožbo ne uspe, predmetne snovi ali postopka *ne sme uporabljati* v zvezi s to *prireditvijo*, vendar pa *terapevtska izjema*, ki mu jo je za to snov ali postopek podelila njegova *nacionalna protidopinška organizacija* ali mednarodna zveza, zunaj te *prireditve* velja še naprej.

4.4.5 *Terapevtske izjeme* z veljavnostjo za nazaj se lahko podelijo pod pogoji, opisanimi v *Mednarodnih standardih* za *terapevtske izjeme*.

4.4.6 Če *športnik* ali *nacionalna protidopinška organizacija*, pristojna zanj, preda *WADA* zadevo v pregled, je njena dolžnost, da pregleda odločbo mednarodne zveze, s katero ta ni priznala *terapevtske izjeme*, ki jo je podelila *nacionalna protidopinška organizacija*, pristojna za *športnika.* Če *nacionalna protidopinška organizacija*, pristojna za *športnika*, zadevo preda *WADA* v pregled, je ta dolžna pregledati tudi odločitev mednarodne zveze, s katero je ta podelila *terapevtsko izjemo*. *WADA* lahko kadar koli pregleda tudi druge odločbe o *terapevtskih izjemah*, bodisi na prošnjo vpletenih bodisi na lastno pobudo. Če odločba o *terapevtski izjemi*, ki jo *WADA* pregleduje, izpolnjuje kriterije po *Mednarodnih standardih* za *terapevtske izjeme*, *WADA* vanjo ne posega. Če odločba o *terapevtski izjemi* ne izpolnjuje navedenih kriterijev, jo *WADA* razveljavi.[155]

4.4.7 Če v *Mednarodnih standardih* za *terapevtske izjeme* ni predvideno drugače, lahko zoper odločbo o *terapevtski izjemi*, ki jo je sprejela mednarodna zveza in ki je ne pregleda *WADA* ali je *WADA* po pregledu ne razveljavi, *športnik* in/ali *športnikova nacionalna protidopinška organizacija* vloži pritožbo le pri *CAS*.[156]

4.4.8 Zoper odločbo *WADA*, s katero ta razveljavi odločbo o *terapevtski izjemi*, lahko prizadeti *športnik*, *nacionalna protidopinška organizacija* in/ali zadevna mednarodna zveza vložijo pritožbo le pri *CAS*.

4.4.9 Če o pravilno vloženi vlogi za podelitev/priznanje *terapevtske izjeme* ali za pregled odločbe o *terapevtski izjemi* v razumnem roku ni sprejeta odločitev, se šteje, da je

[35] *[Comment to Article 4.4.6: WADA shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]*

[36] *[Comment to Article 4.4.7: In such cases, the decision being appealed is the International Federation's Therapeutic Use Exemption decision, not WADA's decision not to review the Therapeutic Use Exemption decision or (having reviewed it) not to reverse the Therapeutic Use Exemption decision. However, the time to appeal the Therapeutic Use Exemption decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.]*

[155] *[Komentar k členu 4.4.6: WADA ima pravico zaračunati takso, da pokrije stroške (a) pregleda, ki ga mora izvesti v skladu s členom 4.4.6; in (b) pregleda, ki ga izvede na lastno pobudo v primerih, ko pride do razveljavitve odločbe, ki jo pregleduje.]*

[156] *[Komentar k členu 4.4.7: V takih primerih je odločba, proti kateri se vlaga pritožba, odločba mednarodne zveze o terapevtski izjemi in ne odločba WADA, s katero je ta sklenila, da odločbe o terapevtski izjemi ne bo pregledala oz. s katero odločbe o terapevtski izjemi (potem ko jo je pregledala) ni razveljavila. Vendar pa rok za vložitev pritožbe zoper odločbo o terapevtski izjemi začne teči šele po prejemu odločbe WADA. V vsakem primeru, če je WADA pregledala odločbo o terapevtski izjemi ali ne, je treba WADA obvestiti o pritožbi, da lahko v postopku sodeluje, če se ji to zdi potrebno.]*

Therapeutic Use Exemption decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

4.5 *Monitoring Program*

WADA, in consultation with *Signatories* and governments, shall establish a *Monitoring Program* regarding substances which are not on the *Prohibited List*, but which *WADA* wishes to monitor in order to detect potential patterns of misuse in sport. In addition, *WADA* may include in the *Monitoring Program* substances that are on the *Prohibited List*, but which are to be monitored under certain circumstances—e.g., *Out-of-Competition Use* of some substances prohibited *In-Competition* only or the combined *Use* of multiple substances at low doses ("stacking")—in order to establish prevalence of *Use* or to be able to implement adequate decisions in regards to their analysis by laboratories or their status within the *Prohibited List*.

WADA shall publish the substances that will be monitored.[37] Laboratories will report the instances of reported *Use* or detected presence of these substances to *WADA*. *WADA* shall make available to International Federations and *National Anti-Doping Organizations*, on at least an annual basis, aggregate information by sport regarding the monitored substances. Such *Monitoring Program* reports shall not contain additional details that could link the monitoring results to specific *Samples*. *WADA* shall implement measures to ensure that strict anonymity of individual *Athletes* is maintained with respect to such reports. The reported *Use* or detected presence of a monitored substance shall not constitute an anti-doping rule violation.

Article 5 *Testing* and Investigations

5.1 Purpose of *Testing*

Testing may be undertaken for any anti-doping purpose.

5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Article 2.2 (*Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*) of the *Code*, and for the purposes described in Article 6.2.

5.2 Authority to Test

Any *Athlete* may be required to provide a *Sample* at any time and at any place by any *Anti- Doping Organization* with *Testing* authority over them.[38] Subject to the limitations for *Event Testing* set out in Article 5.3:

prošnja zavrnjena, s čimer se aktivirajo pravice do pregleda/pritožbe.

4.5 *Program nadzora*

WADA ob posvetovanju s *podpisnicami* in vladami ustanovi *program nadzora* glede snovi, ki niso na *Listi prepovedanih snovi in postopkov*, vendar pa jih *WADA* želi nadzirati, da bi odkrila morebitne vzorce njihove zlorabe v športu. Poleg tega lahko WADA v *program nadzora* vključi snovi, ki so na *Listi prepovedanih snovi in postopkov*, vendar jih je treba v nekaterih okoliščinah nadzorovati, npr. ob *uporabi* nekaterih snovi, ki so prepovedane samo *med tekmovanjem*, *izven tekmovanj* ali ob kombinirani *uporabi* nizkih odmerkov več snovi (»kopičenje«), da se ugotovi razširjenost *uporabe* ali da je mogoče sprejeti ustrezne odločitve v zvezi z njihovo analizo v laboratorijih ali njihovim statusom na *Listi prepovedanih snovi in postopkov*.

WADA mora objaviti snovi, ki jih bo nadzorovala.[157] Laboratoriji morajo *WADA* poročati o primerih prijavljene *uporabe* ali zaznani prisotnosti teh snovi. *WADA* mora mednarodnim zvezam in *nacionalnim protidopinškim organizacijam* vsaj enkrat letno omogočiti, da se glede teh nadzorovanih snovi seznanijo s podatki v obliki seštevka za posamezno športno panogo. Taka poročila o *programu nadzora* ne smejo vsebovati dodatnih podrobnosti, ki bi rezultate nadzora lahko povezovale s posameznimi *vzorci*. *WADA* mora sprejeti ukrepe za zagotovitev stroge anonimnosti posameznih *športnikov* v zvezi s takimi poročili. Prijavljena *uporaba* ali zaznana prisotnost nadzorovane snovi ne predstavljata kršitve protidopinških pravil.

5. člen *Testiranja* in preiskave

5.1 Namen *testiranja*

Testiranja se lahko izvajajo za kateri koli protidopinški namen.

5.1.1 *Testiranje* se izvede zaradi pridobitve analitičnih dokazov o tem, ali je *športnik* kršil člen 2.1 (Prisotnost *prepovedane snovi* ali njenih *presnovkov* ali *označevalcev* v *športnikovem vzorcu*) ali člen 2.2 (*Uporaba* ali *poskus uporabe prepovedane snovi* ali *prepovedanega postopka* s strani *športnika*) *Kodeksa* in za namene, opisane v členu 6.2.

5.2 Pristojnost za testiranje

Od vsakega *športnika* lahko katera koli *protidopinška organizacija*, ki je pristojna za njegovo *testiranje*, kadar koli zahteva, da opravi odvzem *vzorca*.[158] Glede na omejitve pri *testiranju* na *prireditvah*, ki je opisano v členu 5.3, velja naslednje:

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[37] *[Comment to Article 4.5: In order to improve the efficiency of the Monitoring Program, once a new substance is added to the published Monitoring Program, laboratories may re-process data and Samples previously analyzed in order to determine the absence or presence of any new substance.]*

[38] *[Comment to Article 5.2: Additional authority to conduct Testing may be conferred by means of bilateral or multilateral agreements among Signatories. Unless the Athlete has identified a sixty-minute Testing window during the following described time period, or otherwise consented to Testing during that period, before Testing an Athlete between the hours of 11:00 p.m. and 6:00 a.m., an Anti-Doping Organization should have serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether an Anti-Doping Organization had sufficient suspicion for Testing during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]*

[157] *[Komentar k členu 4.5: Za izboljšanje učinkovitosti programa nadzora lahko laboratoriji, ko je nova snov dodana v objavljeni program nadzora, znova obdelajo predhodno analizirane podatke in vzorce, da ugotovijo odsotnost ali prisotnost katere koli nove snovi.]*

[158] *[Komentar k členu 5.2: Dodatna pristojnost za testiranje je lahko podeljena z dvostranskim ali večstranskim sporazumom med podpisnicami. Razen če si športnik izbere svoj šestdesetminutni testni interval v času, navedenem v nadaljevanju, ali se kako drugače strinja s testiranjem v tem času, ga protidopinška organizacija ne sme testirati med 23. uro zvečer in 6. uro zjutraj brez utemeljenega suma, da se ukvarja z dopingom. Pri kršitvi protidopinških pravil, ugotovljeni na podlagi takega testiranja ali poskusa testiranja, ni dovoljena obramba z izpodbijanjem utemeljenosti suma protidopinške organizacije in njene upravičenosti do testiranja v zgoraj navedenem času.]*

5.2.1 Each *National Anti-Doping Organization* shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are nationals, residents, license-holders or members of sport organizations of that country or who are present in that *National Anti-Doping Organization's* country.

5.2.2 Each International Federation shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are subject to its rules, including those who participate in *International Events* or who participate in *Events* governed by the rules of that International Federation, or who are members or license-holders of that International Federation or its member National Federations, or their members.

5.2.3 Each *Major Event Organization*, including the International Olympic Committee and the International Paralympic Committee, shall have *In-Competition Testing* authority for its *Events* and *Out-of-Competition Testing* authority over all *Athletes* entered in one of its future *Events* or who have otherwise been made subject to the *Testing* authority of the *Major Event Organization* for a future *Event*.

5.2.4 *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.8.11.

5.2.5 *Anti-Doping Organizations* may test any *Athlete* over whom they have *Testing* authority who has not retired, including *Athletes* serving a period of *Ineligibility*.

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

5.2.7 Except where expressly allowed by the *Code* or an *International Standard,* no *Signatory* shall take any action that unduly impedes or interferes with the ability of any other *Anti- Doping Organization* to conduct *Testing*, whether performed directly or through delegation, that is authorized by this Article 5 or any other *Code* Article or the *International Standard* for *Testing*.

5.3 *Event Testing*

5.3.1 Except as otherwise provided below, only a single organization shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the international organization which is the ruling body for the *Event* (e.g., the International Olympic Committee for the Olympic

5.2.1 Vsaka *nacionalna protidopinška organizacija* je pristojna za *testiranje* vseh *športnikov*, ki so državljani, rezidenti, imetniki dovoljenj ali člani športnih organizacij v tej državi ali ki so v državi, kjer domuje *nacionalna protidopinška organizacija*, tako *med tekmovanji* kot *izven njih*.

5.2.2 Vsaka mednarodna zveza je pristojna za *testiranje* vseh *športnikov*, za katere veljajo njena pravila, vključno s tistimi *športniki*, ki sodelujejo na *mednarodnih prireditvah* ali *prireditvah*, ki se izvajajo po pravilih te mednarodne zveze, ali ki so člani ali imetniki licence te mednarodne zveze ali njenih nacionalnih zvez članic, ali svojih članov, tako *med tekmovanji* kot *izven tekmovanj*.

5.2.3 Vsak *organizator velikih prireditev*, vključno z Mednarodnim olimpijskim komitejem in Mednarodnim paralimpijskim komitejem, je na svojih *prireditvah* pristojen za *testiranje med tekmovanjem* in za *testiranje izven tekmovanj* za vse *športnike*, ki se bodo udeležili katere izmed njegovih prihodnjih *prireditev* ali so kako drugače postali pristojnost zadevnega *organizatorja velikih prireditev za testiranje* v zvezi s prihodnjo *prireditvijo*.

5.2.4 *WADA* je na podlagi člena 20.8.11 pristojna za *testiranje med tekmovanjem* in *izven tekmovanj*.

5.2.5 *Protidopinška organizacija* lahko testira *športnika*, nad katerim ima pristojnost *testiranja* in ki se ni umaknil iz športa, vključno s *športniki*, ki trenutno prestajajo obdobje *izločitve*.

5.2.6 Če mednarodna zveza ali *organizator velikih prireditev* pooblasti ali s pogodbo kateri koli del *testiranja* prenese na *nacionalno protidopinško organizacijo*, lahko ta *nacionalna protidopinška organizacija* odvzame dodatne *vzorce* ali naroči laboratoriju, naj izvede dodatne vrste analize na stroške *nacionalne protidopinške organizacije*. Če se odvzamejo dodatni *vzorci* ali izvedejo dodatne vrste analize, je treba o tem obvestiti mednarodno zvezo ali *organizatorja velikih prireditev*.

5.2.7 Razen kadar to izrecno dovoljuje *Kodeks* ali *Mednarodni standard*, nobena *podpisnica* ne sme sprejeti nobenih ukrepov, s katerimi bi neupravičeno ovirala ali posegla v sposobnost katere koli druge *protidopinške organizacije* za izvajanje *testiranja*, bodisi neposredno bodisi prek pooblaščenca, ki je dovoljeno s tem 5. členom ali katerim koli drugim členom *Kodeksa* ali *Mednarodnimi standardi* za *testiranja*.

5.3 *Testiranje na prireditvah*

5.3.1 Razen če spodnje določbe določajo drugače, je za izvajanje *testiranja* v *prireditvenih prostorih* med *trajanjem prireditve* odgovorna le ena organizacija. Na *mednarodnih prireditvah* je za izvajanje *testiranja* pristojna organizacija, ki predseduje *prireditvi* (npr. Mednarodni olimpijski komite na

Games, the International Federation for a World Championship and Panam Sports for the Pan American Games) shall have authority to conduct *Testing*. At *National Events*, the *National Anti-Doping Organization* of that country shall have authority to conduct *Testing*. At the request of the ruling body for an *Event*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.[39]

5.3.2 If an *Anti-Doping Organization*, which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event*, desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organization* may, in accordance with procedures described in the *International Standard* for *Testing*, ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing*. *WADA* shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. *WADA's* decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be under the authority of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.[40]

5.4 *Testing* Requirements

5.4.1 *Anti-Doping Organizations* shall conduct test distribution planning and *Testing* as required by the *International Standard* for *Testing* and use *ADAMS* to coordinate *Testing* in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

5.5 *Athlete* Whereabouts Information

Athletes who have been included in a *Registered Testing Pool* or a *Testing Pool* by their International Federation and/or *National Anti-Doping Organization* shall provide whereabouts information in the manner specified in the *International Standard* for

olimpijskih igrah, mednarodna panožna športna zveza na svetovnih prvenstvih in Panameriška športna organizacija na panameriških igrah). Na *prireditvah na nacionalni ravni* je za izvajanje *testiranja* pristojna *nacionalna protidopinška organizacija* iz te države. Na zahtevo predsedujočega organa *prireditve* je treba vsakršno *testiranje* med *trajanjem prireditve* zunaj *prireditvenega prostora* uskladiti s tem predsedujočim organom.[159]

5.3.2 Če *protidopinška organizacija*, ki bi bila sicer pristojna za *testiranje*, ne pa tudi za uvedbo in usmerjanje *testiranj* na *prireditvi*, želi izvajati *testiranje športnikov* v *prireditvenih prostorih* med *trajanjem prireditve*, se mora najprej sestati s predsedujočim organom *prireditve*, da pridobi dovoljenje za izvajanje in usklajevanje takega *testiranja*. Če *protidopinška organizacija* z odgovorom predsedujočega organa *prireditve* ni zadovoljna, lahko v skladu s postopki, opisanimi v *Mednarodnih standardih* za *testiranja*, zaprosi *WADA*, naj ji izda dovoljenje za izvajanje *testiranja* in določi, kako naj se tako *testiranje* uskladi. *WADA* ne sme odobriti takega *testiranja*, ne da bi o tem predhodno obvestila predsedujoči organ *prireditve* in se z njim posvetovala. Odločitev *WADA* je dokončna in zoper njo ni dovoljena pritožba. Razen če pooblastilo za izvajanje *testiranja* določa drugače, se taka *testiranja* štejejo za *testiranja izven tekmovanj*. Za *upravljanje z rezultati* takih *testiranj* je pristojna *protidopinška organizacija*, ki je *testiranje* uvedla, razen če pravilnik predsedujočega organa *prireditve* določa drugače.[160]

5.4 Zahteve glede *testiranja*

5.4.1 *Protidopinške organizacije* morajo izdelati načrt razporeditve *testiranj* in izvesti *testiranja*, kot določajo *Mednarodni standardi* za *testiranja*, in s sistemom *ADAMS* uskladiti *testiranja* za zagotovitev čim večje učinkovitosti kombiniranega *testiranja* in v izogib nepotrebnemu ponavljajočemu se *testiranju*.

5.5 Podatki o *športnikovi* lokaciji

Športniki, ki jih mednarodna zveza in/ali *nacionalna protidopinška organizacija*, ki je zanje pristojna, vključi v *registrirano skupino za testiranje* ali *skupino za testiranje*, morajo sporočiti podatke o svoji lokaciji na način, določen v *Mednarodnih*

[39] *[Comment to Article 5.3.1: Some ruling bodies for International Events may be doing their own Testing outside of the Event Venues during the Event Period and thus want to coordinate that Testing with National Anti-Doping Organization Testing.]*

[40] *[Comment to Article 5.3.2: Before giving approval to a National Anti-Doping Organization to initiate and conduct Testing at an International Event, WADA shall consult with the international organization which is the ruling body for the Event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with the National Anti-Doping Organization of the country where the Event takes place. The Anti-Doping Organization "initiating and directing Testing" may, if it chooses, enter into agreements with a Delegated Third Party to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.]*

[159] *[Komentar k členu 5.3.1: Nekateri predsedujoči organi mednarodnih prireditev lahko izvajajo svoja testiranja zunaj prireditvenih prostorov med trajanjem prireditve, zato želijo svoje testiranje uskladiti s testiranjem nacionalne protidopinške organizacije.]*

[160] *[Komentar k členu 5.3.2: Preden WADA nacionalni protidopinški organizaciji izda dovoljenje za začetek in izvajanje testiranja na mednarodni prireditvi, se mora o tem posvetovati z mednarodno organizacijo, ki predseduje prireditvi. Preden WADA mednarodni zvezi izda dovoljenje za začetek in izvajanje testiranja na mednarodni prireditvi, se mora o tem posvetovati z nacionalno protidopinško organizacijo v državi, kjer poteka prireditev. Protidopinška organizacija, ki »uvede in usmerja testiranje«, lahko, če želi, sklene sporazume s pooblaščeno tretjo osebo in nanjo prenese odgovornost za odvzem vzorcev ali za druge vidike postopka kontrole dopinga.]*

Testing. The International Federations and *National Anti-Doping Organizations* shall coordinate the identification of such *Athletes* and the collection of their whereabouts information. Each International Federation and *National Anti-Doping Organization* shall make available through *ADAMS* a list which identifies those *Athletes* included in its *Registered Testing Pool* or *Testing Pool* by name. *Athletes* shall be notified before they are included in a *Registered Testing Pool* or a *Testing Pool* and when they are removed from that pool. The whereabouts information they provide while in the *Registered Testing Pool* or a *Testing Pool* will be accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organizations* having authority to test the *Athlete* as provided in Article 5.2. Whereabouts information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard* for Data Protection.

Athletes who have been included in a *Registered Testing Pool* shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2. *Anti-Doping Organizations* may, in accordance with the *International Standard* for *Testing*, impose appropriate and proportionate non-*Code* Article 2.4 consequences under their own rules on *Athletes* who are included within a *Testing Pool*.

5.6 Retired *Athletes* Returning to *Competition*

5.6.1 If an *International* or *National-Level Athlete* in a *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has agreed to be bound by applicable anti-doping rules and has made themselves available for *Testing*, by giving six-months prior written notice to their International Federation and *National Anti-Doping Organization*. *WADA*, in consultation with the relevant International Federation and *National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to an *Athlete*.[41] The exemption may be subject to one or more conditions that *WADA* and the relevant *Anti-Doping Organizations* may impose at their discretion including, without limitation, a minimum number of tests before participation in *International Events* or *National Events* or a restriction of the participation (during the exemption period) to specific *International Events* or *National Events*. A decision by *WADA* not

standardih za *testiranja*. Mednarodne zveze in *nacionalne protidopinške organizacije* morajo uskladiti identifikacijo teh *športnikov* ter zbiranje podatkov o njihovi lokaciji. Vsaka mednarodna zveza in *nacionalna protidopinška organizacija* mora prek sistema *ADAMS* objaviti seznam, na katerem so poimensko navedeni *športniki*, vključeni v njeno *registrirano skupino za testiranje* ali *skupino za testiranje*. *Športniki* morajo biti obveščeni o vključitvi v *registrirano skupino za testiranje* ali *skupino za testiranje* in tudi o izključitvi iz nje. Podatki o lokaciji *športnikov*, ki jih ti sporočijo v času vključenosti v *registrirano skupino za testiranje* ali *skupino za testiranje*, so prek sistema *ADAMS* dostopni *WADA* in drugim *protidopinškim organizacijam*, pristojnim za testiranje *športnika*, kot to določa člen 5.2. Podatki o lokaciji se vedno obravnavajo kot strogo zaupni; uporabljajo se lahko le za načrtovanje, usklajevanje in izvajanje *kontrole dopinga*, posredovanje informacij, pomembnih za *športnikov biološki potni list* ali druge analitične rezultate, v zvezi s preiskavo potencialne kršitve protidopinških pravil ali v postopkih, v katerih se zatrjuje, da je prišlo do kršitve protidopinških pravil. Te podatke je treba, ko niso več uporabni za navedene namene, uničiti v skladu z *Mednarodnimi standardi* za varstvo osebnih podatkov.

Športniki, vključeni v *registrirano skupino za testiranje*, so podvrženi *posledicam* zaradi kršitev člena 2.4, kot je določeno v členu 10.3.2. V skladu z *Mednarodnimi standardi* za *testiranja* lahko *protidopinške organizacije športnikom*, ki so vključeni v *skupino za testiranje*, v skladu s svojimi pravili naložijo ustrezne in sorazmerne posledice iz člena 2.4, ki niso določene v *Kodeksu*.

5.6 *Športniki*, ki so se umaknili iz športa in se vrnejo na *tekmovanja*

5.6.1 Če se želi *športnik mednarodnega* ali *nacionalnega razreda*, ki je vključen v *registrirano skupino za testiranje* ter se je umaknil iz športa, vrniti k aktivnemu nastopanju v športu, ne sme tekmovati na *mednarodnih* ali *nacionalnih prireditvah*, dokler s pisnim obvestilom šest mesecev vnaprej ne obvesti pristojne mednarodne zveze ali *nacionalne protidopinške organizacije*, da se strinja, da ga zavezujejo veljavna protidopinška pravila, in da je na voljo za *testiranje*. *WADA* lahko ob posvetovanju s pristojno mednarodno zvezo ali *nacionalno protidopinško organizacijo* odobri izjemo od pravila, da je treba pisno obvestilo poslati šest mesecev vnaprej, če bi bila stroga uporaba tega pravila nepoštena do *športnika*.[161] Izjema je lahko pogojena z enim ali več pogoji, ki jih lahko po lastni presoji določijo *WADA* in zadevne *protidopinške organizacije*, in sicer med drugim z minimalnim številom testiranj pred nastopanjem na *mednarodnih prireditvah* ali *nacionalnih prireditvah* ali omejitvijo nastopanja (med obdobjem veljavnosti izjeme) na določene *mednarodne prireditve* ali

[41] *[Comment to Article 5.6.1: Where the Athlete wishes to return to active participation in a sport different than the sport from which the Athlete retired, the relevant International Federation shall be the International Federation for the sport to which the Athlete wishes to return.]*

[161] *[Komentar k členu 5.6.1: Če se športnik želi vrniti k aktivnemu nastopanju v športu, ki je drugačen od športa, iz katerega se je umaknil, je pristojna mednarodna zveza mednarodna zveza za šport, v katerega se športnik želi vrniti.]*

to grant an exemption may be appealed under Article 13.2.[42]

5.6.1.1 Any competitive results obtained in violation of Article 5.6.1 shall be *Disqualified* unless the *Athlete* can establish that they could not have reasonably known that this was an *International Event* or a *National Event*.

5.6.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* shall notify the *Anti-Doping Organization* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has agreed to be bound by applicable anti-doping rules and has made themselves available for *Testing* by giving prior written notice to the *Athlete*'*s* International Federation and *National Anti-Doping Organization* for a period of time equal to the greater of (i) the period of *Ineligibility* not yet served as of the date of retirement or (ii) six (6) months.[43]

5.7 Investigations and Intelligence Gathering

Anti-Doping Organizations shall have the capability to conduct, and shall conduct, investigations and gather intelligence for any anti-doping purpose including, but not limited to, the purposes described in the *Code* and the *International Standard* for Intelligence and Investigations.

Article 6 Analysis of *Samples*

Samples shall be analyzed in accordance with the following principles:

6.1 Use of Accredited, Approved Laboratories and Other Laboratories

For purposes of directly establishing an *Adverse Analytical Finding* under Article 2.1, *Samples* shall be analyzed only in *WADA*-accredited laboratories or laboratories otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by the *Anti-Doping Organization* responsible for *Results Management*.[44]

6.1.1 As provided in Article 3.2, facts related to anti-doping rule violations, or violations of

nacionalne prireditve. Zoper odločbo *WADA* o neodobritvi izjeme je mogoče vložiti pritožbo v skladu s členom 13.2.[162]

5.6.1.1 Vsi tekmovalni rezultati, doseženi s kršitvijo člena 5.6.1, se *diskvalificirajo*, razen če *športnik* lahko dokaže, da ni mogel upravičeno vedeti, da je bila to *mednarodna prireditev* ali *nacionalna prireditev*.

5.6.2 Če se *športnik* umakne iz športa, medtem ko prestaja obdobje *izločitve*, mora o umiku obvestiti *protidopinško organizacijo*, ki mu je izrekla obdobje *izločitve*. Če se *športnik* želi vrniti k aktivnemu nastopanju v športu, ne sme tekmovati na *mednarodnih prireditvah* ali *nacionalnih prireditvah*, dokler se ne zaveže spoštovati veljavnih protidopinških pravil in se ne da na voljo za testiranje, tako da o tem predhodno pisno obvesti svojo mednarodno zvezo ali *nacionalno protidopinško organizacijo* za obdobje, ki je enako daljšemu izmed naslednjih obdobij: (i) neodsluženi del obdobja *izločitve* na dan upokojitve ali (ii) šest (6) mesecev.[163]

5.7 Preiskave in zbiranje podatkov

Protidopinške organizacije morajo imeti sposobnost izvajanja in tudi morajo izvajati preiskave ter zbirati podatke za kateri koli protidopinški namen, med drugim za namene, opisane v *Kodeksu* in *Mednarodnih standardih* za zbiranje informacij in preiskave.

6. člen Analiza *vzorcev*

Vzorci se analizirajo v skladu z naslednjimi načeli:

6.1 Uporaba akreditiranih, odobrenih in drugih laboratorijev

Za neposredno določanje *nasprotne analitične ugotovitve* iz člena 2.1 se *vzorci* lahko analizirajo le v laboratorijih, ki jih je akreditirala ali kako drugače odobrila *WADA*. O izboru laboratorija, ki ga je akreditirala ali odobrila *WADA* in se uporablja za analizo *vzorcev*, odloča le *protidopinška organizacija*, pristojna za *upravljanje z rezultati*.[164]

6.1.1 Kot je predvideno v členu 3.2, je dejstva v zvezi s kršitvami protidopinških pravil ali

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[42] *[Comment to Article 5.6.1: Guidance for determining whether an exemption is warranted will be provided by WADA.]*

[43] *[Comment to Article 5.6.2: Nothing in the Code precludes an Anti-Doping Organization or other sport organization from adopting and enforcing eligibility rules that allow the organization to deny or revoke the membership of an Athlete who engaged in conduct, during a period of retirement when the Athlete was not subject to the Code, where such conduct would have constituted an anti-doping rule violation had it occurred while the Person was bound by rules adopted pursuant to the Code.]*

[44] *[Comment to Article 6.1: For cost and geographic access reasons, WADA may approve laboratories which are not WADA-accredited to perform particular analyses, for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and custodial standards required by WADA. Violations of Article 2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]*

[162] *[Komentar k členu 5.6.1: WADA zagotovi smernice za določanje, ali je izjema utemeljena.]*

[163] *[Komentar k členu 5.6.2: Nobena določba Kodeksa ne izključuje možnosti protidopinške organizacije ali druge športne organizacije, da sprejme in izvaja pravila o upravičenosti, ki organizaciji omogočajo, da zavrne ali prekliče članstvo športnika, ki je med obdobjem umika iz športa, ko ni bil zavezan k upoštevanju Kodeksa, ravnal na način, ki bi pomenil kršitev protidopinških pravil, če bi do tega ravnanja prišlo, ko je bila oseba zavezana k upoštevanju pravil, sprejetih v skladu s Kodeksom.]*

[164] *[Komentar k členu 6.1: Zaradi razlogov, povezanih s stroški in geografskim dostopom, lahko WADA odobri laboratorije, ki jih ni akreditirala, da izvedejo določene analize, na primer analizo krvi, ki jo je treba od kraja odvzema do laboratorija dostaviti v določenem roku. Preden WADA tak laboratorij odobri, se mora prepričati, ali izpolnjuje visoke analitične in skrbniške standarde, ki jih zahteva WADA. Kršitve člena 2.1 se lahko ugotavljajo le na podlagi analize vzorcev, ki jo izvede laboratorij, ki ga je akreditirala WADA, ali drug laboratorij, ki ga je odobrila WADA. Kršitve drugih členov se lahko ugotavljajo na podlagi analitičnih rezultatov drugih laboratorijev, če so ti rezultati zanesljivi.]*

Article 10.14.1, may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*- accredited or approved laboratories.

kršitvami člena 10.14.1 dovoljeno ugotavljati z vsakršnimi zanesljivimi sredstvi. To na primer vključuje zanesljivo laboratorijsko ali drugo forenzično testiranje, ki se izvaja zunaj laboratorijev, ki jih je akreditirala ali odobrila *WADA*.

6.2 Analysis of *Samples* and Assessment of Analytical Data for Anti-Doping Purposes

Samples and related analytical data or *Doping Control* information shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to Article 4.5, or to assist an *Anti-Doping Organization* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other anti-doping purpose.[45]

In principle, all *Samples* collected shall be promptly analyzed. However, the *International Standard* for Laboratories or the *International Standard* for *Testing* may identify specific conditions under which *Samples* may be collected and stored for possible future analysis.

6.2 Analiza *vzorcev* in ocena analitičnih podatkov za protidopinške namene

Vzorci in povezani analitični podatki ali podatki v zvezi s *kontrolo dopinga* se analizirajo, da se odkrijejo *prepovedane snovi* in *prepovedani postopki*, navedeni na *Listi prepovedanih snovi in postopkov*, ter druge snovi, če to v skladu s členom 4.5 zahteva *WADA*, ali pa za pomoč *protidopinški organizaciji* pri profiliranju ustreznih parametrov v *športnikovem* urinu, krvi ali drugih telesnih tekočinah in tkivu, vključno z DNK in genomskim profiliranjem, ali za kateri koli drug protidopinški namen.[165]

Praviloma je treba vse odvzete *vzorce* nemudoma analizirati. Vendar pa lahko *Mednarodni standardi* za laboratorije ali *Mednarodni standardi* za *testiranja* določajo posebne pogoje, pod katerimi se *vzorci* lahko odvzamejo in shranijo za morebitno prihodnjo analizo.

6.3 Research on *Samples* and Data

Samples, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used without the *Athlete's* written consent where the research involves re-analysis of the *Athlete*'s *Sample(s)* for a purpose beyond Article 6.2. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*.[46] Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19.

6.3 Raziskave *vzorcev* in podatkov

Vzorci, povezani analitični podatki in podatki v zvezi s *kontrolo dopinga* se lahko uporabljajo za protidopinške raziskave, čeprav nobenega *vzorca* ni dovoljeno uporabiti brez *športnikovega* pisnega soglasja, kadar se v okviru raziskave *športnikov(-i) vzorec(-ci)* ponovno analizira(-jo) za namen, ki ni zajet v členu 6.2. *Vzorci* in povezani analitični podatki ali informacije v zvezi s *kontrolo dopinga*, ki se uporabijo v raziskovalne namene, se najprej obdelajo tako, da jih ni več mogoče povezati s posameznim *športnikom*.[166] Vse raziskave, ki vključujejo *vzorce* in povezane analitične podatke ali podatke v zvezi s *kontrolo dopinga*, morajo upoštevati načela iz 19. člena.

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[45] *[Comment to Article 6.2: Other anti-doping purposes would also include, and Athlete consent would not be required for, the following, without limitation, a) using Testing information to support an anti-doping rule violation proceeding under Article 2.2; b) Testing for non-Prohibited Substances or Methods that are included in the WADA Monitoring Program (see Code Article 4.5); c) Testing for non-Prohibited Substances for results interpretation purposes (e.g., confounding factors of the "steroid profile", non-Prohibited Substances that share Metabolite(s) or degradation products with Prohibited Substances); d) Testing for non-Prohibited Substances or Methods (including analyzing Samples collected Out-of-Competition for substances prohibited In-Competition only) requested as part of a Results Management process by an Anti-Doping Organization with Results Management authority, a hearing body or WADA; e) the use of information to direct Target Testing; f) the use of analytical data; and g) additional analysis for research or Quality Assurance processes as permitted by the International Standard for Laboratories, including without limitation: i) improvement of existing analytical methods; ii) development of new analytical methods for detection of presence or Use of substances or methods already prohibited at the time of Sample collection, or for substances included in the WADA Monitoring Program or targeted for results interpretation purposes; iii) application of methods for detection of presence or Use of substances or methods already prohibited at the time of Sample collection to new biological matrices (e.g., blood, DBS, hair, saliva); iv) use of Samples as reference collections/quality control samples; v) establishing reference population ranges or new/revised thresholds/Decision Limits for substances or methods already prohibited at the time of Sample collection or for other statistical purposes.]*

[46] *[Comment to Article 6.3: As is the case in most medical or scientific contexts, use of Samples and related information for Quality Assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. Samples and related information used for such permitted non-research purposes shall also first be processed in such a manner as to prevent them from being traced back to the particular Athlete, having due regard to the principles set out in Article 19, as well as the requirements of the International Standard for Laboratories and International Standard for Data Protection.]*

[165] *[Komentar k členu 6.2: Drugi protidopinški nameni med drugim vključujejo in soglasje športnika ni potrebno tudi za naslednje namene: a) uporabo informacij o testiranju za podporo postopka zaradi kršitve protidopinških pravil po členu 2.2; b) testiranje za neprepovedane snovi ali postopke, vključene v program nadzora WADA (glej člen 4.5 Kodeksa); c) testiranje za neprepovedane snovi zaradi razlage rezultatov (npr. zavajajoči dejavniki v zvezi s steroidnim profilom, neprepovedane snovi, ki imajo enake presnovke ali produkte razgradnje kot prepovedane snovi); d) testiranje za neprepovedane snovi ali postopke (vključno z analizo vzorcev, odvzetih izven tekmovanj, za snovi, ki so prepovedane le med tekmovanjem), ki ga zahteva protidopinška organizacija, pristojna za upravljanje z rezultati, obravnavni organ ali WADA v okviru postopka upravljanja z rezultatov; e) uporabo informacij za usmerjanje ciljnega testiranja; f) uporabo analitičnih podatkov; in g) dodatno analizo za raziskave ali postopke zagotavljanja kakovosti, kot dovoljujejo Mednarodni standardi za laboratorije, med drugim za: i) izboljšanje obstoječih analitičnih metod; ii) razvoj novih analitičnih metod za odkrivanje prisotnosti ali uporabe snovi ali postopkov, ki so bili ob odvzemu vzorca že prepovedani, ali za snovi, vključene v program nadzora WADA ali izbrane za potrebe razlage rezultatov; iii) uporabo metod za odkrivanje prisotnosti ali uporabe snovi ali postopkov, ki so bili ob odvzemu vzorca že prepovedani, na novih bioloških matricah (npr. kri, posušene kapljice krvi, lasje, slina); iv) uporaba vzorcev kot referenčnih zbirk/vzorcev za kontrolo kakovosti; v) določitev referenčnih razponov populacije ali novih/spremenjenih pragov/mejnih vrednosti za snovi ali postopke, ki so bili ob odvzemu vzorca že prepovedani, ali za druge statistične namene.]*

[166] *[Komentar k členu 6.3: Kot je običajno v večini medicinskih ali znanstvenih kontekstov, se uporaba vzorcev in povezanih podatkov zaradi zagotavljanja kakovosti, izboljšanja kakovosti, izboljšanja in razvoja metod ali za vzpostavitev referenčne populacije ne šteje za raziskavo. Vzorci in povezani podatki, ki se uporabljajo za take dovoljene neznanstvene namene, morajo biti najprej obdelani tako, da jih ni več mogoče povezati s posameznim športnikom, ob upoštevanju načel iz 19. člena in zahtev Mednarodnih standardov za laboratorije in Mednarodnih standardov za varstvo osebnih podatkov.]*

6.4 Standards for *Sample* Analysis and Reporting[47]

Laboratories shall analyze *Samples* and report results in conformity with the *International Standard* for Laboratories.

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

6.5 Additional Analysis of a *Sample* Prior to or During *Results Management*

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

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

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of either the *Anti-Doping Organization* that initiated and directed *Sample* collection or *WADA*. Any other *Anti-Doping Organization* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or *WADA*, and shall be responsible for any follow- up *Results Management*. Any *Sample* storage or further analysis initiated by *WADA* or another *Anti-Doping Organization* shall be at *WADA's* or that organization's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

6.7 Split of A or B *Sample*

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

6.8 *WADA's* Right to Take Possession of *Samples* and

6.4 Standardi za analizo *vzorcev* in poročanje[167]

Laboratoriji analizirajo *vzorce* in poročajo o rezultatih v skladu z *Mednarodnimi standardi* za laboratorije.

6.4.1 Laboratoriji lahko na lastno pobudo in lastne stroške ali na zahtevo *protidopinške organizacije*, ki je uvedla in usmerjala odvzem *vzorcev*, analizirajo *vzorce* v zvezi s *prepovedanimi snovmi* in *prepovedanimi postopki*, ki niso vključeni v standardni nabor analize *vzorcev*. Rezultati take analize se posredujejo tej *protidopinški organizaciji* in imajo enako veljavnost ter enake *posledice* kot kateri koli drug analitični rezultat.

6.5 Dodatna analiza *vzorca* pred ali med postopkom *upravljanja z rezultati*

Ni omejitev glede pristojnosti laboratorija za izvedbo ponovljene ali dodatne analize *vzorca*, preden *protidopinška organizacija športnika* obvesti, da je *vzorec* podlaga za kršitev protidopinškega pravila iz člena 2.1, ali po dokončni rešitvi zadeve. Če želi *protidopinška organizacija* po takem obvestilu in pred dokončno rešitvijo zadeve opraviti dodatno analizo tega *vzorca*, lahko to naredi s soglasjem *športnika* ali odobritvijo obravnavnega organa.

6.6 Nadaljnja analiza *vzorca* po tem, ko je bil rezultat sporočen kot negativen ali kako drugače ni povzročil kršitve protidopinških pravil

Ko je laboratorij sporočil, da je *vzorec* negativen, ali če *vzorec* ni kako drugače povzročil kršitve protidopinških pravil, se lahko shrani in kadar koli dodatno analizira za namen člena 6.2, vendar le po navodilih *protidopinške organizacije*, ki je uvedla in usmerjala odvzem *vzorca*, ali po navodilih *WADA*. Če katera koli druga *protidopinška organizacija*, ki je pristojna za testiranje *športnika*, želi izvesti nadaljnjo analizo shranjenega *vzorca*, lahko to naredi z dovoljenjem *protidopinške organizacije*, ki je uvedla in usmerjala odvzem *vzorca*, ali *WADA* ter je odgovorna za kakršno koli nadaljnje *upravljanje z rezultati*. Vsakršno shranjevanje ali nadaljnje analize *vzorcev* na zahtevo *WADA* ali druge *protidopinške organizacije* financira *WADA* ali ta organizacija. Nadaljnja analiza *vzorcev* se izvede v skladu z zahtevami *Mednarodnih standardov* za laboratorije.

6.7 Razdelitev *vzorca* A ali B

Če *WADA*, *protidopinška organizacija* s pristojnostjo za *upravljanje z rezultati* in/ali laboratorij, ki ga je akreditirala *WADA* (z dovoljenjem *WADA* ali *protidopinške organizacije* s pristojnostjo za *upravljanje z rezultati*), želi razdeliti *vzorec* A ali B, da bi se prvi del razdeljenega *vzorca* uporabil za analizo *vzorca* A, drugi del razdeljenega *vzorca* pa za potrditev, je treba upoštevati postopke, ki jih določajo *Mednarodni standardi* za laboratorije.

6.8 Pravica *WADA* do prevzema *vzorcev* in podatkov v

[47] *[Comment to Article 6.4: The objective of this Article is to extend the principle of "Intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analyzed.]*

[167] *[Komentar k členu 6.4: Namen tega člena je razširiti načelo »s preiskavami podprtega testiranja« na nabor analize vzorcev, s čimer bi se omogočilo čim učinkovitejše odkrivanje dopinga. Razume se, da so razpoložljivi viri za boj proti dopingu omejeni ter da ima povečanje nabora analize vzorcev v nekaterih športnih panogah in državah lahko za posledico zmanjšanje števila testiranih vzorcev.]*

Data

Notwithstanding Article 6.5, *WADA* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organization*. Upon request by *WADA*, the laboratory or *Anti-Doping Organization* in possession of the *Sample* or data shall immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data.[48] If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and to each *Anti-Doping Organization* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organization* with authority to test the *Athlete* to assume *Results Management* authority for the *Sample* or data if a potential anti- doping rule violation is discovered.[49]

posest

Ne glede na člen 6.5 lahko *WADA* kadar koli po lastni presoji, s predhodnim obvestilom ali brez njega, fizično prevzame kateri koli *vzorec* ter z njim povezane analitične podatke ali informacije, ki so v posesti laboratorija ali *protidopinške organizacije*. Laboratorij ali *protidopinška organizacija*, ki ima v posesti *vzorec* ali podatke, mora na zahtevo *WADA* takoj zagotoviti dostop do *vzorca* in *WADA* omogočiti, da *vzorec* ali podatke prevzame v fizično posest.[168] Če *WADA* laboratorija ali *protidopinške organizacije* ni predhodno obvestila, preden je *vzorec* ali podatke prevzela v posest, mora v razumnem roku po prevzemu v posest o tem obvestiti laboratorij in vsako *protidopinško organizacijo*, katere *vzorce* ali podatke je prevzela v posest. Po analizi in kakršni koli preiskavi zaseženega *vzorca* ali podatkov lahko *WADA* drugi *protidopinški organizaciji*, ki je pristojna za testiranje *športnika*, naroči, naj prevzame odgovornost za *upravljanje z rezultati* za *vzorec* ali podatke, če je odkrita potencialna kršitev protidopinških pravil.[169]

Article 7 *Results Management*: Authority, Initial Review, Notice and *Provisional Suspensions*[50]

7. člen *Upravljanje z rezultati*: Pristojnost, prvi pregled, obvestilo in *začasne izključitve*[170]

Results Management under the *Code* (as set forth in Articles 7, 8 and 13) establishes a process designed to resolve alleged anti-doping rule violations or violations of Article 10.14.1 in a fair, expeditious and efficient manner. Each *Anti-Doping Organization* conducting *Results Management* shall establish a process for the pre-hearing administration of potential anti-doping rule violations or violations of Article 10.14.1 that respects the principles set forth in this Article. While each *Anti-Doping Organization* is permitted to adopt and implement its own *Results Management* process, *Results Management* for every *Anti-Doping Organization* shall at a minimum meet the requirements set forth in the *International Standard* for *Results Management*.

Upravljanje z rezultati na podlagi *Kodeksa* (kot je določeno v 7., 8. in 13. členu) določa postopek, ki je namenjen reševanju zadev v zvezi z domnevnimi kršitvami protidopinških pravil ali kršitvami člena 10.14.1 na pošten, hiter in učinkovit način. Vsaka *protidopinška organizacija*, odgovorna za *upravljanje z rezultati*, mora vzpostaviti postopek upravljanja potencialnih kršitev protidopinških pravil ali kršitev člena 10.14.1 pred obravnavo, ki upošteva načela iz tega člena. Čeprav lahko vsaka *protidopinška organizacija* sprejme in izvaja svoj postopek *upravljanja z rezultati*, mora *upravljanje z rezultati* za vsako *protidopinško organizacijo* izpolnjevati vsaj zahteve, določene v *Mednarodnih standardih* za *upravljanje z rezultati*.

7.1 Authority to Conduct *Results Management*

Except as otherwise provided in Articles 6.6, 6.8

7.1 Pristojnost za izvajanje *upravljanja z rezultati*

Razen če ni v spodnjih členih 6.6, 6.8 in 7.1.3 do

[48] *[Comment to Article 6.8: Resistance or refusal to WADA taking physical possession of Samples or data could constitute Tampering, Complicity or an act of non-compliance as provided in the International Standard for Code Compliance by Signatories, and could also constitute a violation of the International Standard for Laboratories. Where necessary, the laboratory and/or the Anti-Doping Organization shall assist WADA in ensuring that the seized Sample or data are not delayed in exiting the applicable country.]*

[49] *[Comment to Article 6.8: WADA would not, of course, unilaterally take possession of Samples or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defense against an anti-doping rule violation or its Consequences.]*

[50] *[Comment to Article 7: Various Signatories have created their own approaches to Results Management. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for Results Management. The Code does not supplant each of the Signatories' Results Management systems. This Article and the International Standard for Results Management do, however, specify basic principles in order to ensure the fundamental fairness of the Results Management process which shall be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles. Not all anti-doping proceedings which have been initiated by an Anti-Doping Organization need to go to hearing. There may be cases where the Athlete or other Person agrees to the sanction which is either mandated by the Code or which the Anti-Doping Organization considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14 and published as provided in Article 14.3.]*

[168] *[Komentar k členu 6.8: Upiranje ali zavrnitev prevzema vzorcev ali podatkov v fizično posest WADA lahko pomeni nedovoljeno poseganje, udeležbo ali dejanje neskladnosti, kot določajo Mednarodni standardi za skladnost podpisnic s Kodeksom, in bi lahko pomenilo tudi kršitev Mednarodnih standardov za laboratorije. Laboratorij in/ali protidopinška organizacija po potrebi pomagata WADA pri zagotavljanju, da ne bi prišlo do zamude pri prenosu zaseženega vzorca ali podatkov iz veljavne države.]*

[169] *[Komentar k členu 6.8: WADA seveda ne bo enostransko prevzela vzorcev ali analitičnih podatkov v posest brez upravičenega razloga, povezanega s potencialno kršitvijo protidopinških pravil, neskladnosti podpisnice ali uporabe dopinga s strani druge osebe. Vendar se WADA po lastni presoji odloči, ali obstaja upravičen razlog, njene odločitve pa ni mogoče izpodbijati. Zlasti dejstvo, ali obstaja upravičen razlog ali ne, ne more biti obramba v postopku pri kršitvi protidopinških pravil ali njenih posledicah.]*

[170] *[Komentar k 7. členu: Različne podpisnice so oblikovale lastne pristope k upravljanju z rezultati. Čeprav različni pristopi niso popolnoma enotni, so se mnogi izkazali kot pošteni in učinkoviti sistemi upravljanja z rezultati. Kodeks ne nadomešča sistemov upravljanja z rezultati posameznih podpisnic. Vendar pa ta člen in Mednarodni standardi za upravljanje z rezultati določajo osnovna načela, po katerih se mora ravnati vsaka podpisnica, da se zagotovi temeljna pravičnost postopka upravljanja z rezultati. Posebna protidopinška pravila vsake podpisnice morajo biti v skladu s temi osnovnimi načeli. Ni nujno, da se glede vsakega protidopinškega postopka, ki ga je sprožila protidopinška organizacija, izvede obravnava. V nekaterih primerih se lahko športnik ali druga oseba strinja s sankcijo, ki jo določa bodisi Kodeks bodisi se zdi primerna protidopinški organizaciji, kadar je pri določanju sankcije dovoljena določena stopnja prilagodljivosti. V vseh primerih mora biti sankcija, izrečena na podlagi takega sporazuma, sporočena strankam skupaj s pravico do pritožbe po členu 13.2.3, kot to določa 14. člen, in objavljena, kot to določa člen 14.3.]*

and 7.1.3 through 7.1.5 below, *Results Management* shall be under the authority of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently pursues that violation). Regardless of which organization conducts *Results Management*, it shall respect the *Results Management* principles set forth in this Article, Article 8, Article 13 and the *International Standard* for *Results Management*, and each *Anti-Doping Organization's* rules shall incorporate and implement the rules identified in Article 23.2.2 without substantive change.

7.1.1 If a dispute arises between *Anti-Doping Organizations* over which *Anti-Doping Organization* has *Results Management* authority, *WADA* shall decide which organization has such authority. *WADA's* decision may be appealed to *CAS* within seven (7) days of notification of the *WADA* decision by any of the *Anti-Doping Organizations* involved in the dispute. The appeal shall be dealt with by *CAS* in an expedited manner and shall be heard before a single arbitrator. Any *Anti-Doping Organization* seeking to conduct *Results Management* outside of the authority provided in this Article 7.1 may seek approval to do so from *WADA*.

7.1.2 Where a *National Anti-Doping Organization* elects to collect additional *Samples* pursuant to Article 5.2.6, then it shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection. However, where the *National Anti-Doping Organization* only directs the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense, then the International Federation or *Major Event Organization* shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection.

7.1.3 In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party with authority over the *Athlete* or other *Person* as directed by the rules of the International Federation. For *Results Management* purposes, for a test or a further analysis conducted by *WADA* on its own initiative, or an anti-doping rule violation or violation of Article 10.14.1 discovered by *WADA*, *WADA* shall designate an *Anti-Doping*

7.1.5 določeno drugače, je za *upravljanje z rezultati* pristojna *protidopinška organizacija*, ki je uvedla in usmerjala odvzem *vzorcev*, ter se izvaja v skladu z njenimi postopkovnimi pravili (če ni bilo odvzema *vzorcev*, je pristojna *protidopinška organizacija*, ki *športnika* ali drugo *osebo* prva obvesti o potencialni kršitvi protidopinških pravil, ter nato vestno izvaja vse potrebno v zvezi s to kršitvijo). Ne glede na to, katera organizacija izvaja *upravljanje z rezultati*, je treba upoštevati načela *upravljanja z rezultati* iz tega člena, 8. člena, 13. člena in *Mednarodnih standardov* za *upravljanje z rezultati*, pravilniki posameznih *protidopinških organizacij* pa morajo brez vsebinskih sprememb vključevati in izvajati pravila, določena v členu 23.2.2.

7.1.1 Če med *protidopinškimi organizacijami* nastane spor o pristojnosti glede *upravljanja z rezultati*, o tem, katera *protidopinška organizacija* je pristojna, odloči *WADA*. Katera koli izmed *protidopinških organizacij*, vključenih v spor, lahko pri *CAS* vloži pritožbo zoper odločitev *WADA* v sedmih (7) dneh od prejema obvestila o odločitvi *WADA*. *CAS* o pritožbi odloči po hitrem postopku prek arbitra posameznika. Katera koli *protidopinška organizacija*, ki želi *upravljanje z rezultati* izvesti zunaj pristojnosti, določene v tem členu 7.1, lahko za to zaprosi *WADA*.

7.1.2 Če se *nacionalna protidopinška organizacija* odloči, da bo odvzela dodatne *vzorce* v skladu s členom 5.2.6, se šteje, da je ta *protidopinška organizacija* uvedla in usmerjala odvzem *vzorcev*. V primerih, ko *nacionalna protidopinška organizacija* le naroči laboratoriju, naj izvede dodatne analize na stroške *nacionalne protidopinške organizacije*, se za *protidopinško organizacijo*, ki je uvedla in usmerjala odvzem *vzorcev*, šteje mednarodna zveza ali *organizator velikih prireditev*.

7.1.3 V okoliščinah, ko pravilnik *nacionalne protidopinške organizacije* tej *nacionalni protidopinški organizaciji* ne daje pristojnosti glede *športnika* ali druge *osebe*, ki ni državljan, rezident, imetnik licence ali član športne organizacije v tej državi, ali pa *nacionalna protidopinška organizacija* zavrne izvajanje take pristojnosti, *upravljanje z rezultati* izvaja ustrezna mednarodna zveza ali tretja oseba, ki je pristojna za *športnika* ali drugo *osebo*, kot to narekujejo pravila mednarodne zveze. Pri testiranju ali nadaljnji analizi, ki jo izvede *WADA* na lastno pobudo, ali pri kršitvi protidopinških pravil ali kršitvi člena 10.14.1, ki jo odkrije *WADA*, *upravljanje z rezultati* izvaja *protidopinška organizacija*, ki je pristojna za *športnika* ali drugo *osebo* in jo določi *WADA*.[171]

[171] *[Komentar k členu 7.1.3: Da bi se izognili možnosti, da nobena protidopinška organizacija ne bi imela pristojnosti za upravljanje z rezultati, je zadnja stopnja za upravljanje z rezultati mednarodna zveza, pristojna za športnika ali drugo osebo. Mednarodna zveza lahko v lastnih protidopinških pravilih določi, da je za upravljanje z rezultati pristojna nacionalna protidopinška organizacija, pristojna za športnika ali drugo osebo.]*

Organization with authority over the *Athlete* or other *Person*.[51]

7.1.4 For *Results Management* relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organization* or other anti-doping rule violation occurring during such *Event*, the *Major Event Organization* for that *Event* shall assume *Results Management* authority to at least the limited extent of conducting a hearing to determine whether an anti-doping rule violation was committed and, if so, the applicable *Disqualifications* under Articles 9 and 10.1, any forfeiture of any medals, points, or prizes from that *Event*, and any recovery of costs applicable to the anti- doping rule violation. In the event the *Major Event Organization* assumes only limited *Results Management* authority, the case shall be referred by the *Major Event Organization* to the applicable International Federation for completion of *Results Management*. With respect to a violation of Article 10.14.1 occurring during an *Event* conducted by a *Major Event Organization*, the *Major Event Organization* for that *Event* may elect to assume *Results Management* authority to at least the limited extent of conducting a hearing to determine whether a violation of Article 10.14.1 was committed and, if so, the applicable *Disqualifications* under Articles 9 and 10.1, any forfeiture of any medals, points, or prizes from that *Event*, and any recovery of costs applicable to the violation of Article 10.14.1.

7.1.5 *WADA* may direct an *Anti-Doping Organization* with *Results Management* authority to conduct *Results Management* in a particular case. If that *Anti-Doping Organization* refuses to conduct *Results Management* within a reasonable deadline set by *WADA*, such refusal shall be considered an act of non-compliance, and *WADA* may direct another *Anti-Doping Organization* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* authority in place of the refusing *Anti- Doping Organization* or, if there is no such *Anti-Doping Organization*, any other *Anti- Doping Organization* that is willing to do so. In such case, the refusing *Anti-Doping Organization* shall reimburse the costs and attorney's fees of conducting *Results Management* to the other *Anti-Doping Organization* designated by *WADA*, and a failure to reimburse costs and attorney's fees shall be considered an act of non- compliance.[52]

7.1.6 With respect to a potential whereabouts failure, *Results Management* shall be

7.1.4 Za *upravljanje z rezultati* v zvezi z odvzemom *vzorca*, uvedenim med prireditvijo, ki jo izvede *organizator velikih prireditev*, ali drugo kršitvijo protidopinških pravil med tako *prireditvijo organizator velikih prireditev* za to *prireditev* prevzame pristojnost za *upravljanje z rezultati* vsaj v omejenem obsegu, kar vključuje obravnavo za ugotavljanje, ali je bila storjena kršitev protidopinških pravil, in če je, za določitev veljavnih *diskvalifikacij* iz členov 9 in 10.1, odvzema morebitnih medalj, točk ali nagrad s te *prireditve* ter povrnitev stroškov v zvezi s kršitvijo protidopinških pravil. Če *organizator velikih prireditev* prevzame le omejeno pristojnost za *upravljanje z rezultati*, *organizator velikih prireditev* zadevo zaupa ustrezni mednarodni zvezi, ki dokonča *upravljanje z rezultati*. Za *upravljanje z rezultati* v zvezi s kršitvijo člena 10.14.1 med *prireditvijo*, ki jo izvaja *organizator velikih prireditev*, *organizator velikih prireditev* za to *prireditev* lahko prevzame pristojnost za *upravljanje z rezultati* vsaj v omejenem obsegu, kar vključuje obravnavo za ugotavljanje, ali je bila storjena kršitev člena 10.14.1, in če je, za določitev veljavnih *diskvalifikacij* iz členov 9 in 10.1, odvzema morebitnih medalj, točk ali nagrad s te *prireditve* ter povrnitev stroškov v zvezi s kršitvijo člena 10.14.1.

7.1.5 *WADA* lahko *protidopinški organizaciji*, pristojni za *upravljanje z rezultati*, v določenem primeru naroči, naj izvede *upravljanje z rezultati*. Če ta *protidopinška organizacija* zavrne izvedbo *upravljanja z rezultati* v razumnem roku, ki ga določi *WADA*, se taka zavrnitev šteje za dejanje neskladnosti in *WADA* lahko drugi *protidopinški organizaciji*, pristojni za *športnika* ali drugo *osebo*, ki je to pripravljena narediti, naroči, naj namesto *protidopinške organizacije*, ki je zavrnila izvedbo *upravljanja z rezultati*, prevzame pristojnost za *upravljanje z rezultati*, če pa taka *protidopinška organizacija* ne obstaja, lahko to naroči kateri koli drugi *protidopinški organizaciji*, ki je to pripravljena narediti. V tem primeru mora *protidopinška organizacija*, ki je zavrnila izvedbo *upravljanja z rezultati*, drugi *protidopinški organizaciji*, ki jo je določila *WADA*, povrniti stroške in odvetniške tarife za izvedbo *upravljanja z rezultati*, nepovrnitev stroškov in odvetniških tarif pa se šteje za dejanje neskladnosti.[172]

7.1.6 Če gre za potencialno kršitev v zvezi z lokacijo, *upravljanje z rezultati* izvaja

[51] *[Comment to Article 7.1.3: The Athlete's or other Person's International Federation has been made the Anti-Doping Organization of last resort for Results Management to avoid the possibility that no Anti-Doping Organization would have authority to conduct Results Management. An International Federation is free to provide in its own anti-doping rules that the Athlete's or other Person's National Anti-Doping Organization shall conduct Results Management.]*

[52] *[Comment to Article 7.1.5: Where WADA directs another Anti-Doping Organization to conduct Results Management or other Doping Control activities, this is not considered a "delegation" of such activities by WADA.]*

[172] *[Komentar k členu 7.1.5: Če WADA drugi protidopinški organizaciji naroči, naj izvede upravljanje z rezultati ali druge dejavnosti kontrole dopinga, se to ne šteje za »prenos pooblastil« za izvajanje teh dejavnosti s strani WADA.]*

administered by the *Anti-Doping Organization* (other than a *Major Event Organization*) that ordered the test that led to the discovery of the potential whereabouts failure; in all other instances, *Results Management* remains with the *Anti-Doping Organization* with which the *Athlete* files whereabouts information at the time of the potential whereabouts failure. As an exception to the foregoing, the *Anti-Doping Organization* that ordered the test may request that *Results Management* nevertheless be administered by the *Anti-Doping Organization* with which the *Athlete* files whereabouts information; if the involved *Anti-Doping Organization* so agrees, *Results Management* shall be administered by the *Anti-Doping Organization* with which the *Athlete* files whereabouts information. To the extent there is an issue as to which *Anti-Doping Organization* has *Results Management* authority for a potential whereabouts failure, the *Anti-Doping Organizations* involved may resolve the issue between them. In the event that there is an unresolved dispute between *Anti-Doping Organizations* as to which organization should administer *Results Management* for a whereabouts failure, *WADA* shall determine that question in its entire discretion. For the avoidance of doubt, Article 7.1.1 shall apply by analogy. The *Anti-Doping Organization* that determines a filing failure or a missed test shall submit that information to *WADA* through *ADAMS*, where it will be made available to other relevant *Anti-Doping Organizations*.

protidopinška organizacija (ki ni *organizator velikih prireditev*), ki je odredila testiranje, na podlagi katerega je bila ugotovljena potencialna kršitev v zvezi z lokacijo, v vseh drugih primerih pa *upravljanje z rezultati* izvaja *protidopinška organizacija*, ki ji mora zadevni *športnik* ob času potencialne kršitve v zvezi z lokacijo posredovati podatke o lokaciji. Kot izjema od zgoraj navedenega lahko *protidopinška organizacija*, ki je naročila testiranje, zahteva, naj *upravljanje z rezultati* kljub temu izvaja *protidopinška organizacija*, ki ji mora *športnik* posredovati podatke o lokaciji; če se zadevna *protidopinška organizacija* s tem strinja, *upravljanje z rezultati* izvaja *protidopinška organizacija*, ki ji mora *športnik* posredovati podatke o lokaciji. Če obstaja negotovost glede tega, katera *protidopinška organizacija* je pristojna za *upravljanje z rezultati* v primeru potencialne kršitve v zvezi z lokacijo, lahko zadevne *protidopinške organizacije* to vprašanje rešijo med seboj. V primeru nerešenega spora med *protidopinškimi organizacijami* glede tega, katera organizacija naj izvaja *upravljanje z rezultati* v primeru kršitve v zvezi z lokacijo, *WADA* o tem odloči po lastni presoji. V izogib dvomu, pri tem se smiselno uporablja člen 7.1.1. *Protidopinška organizacija*, ki ugotovi neposredovano prijavo lokacije ali neuspešno testiranje, mora ta podatek poslati *WADA* prek sistema *ADAMS*, kjer bo podatek dostopen drugim ustreznim *protidopinškim organizacijam*.

7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations or Violations of Article 10.14.1

Review and notification with respect to a potential anti-doping rule violation or violation of Article 10.14.1 shall be carried out in accordance with the *International Standard* for *Results Management*.

7.2 Pregled in obveščanje o potencialnih kršitvah protidopinških pravil ali kršitvah člena 10.14.1

Pregled in obveščanje v zvezi s potencialno kršitvijo protidopinških pravil ali kršitvijo člena 10.14.1 se opravi v skladu z *Mednarodnimi standardi* za *upravljanje z rezultati*.

7.3 Identification of Prior Anti-Doping Rule Violations

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

7.3 Predhodne kršitve protidopinških pravil

Preden *protidopinška organizacija športnika* ali drugo *osebo* obvesti o potencialni kršitvi protidopinških pravil, kot je to določeno zgoraj, z uporabo sistema *ADAMS* ter s kontaktiranjem *WADA* in drugih ustreznih *protidopinških organizacij* ugotovi, ali obstajajo predhodne kršitve protidopinških pravil.

7.4 Principles Applicable to *Provisional Suspensions*

7.4.1 Mandatory *Provisional Suspension* after an *Adverse Analytical Finding* or *Adverse Passport Finding*

The *Signatories* described below in this paragraph shall adopt rules providing that when an *Adverse Analytical Finding* or *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process)[53] is received for a *Prohibited Substance* or a *Prohibited Method*, other than a *Specified Substance*, *Specified Method* or

7.4 Načela, ki veljajo za *začasne izključitve*

7.4.1 Obvezna *začasna izključitev* po *nasprotni analitični ugotovitvi* ali *nasprotni ugotovitvi v zvezi s potnim listom*

Podpisnice, navedene v tem odstavku, sprejmejo pravilnik, ki določa, da se ob prejetju *nasprotne analitične ugotovitve* ali *nasprotne ugotovitve v zvezi s potnim listom* (po zaključku postopka pregleda *nasprotne ugotovitve v zvezi s potnim listom*)[173] za *prepovedano snov* ali *prepovedan postopek*, ki ni *opredeljena snov*,

[53] *[Comment to Article 7.4.1: For the avoidance of doubt, nothing prevents the Results Management Authority from imposing an optional Provisional Suspension before the completion of the review process of the Adverse Passport Finding.]*

[173] *[Komentar k členu 7.4.1: V izogib dvomu, nič ne preprečuje organu, pristojnemu za upravljanje z rezultati, da pred zaključkom postopka pregleda nasprotne ugotovitve v zvezi s potnim listom uvede neobvezno začasno izključitev.]*

Substance of Abuse, a *Provisional Suspension* shall be imposed (i) with respect to an *Adverse Analytical Finding*, upon sending the notification required by Article 7.2, and (ii) with respect to an *Adverse Passport Finding*, upon sending the notification of charge (after completion of the *Adverse Passport Finding* review process): where the *Signatory* is the ruling body of an *Event* (for application to that *Event*); where the *Signatory* is responsible for team selection (for application to that team selection); where the *Signatory* is the applicable International Federation; or where the *Signatory* is another *Anti-Doping Organization* which has *Results Management* authority over the alleged anti-doping rule violation.[54] A mandatory *Provisional Suspension* may be lifted if it is demonstrated to the *Anti-Doping Organization* with *Results Management* authority or on appeal that adjudication of the alleged violation is likely[55] to result in a finding of no anti-doping rule violation, *No Fault or Negligence* under Article 10.5, a reprimand with no period of *Ineligibility* under Article 10.6.1.2 (*Contaminated Source*), or the time already served by the *Athlete* under the *Provisional Suspension* would exceed the period of *Ineligibility* asserted in the charging letter for the anti-doping rule violation.

7.4.1.1 Each *Anti-Doping Organization* shall provide in its anti-doping rules that an *Athlete* upon whom a mandatory *Provisional Suspension* has been imposed shall, as a prerequisite to an appeal to *CAS* under Article 7.4.3, submit an application to the *Anti-Doping Organization* to lift the *Provisional Suspension*. The *Anti-Doping Organization's* anti-doping rules shall specify the manner in which the application to lift shall be submitted and decided by adopting one of the following processes: (i) submitted to and decided solely by the *Anti-Doping Organization* or (ii) submitted to and decided first by the *Anti-Doping Organization* and, if the application is denied by the *Anti-Doping Organization*, by an Article 8 hearing panel upon further challenge by the *Athlete*. For both options (i) and (ii), decisions on applications to lift shall be made promptly. Where the *Anti-Doping Organization's* rules provide for option (ii), and the *Anti-Doping*

opredeljeni postopek ali *snov, ki se zlorablja*, uvede *začasna izključitev*, in sicer (i) če gre za *nasprotno analitično ugotovitev*, ob posredovanju obvestila, zahtevanega v členu 7.2, oziroma (ii) če gre za *nasprotno ugotovitev v zvezi s potnim listom*, ob posredovanju obvestila o obtožbi (po zaključku postopka pregleda *nasprotne ugotovitve v zvezi s potnim listom*): če je *podpisnica* predsedujoči organ *prireditve* (za prijavo na to *prireditev*), če je *podpisnica* odgovorna za izbor ekipe (za prijavo v ta izbor ekipe), če je *podpisnica* ustrezna mednarodna zveza ali če je podpisnica druga *protidopinška organizacija*, ki je pristojna za *upravljanje z rezultati* v zvezi z domnevno kršitvijo protidopinških pravil.[174] Obvezna *začasna izključitev* se lahko odpravi, če se *protidopinški organizaciji*, pristojni za *upravljanje z rezultati*, ali na pritožbeni stopnji dokaže, da bo razsodba o domnevni kršitvi verjetno[175] privedla do ugotovitve, da ni bilo kršitve protidopinških pravil ali da *ni bilo krivde* ali *malomarnosti* v skladu s členom 10.5, ali do opomina brez obdobja *izločitve* v skladu s členom 10.6.1.2 (*Kontaminiran vir*), ali pa da bi čas *začasne izključitve*, ki ga je *športnik* že prestal, presegel obdobje *izločitve*, navedeno v dopisu o obtožbi kršitve protidopinških pravil.

7.4.1.1 Vsaka *protidopinška organizacija* mora v svojih protidopinških pravilih določiti, da mora *športnik*, za katerega je bila uvedena obvezna *začasna izključitev*, kot predpogoj za pritožbo na *CAS* v skladu s členom 7.4.3 pri *protidopinški organizaciji* vložiti prošnjo za odpravo *začasne izključitve*. *Protidopinška organizacija* mora v svojih protidopinških pravilih določiti način vložitve prošnje za odpravo in način sprejema odločitve o njej, pri čemer sprejme enega od naslednjih postopkov: (i) prošnja se vloži pri *protidopinški organizaciji*, ki o njej tudi izključno odloči, ali (ii) prošnja se vloži pri *protidopinški organizaciji* in o njej najprej odloči *protidopinška organizacija*, nato pa, če *protidopinška organizacija* prošnjo zavrne in *športnik* nadalje izpodbija *začasno izključitev*, še obravnavni senat iz 8. člena. Pri obeh možnostih (i) in (ii) se odločitev o prošnji za odpravo sprejme čim prej. Če je v pravilniku *protidopinške organizacije* predvidena

[54] *[Comment to Article 7.4.1: For the binding effect of, and required follow-up to, a Provisional Suspension imposed by a Major Event Organization, see Articles 7.5.2 and 15.1.4.]*

[55] *[Comment to Article 7.4.1: As used in this Article "likely" means a well-founded assertion. This standard is somewhat less than balance of probability but substantially more than mere possibility or plausibility; the assertion shall be supported by a good evidentiary foundation, including concrete evidentiary elements.]*

[174] *[Komentar k členu 7.4.1: Za zavezujoč učinek in potrebno nadaljnje postopanje v zvezi z začasno izključitvijo, ki jo je uvedel organizator velikih prireditev, glej člena 7.5.2 in 15.1.4.]*

[175] *[Komentar k členu 7.4.1: Izraz »Verjetno« v tem členu pomeni utemeljeno trditev. Ta standard je nekoliko nižji od stopnje utemeljene verjetnosti, vendar bistveno višji od zgolj možnosti, trditev pa mora biti podprta z dobrim dokaznim temeljem, vključno s konkretnimi dokaznimi elementi.]*

Organization denies the *Athlete's* application to lift, the *Athlete* shall have the option to appeal the *Anti-Doping Organization's* decision directly to *CAS* under Article 7.4.3 or to further challenge the mandatory *Provisional Suspension* by filing an application to lift with the Article 8 hearing panel (with the opportunity to file an appeal to *CAS* under Article 7.4.3 if the Article 8 hearing panel denies the application.)

7.4.1.2 As an exception to Article 7.4.1.1, where an *Anti-Doping Organization* does not possess authority to lift a mandatory *Provisional Suspension*, the *Anti- Doping Organization* shall provide in its anti-doping rules that an *Athlete* upon whom a mandatory *Provisional Suspension* has been imposed shall, as a prerequisite to an appeal to *CAS* under Article 7.4.3, submit an application to lift the *Provisional Suspension* to an Article 8 hearing panel which shall issue its decision promptly.[56]

7.4.2 Optional *Provisional Suspension* Based on an *Adverse Analytical Finding* for Specified Substances, Specified Methods or Other Anti-Doping Rule Violations or Violations of Article 10.14.1

A *Signatory* may adopt rules, applicable to any *Event* for which the *Signatory* is the ruling body or to any team selection process for which the *Signatory* is responsible or where the *Signatory* is the applicable International Federation or has *Results Management* authority over the alleged anti-doping rule violation or violation of Article 10.14.1, permitting *Provisional Suspensions* to be imposed, prior to analysis of the *Athlete's* B *Sample* or final hearing as described in Article 8, for violations of Article 10.14.1 or anti-doping rule violations where a mandatory *Provisional Suspension* is not required by Article 7.4.1.

7.4.2.1 Each *Anti-Doping Organization* shall provide in its anti-doping rules that an *Athlete* or other *Person* upon whom an optional *Provisional Suspension* has been imposed shall, as a prerequisite to an appeal to *CAS* under Article 7.4.3, submit an application to the *Anti-Doping Organization* to lift the *Provisional Suspension*. The *Anti-Doping Organization's* anti-doping

možnost (ii) in *protidopinška organizacija* zavrne prošnjo *športnika* za odpravo, ima *športnik* možnost, da se pritoži na odločbo *protidopinške organizacije* neposredno pri *CAS* v skladu s členom 7.4.3 ali da nadalje izpodbija obvezno *začasno izključitev* z vložitvijo prošnje za odpravo pri obravnavnem senatu iz 8. člena (z možnostjo vložitve pritožbe pri *CAS* v skladu s členom 7.4.3, če obravnavni senat iz 8. člena prošnjo zavrne).

7.4.1.2 Kot izjema od člena 7.4.1.1, če *protidopinška organizacija* ni pristojna za odpravo obvezne *začasne izključitve*, mora *protidopinška organizacija* v svojih protidopinških pravilih določiti, da mora *športnik*, ki mu je bila izrečena obvezna *začasna izključitev*, kot predpogoj za pritožbo pri *CAS* v skladu s členom 7.4.3 vložiti prošnjo za odpravo *začasne izključitve* pri obravnavnem senatu iz 8. člena, ki mora čim prej izdati svojo odločbo.[176]

7.4.2 Neobvezna *začasna izključitev* na podlagi *nasprotne analitične ugotovitve* za opredeljene snovi, opredeljene postopke ali druge kršitve protidopinških pravil ali kršitve člena 10.14.1

Podpisnica lahko sprejme pravilnik, ki se uporablja v zvezi z vsemi *prireditvami*, ki jim predseduje *podpisnica*, ali za vse postopke izbiranja ekipe, za katere je odgovorna *podpisnica*, ali kjer je *podpisnica* ustrezna mednarodna zveza ali je pristojna za *upravljanje z rezultati* v zvezi z domnevno kršitvijo protidopinških pravil ali kršitvijo člena 10.14.1. Ta pravilnik lahko za kršitve člena 10.14.1 ali kršitve protidopinških pravil, kadar se v skladu s členom 7.4.1 ne zahteva obvezna *začasna izključitev*, dovoljuje uvedbo *začasnih izključitev* še pred analizo *športnikovega vzorca* B ali pred končno obravnavo, kot je navedeno v 8. členu *Kodeksa*.

7.4.2.1 Vsaka *protidopinška organizacija* mora v svojih protidopinških pravilih določiti, da mora *športnik* ali druga *oseba*, ki ji je bila naložena neobvezna *začasna izključitev*, kot predpogoj za pritožbo pri *CAS* v skladu s členom 7.4.3 pri *protidopinški organizaciji* vložiti prošnjo za odpravo *začasne izključitve*. *Protidopinška organizacija* mora v svojih protidopinških pravilih

[56] *[Comment to Articles 7.4.1.1 and 7.4.1.2: For the avoidance of doubt, the Athlete's challenge of a mandatory Provisional Suspension before an Article 8 hearing panel, where contemplated by an Anti-Doping Organization's anti-doping rules, is not considered an "appeal" for purposes of Articles 7.4.3 or 13, and any party with the right to appeal a decision to lift a mandatory Provisional Suspension under Article 13.2.3 shall not be required to exhaust internal remedies, including without limitation requesting relief from the Article 8 hearing panel, before filing an appeal with CAS under Article 7.4.3.]*

[176] *[Komentar k členoma 7.4.1.1 in 7.4.1.2: V izogib dvomu, športnikovo izpodbijanje obvezne začasne izključitve pred obravnavnim senatom iz 8. člena, če je to predvideno v protidopinških pravilih protidopinške organizacije, se ne šteje za »pritožbo« v smislu člena 7.4.3 ali 13, in nobena stranka, ki ima pravico do pritožbe zoper odločbo o odpravi obvezne začasne izključitve v skladu s členom 13.2.3, pred vložitvijo pritožbe pri CAS v skladu s členom 7.4.3 ni dolžna izčrpati notranjih pravnih sredstev, med drugim vključno z uveljavljanjem pravnih sredstev pred obravnavnim senatom iz 8. člena.]*

rules shall specify the manner in which the application to lift shall be submitted and decided by adopting one of the following processes: (i) submitted to and decided solely by the *Anti-Doping Organization* or (ii) submitted to and decided first by the *Anti-Doping Organization* and, if the application is denied by the *Anti-Doping Organization*, by an Article 8 hearing panel upon further challenge by the *Athlete* or other *Person*. For both options (i) and (ii), decisions on applications to lift shall be made promptly. Where the *Anti- Doping Organization's* rules provide for option (ii), and the *Anti-Doping Organization* denies the *Athlete's* application to lift, the *Athlete* or other *Person* shall have the option to appeal the *Anti-Doping Organization's* decision directly to *CAS* under Article 7.4.3 or to further challenge the optional *Provisional Suspension* by filing an application to lift with the Article 8 hearing panel (with the opportunity to file an appeal to *CAS* under Article 7.4.3 if the Article 8 hearing panel denies the application).

7.4.2.2 As an exception to Article 7.4.2.1, where an *Anti-Doping Organization* does not possess authority to lift an optional *Provisional Suspension*, the *Anti- Doping Organization* shall provide in its anti-doping rules that an *Athlete* or other *Person* upon whom an optional *Provisional Suspension* has been imposed shall, as a prerequisite to an appeal to *CAS* under Article 7.4.3, submit an application to lift the *Provisional Suspension* to an Article 8 hearing panel which shall issue its decision promptly.[57]

7.4.3 Appeals to *CAS* from Decisions regarding *Provisional Suspensions*

Any appeal taken by any *Person* entitled to appeal under Article 13.2.3 from a decision by an *Anti-Doping Organization* (or Article 8 hearing panel) not to impose a *Provisional Suspension*, or to lift or not lift a *Provisional Suspension* shall be made exclusively to *CAS* to be decided by a sole arbitrator. *WADA* shall receive notice of the appeal from all parties to the appeal and *CAS*.[58] *WADA* shall have the right to file an

določiti način vložitve prošnje za odpravo in način sprejema odločitve o njej, pri čemer sprejme enega od naslednjih postopkov: (i) prošnja se vloži pri *protidopinški organizaciji*, ki o njej tudi izključno odloči, ali (ii) prošnja se vloži pri *protidopinški organizaciji* in o njej najprej odloči *protidopinška organizacija*, nato pa, če *protidopinška organizacija* prošnjo zavrne in *športnik ali* druga *oseba* nadalje izpodbija *začasno izključitev*, še obravnavni senat iz 8. člena. Pri obeh možnostih (i) in (ii) se odločitev o prošnji za odpravo sprejme čim prej. Če je v pravilniku *protidopinške organizacije* predvidena možnost odprave (ii) in *protidopinška organizacija* zavrne prošnjo *športnika* za odpravo, ima *športnik* ali druga *oseba* možnost, da se pritoži na odločbo *protidopinške organizacije* neposredno pri *CAS* v skladu s členom 7.4.3 ali da nadalje izpodbija neobvezno *začasno izključitev* z vložitvijo prošnje za odpravo pri obravnavnem senatu iz 8. člena (z možnostjo vložitve pritožbe pri *CAS* v skladu s členom 7.4.3, če obravnavni senat iz 8. člena prošnjo zavrne).

7.4.2.2 Kot izjema od člena 7.4.2.1 velja, da če *protidopinška organizacija* ni pristojna za odpravo neobvezne *začasne izključitve*, mora *protidopinška organizacija* v svojih protidopinških pravilih določiti, da mora *športnik* ali druga *oseba*, ki ji je bila izrečena neobvezna *začasna izključitev*, kot predpogoj za pritožbo pri *CAS* v skladu s členom 7.4.3 vložiti prošnjo za odpravo *začasne izključitve* pri obravnavnem senatu iz 8. člena, ki mora čim prej izdati svojo odločbo.[177]

7.4.3 Pritožbe pri *CAS* zoper odločbe o *začasnih izključitvah*

Vsakršna pritožba katere koli *osebe*, upravičene do pritožbe v skladu s členom 13.2.3, zoper odločbo *protidopinške organizacije* (ali obravnavnega senata iz 8. člena), da se ne izreče *začasna izključitev* ali da se *začasna izključitev* odpravi ali ne odpravi, se vloži izključno pri *CAS*, o njej pa odloča arbiter posameznik. *WADA* prejme obvestilo o pritožbi od vseh strank v

[57] *[Comment to Articles 7.4.2.1 and 7.4.2.2: For the avoidance of doubt, the Athlete or other Person's further challenge of an optional Provisional Suspension before an Article 8 hearing panel, where contemplated by an Anti-Doping Organization's anti-doping rules, is not considered an "appeal" for the purposes of Articles 7.4.3 or 13, and any party with the right to appeal a decision to lift an optional Provisional Suspension under Article 13.2.3 shall not be required to exhaust internal remedies, including without limitation requesting relief from the Article 8 hearing panel, before filing an appeal with CAS under Article 7.4.3.]*

[58] *[Comment to Article 7.4.3: As provided in Article 13.2.3.3, notice of the appeal to WADA is a condition to the admissibility of the appeal.]*

[177] *[Komentar k členoma 7.4.2.1 in 7.4.2.2: V izogib dvomu, nadaljnje izpodbijanje neobvezne začasne izključitve s strani športnika ali druge osebe pred obravnavnim senatom iz 8. člena, če je to predvideno v protidopinških pravilih protidopinške organizacije, se ne šteje za »pritožbo« v smislu člena 7.4.3 ali 13, in nobena stranka, ki ima pravico do pritožbe zoper odločbo o odpravi neobvezne začasne izključitve v skladu s členom 13.2.3, pred vložitvijo pritožbe pri CAS v skladu s členom 7.4.3 ni dolžna izčrpati notranjih pravnih sredstev, med drugim vključno z uveljavljanjem pravnih sredstev pred obravnavnim senatom iz*

intervention request in any appeal filed by an *Athlete* or other *Person* under this Article within ten (10) days after it has received notification of the answer as further provided in the *International Standard* for *Results Management*.

Appeals challenging *Provisional Suspension* decisions under this Article shall not justify any delay in the underlying case on the merits.

7.4.4 Voluntary Acceptance of *Provisional Suspension*

Athletes on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten (10) days from the report of the B *Sample* (or waiver of the B *Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notice. Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation. Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

7.4.5 If a *Provisional Suspension* is imposed based on an A *Sample Adverse Analytical Finding* and a subsequent B *Sample* analysis (if requested by the *Athlete* or *Anti-Doping Organization*) does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* (or the *Athlete's* team as may be provided in the rules of the applicable *Major Event Organization* or International Federation) has been removed from an *Event* based on a violation of Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, if, without otherwise affecting the *Event*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Event*.

7.5 *Results Management* Decisions

7.5.1 *Results Management* decisions or adjudications by *Anti-Doping Organizations*, shall not purport to be limited to a particular geographic area or sport and shall address and determine without limitation the

pritožbenem postopku in od *CAS*.[178] *WADA* ima pravico predložiti zahtevo za vstop v kateri koli pritožbeni postopek, ki ga uvede *športnik* ali druga *oseba* v skladu s tem členom, v desetih (10) dneh od prejema obvestila o odgovoru, kot je podrobneje predvideno v *Mednarodnih standardih* za *upravljanje z rezultati*.

Pritožba v skladu s tem členom, s katero se izpodbija odločba o *začasni izključitvi*, ne upravičuje kakršne koli zamude pri meritornem odločanju o osnovni zadevi.

7.4.4 Prostovoljno sprejetje *začasne izključitve*

Športniki lahko na lastno pobudo prostovoljno sprejmejo *začasno izključitev*, če to naredijo: (i) v roku desetih (10) dni od prejema poročila o *vzorcu* B (ali opustitve analize *vzorca* B) ali od prejema obvestila o kakršni koli drugi kršitvi protidopinških pravil ali (ii) pred prvim tekmovalnim nastopom *športnika* po prejetju takega poročila ali obvestila. Druge *osebe* lahko na lastno pobudo prostovoljno sprejmejo *začasno izključitev*, če to naredijo v roku desetih (10) dni od obvestila o kršitvi protidopinških pravil. Ob prostovoljnem sprejetju ima *začasna izključitev* popoln učinek in se obravnava enako, kot če bi bila *začasna izključitev* izrečena na podlagi člena 7.4.1 ali 7.4.2, vendar pod pogojem, da lahko *športnik* ali druga *oseba* kadar koli po prostovoljnem sprejetju *začasne izključitve* prekliče tako sprejetje, v tem primeru pa se *športniku* ali drugi *osebi* čas *začasne izključitve* ne všteva v obdobje izključitve.

7.4.5 Če je *začasna izključitev* uvedena na osnovi *nasprotne analitične ugotovitve* na podlagi *vzorca* A, poznejša analiza *vzorca* B (če jo zahteva *športnik* ali *protidopinška organizacija*) pa ne potrdi analize *vzorca* A, *športnik* ne sme biti podvržen nadaljnji *začasni izključitvi* zaradi kršitve člena 2.1. V okoliščinah, kjer je bil *športnik* (ali *športnikova* ekipa, kot lahko določa pravilnik ustreznega *organizatorja velikih prireditev* ali mednarodne zveze) odstranjen s *prireditve* zaradi kršitve člena 2.1 in poznejša analiza *vzorca* B ne potrdi ugotovitve iz *vzorca* A, lahko, če to ne vpliva na *prireditev* in če je *športnika* ali ekipo še vedno mogoče ponovno vključiti, *športnik* ali ekipa še naprej sodeluje na *prireditvi*.

7.5 Odločbe v zvezi z *upravljanjem z rezultati*

7.5.1 Odločbe ali razsodbe v zvezi z *upravljanjem z rezultati*, ki jih sprejme *protidopinška organizacija*, ne smejo biti domnevno omejene na določeno geografsko območje ali šport in morajo brez omejitve

8. člena.]

[178] *[Komentar k členu 7.4.3: Kot je določeno v členu 13.2.3.3, je obvestilo WADA o pritožbi pogoj za dopustnost pritožbe.]*

following issues: (i) whether an anti-doping rule violation or violation of Article 10.14.1 was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific *Code* Articles violated, and (ii) all *Consequences* flowing from the anti-doping rule violation(s) or violations of Article 10.14.1, including applicable *Disqualifications* under Articles 9 and 10.10, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*, except that *Major Event Organizations* shall not be required to determine *Ineligibility* or *Financial Consequences* beyond the scope of their *Event*.[59]

7.5.2 A *Results Management* decision or adjudication by a *Major Event Organization* in connection with one of its *Events* may be limited in its scope but shall address and determine, at a minimum, the following issues: (i) whether an anti-doping rule violation or violation of Article 10.14.1 was committed, the factual basis for such determination, and the specific *Code* Articles violated, and (ii) applicable *Disqualifications* under Articles 9 and 10.1, with any resulting forfeiture of medals, points and prizes. In the event a *Major Event Organization* accepts only limited authority for *Results Management* decisions, it shall comply with Article 7.1.4.[60] Where a *Provisional Suspension* imposed by a *Major Event Organization* remains in place through the end of the *Event*, the *Provisional Suspension* shall continue in force beyond the *Event* but an application to lift the *Provisional Suspension* may be submitted to, or considered sua sponte by, the Article 8.1 hearing panel constituted under an International Federation's anti-doping rules to complete *Results Management* as described in Article 7.1.4.

7.6 Notification of *Results Management* Decisions

Athletes, other *Persons*, *Signatories* and *WADA* shall be notified of *Results Management* decisions as provided in Article 14 and the *International Standard* for *Results Management*.

obravnavati in opredeljevati naslednja vprašanja: (i) ali je bila storjena kršitev protidopinških pravil ali kršitev člena 10.14.1 in ali je treba uvesti *začasno izključitev*, kakšna je dejanska podlaga za tako ugotovitev in kateri členi *Kodeksa* so bili kršeni ter (ii) vse *posledice*, ki izhajajo iz kršitve(-ev) protidopinških pravil ali kršitev člena 10.14.1, vključno z veljavnimi *diskvalifikacijami* iz členov 9 in 10.10, odvzemom morebitnih medalj ali nagrad, morebitnim obdobjem *izločitve* (in datumom začetka obdobja *izločitve*) ter morebitnimi *finančnimi posledicami*, pri čemer *organizatorjem velikih prireditev* ni treba določiti *izločitve* ali *finančnih posledic*, ki presegajo obseg njihove *prireditve*.[179]

7.5.2 Odločba ali razsodba v zvezi z *upravljanjem z rezultati*, ki jo sprejme *organizator velikih prireditev* in je povezana z eno od njegovih *prireditev*, je lahko omejena po obsegu, vendar mora obravnavati in opredeljevati vsaj naslednja vprašanja: (i) ali je bila storjena kršitev protidopinških pravil ali kršitev člena 10.14.1, kakšna je dejanska podlaga za tako ugotovitev in kateri členi *Kodeksa* so bili kršeni ter (ii) veljavne *diskvalifikacije* iz členov 9 in 10.1, vključno s posledičnim odvzemom morebitnih medalj, točk in nagrad. Če *organizator velikih prireditev* sprejme le omejeno pristojnost za odločbe v zvezi z *upravljanjem z rezultati*, mora biti ta v skladu s členom 7.1.4.[180] Če *začasna izključitev*, ki jo je uvedel *organizator velikih prireditev*, velja do konca *prireditve*, *začasna izključitev* ostane veljavna tudi po *prireditvi*, pri čemer pa se lahko pri obravnavnem senatu iz člena 8.1, oblikovanem v skladu s protidopinškimi pravili mednarodne zveze za zaključitev *upravljanja z rezultati*, kot je opisano v členu 7.1.4, vloži prošnja za odpravo *začasne izključitve* ali pa tak obravnavni senat o njeni odpravi odloči na lastno pobudo (»*sua sponte*«).

7.6 Obvestilo o odločbah v zvezi z *upravljanjem z rezultati*

Športniki, druge *osebe*, *podpisnice* in *WADA* morajo biti obveščeni o odločbah v zvezi z *upravljanjem z rezultati*, kot je določeno v 14. členu in *Mednarodnih standardih* za *upravljanje z rezultati*.

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[59] *[Comment to Article 7.5.1: Results Management decisions include Provisional Suspensions.]*

[60] *[Comment to Article 7.5.2: With the exception of Results Management decisions by Major Event Organizations, each decision by an Anti-Doping Organization should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Article 10.1 (which is left to the ruling body for an Event). Pursuant to Article 15, such decision and its imposition of Consequences shall have automatic effect in every sport in every country. For example, for a determination that an Athlete committed an anti-doping rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the Athlete's results obtained in the Competition would be Disqualified under Article 9 and all other competitive results obtained by the Athlete from the date the Sample was collected through the duration of the period of Ineligibility are also Disqualified under Article 10.10; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organization's responsibility to decide whether the Athlete's other individual results in the Event prior to Sample collection are also Disqualified under Article 10.1.]*

[179] *[Komentar k členu 7.5.1: Odločbe v zvezi z upravljanjem z rezultati vključujejo začasne izključitve.]*

[180] *[Komentar k členu 7.5.2: Razen odločb v zvezi z upravljanjem z rezultati, ki jih sprejmejo organizatorji velikih prireditev, mora vsaka odločitev protidopinške organizacije obravnavati vprašanje, ali je bila storjena kršitev protidopinških pravil, in vse posledice, ki izhajajo iz kršitve, vključno s kakršnimi koli diskvalifikacijami razen diskvalifikacije na podlagi člena 10.1 (ki jo obravnava predsedujoči organ prireditve). V skladu s 15. členom taka odločba in uvedba njenih posledic samodejno veljata v vseh športih in v vseh državah. Tako se na primer za ugotavljanje, ali je športnik kršil protidopinška pravila na podlagi nasprotne analitične ugotovitve za vzorec, odvzet med tekmovanjem, športnikovi rezultati, doseženi na tekmovanju, diskvalificirajo na podlagi 9. člena, vsi drugi tekmovalni rezultati, ki jih je športnik dosegel od datuma odvzema vzorca v obdobju izločitve, pa se prav tako diskvalificirajo na podlagi člena 10.10. Če je nasprotna analitična ugotovitev posledica testiranja na prireditvi, je za odločitev o tem, ali se športnikovi drugi individualni rezultati, doseženi na prireditvi pred odvzemom vzorca, prav tako diskvalificirajo na podlagi člena 10.1, odgovoren organizator velikih prireditev.]*

7.7 Retirement from Sport[61]

If an *Athlete* or other *Person* retires while a *Results Management* process is underway, the *Anti-Doping Organization* conducting the *Results Management* process retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, the *Anti-Doping Organization* which would have had *Results Management* authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation or violation of Article 10.14.1, has authority to conduct *Results Management*. Any retired *Athlete* or other *Person* who during retirement tampers with the ongoing *Results Management* of an anti-doping rule violation or violation of Article 10.14.1 for which they have been charged, shall remain subject to the authority of all relevant *Signatories* for the violation of *Tampering* under Article 2.5.

7.8 Cases Subject to Review by *Independent Review Expert*

7.8.1 This Article 7.8 applies to rare cases where an *Anti-Doping Organization* is considering closing a case or not proceeding with normal *Results Management* processes after the *Anti-Doping Organization* has received notice of an *Adverse Analytical Finding* and has completed the initial review required under Article 7.2 (i.e., the *Anti-Doping Organization* has determined no *Therapeutic Use Exemption* has been granted, there is no apparent departure from the *International Standard* for *Testing* or *International Standard* for Laboratories, and it is not apparent that the *Adverse Analytical Finding* was caused by ingestion of a *Prohibited Substance* through a permitted route). In such cases, the *Anti-Doping Organization* shall:

7.8.1.1 provide notice of the *Adverse Analytical Finding* to the *Athlete* in accordance with Articles 7.2, 7.4.1 and 7.4.2.[62]

7.8.1.2 promptly submit a request for an opinion from the *Independent Review Expert* as to whether public policy or other compelling reasons, taking into account the rights of and impact on clean *Athletes*, justify the departure from the normal *Results Management* process for addressing *Adverse Analytical Findings*.[63] A copy of the request

7.7 Umik iz športa[181]

Če se *športnik* ali druga *oseba* umakne iz športa, medtem ko poteka postopek *upravljanja z rezultati*, *protidopinška organizacija*, ki izvaja postopek *upravljanja z rezultati*, ohrani pristojnost, da zaključi postopek *upravljanja z rezultati*. Če se *športnik* ali druga *oseba* umakne iz športa, preden se je začel postopek *upravljanja z rezultati*, je za *upravljanje z rezultati* pristojna *protidopinška organizacija*, ki bi imela pristojnost *upravljanja z rezultati* glede *športnika* ali druge *osebe* v času, ko je *športnik* ali druga *oseba* zagrešil(-a) kršitev protidopinških pravil ali kršitev člena 10.14.1. *Športnik* ali druga *oseba*, ki se je umaknil(-a) iz športa in ki med umikom iz športa poseže v tekoče *upravljanje z rezultati* v zvezi s kršitvijo protidopinških pravil ali kršitvijo člena 10.14.1, za katero je bil(-a) obtožen(-a), ostane podvržen(-a) pristojnosti vseh zadevnih *podpisnic* za kršitev *nedovoljenega poseganja* iz člena 2.5.

7.8 Zadeve, ki se predložijo v pregled *neodvisnemu izvedencu*

7.8.1 Ta člen 7.8 se nanaša na redke primere, ko *protidopinška organizacija* namerava zaključiti zadevo ali ne namerava nadaljevati običajnih postopkov *upravljanja z rezultati*, potem ko je *protidopinška organizacija* prejela obvestilo o *nasprotni analitični ugotovitvi* in zaključila prvi pregled, ki se zahteva v skladu s členom 7.2 (tj. *protidopinška organizacija* je ugotovila, da ni bila odobrena *terapevtska izjema*, ni očitnega odstopanja od *Mednarodnih standardov* za *testiranje* ali *Mednarodnih standardov* za laboratorije in ni videti, da je *nasprotno analitično ugotovitev* povzročilo zaužitje *prepovedane snovi* po dovoljeni poti). V teh primerih *protidopinška organizacija*:

7.8.1.1 obvesti *športnika* o *nasprotni analitični ugotovitvi* v skladu s členi 7.2, 7.4.1 in 7.4.2;[182]

7.8.1.2 nemudoma predloži zahtevo za mnenje *neodvisnega izvedenca* o tem, ali bi bilo na podlagi javnega reda ali drugih utemeljenih razlogov, ob upoštevanju pravic čistih *športnikov* in vpliva nanje, za obravnavo *nasprotne analitične ugotovitve* upravičeno odstopanje od običajnega postopka *upravljanja z rezultati*.[183] Kopija zahteve se

[61] *[Comment to Article 7.7: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the authority of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.]*

[62] *[Comment to Article 7.8.1.1: For the avoidance of doubt, the notice shall include the imposition of a mandatory Provisional Suspension where required by Article 7.4.1 or an optional Provisional Suspension if the Anti-Doping Organization determines an optional Provisional Suspension is merited.]*

[63] *[Comment to Article 7.8.1.2: For the avoidance of doubt, the Independent Review Expert process is intended to be reserved for exceptional cases where proceeding with the normal Results Management processes would be considered an unjustified and unconscionable result by most stakeholders. One example of such a case would be where an Anti-Doping Organization determines it is likely that Adverse Analytical Findings for multiple Athletes resulted from a Contaminated Source and that the Athletes have a reasonable likelihood of establishing No Fault or Negligence. For the avoidance of doubt, Article 7.8 does not apply to cases concluded by the Anti-Doping Organization in accordance with Article 10.8.]*

[181] *[Komentar k členu 7.7: Ravnanje športnika ali druge osebe, preden je bil športnik ali druga oseba podrejena pristojnosti katere koli protidopinške organizacije, ne bi pomenilo kršitve protidopinških pravil, vendar pa bi lahko bilo legitimna osnova za zavrnitev članstva športnika ali druge osebe v športni organizaciji.]*

[182] *[Komentar k členu 7.8.1.1: V izogib dvomu, obvestilo mora vsebovati uvedbo obvezne začasne izključitve, če to zahteva člen 7.4.1, ali neobvezne začasne izključitve, če protidopinška organizacija ugotovi, da je utemeljena neobvezna začasna izključitev.]*

[183] *[Komentar k členu 7.8.1.2: V izogib dvomu, postopek z neodvisnim izvedencem je namenjen izjemnim primerom, ko bi večina deležnikov nadaljevanje običajnih postopkov upravljanja z rezultati štela za neutemeljeno in nesprejemljivo. Tak bi na primer bil primer, ko bi protidopinška organizacija ugotovila, da je nasprotna analitična ugotovitev za več športnikov verjetno posledica kontaminiranega vira in da obstaja razumna verjetnost, da športniki lahko dokažejo*

shall be provided simultaneously to *WADA* and to each other party entitled to appeal the decision under Article 13. The *Anti-Doping Organization* shall provide its full file to, and fully cooperate with, the *Independent Review Expert*.

7.8.2 After reviewing the file, and obtaining any other information deemed necessary from the *Anti-Doping Organization*, *WADA* or third parties, the *Independent Review Expert* shall issue a written opinion and recommendation to the *Anti-Doping Organization*, with a copy to *WADA*, advising whether a departure from the normal *Results Management* process is justified in the particular circumstances of the case.

7.8.3 Upon receiving the *Independent Review Expert's* opinion and recommendation, the *Anti-Doping Organization* shall issue a written decision on whether it will proceed with normal *Results Management* processes or not move forward with the *Adverse Analytical Findings*. This decision shall be provided to *WADA*, and the decision along with the *Independent Review Expert's* opinion and recommendation shall be provided to each other party entitled to appeal the decision under Article 13. The decision is subject to appeal directly to *CAS* in accordance with the applicable provisions in Article 13. If a decision by the *Anti-Doping Organization* to not move forward with the *Adverse Analytical Findings* is set aside or reversed on appeal, *CAS* may maintain jurisdiction to rule on the merits of any alleged anti-doping rule violation related to the *Adverse Analytical Findings* or may direct the *Anti-Doping Organization* to proceed with the normal *Results Management* process.

7.8.4 Where the *Anti-Doping Organization* fails to go forward with the normal *Results Management* processes without seeking and obtaining an opinion and recommendation from the *Independent Review Expert*, or fails to go forward with the normal *Results Management* processes in contravention of the *Independent Review Expert's* opinion and recommendation, and it is ultimately determined on appeal that an anti-doping rule violation occurred, the *Anti-Doping Organization* may be subject to non-compliance proceedings under Article 24 and the *International Standard* for *Code* Compliance by *Signatories* and shall be required to reimburse the appealing part(y)(ies) for costs and reasonable legal fees incurred in connection with each level of the appellate process.

7.8.5 The process to be followed for cases under this Article 7.8 shall be described in greater detail in the *International Standard* for *Results Management*.

hkrati predloži *WADA* in vsem drugim strankam, ki so upravičene do pritožbe zoper odločbo v skladu s 13. členom. *Protidopinška organizacija* mora *neodvisnemu izvedencu* predložiti svoj celotni spis in z njim v celoti sodelovati.

7.8.2 Po pregledu spisa in pridobitvi morebitnih drugih informacij od *protidopinške organizacije, WADA* ali tretjih oseb, ki jih šteje za potrebne, *neodvisni izvedenec protidopinški organizaciji* izda pisno mnenje in priporočilo, v katerih svetuje, ali je v konkretnih okoliščinah zadeve upravičeno odstopanje od običajnih postopkov *upravljanja z rezultati*, pri čemer kopijo mnenja in priporočila pošlje tudi *WADA*.

7.8.3 *Protidopinška organizacija* po prejemu mnenja in priporočila *neodvisnega izvedenca* izda pisno odločbo o tem, ali bo nadaljevala z običajnimi postopki *upravljanja z rezultati* ali pa ne bo nadaljevala z obravnavo *nasprotne analitične ugotovitve*. Ta odločba se predloži *WADA*, skupaj z mnenjem in priporočilom *neodvisnega izvedenca* pa se predloži tudi vsem drugim strankam, ki imajo pravico do pritožbe zoper odločbo v skladu s 13. členom. Zoper odločbo je mogoče vložiti pritožbo neposredno pri *CAS* v skladu z ustreznimi določbami 13. člena. Če se odločba *protidopinške organizacije*, da ne bo nadaljevala z obravnavo *nasprotne analitične ugotovitve*, odpravi ali razveljavi na podlagi pritožbe, lahko *CAS* ohrani pristojnost za meritorno odločanje o kakršni koli domnevni kršitvi protidopinških pravil v zvezi z *nasprotno analitično ugotovitvijo* ali pa *protidopinški organizaciji* naroči, naj nadaljuje z običajnimi postopki *upravljanja z rezultati*.

7.8.4 Če *protidopinška organizacija* ne nadaljuje z običajnimi postopki *upravljanja z rezultati*, ne da bi zahtevala mnenje in priporočilo *neodvisnega izvedenca*, ali če ne nadaljuje z običajnimi postopki *upravljanja z rezultati* v nasprotju z mnenjem in priporočilom *neodvisnega izvedenca*, in se na pritožbeni stopnji na koncu ugotovi, da je prišlo do kršitve protidopinških pravil, se proti *protidopinški organizaciji* lahko uvede postopek zaradi neskladnosti v skladu s 24. členom in *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom*, *protidopinška organizacija* pa mora povrniti stroške in razumne pravne stroške, nastale stranki(-am), ki je/so vložila(-e) pritožbo, v zvezi z vsako stopnjo pritožbenega postopka.

7.8.5 Postopek, ki se upošteva v primerih iz tega člena 7.8, je podrobneje opisan v *Mednarodnih standardih* za *upravljanje z rezultati*.

odsotnost krivde ali malomarnosti. V izogib dvomu, člen 7.8 se ne uporablja za primere, ki jih protidopinška organizacija zaključi v skladu s členom 10.8.]

Article 8 *Results Management*: Right to a Fair Hearing and Notice of Hearing Decision

8.1 Fair Hearings

For any *Person* who is asserted to have committed an anti-doping rule violation or a violation of Article 10.14.1, the *Anti-Doping Organization* with *Results Management* authority shall provide, at a minimum, a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *WADA International Standard* for *Results Management*. A timely reasoned decision specifically including an explanation of the reason(s) for any period of *Ineligibility* and *Disqualification* of results under Article 10.10 shall be *Publicly Disclosed* as provided in Article 14.3.[64]

8.2 *Event* Hearings

Hearings held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organization* and the hearing panel.[65]

8.3 Waiver of Hearing

The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge an *Anti-Doping Organization's* assertion that an anti-doping rule violation or violation of Article 10.14.1 has occurred within the specific time period provided in the *Anti- Doping Organization's* rules.

8.4 Notice of Decisions

The reasoned hearing decision, or in cases where the hearing has been waived, a reasoned decision explaining the action taken, shall be provided by the *Anti-Doping Organization* with *Results Management* authority to the *Athlete* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14 and published in accordance with Article 14.3.

8.5 Single Hearing Before *CAS*

Anti-doping rule violations or violations of Article 10.14.1 asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, the *Anti-Doping Organization* with *Results Management* authority, and *WADA*, be heard in a single hearing directly at *CAS*.[66]

8. člen *Upravljanje z rezultati*: Pravica do poštene obravnave in obvestilo o odločbi po obravnavi

8.1 Poštena obravnava

Vsaki *osebi*, za katero se zatrjuje, da je kršila protidopinška pravila ali člen 10.14.1, mora *protidopinška organizacija*, ki je pristojna za *upravljanje z rezultati*, zagotoviti vsaj pošteno obravnavo v razumnem roku ter pred poštenim, nepristranskim in *neodvisno delujočim* obravnavnim senatom v skladu z *Mednarodnimi standardi WADA* za *upravljanje z rezultati*. Obrazložena in pravočasna odločba, ki vključuje zlasti obrazložitev razloga(-ov) za morebitno obdobje *izločitve* in *diskvalifikacije* rezultatov na podlagi člena 10.10, mora biti *javno razkrita*, kot je določeno v členu 14.3.[184]

8.2 Obravnave na *prireditvah*

Obravnave v zvezi s *prireditvami* se lahko izvedejo po hitrem postopku, če to dovoljujeta pravilnika ustrezne *protidopinške organizacije* in obravnavnega senata.[185]

8.3 Odpoved obravnavi

Športnik ali druga *oseba* se lahko obravnavi odpove bodisi izrecno bodisi tako, da v določenem roku, ki ga določa pravilnik *protidopinške organizacije*, ne izpodbija trditve *protidopinške organizacije*, da je zagrešil(-a) kršitev protidopinških pravil ali kršitev člena 10.14.1.

8.4 Obvestilo o odločbi

Protidopinška organizacija, pristojna za *upravljanje z rezultati*, mora *športniku* in drugim *protidopinškim organizacijam*, ki imajo pravico do pritožbe po členu 13.2.3, predložiti obrazloženo odločbo po obravnavi, v primerih odpovedi obravnavi pa obrazloženo odločbo v zvezi z uvedenimi ukrepi, kot je določeno v 14. členu, in jo objaviti v skladu s členom 14.3.

8.5 Enotna obravnava pred *CAS*

Zatrjevanje kršitev protidopinških pravil ali kršitve člena 10.14.1, ki naj bi jih zagrešili *športniki mednarodnega* ali *nacionalnega razreda* ali druge *osebe*, se lahko s soglasjem *športnika* ali druge *osebe*, *protidopinške organizacije*, pristojne za *upravljanje z rezultati*, in *WADA* obravnavajo z enotno obravnavo neposredno pred *CAS*.[186]

Article 9 Automatic *Disqualification* of Individual Results

An anti-doping rule violation in *Individual Sports* in

9. člen Samodejna *diskvalifikacija* individualnih rezultatov

Kršitev protidopinških pravil v *individualnih športih* v

[64] *[Comment to Article 8.1: This Article requires that at some point in the Results Management process, the Athlete or other Person shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms and are principles generally accepted in international law. This Article is not intended to supplant each Anti- Doping Organization's own rules for hearings but rather to ensure that each Anti-Doping Organization provides a hearing process consistent with these principles.]*

[65] *[Comment to Article 8.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]*

[66] *[Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two hearings. An Anti-Doping Organization may participate in the CAS hearing as an observer.]*

[184] *[Komentar k členu 8.1: Ta člen zahteva, da mora biti športniku ali drugi osebi v določeni fazi postopka upravljanja z rezultati zagotovljena možnost pravočasne, poštene in nepristranske obravnave. Ta načela so navedena tudi v členu 6.1 Konvencije o varstvu človekovih pravic in temeljnih svoboščin ter so splošno sprejeta načela v mednarodnem pravu. Namen tega člena ni nadomestiti lastna pravila vsake protidopinške organizacije glede obravnav, temveč zagotoviti, da vsaka protidopinška organizacija zagotovi postopek obravnave, skladen s temi načeli.]*

[185] *[Komentar k členu 8.2: Hitra obravnava se lahko na primer izvede tik pred začetkom prireditve, če je razrešitev kršitve protidopinških pravil potrebna, da se ugotovi, ali bo športniku dovoljeno nastopati na prireditvi, ali med prireditvijo, pri kateri razrešitev zadeve vpliva na veljavnost športnikovih rezultatov ali njegovo nadaljnje nastopanje na prireditvi.]*

[186] *[Komentar k členu 8.5: V nekaterih primerih so lahko skupni stroški obravnavanja na prvi stopnji na mednarodni ali nacionalni ravni, nato pa ponovnega obravnavanja primera pred CAS, zelo visoki. Če se vse stranke, navedene v tem členu, strinjajo, da bodo njihovi interesi v zadostni meri varovani z enotno obravnavo, ni nobene potrebe po tem, da bi športnik ali protidopinška organizacija nosila dodatne stroške dveh obravnav. Protidopinška organizacija lahko sodeluje na obravnavi CAS kot opazovalka.]*

connection with an *In-Competition* test or violation of Article 10.14.1 by participation in a *Competition* automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.[67]

Article 10 Sanctions on Individuals[68]

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

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with any benefits awarded or advantages afforded based on those results to be vacated, including forfeiture of all medals, points and prizes awarded to the *Athlete* (whether individually or to a team of which the *Athlete* was a part) based on those results, except as provided in Article 10.1.1.[69] Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.

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

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

Article 10.2 provides the framework for determining the period of *Ineligibility* for violations of Articles 2.1 (Presence), 2.2 (*Use* or *Attempted Use*) or 2.6

povezavi s testiranjem *med tekmovanjem* ali kršitev člena 10.14.1 z udeležbo na *tekmovanju* samodejno vodi k *diskvalifikaciji* rezultatov, doseženih na tem *tekmovanju*, z vsemi *posledicami*, ki temu sledijo, vključno z odvzemom morebitnih medalj, točk in nagrad.[187]

10. člen Sankcije za posameznike[188]

10.1 *Diskvalifikacija* rezultatov na *prireditvi*, med katero pride do kršitve protidopinških pravil

Kršitev protidopinških pravil, storjena med ali v zvezi s *prireditvijo*, lahko na podlagi odločitve predsedujočega organa *prireditve* privede do *diskvalifikacije* vseh individualnih rezultatov *športnika*, doseženih na tej *prireditvi*, pri čemer se razveljavijo vse ugodnosti ali prednosti, dane na podlagi teh rezultatov, vključno z odvzemom vseh medalj, točk in nagrad, podeljenih *športniku* (bodisi posamično bodisi ekipi, katere član je bil *športnik*) na podlagi teh rezultatov, razen kakor je določeno v členu 10.1.1.[189] Dejavniki, ki jih je treba upoštevati pri odločitvi o *diskvalifikaciji* drugih rezultatov na *prireditvi*, lahko na primer vključujejo resnost *športnikove* kršitve protidopinških pravil in to, ali so bili rezultati testiranja *športnika* na drugih *tekmovanjih* negativni.

10.1.1 Če *športnik* dokaže, da *ni kriv* za kršitev in da je tudi ni zagrešil iz *malomarnosti*, se njegovi rezultati na drugih *tekmovanjih* ne *diskvalificirajo*, razen če obstaja velika verjetnost, da je kršitev protidopinških pravil vplivala na *športnikove* rezultate tudi na drugih *tekmovanjih* in ne le na *tekmovanju*, kjer je prišlo do kršitve protidopinških pravil.

10.2 *Izločitev* zaradi prisotnosti, *uporabe* ali *poskusa uporabe* ali *posesti prepovedane snovi* ali *prepovedanega postopka*

Člen 10.2 določa okvir za določitev obdobja *izločitve* zaradi kršitve členov 2.1 (Prisotnost), 2.2 (*Uporaba* ali *poskus uporabe*) ali 2.6 (*Posest*). Določitev

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[67] *[Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or lower placement of the Team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation. In cases where team points earned by an Athlete who committed anti-doping rule violations during the team Competition are taken away, resulting in a lower placement for the team, that shall not be considered a sanction or disciplinary action against either the team or the other Athletes participating in the team Competition who have not committed an anti-doping rule violation.]*

[68] *[Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, too much flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of conflicts between International Federations and National Anti-Doping Organizations.]*

[69] *[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the swimming World Championships).]*

[187] *[Komentar k 9. členu: Pri ekipnih športih se diskvalificirajo vse nagrade, ki so jih dosegli posamezni igralci. Diskvalifikacija ekipe poteka skladno z 11. členom. V športih, ki niso ekipni, vendar se nagrade podeljujejo ekipam, se diskvalifikacija ali nižja uvrstitev ekipe, kadar je eden ali več njenih članov kršilo protidopinška pravila, izvedejo po določilih ustreznih pravilnikov mednarodnih zvez. V primerih, ko se odvzamejo točke ekipe, ki jih je osvojil športnik, ki je med ekipnim tekmovanjem kršil protidopinška pravila, in se ekipa posledično uvrsti nižje, se to ne šteje za sankcijo ali disciplinski ukrep proti ekipi ali drugim športnikom, ki nastopajo na ekipnem tekmovanju in niso kršili protidopinških pravil.]*

[188] *[Komentar k 10. členu: Harmonizacija sankcij je eno izmed področij boja proti dopingu, o katerih se je največ razpravljalo. Harmonizacija pomeni, da se za presojo edinstvenih dejstev vsakega primera uporabijo ista pravila in kriteriji. Argumenti zoper obvezno harmonizacijo temeljijo na razlikah med športi, pri nekaterih športih so na primer športniki profesionalci, ki si s športom prislužijo zajeten dohodek, pri drugih športih pa so športniki pristni amaterji; v športih, pri katerih je športnikova kariera kratka, standardno obdobje izločitve veliko močneje vpliva na športnika kot v športih, kjer so kariere športnikov že tradicionalno mnogo daljše. Primarni argument v prid harmonizaciji je dejstvo, da preprosto ni pravično, da bi bili za dva športnika iz iste države, ki imata pozitivne rezultate testiranja na isto prepovedano snov in v podobnih okoliščinah, uvedeni dve različni sankciji le zaradi tega, ker se ukvarjata z različnimi športi. Poleg tega se na preveliko prilagodljivost pri sankcioniranju pogosto gleda kot na nesprejemljivo možnost, da bodo nekatere športne organizacije pri sankcioniranju milejše do kršiteljev. Pomanjkanje harmonizacije je bilo poleg tega pogosto vzrok za spore med mednarodnimi zvezami in nacionalnimi protidopinškimi organizacijami.]*

[189] *[Komentar k členu 10.1: Medtem ko 9. člen govori o diskvalifikaciji rezultata na posameznem tekmovanju, na katerem je bil rezultat testiranja športnika pozitiven (npr. plavanje na 100 metrov hrbtno), lahko določbe tega člena vodijo k diskvalifikaciji vseh rezultatov na vseh tekmah med prireditvijo (npr. svetovno prvenstvo v plavanju).]*

(*Possession*). This determination is based on several variables such as: the substance or method involved (i.e., non-*Specified Substances*/non-*Specified Methods*, *Specified Substances*/*Specified Methods*, or *Substances of Abuse*); whether the *Athlete* or other *Person* committed the anti-doping rule violation intentionally; whether the context of the ingestion, *Use* or *Possession* was unrelated to sport performance; and whether the *Athlete* can establish how the *Prohibited Substance* entered their system.

Article 10.2.1 addresses the period of *Ineligibility* for violations of Article 2.1 or 2.2 involving non-*Specified Substances* and non-*Specified Methods*. Article 10.2.2 addresses the period of *Ineligibility* for violations of Article 2.1 or 2.2 involving *Specified Substances* or *Specified Methods*. Article 10.2.3 addresses the period of *Ineligibility* for violations of Article 2.1 or 2.2 involving *Substances of Abuse*. Article 10.2.4 addresses the period of *Ineligibility* in special circumstances involving criteria for *Therapeutic Use Exemptions*. Article 10.2.5 addresses the period of *Ineligibility* for violations of Article 2.6. Article 10.2.6 provides the definition of "intentional" for purposes of Article 10.2.[70]

For illustrative purposes, charts showing the application of Article 10.2 are included as Appendix 2. To the extent the charts are inconsistent with any provision of the *Code*, the provision of the *Code* shall prevail.

10.2.1 Non-*Specified Substances* or Non-*Specified Methods*

For violations of Article 2.1 or 2.2 that involve a non-*Specified Substance* or a non-*Specified Method*, the period of *Ineligibility* shall, subject to Articles 10.2.3 and 10.2.4, be four (4) years. The four (4) year period of *Ineligibility* may be reduced as follows:

10.2.1.1 Where the *Athlete* can establish how the *Prohibited Substance* entered their system and that the violation was not intentional, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to potential elimination or reduction under Article 10.5, 10.6 or 10.7.1.

10.2.1.2 Where the *Athlete* cannot establish that the violation was not intentional, but can establish how the *Prohibited Substance* entered their system and that the context of the ingestion or *Use* was unrelated to sport performance, the period of *Ineligibility* shall be three (3) years. This period of *Ineligibility* is not subject to elimination or reduction under Article 10.5 or 10.6.

10.2.1.3 Where the *Athlete* cannot establish how the *Prohibited Substance* entered their system, but in

temelji na več spremenljivkah, kot so: konkretna snov ali postopek (tj. *neopredeljene snovi*/*neopredeljeni postopki*, *opredeljene snovi*/*opredeljeni postopki* ali *snovi, ki se zlorabljajo*); ali je *športnik* ali druga *oseba* naklepno kršil(-a) protidopinška pravila; ali kontekst zaužitja, *uporabe* ali *posesti* ni bil povezan z izboljšanjem športne zmogljivosti; in ali *športnik* lahko dokaže, kako je *prepovedana snov* vstopila v njegovo telo.

Člen 10.2.1 obravnava obdobje *izločitve* zaradi kršitve člena 2.1 ali 2.2, ki se nanaša na *neopredeljene snovi* in *neopredeljene postopke*. Člen 10.2.2 obravnava obdobje *izločitve* zaradi kršitve člena 2.1 ali 2.2, ki se nanaša na *opredeljene snovi* ali *opredeljene postopke*. Člen 10.2.3 obravnava obdobje *izločitve* zaradi kršitve člena 2.1 ali 2.2, ki se nanaša na *snovi, ki se zlorabljajo*. Člen 10.2.4 obravnava obdobje *izločitve* v posebnih okoliščinah, ko se uporabljajo kriteriji za *terapevtske izjeme*. Člen 10.2.5 obravnava obdobje *izločitve* zaradi kršitve člena 2.6. Člen 10.2.6 določa opredelitev pojma »naklepno«, kot se uporablja v členu 10.2.[190]

Za ponazoritev so v prilogi 2 priloženi diagrami, ki prikazujejo uporabo člena 10.2. V obsegu, v katerem so diagrami neskladni s katero koli določbo *Kodeksa*, prevlada določba *Kodeksa*.

10.2.1 *Neopredeljene snovi* ali *neopredeljeni postopki*

Obdobje *izločitve* zaradi kršitve člena 2.1 ali 2.2, ki se nanaša na *neopredeljeno snov* ali *neopredeljen postopek*, ob upoštevanju členov 10.2.3 in 10.2.4 traja štiri (4) leta. Štiriletno (4-letno) obdobje *izločitve* se lahko skrajša na naslednji način:

10.2.1.1 Če *športnik* lahko dokaže, kako je *prepovedana snov* vstopila v njegovo telo in da kršitev ni bila naklepna, obdobje *izločitve* traja dve (2) leti. Obdobje *izločitve* se lahko odpravi ali skrajša v skladu s členom 10.5, 10.6 ali 10.7.1.

10.2.1.2 Če *športnik* ne more dokazati, da kršitev ni bila naklepna, lahko pa dokaže, kako je *prepovedana snov* vstopila v njegovo telo in da kontekst zaužitja ali *uporabe* ni bil povezan z izboljšanjem športne zmogljivosti, obdobje *izločitve* traja tri (3) leta. Tega obdobja *izločitve* ni mogoče odpraviti ali skrajšati v skladu s členom 10.5 ali 10.6.

10.2.1.3 Če *športnik* ne more dokazati, kako je *prepovedana snov* vstopila v njegovo telo, v izjemnih primerih

[70] *[Comment to Article 10.2: Before considering whether Article 10.5 or Article 10.6 apply, the Anti-Doping Organization (or hearing panel) shall first determine whether the Athlete has satisfied their burden of establishing that the violation was not intentional. To do that, the Athlete shall, except for the narrowest of corridors described in Article 10.2.1.3, show how the Prohibited Substance entered their system and also that the timing of such ingestion or Use is consistent with the analytical results from their Sample.]*

[190] *[Komentar k členu 10.2: Preden presodi, ali naj se uporabi člen 10.5 ali člen 10.6, mora protidopinška organizacija (ali obravnavni senat) najprej ugotoviti, ali je športnik izpolnil svoje dokazno breme, da kršitev ni bila naklepna. Za to mora športnik, razen v najizjemnejših primerih, opisanih v členu 10.2.1.3, dokazati, kako je prepovedana snov vstopila v njegovo telo, poleg tega pa tudi, da je čas zaužitja ali uporabe skladen z analitičnimi rezultati njegovega vzorca.]*

exceptional cases can establish to the comfortable satisfaction of the decision making body that, based on reliable scientific evidence, the anti-doping rule violation was not compatible with intentional use of a *Prohibited Substance*, then the period of *Ineligibility* may be reduced to two (2) years.[71] This period of *Ineligibility* is not subject to elimination or reduction under Article 10.5 or 10.6.

10.2.1.4 For violations resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* and the *Athlete* can establish that the *Prohibited Substance* was ingested or *Use*d *Out-of- Competition* in a context unrelated to sport performance, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to potential elimination or reduction under Article 10.5, 10.6 or 10.7.1.

10.2.2 *Specified Substances* or *Specified Methods*

For violations of Article 2.1 or 2.2 that involve a *Specified Substance* or a *Specified Method*, the period of *Ineligibility*, subject to Articles 10.2.3 and 10.2.4, shall be two (2) years. This period of *Ineligibility* is subject to elimination or reduction under Article 10.5, 10.6 or 10.7.1 and is subject to increase as follows:

10.2.2.1 Subject to Article 10.2.2.2, where the *Anti-Doping Organization* can establish that the violation was intentional, the period of *Ineligibility* shall be four (4) years; provided, however, if the *Athlete* can establish that the context of the ingestion or *Use* was unrelated to sport performance, the period of *Ineligibility* shall be three (3) years. The period of *Ineligibility* imposed under this

pa lahko organu odločanja s stopnjo utemeljenega prepričanja na podlagi zanesljivih znanstvenih dokazov dokaže, da kršitev protidopinških pravil ni bila skladna z naklepno uporabo *prepovedane snovi*, se lahko obdobje *izločitve* skrajša na dve (2) leti.[191] Tega obdobja *izločitve* ni mogoče odpraviti ali skrajšati v skladu s členom 10.5 ali 10.6.

10.2.1.4 Obdobje *izločitve* zaradi kršitve, ki izhaja iz *nasprotne analitične ugotovitve* za snov, ki je prepovedana le *med tekmovanjem*, če *športnik* lahko dokaže, da je *prepovedano snov* zaužil ali *uporabil izven tekmovanja* v kontekstu, ki ni povezan z izboljšanjem športne zmogljivosti, traja dve (2) leti. Obdobje *izločitve* se lahko odpravi ali skrajša v skladu s členom 10.5, 10.6 ali 10.7.1.

10.2.2 *Opredeljene snovi* ali *opredeljeni postopki*

Obdobje *izločitve* zaradi kršitve člena 2.1 ali 2.2, ki se nanaša na *opredeljeno snov* ali *opredeljen postopek*, ob upoštevanju členov 10.2.3 in 10.2.4 traja dve (2) leti. Obdobje *izločitve* se lahko odpravi ali skrajša v skladu s členom 10.5, 10.6 ali 10.7.1, lahko pa se tudi podaljša, kot sledi:

10.2.2.1 Ob upoštevanju člena 10.2.2.2, če *protidopinška organizacija* lahko dokaže, da je bila kršitev naklepna, obdobje *izločitve* traja štiri (4) leta; če pa *športnik* lahko dokaže, da kontekst zaužitja ali *uporabe* ni bil povezan z izboljšanjem športne zmogljivosti, obdobje *izločitve* traja tri (3) leta. Obdobja *izločitve*, uvedenega na podlagi tega člena 10.2.2.1, ni mogoče odpraviti ali skrajšati v

[71] *[Comment to Article 10.2.1.3: While it is theoretically possible for an Athlete to establish entitlement to a reduction under this Article without showing how the Prohibited Substance entered their system, this has been described in cases as the "narrowest of corridors." In order to access this exceptionally narrow corridor, an Athlete shall present reliable scientific evidence establishing that the anti-doping rule violation was not compatible with intentional Use of a Prohibited Substance. For example, reliable scientific evidence could include the detection of a non-therapeutic amount of the Prohibited Substance in the Athlete's Sample coupled with a metabolic profile indicating very recent Administration or prior or subsequent Samples from the Athlete which confirm that the Prohibited Substance detected was not the tail end of the excretion curve from a therapeutic dose or other doping regimen. Hair tests are unlikely to serve as reliable evidence to disprove intentional doping. With respect to the results of lie-detector tests, see Comment to Article 3.2. Further, evidence in the form of negative Testing history, change, or lack of change, in body mass or competitive results, lack of motivation to dope and testimony of the Athlete and the Athlete supporters, shall not be sufficient to justify a reduction in the period of Ineligibility. For the avoidance of doubt, the Athlete may submit and the hearing body may consider non-scientific evidence as well, but reliable scientific evidence is a necessary element to establish entitlement to a reduction under this Article. As used in this Article, "exceptional case" is not intended to create an independent element that must be established by the Athlete, but rather indicates the rarity and uniqueness of cases where the required elements of proof will be met.]*

[191] *[Komentar k členu 10.2.1.3: Čeprav je teoretično mogoče, da športnik dokaže, da ima pravico do skrajšanja v skladu s tem členom, ne da bi prikazal, kako je prepovedana snov vstopila v njegovo telo, je bilo to v konkretnih zadevah opisano kot »najizjemnejši primer«. Da bi športnik lahko uveljavljal tak posebej izjemen primer, mora predložiti zanesljive znanstvene dokaze, ki dokazujejo, da kršitev protidopinških pravil ni bila skladna z naklepno uporabo prepovedane snovi. Na primer, zanesljivi znanstveni dokazi lahko vključujejo ugotovitev prisotnosti neterapevtske količine prepovedane snovi v vzorcu športnika v kombinaciji z metabolnim profilom, ki kaže na zelo nedavno dajanje, ali predhodnimi ali naknadnimi vzorci športnika, ki potrjujejo, da odkrita količina prepovedane snovi ni predstavljala repa krivulje izločanja za terapevtski odmerek ali drug režim dopinga. Testi las verjetno ne bodo zadostovali kot zanesljiv dokaz za ovrženje naklepnega dopinga. Glede rezultatov testiranja z detektorjem laži glej komentar k členu 3.2. Poleg tega za utemeljitev skrajšanja obdobja izločitve ne zadostujejo dokazi v obliki negativnega preteklega testiranja, spremembe ali nespremenjenosti telesne mase ali tekmovalnih rezultatov, neobstoja motivacije za doping in pričevanja športnika in njegovih podpornikov. V izogib dvomu, športnik lahko predloži tudi neznanstvene dokaze in jih obravnavni organ lahko upošteva, vendar so zanesljivi znanstveni dokazi nujen element za ugotovitev upravičenosti do skrajšanja v skladu s tem členom. V tem členu izraz »izjemen primer« ne pomeni neodvisnega elementa, ki ga mora dokazati športnik, temveč se nanaša na redkost in edinstvenost primerov, v katerih bodo izpolnjeni zahtevani dokazni elementi.]*

Article 10.2.2.1 is not subject to elimination or reduction under Article 10.5 or 10.6.

10.2.2.2 Where an anti-doping rule violation results from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* and the *Athlete* can establish that the *Prohibited Substance* was used *Out-of- Competition*, the period of *Ineligibility* shall be two (2) years. This period of *Ineligibility* is subject to elimination or reduction under Article 10.5, 10.6 or 10.7.1.

10.2.3 *Substances of Abuse*

Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves only a *Substance of Abuse*:

10.2.3.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of- Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be two (2) months.[72]

For any subsequent violation involving any *Substance of Abuse*, the period of *Ineligibility* calculated under this Article 10.2.3.1 shall be four (4) months which may be reduced to two (2) months if the *Athlete* or other *Person* enters a *Substance of Abuse* treatment program approved by the *Anti-Doping Organization* with *Results Management* authority.[73]

The period of *Ineligibility* established in this Article 10.2.3.1 is not subject to any reduction based on any provision in Articles 10.6, 10.7.1 or 10.7.2.

10.2.3.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the period of *Ineligibility* shall be

skladu s členom 10.5 ali 10.6.

10.2.2.2 Če kršitev protidopinških pravil izhaja iz *nasprotne analitične ugotovitve* za snov, ki je prepovedana le *med tekmovanjem*, in *športnik* lahko dokaže, da je *prepovedano snov* uporabil *izven tekmovanja*, obdobje *izločitve* traja dve (2) leti. Obdobje *izločitve* se lahko odpravi ali skrajša v skladu s členom 10.5, 10.6 ali 10.7.1.

10.2.3 *Snovi, ki se zlorabljajo*

Ne glede na kakršne koli druge določbe iz člena 10.2 velja naslednje, če se kršitev protidopinških pravil nanaša samo na *snov, ki se zlorablja*:

10.2.3.1 Če *športnik* lahko dokaže, da je do zaužitja ali *uporabe* prišlo *izven tekmovanja* in ni bilo povezano z izboljšanjem športne zmogljivosti, obdobje *izločitve* traja dva (2) meseca.[192]

Za vsako nadaljnjo kršitev, ki se nanaša na katero koli *snov, ki se zlorablja*, je obdobje *izločitve*, izračunano v skladu s tem členom 10.2.3.1, štiri (4) mesece in se lahko skrajša na dva (2) meseca, če *športnik* ali druga *oseba* vstopi v program zdravljenja zaradi uporabe *snovi, ki se zlorabljajo*, ki ga je odobrila *protidopinška organizacija*, pristojna za *upravljanje z rezultati*.[193]

Obdobja *izločitve*, določenega v tem členu 10.2.3.1, ni mogoče skrajšati na podlagi katere koli določbe člena 10.6, 10.7.1 ali 10.7.2.

10.2.3.2 Če je do zaužitja, *uporabe* ali *posesti* prišlo *med tekmovanjem* in *športnik* lahko dokaže, da kontekst zaužitja, *uporabe* ali *posesti* ni bil povezan z izboljšanjem športne zmogljivosti, obdobje *izločitve* odvisno od okoliščin

[72] *[Comment to Article 10.2.3.1: While the Code does not condition the two-month period of Ineligibility for a first violation on the Athlete or other Person's entering a treatment program, Anti-Doping Organizations should consider, in their discretion and to the extent of their expertise and resources, adopting policies that would encourage and facilitate the Person's seeking of a professional medical evaluation after a first violation, and, if recommended, to enter a treatment or rehabilitation program as appropriate.]*

[73] *[Comment to Article 10.2.3.1: The determinations as to whether the treatment program is approved shall be made in the sole discretion of the Anti-Doping Organization. This Article is intended to give Anti-Doping Organizations the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs. The Anti-Doping Organization may also impose a sanction of two (2) months if, in its sole discretion, it determines that treatment is not necessary, for example the Adverse Analytical Finding resulted from the ingestion of coca tea. This Article also applies to different routes by which a Substance of Abuse may be ingested, e.g., drinking coca tea.]*

[192] *[Komentar k členu 10.2.3.1: Čeprav Kodeks dvomesečnega obdobja izločitve ob prvi kršitvi ne pogojuje s tem, da športnik ali druga oseba vstopi v program zdravljenja, naj protidopinške organizacije po lastni presoji ter v obsegu svojega strokovnega znanja in virov razmislijo o sprejetju politik, ki bi osebo spodbudile in ji olajšale, da po prvi kršitvi pridobi strokovno medicinsko oceno in – če se to priporoči – vstopi v program zdravljenja oziroma rehabilitacije.]*

[193] *[Komentar k členu 10.2.3.1: Protidopinška organizacija po lastni presoji ugotovi, ali je program zdravljenja odobren. Namen tega člena je protidopinškim organizacijam zagotoviti manevrski prostor, da uporabijo lastno presojo za prepoznavanje in odobritev legitimnih in priznanih, ne pa lažnih programov zdravljenja. Vendar se predvideva, da se lahko značilnosti legitimnih programov zdravljenja precej razlikujejo in sčasoma spremenijo, tako da ne bi bilo praktično, če bi WADA oblikovala obvezna merila za sprejemljive programe zdravljenja. Protidopinška organizacija lahko naloži tudi sankcijo dveh (2) mesecev, če po lastni presoji ugotovi, da zdravljenje ni potrebno, npr. če je nasprotna analitična ugotovitev posledica uživanja kokinega čaja. Ta člen velja tudi za različne načine uživanja snovi, ki se zlorablja, npr. pitje kokinega čaja.]*

between six (6) months and two (2) years depending on the circumstances of the case.[74] This provision is without prejudice to the potential application of Article 10.5, 10.6 or 10.7.1.[75]

10.2.3.3 Where neither 10.2.3.1 or 10.2.3.2 applies, then the period of *Ineligibility* shall be determined under the applicable provision in Article 10.2.1 or 10.2.2.

10.2.4 *Therapeutic Use Exemption* Criteria

10.2.4.1 Notwithstanding any other provision in Article 10.2, where the *Athlete* can establish that the presence, *Use* or *Attempted Use* or *Possession* met each of the criteria in Article 4.2 of the *International Standard* for *Therapeutic Use Exemptions* (except for the need to show there was no reasonable permitted Therapeutic[76] alternative) at the time the presence, *Use* or *Attempted Use* or *Possession* occurred, then the period of *Ineligibility* shall be two (2) months. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Articles 10.6, 10.7.1 or 10.7.2.

10.2.5 *Possession*

For violations of Article 2.6, the period of *Ineligibility* shall subject to Article 10.2.3.2, be as follows:

10.2.5.1 Where the violation involves a non-*Specified Substance* or non-*Specified Method*, the period of *Ineligibility* shall be two (2) years if the *Athlete* or other *Person* can establish the violation was not intentional; three (3) years if the *Athlete* or other *Person* cannot establish that the violation was not intentional, but can establish the *Possession* was unrelated to sport performance; and four (4) years if the *Athlete* or other *Person* cannot establish the violation was not intentional and cannot establish the *Possession* was unrelated to sport performance.

10.2.5.2 Where the violation involves a *Specified Substance* or

zadeve traja od šest (6) mesecev do dveh (2) let.[194] Ta določba ne posega v morebitno uporabo člena 10.5, 10.6 ali 10.7.1.[195]

10.2.3.3 Če ne velja niti člen 10.2.3.1 niti člen 10.2.3.2, se obdobje *izločitve* določi v skladu z ustrezno določbo člena 10.2.1 ali 10.2.2.

10.2.4 Kriteriji za *terapevtske izjeme*

10.2.4.1 Ne glede na druge določbe člena 10.2, če *športnik* lahko dokaže, da je prisotnost, *uporaba* ali *poskus uporabe* ali *posest* ob času prisotnosti, *uporabe* ali *poskusa uporabe* ali *posesti* izpolnjevala vse kriterije iz člena 4.2 *Mednarodnih standardov* za *terapevtske izjeme* (razen potrebe po dokazovanju, da ni obstajala nobena razumna dovoljena terapevtska[196] alternativa), obdobje *izločitve* traja dva (2) meseca. Obdobja *izločitve*, določenega v tem členu 10.2.4.1, ni mogoče skrajšati na podlagi katere koli določbe člena 10.6, 10.7.1 ali 10.7.2.

10.2.5 *Posest*

Za obdobje *izločitve* zaradi kršitve člena 2.6 ob upoštevanju člena 10.2.3.2 velja naslednje:

10.2.5.1 Če se kršitev nanaša na *neopredeljeno snov* ali *neopredeljen postopek*, obdobje *izločitve* traja dve (2) leti, če *športnik* ali druga *oseba* lahko dokaže, da kršitev ni bila naklepna; tri (3) leta, če *športnik* ali druga *oseba* ne more dokazati, da kršitev ni bila naklepna, lahko pa dokaže, da *posest* ni bila povezana z izboljšanjem športne zmogljivosti; in štiri (4) leta, če *športnik* ali druga *oseba* ne more dokazati, da kršitev ni bila naklepna, in ne more dokazati, da *posest* ni bila povezana z izboljšanjem športne zmogljivosti.

10.2.5.2 Če se kršitev nanaša na *opredeljeno snov* ali *opredeljen*

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[74] *[Comment to Article 10.2.3.2: The "circumstances of the case" may include, for example, the specific nature of the Use or Possession, the type and quantity of the Prohibited Substance detected, the proximity in time between the ingestion and the Athlete's actually competing, the potential benefit (actual or perceived) to the Athlete of the ingestion in relation to the Athlete's performance in the Competition, the Athlete or other Person's level of anti-doping experience and education, and other fault-related considerations that might not otherwise satisfy the requirements for application of Article 10.5.]*

[75] *[Comment to Article 10.2.3.2: While it is theoretically possible for the Athlete to establish No Fault or Negligence or No Significant Fault or Negligence with respect to the In-Competition ingestion, Use or Possession of a Substance of Abuse, this would occur only in rare, exceptional cases.]*

[76] *[Comment to Article 10.2.4.1: For purposes of this Article, the term "Therapeutic" shall be defined in accordance with the definition contained in the International Standard for Therapeutic Use Exemptions.]*

[194] *[Komentar k členu 10.2.3.2: »Okoliščine zadeve« lahko na primer vključujejo posebno naravo uporabe ali posesti, vrsto in količino odkrite prepovedane snovi, časovno bližino med zaužitjem in dejanskim tekmovanjem športnika, potencialno korist (dejansko ali domnevno) za športnika zaradi zaužitja v zvezi z njegovim nastopom na tekmovanju, stopnjo izkušenj in izobrazbe športnika ali druge osebe na področju boja proti dopingu ter druge okoliščine v zvezi s krivdo, ki sicer morda ne bi izpolnjevale zahtev za uporabo člena 10.5.]*

[195] *[Komentar k členu 10.2.3.2: Čeprav je teoretično mogoče, da športnik dokaže odsotnost krivde ali malomarnosti oziroma neznatno krivdo ali malomarnost v zvezi z zaužitjem, uporabo ali posestjo snovi, ki se zlorablja, med tekmovanjem, se to zgodi le v redkih, izjemnih primerih.]*

[196] *[Komentar k členu 10.2.4.1: Izraz »terapevtska« je v tem členu opredeljen v skladu z opredelitvijo iz Mednarodnih standardov za terapevtske izjeme.]*

Specified Method, the period of *Ineligibility* shall be four (4) years if the *Anti-Doping Organization* can establish the violation was intentional, subject to a reduction to three (3) years if the *Athlete* can establish that the context of the *Possession* was unrelated to sport performance; and two (2) years if the *Anti-Doping Organization* cannot establish the violation was intentional.

10.2.5.3 If the period of *Ineligibility* imposed under Article 10.2.5.1 or 10.2.5.2 is two (2) years, the period of *Ineligibility* is subject to potential elimination or reduction under Article 10.5, 10.6 or 10.7.1.

10.2.6 As used in Article 10.2, the term "intentional" is meant to identify those *Athletes* or other *Persons* who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.[77]

10.3 *Ineligibility* for Other Anti-Doping Rule Violations

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Article 10.6 or 10.7 are applicable:

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

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on if the *Athlete* can establish circumstances mitigating the *Athlete's* degree of *Fault*. *Fault* shall be assessed equally against all three whereabouts failures with the expectation that the *Athlete* should be on heightened alert after the first and second failures. The flexibility

postopek, obdobje *izločitve* traja štiri (4) leta, če *protidopinška organizacija* lahko dokaže, da je bila kršitev naklepna, pri čemer se lahko skrajša na tri (3) leta, če *športnik* lahko dokaže, da *posest* ni bila povezana z izboljšanjem športne zmogljivosti; in dve (2) leti, če *protidopinška organizacija* ne more dokazati, da je bila kršitev naklepna.

10.2.5.3 Če obdobje *izločitve*, uvedeno v skladu s členom 10.2.5.1 ali 10.2.5.2, traja dve (2) leti, se obdobje *izločitve* lahko odpravi ali skrajša v skladu s členom 10.5, 10.6 ali 10.7.1.

10.2.6 Izraz »naklepno«, kot se uporablja v členu 10.2, je namenjen označitvi *športnikov* ali drugih *oseb*, ki ravnajo na način, za katerega so vedeli, da predstavlja kršitev protidopinških pravil, ali so vedeli, da obstaja precejšnje tveganje, da bi to ravnanje utegnilo predstavljati ali povzročiti kršitev protidopinških pravil, pa so to tveganje očitno zanemarili.[197]

10.3 *Izločitev* zaradi kršitev drugih protidopinških pravil

Obdobje *izločitve* zaradi kršitve drugih protidopinških pravil razen tistih, ki jih določa člen 10.2, se določi na naslednji način, razen če je treba uporabiti člen 10.6 ali 10.7:

10.3.1 Za kršitve člena 2.3 ali 2.5 traja obdobje *izločitve* štiri (4) leta, razen: (i) če *športnik* v primeru, ko ni pristopil k odvzemu *vzorca*, dokaže, da kršitev protidopinških pravil ni bila naklepna; v tem primeru obdobje *izločitve* traja dve (2) leti; (ii) v vseh drugih primerih, če lahko *športnik* ali druga *oseba* dokaže izjemne okoliščine, ki upravičujejo skrajšanje obdobja *izločitve*; v tem primeru obdobje *izločitve* traja od dve (2) do štiri (4) leta, odvisno od stopnje *krivde športnika* ali druge *osebe*; ali (iii) v primeru nepristopa k odvzemu *vzorca*, ki vključuje *zaščiteno osebo* ali *rekreativnega športnika*; v tem primeru obdobje *izločitve* traja od največ dve (2) leti do najmanj opomina brez obdobja *izločitve*, odvisno od stopnje *krivde zaščitene osebe* ali *rekreativnega športnika*.

10.3.2 Za kršitve člena 2.4 traja obdobje *izločitve* dve (2) leti in se lahko skrajša na minimalno eno (1) leto, odvisno od tega, ali *športnik* lahko dokaže obstoj okoliščin, ki zmanjšajo stopnjo *športnikove krivde*. *Krivda* se oceni enako za vse tri kršitve v zvezi z lokacijo, pri čemer se pričakuje, da bo *športnik* po prvi in drugi kršitvi še posebej pazljiv. Prilagodljivost med dvema (2) letoma in enim (1) letom *izločitve* po tem

[77] *[Comment to Article 10.2.6: Article 10.2.6 provides a special definition of "intentional" which is to be applied solely for purposes of Article 10.2.]*
[197] *[Komentar k členu 10.2.6: Člen 10.2.6 navaja posebno definicijo izraza »naklepno«, ki se uporablja izključno za namene člena 10.2.]*

between two (2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.[78]

10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* or *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.[79]

10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation; where the violation involves a *Protected Person* or *Minor*, the period of *Ineligibility* imposed shall be a minimum of four (4) years, up to a lifetime *Ineligibility*, depending on the seriousness of the violation.

10.3.5 For violations of Article 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.[80]

10.3.6 For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.[81]

10.4 *Aggravating Circumstances* which may Increase the Period of *Ineligibility*

If the *Anti-Doping Organization* establishes in an

članu ni na voljo *športnikom*, ki v zadnjem trenutku pogosto menjajo svojo lokacijo ali s svojim drugim ravnanjem vzbujajo resen sum, da so se skušali izogniti *testiranju*.[198]

10.3.3 Za kršitve člena 2.7 ali 2.8 traja obdobje *izločitve* najmanj štiri (4) leta in vse do doživljenjske *izločitve*, odvisno od resnosti kršitve. Kršitev člena 2.7 ali 2.8, ki vključuje *zaščiteno osebo* ali *mladoletnika*, se, če jo zagreši *član spremljevalnega osebja športnika* in ne gre za kršitev v povezavi z *opredeljenimi snovmi*, šteje za posebej resno kršitev in ima za posledico doživljenjsko *izločitev člana spremljevalnega osebja športnika*. Poleg tega se resne kršitve člena 2.7 ali 2.8, s katerimi bi bili lahko kršeni tudi zakoni in predpisi, ki niso povezani s športom, prijavijo pristojnim upravnim, strokovnim ali sodnim organom.[199]

10.3.4 Za kršitve člena 2.9 traja obdobje *izločitve* najmanj dve (2) leti in vse do doživljenjske *izločitve*, odvisno od resnosti kršitve; če kršitev vključuje *zaščiteno osebo* ali *mladoletnika*, traja obdobje *izločitve* najmanj štiri (4) leta in vse do doživljenjske *izločitve*, odvisno od resnosti kršitve.

10.3.5 Za kršitve člena 2.10 traja obdobje *izločitve* dve (2) leti in se lahko skrajša na najmanj eno (1) leto, odvisno od stopnje *krivde športnika* ali druge *osebe* ter drugih okoliščin primera.[200]

10.3.6 Za kršitve člena 2.11 traja obdobje *izločitve* najmanj dve (2) leti in vse do doživljenjske *izločitve*, odvisno od resnosti kršitve s strani *športnika* ali druge *osebe*.[201]

10.4 *Obteževalne okoliščine*, ki lahko podaljšajo obdobje *izločitve*

Če *protidopinška* organizacija v posameznem

[78] *[Comment to Article 10.3.2: The whereabouts requirements in the Code and International Standard for Testing are a fundamental part of any effective effort to combat doping in sport. In order to deter and detect cheating, Anti-Doping Organizations shall be able to conduct no advance notice, Out-of-Competition Testing based upon reliable whereabouts information. The whereabouts requirements in the Code also allow clean Athletes to credibly claim that they are subject to Testing at any time so that the public can have confidence that they are clean. Whereabouts failures are not just "paperwork violations," they directly undermine the ability of Anti-Doping Organizations to catch doped Athletes and the public's confidence in the accountability of clean Athletes.]*

[79] *[Comment to Article 10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]*

[80] *[Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 (Prohibited Association by an Athlete or Other Person) is an entity and not an individual, that entity may be disciplined as provided in Article 12.]*

[81] *[Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (Tampering) and Article 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) shall be sanctioned based on the violation that carries the more severe sanction.]*

[198] *[Komentar k členu 10.3.2: Zahteve glede posredovanja lokacije v Kodeksu in Mednarodnih standardih za testiranje so temeljni del vsakega učinkovitega prizadevanja za boj proti dopingu v športu. Zaradi preprečevanja in odkrivanja goljufanja morajo protidopinške organizacije imeti možnost izvajati testiranje izven tekmovanj brez predhodnega obvestila na podlagi zanesljivih podatkov o lokaciji. Zahteve glede posredovanja lokacije v Kodeksu poleg tega omogočajo čistim športnikom, da verodostojno trdijo, da se lahko od njih kadar koli zahteva testiranje, kar javnosti vzbuja zaupanje v to, da so čisti. Kršitve v zvezi z lokacijo niso zgolj kršitve dokumentacije, temveč neposredno spodkopavajo sposobnost protidopinških organizacij, da odkrijejo športnike, ki uporabljajo doping, in zaupanje javnosti v odgovornost čistih športnikov.]*

[199] *[Komentar k členu 10.3.3: Osebam, ki se ukvarjajo z dopingiranjem športnikov ali prikrivanjem dopinga, naj se izrečejo resnejše sankcije kot športnikom, ki so bili pozitivni na testiranju. Ker je pristojnost športnih organizacij načelno omejena na izločitve v zvezi z akreditacijo, članstvom in drugimi ugodnostmi v povezavi s športom, je prijava spremljevalnega osebja športnika pristojnim organom pomemben korak k odvračanju od dopinga.]*

[200] *[Komentar k členu 10.3.5: Če je »druga oseba« po členu 2.10 pravna in ne fizična oseba, se ta pravna oseba sankcionira na podlagi 12. člena.]*

[201] *[Komentar k členu 10.3.6: Ravnanje, za katero se ugotovi, da krši člen 2.5 (Nedovoljeno poseganje) in člen 2.11 (Dejanja športnika ali druge osebe za odvračanje od poročanja organom ali povračilno ukrepanje zaradi poročanja organom), se sankcionira na podlagi kršitve, za katero je predpisana strožja sankcija.]*

individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (Complicity or *Attempted* Complicity) or 2.11 (Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the otherwise applicable sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that they did not knowingly commit the anti-doping rule violation.[82]

primeru, ki vključuje kršitev protidopinških pravil, ki ni kršitev po členu 2.7 (*Trgovanje* ali *poskus trgovanja*), 2.8 (*Dajanje* ali *poskus dajanja*), 2.9 (Udeležba ali *poskus* udeležbe) ali 2.11 (Dejanja *športnika* ali druge *osebe* za odvračanje od poročanja organom ali povračilno ukrepanje zaradi poročanja organom), dokaže, da so prisotne *obteževalne okoliščine*, ki upravičujejo uvedbo obdobja *izločitve*, daljšega od sankcije, ki bi se sicer uporabila, se obdobje *izločitve*, ki bi bilo sicer uvedeno, podaljša za največ dve (2) leti, odvisno od resnosti kršitve in narave *obteževalnih okoliščin*, razen če lahko *športnik* ali druga *oseba* dokaže, da ni zavestno kršil(-a) protidopinških pravil.[202]

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

If an *Athlete* or other *Person* establishes in an individual case that they bear *No Fault* or *Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.[83]

10.5 Odprava obdobja *izločitve*, kjer *ni krivde* ali *malomarnosti*

Če *športnik* ali druga *oseba* v posameznem primeru dokaže, da ni ravnal(-a) *krivdno* ali *malomarno*, se obdobje *izločitve*, ki bi bilo sicer uvedeno, odpravi.[203]

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

10.6 Skrajšanje obdobja *izločitve*, ki temelji na *neznatni krivdi* ali *malomarnosti*

10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

10.6.1 Skrajšanje sankcij v posebnih okoliščinah zaradi kršitev člena 2.1, 2.2 ali 2.6

Vsa skrajšanja sankcij po členu 10.6.1 se med seboj izključujejo in niso kumulativna.

10.6.1.1 *Specified Substances* or *Specified Methods*

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

10.6.1.1 *Opredeljene snovi ali opredeljeni postopki*

Če kršitev protidopinških pravil vključuje *opredeljeno snov* (razen *snovi, ki se zlorablja*) ali *opredeljen postopek* in lahko *športnik* ali druga *oseba* dokaže svojo *neznatno krivdo* ali *malomarnost*, je najnižja sankcija opomin brez obdobja *izločitve*, največja pa dve (2) leti *izločitve*, odvisno od stopnje *krivde športnika* ali druge *osebe*.

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[82] *[Comment to Article 10.4: Violations under Articles 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity or Attempted Complicity) and 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any Aggravating Circumstance.]*

[83] *[Comment to Article 10.5: This Article and Article 10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, they were sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances:*
(a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on No Significant Fault or Negligence.]

[202] *[Komentar k členu 10.4: Kršitve po členih 2.7 (Trgovanje ali poskus trgovanja), 2.8 (Dajanje ali poskus dajanja), 2.9 (Udeležba ali poskus udeležbe) in 2.11 (Dejanja športnika ali druge osebe za odvračanje od poročanja organom ali povračilno ukrepanje zaradi poročanja organom) niso vključene v uporabo člena 10.4, ker sankcije za te kršitve že zagotavljajo zadostno stopnjo diskrecije vse do doživljenjske prepovedi, da je omogočeno upoštevanje kakršnih koli obteževalnih okoliščin.]*

[203] *[Komentar k členu 10.5: Ta člen in člen 10.6.2 se nanašata le na uvedbo sankcij; ne nanašata se na ugotovitev, ali je bilo kršeno protidopinško pravilo ali ne. Ta dva člena se upoštevata le v izjemnih okoliščinah, na primer, če lahko športnik dokaže, da ga je, kljub potrebni skrbi, sabotiral tekmec. Nasprotno pa odsotnost krivde ali malomarnosti ni upoštevna v naslednjih okoliščinah:*
(a) pozitiven test, ki je rezultat napačno označenega ali kontaminiranega vitaminskega ali prehranskega dopolnila (športniki odgovarjajo za to, kar zaužijejo (člen 2.1), in so bili posvarjeni glede možnosti kontaminacije dopolnil); (b) dajanje prepovedane snovi s strani športnikovega zdravnika ali trenerja, ne da bi športnik za to vedel (športniki odgovarjajo za svoj izbor medicinskega osebja in seznanitev medicinskega osebja s tem, da jim ne sme dajati prepovedanih snovi); in (c) sabotiranje športnikove hrane ali pijače s strani zakonca, trenerja ali druge osebe v športnikovem krogu bližnjih in sodelavcev (športniki odgovarjajo za to, kar zaužijejo, in za ravnanje oseb, ki jim zaupajo dostop do svoje hrane in pijače). Vendar pa se lahko, odvisno od posebnih dejstev v posameznem primeru, zaradi katere koli izmed zgoraj ponazorjenih okoliščin skrajša sankcija po členu 10.6, ki temelji na neznatni krivdi ali malomarnosti.]

10.6.1.2 *Contaminated Source*
In cases where the *Athlete* or other *Person* can establish both *No Significant Fault* or *Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Source*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete* or other *Person's* degree of *Fault*.[84]

10.6.1.2 *Kontaminiran vir*
V primerih, kjer lahko *športnik* ali druga *oseba* dokaže *neznatno krivdo* ali *malomarnost* in je zaznana *prepovedana snov* prišla iz *kontaminiranega vira*, je najnižja sankcija opomin brez obdobja *Izločitve*, največja pa dve (2) leti *izločitve*, odvisno od stopnje *krivde športnika* ali druge *osebe*.[204]

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

10.6.1.3 *Zaščitene osebe* ali *rekreativni športniki*
Če kršitev protidopinških pravil, ki ne vključuje *snovi, ki se zlorablja*, zagreši *zaščitena oseba* ali *rekreativni športnik* in lahko *zaščitena oseba* ali *rekreativni športnik* dokaže svojo *neznatno krivdo* ali *malomarnost*, je najnižja sankcija opomin brez obdobja *izločitve*, največja pa dve (2) leti *izločitve*, odvisno od stopnje *krivde zaščitene osebe* ali *rekreativnega športnika*.

10.6.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.6.1[85]
If an *Athlete* or other *Person* establishes in an individual case where Article 10.6.1 is not applicable, that they bear *No Significant Fault* or *Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this

10.6.2 Uporaba *neznatne krivde* ali *malomarnosti* v drugih primerih kot le po členu 10.6.1[205]
Če *športnik* ali druga *oseba* v posameznem primeru, kjer uporaba člena 10.6.1 ne pride v poštev, dokaže, da je ravnal(-a) z *neznatno krivdo* ali *malomarnostjo*, se lahko obdobje *izločitve*, ki bi bilo sicer uvedeno, skrajša glede na stopnjo *krivde športnika* ali druge *osebe*, vendar skrajšano obdobje *izločitve* ne sme biti krajše od polovice obdobja *izločitve*, ki bi bilo sicer uvedeno; lahko pa se uvede še nadaljnje skrajšanje ali odprava obdobja *izločitve*, kot to opredeljuje člen 10.7. Če je obdobje *izločitve*, ki bi bilo sicer uvedeno, doživljenjsko, skrajšano

[84] *[Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the Athlete or other Person shall establish not only that the detected Prohibited Substance came from a Contaminated Source, that the Athlete ingested, Used or was exposed to, and that the analytical results are consistent with that Use, the Athlete shall also separately establish No Significant Fault or Negligence. It should be further noted that Athletes are on notice that they take nutritional supplements at their own risk. The sanction reduction based on No Significant Fault or Negligence has rarely been applied in nutritional supplement cases unless the Athlete has exercised a high level of caution before taking the contaminated product. In assessing whether the Athlete can establish the source of the Prohibited Substance, it would, for example, be significant for purposes of establishing whether the Athlete actually Used the contaminated product, whether the Athlete had declared the product which was subsequently determined to be contaminated on the Doping Control form.*
Where the Athlete establishes that an Adverse Analytical Finding results from a Contaminated Source in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, No Fault or Negligence under Article 10.5 may be applicable.]

[85] *[Comment to Article 10.6.2: Article 10.6.2 may be applied to any anti-doping rule violation, except those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8, 2.9 or 2.11) or an element of a particular sanction (e.g., Article 10.2.1) or a range of Ineligibility is already provided in an Article based on the Athlete or other Person's degree of Fault.]*

[204] *[Komentar k členu 10.6.1.2: Da bi športnik ali druga oseba bil(-a) upravičen(-a) do ugodnosti tega člena, mora dokazati ne samo, da je odkrita prepovedana snov prišla iz kontaminiranega vira, ki ga je športnik zaužil ali uporabil ali mu je bil izpostavljen, in da so analitični rezultati skladni s to uporabo, temveč mora športnik tudi posebej dokazati neznatno krivdo ali malomarnost. Prav tako je treba omeniti, da so športniki obveščeni, da prehranska dopolnila jemljejo na lastno odgovornost. Zmanjšanje sankcije na podlagi neznatne krivde ali malomarnosti se je redko uporabljalo v primerih uporabe prehranskih dopolnil, razen če je bil športnik zelo previden, preden je vzel kontaminiran proizvod. Pri oceni, ali lahko športnik dokaže vir prepovedane snovi, bi bilo za namene ugotavljanja, ali je športnik dejansko uporabil prepovedano snov, na primer pomembno, ali je športnik proizvod, za katerega se je pozneje ugotovilo, da je kontaminiran, prijavil na svojem obrazcu za kontrolo dopinga.*
Če športnik dokaže, da je nasprotna analitična ugotovitev posledica kontaminiranega vira v okoliščinah, v katerih nobena razumna oseba ne bi pričakovala tveganja kršitve protidopinških pravil, je lahko upoštevna odsotnost krivde ali malomarnost v skladu s členom 10.5.]

[205] *[Komentar k členu 10.6.2: Člen 10.6.2 se lahko uporabi za katero koli kršitev protidopinških pravil razen tistih členov, pri katerih je naklep element kršitve protidopinških pravil (npr. člen 2.5, 2.7, 2.8, 2.9 ali 2.11) ali element posamezne sankcije (npr. člen 10.2.1) ali obseg izločitve že izhaja iz člena in temelji na stopnji krivde športnika ali druge osebe.]*

Article may be no less than eight (8) years.

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

10.7.1 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti- doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.[86]For purposes of this Article 10.7.1, the "otherwise applicable" period of *Ineligibility* shall mean the period of *Ineligibility* determined after application of Articles 10.2, 10.3, 10.4, and 10.6.

10.7.2 Period of *Ineligibility* Reduction for Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

No later than twenty (20) days after receiving notice of an anti-doping rule violation charge, an *Athlete* or other *Person* who accepts that the violation is established and accepts all asserted *Consequences* (including, for the avoidance of doubt, the start date of any period of *Ineligibility*) will receive a twenty-five percent (25%) reduction from the period of *Ineligibility* asserted in the notice of anti-doping rule violation charge.[87] Where the asserted period of *Ineligibility* is more than four (4) years but less than lifetime, the reduction shall be one (1) year.[88] Where the asserted period of *Ineligibility* is lifetime, there shall be no reduction under this Article 10.7.2.

obdobje ne sme biti krajše od osmih (8) let.

10.7 Odprava, skrajšanje ali odpis obdobja *izločitve* ali druge *posledice* zaradi *nekrivdnih* razlogov

10.7.1 Priznanje kršitve protidopinških pravil ob odsotnosti drugih dokazov

Če *športnik* ali druga *oseba*, še preden je prejel(-a) obvestilo o odvzemu *vzorca*, na podlagi katerega bi bila lahko ugotovljena kršitev protidopinških pravil (ali pred prejemom prvega obvestila (na podlagi 7. člena) o kršitvi protidopinških pravil, ki ne spada pod člen 2.1), prostovoljno prizna, da je kršil(-a) protidopinška pravila, in je to priznanje edini zanesljiv dokaz kršitve v času priznanja, se lahko obdobje *izločitve* skrajša, vendar ne za več kot za polovico obdobja *izločitve*, ki bi bilo sicer uvedeno.[206] V tem členu 10.7.1 obdobje *izločitve*, »ki bi bilo sicer uvedeno«, pomeni obdobje *izločitve*, določeno po uporabi členov 10.2, 10.3, 10.4 in 10.6.

10.7.2 Skrajšanje obdobja *izločitve* za kršitve protidopinških pravil na podlagi zgodnjega priznanja in sprejetja sankcij

Športnik ali druga *oseba*, ki najpozneje dvajset (20) dni po prejemu obvestila o obtožbi kršitve protidopinških pravil sprejme ugotovitev kršitve in vse navedene *posledice* (v izogib dvomu, vključno z datumom začetka obdobja *izločitve*), prejme petindvajsetodstotno (25 %) skrajšanje obdobja *izločitve*, zatrjevanega v obvestilu o obtožbi kršitve protidopinških pravil.[207] Če je zatrjevano obdobje *izločitve* daljše kot štiri (4) leta, vendar krajše kot doživljenjsko, se obdobje skrajša za eno (1) leto.[208] Če je zatrjevano obdobje *izločitve* doživljenjsko, se v skladu s tem členom 10.7.2 ne skrajša.

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[86] *[Comment to Article 10.7.1: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organization is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes they are about to be caught. (e.g. where the Athlete discloses the Use of a Prohibited Substance while knowing or having reason to believe that a pending test will result in an Adverse Analytical Finding). The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had they not come forward voluntarily.]*

[87] *[Comment to Article 10.7.2: For the avoidance of doubt, the reduction is calculated from the period of Ineligibility asserted in the charging letter rather than the period of Ineligibility stated in the initial notice of potential anti-doping rule violation However, an Athlete or other Person does not need to wait for the charging letter before accepting the violation in accordance with this Article; where the Athlete or other Person accepts the violation in accordance with this Article prior to issuance of the charging letter, the reduction would be calculated from the period of Ineligibility asserted in the initial notice of potential anti-doping rule violation. In some countries, the imposition of a period of Ineligibility is left entirely to a hearing body. In those countries, the Anti-Doping Organization cannot assert a specific period of Ineligibility in a charging letter for purposes of Article 10.7.2. In these circumstances, the hearing body may consider applying Article 10.7.2 where the Athlete or other Person has met the requirements for the reduction.]*

[88] *[Comment to Article 10.7.2: For example, if an Anti-Doping Organization alleges that an Athlete has violated Article 2.2 for Use of an anabolic steroid and asserts the applicable period of Ineligibility is four (4) years in the charging letter, then the Athlete may unilaterally reduce the period of Ineligibility to three (3) years by admitting the violation and accepting the three-year period of Ineligibility within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]*

[206] *[Komentar k členu 10.7.1: Ta člen velja, kadar športnik ali druga oseba prizna kršitev protidopinških pravil v okoliščinah, ko nobena protidopinška organizacija ne ve, da je do kršitve protidopinških pravil sploh prišlo. Ne velja pa v okoliščinah, ko do priznanja pride, kadar je športnik ali druga oseba prepričan(-a), da ga/jo bodo kmalu ujeli pri kršitvi (npr. kadar športnik razkrije uporabo prepovedane snovi, ko ve ali ima razlog za domnevo, da bo tekoči test pokazal nasprotno analitično ugotovitev). Obseg skrajšanja obdobja izločitve naj temelji na verjetnosti, da bi bil športnik ali druga oseba ujet(-a) pri kršitvi, če se ne bi sam(-a) prostovoljno prijavil(-a).]*

[207] *[Komentar k členu 10.7.2: V izogib dvomu, skrajšanje se izračuna na podlagi obdobja izločitve, zatrjevanega v pismu o obtožbi, in ne na podlagi obdobja izločitve, navedenega v prvotnem obvestilu o morebitni kršitvi protidopinških pravil, vendar športniku ali drugi osebi ni treba čakati na pismo o obtožbi, preden sprejme kršitev v skladu s tem členom. Če športnik ali druga oseba sprejme kršitev v skladu s tem členom pred izdajo pisma o obtožbi, se skrajšanje izračuna na podlagi obdobja izločitve, navedenega v prvotnem obvestilu o morebitni kršitvi protidopinških pravil. V nekaterih državah je uvedba obdobja izločitve v celoti prepuščena obravnavnemu organu. V teh državah protidopinška organizacija v pismu o obtožbi ne sme navesti določenega obdobja izločitve za namene člena 10.7.2. V teh okoliščinah lahko obravnavni organ razmisli o uporabi člena 10.7.2, če je športnik ali druga oseba izpolnil(-a) pogoje za skrajšanje.]*

[208] *[Komentar k členu 10.7.2: Če protidopinška organizacija na primer zatrjuje, da je športnik kršil člen 2.2 zaradi uporabe anaboličnih steroidov, in v pismu o obtožbi zatrjuje, da je veljavno obdobje izločitve štiri (4) leta, lahko športnik enostransko skrajša obdobje izločitve na tri (3) leta, tako da v roku, navedenem v tem členu, prizna kršitev in sprejme triletno obdobje izločitve, pri čemer ni dovoljeno nobeno dodatno skrajšanje. Tako se primer reši brez potrebe po obravnavi.]*

Article 10.7.2 shall not be applicable to charged violations under Article 10.2.3.1 or 10.2.4.1.

Where the *Athlete* or other *Person* receives a reduction in the period of *Ineligibility* under this Article 10.7.2, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.[89] If the *Athlete* or other *Person* does not accept the reduction in the period of *Ineligibility* within the time period established in this Article, then this Article, including but not limited to, what the reduction under this Article would or should have been, may not be raised in any hearing or appeal.

10.7.3 *Substantial Assistance* in Discovering or Establishing *Code* Violations[90]

10.7.3.1 An *Anti-Doping Organization* with *Results Management* authority for an anti-doping rule violation may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority, professional disciplinary body or sport integrity authority which results in:

(i) the *Anti-Doping Organization* discovering facts constituting, or bringing forward a case involving, an anti-doping rule violation or violation of Article 10.14.1 by another *Person*; or

(ii) a criminal or disciplinary body discovering facts constituting, or bringing forward a case involving, a criminal offense or breach of professional rules committed by another *Person* providing *Substantial Assistance* is made available to the *Anti-Doping Organization* with *Results Management* authority; or

(iii) *WADA* discovering facts constituting, or bringing forward a case involving non-compliance with the *Code*, *International* Standard or

Člen 10.7.2 se ne uporablja za obtožbe kršitev iz člena 10.2.3.1 ali 10.2.4.1.

Če *športnik* ali druga *oseba* prejme skrajšanje zatrjevanega obdobja *izločitve* po tem členu 10.7.2, ni dovoljeno nobeno dodatno skrajšanje zatrjevanega obdobja *izločitve* po katerem koli drugem členu.[209] Če *športnik* ali druga *oseba* v roku, določenem v tem členu, ne sprejme skrajšanja obdobja *izločitve*, tega člena, med drugim vključno s tem, kolikšno bi bilo ali bi moralo biti skrajšanje v skladu s tem členom, ni mogoče uveljavljati v nobeni obravnavi ali pritožbi.

10.7.3 *Znatna pomoč* pri odkrivanju ali ugotavljanju kršitev *Kodeksa*[210]

10.7.3.1 *Protidopinška organizacija*, pristojna za *upravljanje z rezultati*, lahko pred izdajo odločbe v pritožbenem postopku na podlagi 13. člena ali po izteku pritožbenega roka odpiše del posledic (razen *diskvalifikacije* in obveznega *javnega razkritja*), uvedenih v posameznem primeru, kjer je *športnik* ali druga *oseba znatno pomagal(-a) protidopinški organizaciji*, kazenskemu organu ali strokovnemu disciplinskemu organu, kar je imelo za posledico:

(i) da je *protidopinška organizacija* odkrila dejstva, ki predstavljajo kršitev protidopinških pravil ali kršitev člena 10.14.1 s strani druge *osebe*, ali prijavila kršitev protidopinških pravil ali kršitev člena 10.14.1 s strani druge *osebe* ali

(ii) da je kazenski ali disciplinski organ odkril dejstva, ki predstavljajo kaznivo dejanje ali kršitev strokovnih pravil, ki ga/jo je zagrešila druga *oseba*, ali prijavila kaznivo dejanje ali kršitev strokovnih pravil, ki ga/jo je zagrešila druga *oseba*, in so podatki, ki jih je predložila oseba, ki je *znatno pomagala*, na voljo *protidopinški organizaciji*, pristojni za *upravljanje z rezultati*, ali

(iii) da je *WADA* odkrila dejstva, ki predstavljajo neskladnost s *Kodeksom*, *Mednarodnimi standardi* ali *tehničnim dokumentom*, ali zoper

[89] *[Comment to Article 10.7.2: For the avoidance of doubt, this Article does not preclude a suspension of the period of Ineligibility under Article 10.7.3 or 10.7.4.]*
[90] *[Comment to Article 10.7.3: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.]*
[209] *[Komentar k členu 10.7.2: V izogib dvomu, ta člen ne izključuje možnosti odpisa obdobja izločitve v skladu s členom 10.7.3 ali 10.7.4.]*
[210] *[Komentar k členu 10.7.3: Sodelovanje med športniki, spremljevalnim osebjem športnika in drugimi osebami, ki priznajo svoje napake in so pripravljene razkriti druge kršitve protidopinških pravil, je zelo pomembno za čist šport.]*

Technical Document against a *Signatory*, *WADA*-accredited laboratory or *Athlete* passport management unit (as defined in the *International Standard* for Laboratories); or

(iv) with the approval of *WADA*, a criminal or disciplinary body discovering facts constituting or bringing forward a case involving, a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

After an appellate decision under Article 13 or the expiration of time to appeal, an *Anti-Doping Organization* may only suspend a part of the otherwise applicable *Consequences* with the approval of *WADA* and the applicable International Federation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the value of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the *Code* and/or sport integrity violations. Information involving the potential doping of *Protected Persons* or *Minors* shall be considered particularly valuable. In determining the length of the period for which the period of *Ineligibility* is suspended, the value of the *Substantial Assistance* shall be evaluated in terms of months or years rather than as a percentage of the original period of *Ineligibility*.[91] However, no more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. For purposes of this Article 10.7.3, the "otherwise applicable" period of *Ineligibility* shall mean the period of *Ineligibility* determined after application of Articles 10.2, 10.3, 10.4, 10.6, 10.7.1 and 10.7.2. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article shall be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

The *Anti-Doping Organization* with *Results Management* authority may suspend a smaller portion of the *Consequences* in an initial decision and, based on reconsideration of the value of the information received,

podpisnico, laboratorij, ki ga je akreditirala *WADA*, ali enoto za upravljanje *športnikovega* potnega lista (kot je opredeljena v *Mednarodnih standardih* za laboratorije) začela postopek zaradi take neskladnosti, ali

(iv) da je kazenski ali disciplinski organ z odobritvijo *WADA* odkril dejstva, ki predstavljajo kaznivo dejanje ali kršitev strokovnih ali športnih pravil, ki izhaja iz kršitve integritete športa in ne protidopinških pravil, ali prijavil tako kaznivo dejanje ali kršitev.

Po izdaji odločbe v pritožbenem postopku na podlagi 13. člena ali izteku pritožbenega roka lahko *protidopinška organizacija* odpiše del *posledic*, ki bi bile sicer uvedene, le z odobritvijo *WADA* in ustrezne mednarodne zveze.

Obseg odpisa obdobja *izločitve*, ki bi bilo sicer uvedeno, temelji na koristnosti *znatne pomoči športnika* ali druge *osebe* pri prizadevanju za odpravo dopinga v športu, neskladnosti s *Kodeksom* in/ali kršitvah integritete športa. Šteje se, da so zlasti koristni podatki, ki zadevajo potencialni doping *zaščitenih oseb* ali *mladoletnikov*. Pri določitvi trajanja obdobja, za katero se obdobje *izločitve* odpiše, se koristnost *znatne pomoči* oceni v mesecih ali letih in ne v odstotkih prvotnega obdobja *izločitve*.[211] Pri tem pa se ne sme odpisati več kot treh četrtin obdobja *izločitve*, ki bi bilo sicer uvedeno. V tem členu 10.7.3 obdobje *izločitve*, »ki bi bilo sicer uvedeno«, pomeni obdobje *izločitve*, določeno po uporabi členov 10.2, 10.3, 10.4, 10.6, 10.7.1 in 10.7.2. Če je obdobje *izločitve*, ki bi bilo sicer uvedeno, doživljenjsko, neodpisano obdobje po tem členu ne sme biti krajše od osmih (8) let. Za namene tega odstavka obdobje *izločitve*, ki bi bilo sicer uvedeno, ne vključuje nobenega obdobja *izločitve*, ki ga je mogoče dodati po členu 10.9.3.2.

Protidopinška organizacija, pristojna za *upravljanje z rezultati*, lahko v prvotni odločbi odpiše manjši del *posledic*, nato pa na podlagi ponovnega premisleka o koristnosti prejetih podatkov poveča obseg odpisanih

[91] *[Comment to Article 10.7.3.1: In evaluating the value of the Substantial Assistance provided, priority shall be given to assistance which is important to anti-doping efforts and enforcement of the Code. Most important are situations where: Protected Persons or Minors have been doped by Athlete Support Personnel or other Persons; where a doping scheme involves a public authority, Anti-Doping Organization, WADA accredited or approved laboratory, or other Code Signatories or their members; where the doping scheme involves the Use of a Prohibited Substance or Prohibited Method which is particularly difficult to detect, or where the doping scheme involves multiple Athletes.]*

[211] *[Komentar k členu 10.7.3.1: Pri oceni koristnosti zagotovljene znatne pomoči se prednostno upošteva pomoč, ki je pomembna za protidopinške ukrepe in izvajanje Kodeksa. Najpomembnejše so situacije, ko: so bili zaščitene osebe ali mladoletniki dopingirani s strani spremljevalnega osebja športnika ali drugih oseb; v dopinški shemi sodelujejo javni organi, protidopinška organizacija, laboratorij, ki ga je akreditirala ali odobrila WADA, ali druge podpisnice Kodeksa ali njihovi člani; dopinška shema vključuje uporabo prepovedane snovi ali prepovedanega postopka, ki jo/ga je posebej težko odkriti, ali je v dopinško shemo vključenih več športnikov.]*

increase the amount of *Consequences* suspended.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, the *Anti-Doping Organization* with *Results Management* authority shall allow the *Athlete* or other *Person* to provide the information to the *Anti-Doping Organization* subject to a *Without Prejudice Agreement*.

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

WADA shall be notified of any appeal to *CAS* involving Article 10.7. If *WADA* is not already a party, *WADA* shall have the right to intervene as a party in that proceeding.

10.7.3.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of the *Anti- Doping Organization* conducting *Results Management* or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, or violation of Article 10.14.1, *WADA* may agree at any stage of the *Results Management* process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. *WADA's* approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article.

10.7.3.3 If an *Anti-Doping Organization* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti- Doping Organizations* with a right to appeal

posledic.

Če to zahteva *športnik* ali druga *oseba*, ki želi zagotoviti *znatno pomoč*, mora *protidopinška organizacija*, pristojna za *upravljanje z rezultati*, *športniku* ali drugi *osebi* omogočiti, da *protidopinški organizaciji* posreduje podatke v skladu s *sporazumom brez prejudica*.

Če *športnik* ali druga *oseba* preneha sodelovati ter zagotavljati popolno in kredibilno *znatno pomoč*, na kateri je temeljil odpis *posledic*, *protidopinška organizacija*, ki je odpisala *posledice*, ponovno vzpostavi prvotne *posledice*. Če se *protidopinška organizacija* odloči ponovno vzpostaviti *posledice*, ki jih je odpisala, ali če se odloči, da tega ne bo storila, se lahko zoper to določbo pritoži katera koli *oseba*, ki ima pravico do pritožbe v skladu s 13. členom.

WADA mora biti obveščena o vsaki pritožbi na *CAS*, ki zadeva člen 10.7. Če *WADA* še ni stranka postopka, ima pravico vstopiti v postopek kot stranski intervenient.

10.7.3.2 Da bi *WADA športnike* in druge *osebe* dodatno spodbudila k zagotavljanju *znatne pomoči protidopinškim organizacijam*, lahko na zahtevo *protidopinške organizacije*, ki *upravlja z rezultati*, ali na zahtevo *športnika* ali druge *osebe*, ki je kršil(-a) ali za katerega/katero se je zatrjevalo, da je kršil(-a) protidopinška pravila ali člen 10.14.1, odpiše tak del obdobja *izločitve*, ki bi bilo sicer uvedeno, kot se ji zdi primerno, ter tudi druge *posledice*, in sicer v katerem koli obdobju postopka *upravljanja z rezultati*, tudi po odločbi v pritožbenem postopku po 13. členu. Izjemoma lahko *WADA* odpiše večji del obdobja *izločitve* in drugih *posledic*, kot izhaja iz tega člena, v zameno za *znatno pomoč*, ki je večja kot tista, ki sicer izhaja iz tega člena, ali pa celo pristane na to, da obdobja *izločitve* in obveznega *javnega razkritja* ne bo in/ali da se denarne nagrade ne bodo vračale, globe in stroški pa ne plačali. Odobritev *WADA* je pogojena s ponovno vzpostavitvijo prvotnih *posledic*, kot tudi sicer izhaja iz tega člena.

10.7.3.3 Če se *protidopinška organizacija* zaradi *znatne pomoči* odloči odpisati kateri koli del sankcije, ki bi bila sicer uvedena, je treba o tem obvestiti druge *protidopinške organizacije*, ki imajo pravico do pritožbe po členu 13.2.3, kot izhaja iz 14. člena, in navesti

under Article 13.2.3 as provided in Article 14.

In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorize an *Anti-Doping Organization* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

10.7.4 Other Valuable Information and Assistance in the Effort to Eliminate Doping in Sport

An *Anti-Doping Organization* with *Results Management* authority for an anti-doping rule violation or violation of Article 10.14.1 may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided other valuable information and assistance which does not meet all of the requirements for *Substantial Assistance* but is still very valuable to the effort to eliminate doping in sport.[92] Information involving the potential doping of *Protected Persons* or *Minors* shall be considered particularly valuable.

After an appellate decision relating to an anti-doping rule violation or a violation of Article 10.14.1 under Article 13 or the expiration of time to appeal that decision, an *Anti-Doping Organization* may only suspend a part of the otherwise applicable *Consequences* with the approval of *WADA* and the applicable International Federation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the value of the information and assistance provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. In determining the length of the period for which the period of *Ineligibility* is suspended, the value of the information and assistance shall be evaluated in terms of months or years rather than as a percentage of the original period of *Ineligibility*. However, no more than fifteen percent (15%) of the otherwise applicable period of *Ineligibility* may be suspended. For purposes of this Article 10.7.4. the "otherwise applicable" period of *Ineligibility* shall mean the period of *Ineligibility*

utemeljitev za odločitev.

V edinstvenih okoliščinah, ko *WADA* ugotovi, da bi bilo to v korist boja proti dopingu, lahko *WADA* pooblasti *protidopinško organizacijo*, da ta sklene ustrezne sporazume o zaupnosti, s katerimi se omeji ali odloži razkritje sporazuma o *znatni pomoči* ali naravo *znatne pomoči*, ki jo prejema.

10.7.4 Drugi koristni podatki in pomoč pri prizadevanju za odpravo dopinga v športu

Protidopinška organizacija, pristojna za *upravljanje z rezultati* v zvezi s kršitvijo protidopinških pravil ali kršitvijo člena 10.14.1, lahko pred odločbo v pritožbenem postopku po 13. členu ali iztekom roka za pritožbo odpiše del *posledic* (razen *diskvalifikacije* in obveznega *javnega razkritja*), uvedenih v posameznem primeru, če je *športnik* ali druga *oseba* zagotovil(-a) druge koristne podatke in pomoč, ki ne izpolnjujejo vseh zahtev za *znatno pomoč*, vendar so kljub temu zelo koristne za prizadevanje za odpravo dopinga v športu.[212] Šteje se, da so zlasti koristni podatki, ki zadevajo potencialni doping *zaščitenih oseb* ali *mladoletnikov*.

Po izdaji odločbe na podlagi 13. člena v pritožbenem postopku v zvezi s kršitvijo protidopinških pravil ali kršitvijo člena 10.14.1 ali po izteku pritožbenega roka za to odločbo lahko *protidopinška organizacija* odpiše del *posledic*, ki bi bile sicer uvedene, le z odobritvijo *WADA* in ustrezne mednarodne zveze.

Obseg odpisa obdobja *izločitve*, ki bi bilo sicer uvedeno, temelji na koristnosti podatkov in pomoči *športnika* ali druge *osebe* pri prizadevanju za odpravo dopinga v športu. Pri določitvi trajanja obdobja, za katero se obdobje *izločitve* odpiše, se koristnost podatkov ter pomoči oceni v mesecih ali letih in ne v odstotkih prvotnega obdobja *izločitve*. Pri tem pa se ne sme odpisati več kot petnajst odstotkov (15 %) obdobja *izločitve*, ki bi bilo sicer uvedeno. V tem členu 10.7.4 obdobje *izločitve*, »ki bi bilo sicer uvedeno«, pomeni obdobje *izločitve*, določeno po uporabi členov 10.2, 10.3, 10.4, 10.6, 10.7.1 in 10.7.2. Če je obdobje *izločitve*, ki bi bilo sicer uvedeno, doživljenjsko, neodpisano obdobje po tem členu ne

[92] *[Comment to Article 10.7.4: Substantial Assistance under Article 10.7.3 requires the disclosure of misconduct by another Person. This Article 10.7.4 does not. The Athlete or other Person is still required to provide full and credible information without holding anything back, including the identity of other involved parties. However, it may simply be the case that they don't have any information regarding the conduct of another Person. For example, if an Athlete discloses their use of an effective doping regimen or new substance in a prohibited class which they learned about from the internet that has allowed their doping to avoid being detected, this type of information would be highly valuable to the effort to eliminate doping even if the Athlete is not able to provide evidence regarding the involvement of another Person.]*

[212] *[Komentar k členu 10.7.4: Za znatno pomoč po členu 10.7.3 je potrebno razkritje kršitve s strani druge osebe. Ta člen 10.7.4 tega ne zahteva. Športnik ali druga oseba pa mora kljub temu zagotoviti popolne in kredibilne podatke, ne da bi kaj prikril(-a), vključno z identiteto drugih vpletenih oseb. Vendar pa je mogoče, da preprosto nima nobenih podatkov o ravnanju druge osebe. Če športnik na primer razkrije, da je uporabljal učinkovit režim dopinga ali novo snov iz prepovedanega razreda, za katerega(-o) je izvedel na internetu in ki mu je omogočil(-a), da se je izognil odkritju dopinga, bi taki podatki bili zelo koristni za prizadevanje za odpravo dopinga, tudi če športnik ne more predložiti dokazov o vpletenosti druge osebe.]*

determined after application of Articles 10.2, 10.3, 10.4, 10.6, 10.7.1 and 10.7.2. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article shall be no less than sixteen (16) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

sme biti krajše od šestnajstih (16) let. Za namene tega odstavka obdobje *izločitve*, ki bi bilo sicer uvedeno, ne vključuje nobenega obdobja *izločitve*, ki ga je mogoče dodati po členu 10.9.3.2.

The *Anti-Doping Organization* with *Results Management* authority may suspend a smaller portion of the *Consequences* in an initial decision and, based on reconsideration of the value of the information received, increase the amount suspended.

Protidopinška organizacija, pristojna za *upravljanje z rezultati*, lahko v prvotni odločbi odpiše manjši del *posledic*, nato pa na podlagi ponovnega premisleka o koristnosti prejetih podatkov poveča obseg odpisanih *posledic*.

If so requested by an *Athlete* or other *Person* who seeks to provide other valuable information and assistance, the *Anti-Doping Organization* with *Results Management* authority shall allow the *Athlete* or other *Person* to provide the information to the *Anti-Doping Organization* subject to a *Without Prejudice Agreement*.

Če to zahteva *športnik* ali druga *oseba*, ki želi zagotoviti druge koristne podatke in pomoč, mora *protidopinška organizacija*, pristojna za *upravljanje z rezultati*, *športniku* ali drugi *osebi* omogočiti, da posreduje podatke *protidopinški organizaciji* v skladu s *sporazumom brez prejudica*.

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the other valuable information and assistance upon which the suspension of *Consequences* was based, the *Anti-Doping Organization* that suspended *Consequences* shall reinstate the original *Consequences*. If an *Anti-Doping Organization* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

Če *športnik* ali druga *oseba* preneha sodelovati ter zagotavljati druge koristne podatke in pomoč, na katerih je temeljil odpis *posledic*, *protidopinška organizacija*, ki je odpisala *posledice*, ponovno vzpostavi prvotne *posledice*. Če se *protidopinška organizacija* odloči ponovno vzpostaviti *posledice*, ki jih je odpisala, ali če se odloči, da tega ne bo storila, se lahko zoper to določbo pritoži katera koli *oseba*, ki ima pravico do pritožbe v skladu s 13. Členom.

WADA shall be notified of any appeal to *CAS* involving Article 10.7. If *WADA* is not already a party, *WADA* shall have a right to intervene as a party in that proceeding.

WADA mora biti obveščena o vsaki pritožbi na *CAS*, ki zadeva člen 10.7. Če *WADA* še ni stranka postopka, ima pravico vstopiti v postopek kot stranski intervenient.

10.8 Case Resolution Agreements

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by an *Anti-Doping Organization* and agrees to *Consequences* acceptable to the *Anti-Doping Organization* and *WADA*, at their sole discretion, then: (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by the *Anti-Doping Organization* and *WADA* of the application of Articles 10.1 through 10.7 to the asserted anti- doping rule violation, the seriousness of the violation, the *Athlete* or other *Person's* degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and (b) without prejudice to the *Athlete* or other *Person's* right under Article 10.13.1, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward

10.8 Sporazum o rešitvi zadeve

Kadar *športnik* ali druga *oseba* prizna kršitev protidopinških pravil, potem ko ga/jo *protidopinška organizacija* seznani s kršitvijo, in se strinja s *posledicami*, ki so sprejemljive za *protidopinško organizacijo* in *WADA* po njuni izključni presoji, se lahko: (a) *športniku* ali drugi *osebi* na podlagi ocene *protidopinške organizacije* in *WADA* ob uporabi členov od 10.1 do 10.7 glede na zatrjevano kršitev protidopinških pravil, resnost kršitve, stopnjo *krivde športnika* ali druge *osebe* in dejstvo, kako hitro je *športnik* ali druga *oseba* priznal(-a) kršitev, skrajša obdobje *izločitve*; in (b) se lahko obdobje *izločitve*, brez poseganja v pravico *športnika* ali druge *osebe* po členu 10.13.1, začne že na datum odvzema *vzorca* ali na datum, ko je nazadnje prišlo do kršitve drugih protidopinških pravil. V vsakem primeru uporabe tega člena mora *športnik* ali druga *oseba* prestati vsaj polovico dogovorjenega obdobja *izločitve* od zgodnejšega izmed datuma, ko je *športnik* ali druga *oseba* sprejel(-a) uvedbo sankcije, ali datuma začetka veljavnosti *začasne izključitve*, ki jo je

from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or the effective date of a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*.[93] The decision by *WADA* and the *Anti-Doping Organization* to enter or not enter into a case resolution agreement, and the *Consequences* agreed to by *WADA*, the *Anti-Doping Organization* and the *Athlete* or other *Person*, including the starting date of the period of *Ineligibility*, are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, the *Anti-Doping Organization* with *Results Management* authority shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with the *Anti-Doping Organization* subject to a *Without Prejudice Agreement*.[94]

športnik ali druga *oseba* nato upošteval(-a).[213] Odločitev *WADA* in *protidopinške organizacije*, da sklene sporazum o rešitvi zadeve, ter *posledice*, s katerimi se strinjajo *WADA*, *protidopinška organizacija* in *športnik* ali druga *oseba*, vključno z datumom začetka obdobja *izločitve*, niso predmet odločanja ali pregleda obravnavnega organa in zoper njih ni dovoljena pritožba po 13. členu.

Če *športnik* ali druga *oseba*, ki želi skleniti sporazum o rešitvi zadeve po tem členu, to zahteva, mora *protidopinška organizacija*, pristojna za *upravljanje z rezultati*, *športniku* ali drugi *osebi* omogočiti, da se s *protidopinško organizacijo* pogovori o priznanju kršitve protidopinških pravil v skladu *sporazumom brez prejudica*.[214]

10.9 Multiple Violations

10.9.1 Second or Third Anti-Doping Rule Violation

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

a) A six-month period of *Ineligibility*; or

b) A period of *Ineligibility* in the range between:

(i) the sum of the period of *Ineligibility* imposed for the first anti- doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and

(ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

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

10.9.1.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the

10.9 Večkratne kršitve

10.9.1 Druga ali tretja kršitev protidopinških pravil

10.9.1.1 Za drugo kršitev protidopinških pravil *športnika* ali druge *osebe* je obdobje *izločitve* daljše izmed:

a) šestmesečnega obdobja *izločitve* ali

b) obdobja *izločitve*, ki traja med:

(i) vsoto obdobja *izločitve*, izrečenega za prvo kršitev protidopinških pravil, in obdobja *izločitve*, ki bi bilo sicer uvedeno za drugo kršitev protidopinških pravil, ki se obravnava kot prva kršitev, in

(ii) dvakratnikom obdobja *izločitve*, ki bi bilo sicer uvedeno za drugo kršitev protidopinških pravil, ki se obravnava kot prva kršitev.

Obdobje *izločitve* v tem razponu se določi na podlagi celote okoliščin in stopnje *krivde športnika* ali druge *osebe* v zvezi z drugo kršitvijo.

10.9.1.2 Tretja kršitev protidopinških pravil ima vedno za posledico doživljenjsko *izločitev*, razen če tretja

[93] *[Comment to Article 10.8: For purposes of calculating the "one half of the period of eligibility going forward" the agreed upon period of ineligibility shall first be reduced before any period by which the period of ineligibility has been backdated.]*

[94] *[Comment to Article 10.8: Any mitigating or Aggravating Factors set forth in this Article 10 shall be considered in arriving at the Consequences set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.*
In some countries, the imposition of a period of Ineligibility is left entirely to a hearing body. In those countries, the Anti-Doping Organization may not assert a specific period of Ineligibility for purposes of Article 10.8 nor have the power to agree to a specific period of Ineligibility under Article 10.8. In these circumstances, Article 10.8 will not be applicable but may be considered by the hearing body. Provided, however, that any application of Article 10.8 shall be subject to WADA's approval.]

[213] *[Komentar k členu 10.8: Za izračun »polovice dogovorjenega obdobja izločitve« se dogovorjeno obdobje izločitve najprej skrajša za obdobje, za katero je bilo obdobje izločitve prestavljeno nazaj.]*

[214] *[Komentar k členu 10.8: Kakršni koli olajševalni ali obteževalni dejavniki, določeni v tem 10. členu, se upoštevajo pri ugotavljanju posledic, ki so določene v sporazumu o rešitvi zadeve, in se ne uporabljajo zunaj pogojev tega sporazuma.*
V nekaterih državah je uvedba obdobja izločitve v celoti prepuščena obravnavnemu organu. V teh državah protidopinška organizacija ne sme zatrjevati določenega obdobja izločitve za namene člena 10.8 in nima pristojnosti za soglašanje z določenim obdobjem izločitve po členu 10.8. V teh okoliščinah se člen 10.8 ne uporablja, vendar ga obravnavni organ lahko upošteva, pri čemer pa mora vsakršno uporabo člena 10.8 odobriti WADA.]

third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.5 or 10.6, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

10.9.1.3 The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further suspended by the application of Articles 10.7.3 or 10.7.4.

10.9.2 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of Article 10.9. In addition, an anti-doping rule violation sanctioned under Article 10.2.3.1 or 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

10.9.3 Additional Rules for Certain Potential Multiple Violations[95]

10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if the *Anti-Doping Organization* can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received initial notification pursuant to Article 7 in accordance with the *International Standard* for *Results Management*, of the first potential anti-doping rule violation, or after the *Anti-Doping Organization* made reasonable efforts to give such notice. If the *Anti-Doping Organization* cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti- doping rule violation will be *Disqualified* as provided in Article 10.10.[96]

10.9.3.2 If the *Anti-Doping Organization* establishes that an *Athlete* or other *Person* committed an

kršitev izpolnjuje pogoje za odpravo ali skrajšanje obdobja *izločitve* po členu 10.5 ali 10.6 ali če zadeva kršitev člena 2.4. V teh primerih traja obdobje *izločitve* od osem (8) let do doživljenjske *izločitve*.

10.9.1.3 Obdobje *izločitve* iz členov 10.9.1.1 in 10.9.1.2 se lahko dodatno skrajša ob uporabi člena 10.7.3 ali 10.7.4.

10.9.2 Kršitev protidopinških pravil, pri kateri je *športnik* ali druga *oseba* dokazal(-a) *odsotnost krivde* ali *malomarnosti*, se ne šteje za kršitev za namene člena 10.9. Prav tako se kršitev protidopinških pravil, ki je bila sankcionirana po členu 10.2.3.1 ali 10.2.4.1, ne šteje za kršitev za namene člena 10.9.

10.9.3 Dodatna pravila za nekatere potencialne večkratne kršitve[215]

10.9.3.1 Za namene nalaganja sankcij po členu 10.9, razen kot je določeno v členih 10.9.3.2 in 10.9.3.3., se kršitev protidopinških pravil šteje za drugo kršitev samo, če lahko *protidopinška organizacija* dokaže, da je *športnik* ali druga *oseba* zagrešil(-a) dodatno kršitev protidopinških pravil po prejetju prvotnega obvestila o potencialni prvi kršitvi protidopinških pravil na podlagi 7. člena v skladu z *Mednarodnimi standardi* za *upravljanje z rezultati* ali po tem, ko si je *protidopinška organizacija* razumno prizadevala za tako obvestitev. Če *protidopinška organizacija* tega ne more dokazati, se obe kršitvi skupaj štejeta za enotno prvo kršitev in izrečena sankcija temelji na tisti kršitvi, za katero je predpisana strožja sankcija, vključno z uveljavljanjem *obteževalnih okoliščin*. Rezultati na vseh *tekmovanjih*, ki segajo v čas do predhodne kršitve protidopinških pravil, se *diskvalificirajo* v skladu s členom 10.10.[216]

10.9.3.2 Če *protidopinška organizacija* dokaže, da je *športnik* ali druga *oseba* pred prejemom prvega

[95] *[Comment to Article 10.9.3: This Article does not address violations of Article 10.14.1, as the Consequences for violations of Article 10.14.1 are addressed separately in Article 10.14.3.]*

[96] *[Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, the Anti-Doping Organization discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation—e.g., the Anti-Doping Organization shall impose a sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time, including the application of Aggravating Circumstances.]*

[215] *[Komentar k členu 10.9.3: Ta člen ne obravnava kršitev člena 10.14.1, saj so posledice kršitev člena 10.14.1 obravnavane posebej v členu 10.14.3.]*

[216] *[Komentar k členu 10.9.3.1: Enako velja, če po izreku sankcije protidopinška organizacija odkrije dejstva, ki se nanašajo na kršitev protidopinških pravil, do katere je prišlo pred obvestilom glede prve kršitve protidopinških pravil – protidopinška organizacija na primer izreče sankcijo, ki temelji na sankciji, ki bi bila lahko izrečena, če bi bilo o obeh kršitvah odločeno istočasno, vključno z uveljavljanjem obteževalnih okoliščin.]*

additional anti-doping rule violation prior to receiving the first notice of violation, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* will be served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the first-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

obvestila o kršitvi zagrešil(-a) dodatno kršitev protidopinških pravil in da je do dodatne kršitve prišlo dvanajst (12) mesecev ali več pred ali po prvi ugotovljeni kršitvi, se obdobje *izločitve* za dodatno kršitev izračuna, kot da je dodatna kršitev samostojna prva kršitev, ter se to obdobje *izločitve* prestaja zaporedoma in ne sočasno z obdobjem *izločitve*, izrečenim za prvo ugotovljeno kršitev. V primeru uporabe člena 10.9.3.2 kršitve, ki se upoštevajo skupaj, predstavljajo eno kršitev za namene člena 10.9.1.

10.9.3.3 If the *Anti-Doping Organization* establishes that an *Athlete* or other *Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.3 Če *protidopinška organizacija* dokaže, da je *športnik* ali druga *oseba* zagrešil(-a) kršitev člena 2.5 v zvezi s postopkom *kontrole dopinga* za povezano zatrjevano kršitev protidopinških pravil, se kršitev člena 2.5 obravnava kot samostojna prva kršitev, obdobje *izločitve* za tako kršitev pa se prestaja zaporedoma in ne sočasno z morebitnim obdobjem *izločitve*, izrečenim za povezano kršitev protidopinških pravil. V primeru uporabe člena 10.9.3.3 kršitve, ki se upoštevajo skupaj, predstavljajo eno kršitev za namene člena 10.9.1.

10.9.3.4 Where an *Athlete* is charged with a second anti-doping rule violation under Article 2.1, and the *Athlete* can establish that the *Adverse Analytical Finding* for the second anti-doping rule violation resulted solely from the residual presence of the *Prohibited Substance* in their system from the same ingestion or *Use* that resulted in the first anti-doping rule violation, the *Athlete* shall be deemed to have established they bear *No Fault* or *Negligence* for the second violation, and the second violation shall not be considered a violation for purposes of Article 10.9.[97]

10.9.3.4 Če je *športnik* obtožen druge kršitve protidopinških pravil po členu 2.1 in lahko dokaže, da je bila *nasprotna analitična ugotovitev* za drugo kršitev protidopinških pravil posledica izključno prisotnosti ostankov *prepovedane snovi* v njegovem telesu od istega zaužitja ali *uporabe*, ki je povzročila prvo kršitev protidopinških pravil, se šteje, da je *športnik* dokazal *odsotnost krivde* ali *malomarnosti* za drugo kršitev, in se druga kršitev ne šteje za kršitev za namene člena 10.9.[217]

10.9.3.5 If an *Anti-Doping Organization* establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility*

10.9.3.5 Če *protidopinška organizacija* dokaže, da je *športnik* ali druga *oseba* med trajanjem obdobja *izločitve* zagrešil(-a) drugo ali tretjo kršitev protidopinških pravil, obdobja *izločitve* za večkratne

[97] *[Comment to Article 10.9.3.4: For the avoidance of doubt, the second violation would still subject the Athlete to other Consequences including, without limitation, under Articles 7.4, 9, 10.1 and 14.3 where applicable.]*

[217] *[Komentar k členu 10.9.3.4: V izogib dvomu, športnik bi bil zaradi druge kršitve še vedno podvržen posledicam, vključno z, vendar ne omejeno na člene 7.4, 9, 10.1 in 14.3, kadar je to ustrezno.]*

for the multiple violations shall run consecutively, rather than concurrently.

10.9.4 Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of Article 10.9, each anti-doping rule violation shall take place within the same ten-year period in order to be considered multiple violations.

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

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.[98]

10.11 Forfeited Prize Money

An *Anti-Doping Organization* or other *Signatory* that has recovered prize money forfeited as a result of an anti-doping rule violation shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed. An International Federation shall provide in its rules whether or not the redistributed prize money shall be considered for purposes of its ranking of *Athletes*.[99]

10.12 *Financial Consequences*

*Anti-Doping Organization*s may, in their own rules, provide for proportionate recovery of costs or financial sanctions on account of anti-doping rule violations. However, *Anti-Doping Organizations* may only impose financial sanctions in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed. Financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under the *Code*.

10.13 Commencement of *Ineligibility* Period

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

kršitve tečejo zaporedoma in ne sočasno.

10.9.4 Večkratne kršitve protidopinških pravil v desetletnem obdobju

Za namene člena 10.9 mora biti vsaka kršitev protidopinških pravil zagrešena znotraj istega desetletnega obdobja, da se lahko šteje za večkratno kršitev.

10.10 *Diskvalifikacija* rezultatov *na tekmovanjih* kot posledica odvzema *vzorca* ali kršitve protidopinških pravil

Poleg samodejne *diskvalifikacije* rezultatov *med tekmovanjem*, na katerem je prišlo do pozitivnega *vzorca* po 9. členu, se diskvalificirajo tudi vsi drugi tekmovalni rezultati, ki jih je *športnik* dosegel od dneva, ko je bil odvzet pozitiven *vzorec* (bodisi *med tekmovanjem* bodisi *izven tekmovanj*) ali je prišlo do druge kršitve protidopinških pravil, do začetka *začasne izključitve* ali obdobja *izločitve*, hkrati pa nastopijo tudi vse druge *posledice*, vključno z odvzemom medalj, točk in nagrad, razen če pravičnost zahteva drugače.[218]

10.11 Odvzete denarne nagrade

Protidopinška organizacija ali druga *podpisnica*, ki je pridobila denarne nagrade, odvzete zaradi kršenja protidopinških pravil, sprejme razumne ukrepe za dodelitev in razdelitev teh denarnih nagrad *športnikom*, ki bi bili do njih upravičeni, če *športnik*, ki so mu bile denarne nagrade odvzete, ne bi tekmoval. Mednarodna zveza v svojem pravilniku določi, ali se prerazporejene denarne nagrade upoštevajo za namene razvrstitve *športnikov* ali ne.[219]

10.12 *Finančne posledice*

Protidopinške organizacije lahko v lastnih pravilnikih določijo sorazmerno povrnitev stroškov ali finančne sankcije zaradi kršitev protidopinških pravil. Kljub temu lahko *protidopinške organizacije* izrečejo finančne sankcije le v primerih, kjer je bilo že izrečeno največje dovoljeno obdobje *izločitve*. Finančne sankcije se lahko izrečejo le ob upoštevanju načela sorazmernosti. Povrnitev stroškov ali finančna sankcija se ne sme šteti kot osnova za skrajšanje obdobja *izločitve* ali zmanjšanja druge sankcije, ki bi jo bilo sicer treba uporabiti v skladu s *Kodeksom*.

10.13 Začetek obdobja *izločitve*

Če *športnik* že prestaja obdobje *izločitve* zaradi kršitve protidopinških pravil, se novo obdobje *izločitve* začne na prvi dan po prestanem trenutnem obdobju *izločitve*. Z izjemo spodnjih primerov se obdobje *izločitve* začne na datum dokončne odločbe po obravnavi, s katero je odločeno o *izločitvi*, ali če obravnave ni bilo oziroma so se ji stranke odpovedale, na dan, ko je *izločitev* sprejeta ali izrečena na

[98] *[Comment to Article 10.10: Nothing in the Code precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]*

[99] *[Comment to Article 10.11: This Article is not intended to impose an affirmative duty on the Anti-Doping Organization or other Signatory to take any action to collect forfeited prize money. If the Anti-Doping Organization elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the Athlete(s) who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by an International Federation and its Athletes.]*

[218] *[Komentar k členu 10.10: Kodeks ne vsebuje nobene določbe, ki bi preprečevala čistim športnikom in drugim osebam, ki so imeli škodo zaradi ravnanj osebe, ki je zagrešila kršitev protidopinških pravil, uveljavljanje tistih pravic, ki bi jih imeli sicer pri odškodninskih zahtevkih zoper tako osebo.]*

[219] *[Komentar k členu 10.11: Namen tega člena ni uvedba pozitivne dolžnosti, da protidopinška organizacija ali druga podpisnica sprejme kakršen koli ukrep za prevzem odvzetih denarnih nagrad. Če se protidopinška organizacija odloči, da ne bo sprejela nobenega ukrepa za prevzem odvzetih denarnih nagrad, lahko svojo pravico za pridobitev teh denarnih nagrad dodeli športniku(-om), ki bi jih sicer moral(-i) prejeti. »Razumni ukrepi za dodelitev in razdelitev teh denarnih nagrad« lahko vključujejo uporabo prevzetih odvzetih denarnih nagrad, kot se dogovorijo mednarodna zveza in njeni športniki.]*

date *Ineligibility* is accepted or otherwise imposed.

10.13.1 Delays Not Attributable to the *Athlete* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control*, and the *Athlete* or other *Person* can establish that such delays are not attributable to the *Athlete* or other *Person*, the body imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.[100]

10.13.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

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

10.13.2.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from an *Anti-Doping Organization* with *Results Management* authority and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy

kak drug način.

10.13.1 Zamude, ki jih ne gre pripisati *športniku* ali drugi *osebi*

Če je v postopku obravnave ali pri drugih vidikih *kontrole dopinga* prišlo do večjih zamud in lahko *športnik* ali druga *oseba* dokaže, da teh zamud ni mogoče pripisati *športniku* ali drugi *osebi*, lahko organ, ki nalaga sankcijo, odloči, da se obdobje *izločitve* začne na zgodnejši datum, in sicer že na datum *odvzema vzorca* ali na datum, ko je nazadnje prišlo do druge kršitve protidopinških pravil. Vsi tekmovalni rezultati, ki so bili doseženi znotraj obdobja *izločitve*, vključno z *izločitvijo* z veljavnostjo za nazaj, se *diskvalificirajo*.[220]

10.13.2 Vštevanje *začasne izključitve* ali prestanega obdobja *izločitve*

10.13.2.1 Če *športnik* ali druga *oseba* upošteva *začasno izključitev*, se *športniku* ali drugi *osebi* obdobje *začasne izključitve* všteje v obdobje *izločitve*, ki mu/ji je na koncu izrečena. Če *športnik* ali druga *oseba* ne upošteva *začasne izključitve*, se *športniku* ali drugi *osebi* obdobje *začasne izključitve* ne všteje v obdobje *izločitve*. Če *športnik* ali druga *oseba* prestaja obdobje *izločitve*, zoper katero je pozneje vložena pritožba, se *športniku* ali drugi *osebi* obdobje *izločitve*, ki ga je že prestal(-a), všteje v obdobje *izločitve*, ki je izrečeno po razrešeni pritožbi.

10.13.2.2 Če *športnik* ali druga *oseba* prostovoljno pisno sprejme *začasno izključitev*, ki jo določi *protidopinška organizacija*, pristojna za *upravljanje z rezultati*, in od tega dne dalje upošteva *začasno izključitev*, se *športniku* ali drugi *osebi* obdobje prostovoljne *začasne izključitve* všteje v obdobje *izločitve*, ki mu/ji je na koncu izrečena. Kopijo prostovoljnega sprejetja *začasne izključitve* s

[100] *[Comment to Article 10.13.1: In Athlete Biological Passport cases or cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used. Where the body determines that substantial delays attributable to parties other than the Athlete or other Person justifies commencing the period of Ineligibility at an earlier date, the backdated period of time should not exceed the amount of delay attributable to the parties and should not include any period of delay attributable to the Athlete or other Person. For the avoidance of doubt, the period of time between the original analysis of a Sample and the further analysis under Article 6.6 shall not be considered a delay under Article 10.13.1.]*

[220] *[Komentar k členu 10.13.1: V primerih v zvezi s športnikovim biološkim potnim listom ali primerih kršitev protidopinških pravil, ki ne spadajo pod člen 2.1, je lahko obdobje, ki je potrebno, da protidopinška organizacija odkrije in izoblikuje dejstva, ki dovolj zanesljivo dokažejo kršitev protidopinških pravil, precej dolgo, zlasti če se je športnik ali druga oseba izogibal(-a) odkritju. V teh okoliščinah naj se ne uporabi prilagodljivost, ki je določena v tem členu in ki omogoča, da se sankcija začne na zgodnejši datum. Če organ ugotovi, da znatne zamude, za katere so odgovorni drugi, razen športnika ali druge osebe, upravičujejo začetek obdobja izločitve na zgodnejši datum, obdobje, za katero se prestavi nazaj, naj ne preseže trajanja zamude, ki ga je povzročila zamuda drugih, in naj ne vključuje morebitnega obdobja zamude, za katero je odgovoren športnik ali druga oseba. V izogib dvomu, obdobje med prvotno analizo vzorca in nadaljnjo analizo v skladu s členom 6.6 se ne šteje za zamudo po členu 10.13.1.]*

of the *Athlete* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1[101]

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

10.14 Status during *Ineligibility* or *Provisional Suspension*

10.14.1 Prohibition against Participation during *Ineligibility* or *Provisional Suspension*

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*:

(i) compete or participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation programs) authorized, organized or funded by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization;

(ii) compete or participate in any capacity in *Competitions* or training activities authorized or organized by any professional league, any professional *Event*[102] organization or any international- or national-level *Event* organization where not already covered by Article 10.14.1 (i);

(iii) compete or participate in any capacity in competitions or training activities funded by a governmental agency;

(iv) provide any sport-related services, including without limitation serving as a coach or other *Athlete Support Personnel*, to any *Athlete* or other *Person* bound by rules adopted pursuant to the *Code* (and doing so could also result in a violation of Article 2.10 by such *Athlete*(s));

(v) serve as a board member, officer, director, official or senior executive, or in any position involving *Doping*

strani *športnika* ali druge *osebe* je treba v najkrajšem možnem času zagotoviti vsem strankam, ki so upravičene do prejema obvestila o zatrjevani kršitvi protidopinških pravil po členu 14.1.[221]

10.13.2.3 *Športniku* se v obdobje *izločitve* ne všteva obdobje pred datumom začetka *začasne izključitve* oziroma prostovoljne *začasne izključitve*, ne glede na to, ali *športnik* po lastni izbiri ni tekmoval ali pa ga je izključila ekipa.

10.14 Status med obdobjem *izločitve* ali *začasne izključitve*

10.14.1 Prepoved udeležbe med obdobjem *izločitve* ali *začasne izključitve*

Za *športnika* ali drugo *osebo*, ki mu/ji je bila izrečena *izločitev* ali mora prestati *začasno izključitev*, med obdobjem *izločitve* ali *začasne izključitve* velja, da:

(i) se ne sme kot tekmovalec ali kakor koli drugače udeležiti *tekmovanj* ali dejavnosti (razen odobrenega protidopinškega *izobraževanja* ali rehabilitacijskih programov), ki jih odobri ali organizira katera koli izmed *podpisnic*, organizacij, ki so njene članice, ali klub ali druga organizacija, ki je članica organizacije, ki je članica *podpisnice*;

(ii) se ne sme kot tekmovalec ali kakor koli drugače udeležiti *tekmovanj* ali treningov, ki jih odobri ali organizira katera koli profesionalna liga ali kateri koli organizator profesionalnih *prireditev*[222] ali kateri koli organizator *prireditev* na nacionalni ali mednarodni ravni, ki niso zajeti že v točki (i) člena 10.14.1;

(iii) se ne sme kot tekmovalec ali kakor koli drugače udeležiti tekmovanj ali treningov, ki jih financira vladna agencija;

(iv) ne sme zagotavljati nobenih storitev, povezanih s športom, med drugim vključno z opravljanjem dela kot trener ali drug član *spremljevalnega osebja športnika*, nobenemu *športniku* ali drugi *osebi*, ki ga/jo zavezujejo pravila, sprejeta na podlagi *Kodeksa* (pri čemer bi tako ravnanje lahko povzročilo tudi kršitev člena 2.10 s strani tega *športnika*);

(v) opravljati funkcije člana odbora, vodilnega delavca, direktorja, uradnika ali višjega vodstvenega delavca ali

[101] *[Comment to Article 10.13.2.2: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way to draw an adverse inference against the Athlete.]*

[102] *[Comment to Article 10.14.1 (ii): With respect to the terms "professional league" and "professional Event", further guidance may be provided in the International Standard for Results Management or guidelines.]*

[221] *[Komentar k členu 10.13.2.2: Športnikovo prostovoljno sprejetje začasne izključitve ne pomeni njegovega priznanja in se ne sme uporabljati na način, ki bi lahko bil športniku v škodo.]*

[222] *[Komentar k členu 10.14.1: V Mednarodnih standardih za upravljanje z rezultati ali smernicah so lahko na voljo dodatni napotki glede izrazov »profesionalna liga« in »profesionalna prireditev«.]*

Control or involving direct contact with *Athletes* or *Athlete Support Personnel*, of any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization; or

(vi) receive compensation from any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, except for compensation for employment for services not prohibited as described in 10.14.1 (v) above.[103]

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

katere koli funkcije, ki vključuje *kontrolo dopinga* ali neposreden stik s *športniki* ali *spremljevalnim osebjem športnika*, pri kateri koli *podpisnici*, organizaciji, ki je njena članica, ali klubu ali drugi organizaciji, ki je članica organizacije, ki je članica *podpisnice*; niti

(vi) prejeti nadomestila od nobene *podpisnice*, organizacije, ki je njena članica, ali kluba ali druge organizacije, ki je članica organizacije, ki je članica *podpisnice*, razen nadomestila za zaposlitev za storitve, ki niso prepovedane, kot je opisano v zgornji točki (v) člena 10.14.1.[223]

Športnik ali druga *oseba*, ki prestaja obdobje *izločitve*, daljše od štirih (4) let, lahko po izteku štiriletnega (4-letnega) obdobja *izločitve* kot *športnik* sodeluje na lokalnih športnih prireditvah, ki ne spadajo v pristojnost sankcioniranja ali drugačno pristojnost *podpisnice Kodeksa* ali članice *podpisnice Kodeksa*, vendar pa mu/ji je to dovoljeno samo, če lokalna športna prireditev ni na taki ravni, da bi se lahko z njeno pomočjo *športnik* ali druga *oseba* posredno ali neposredno kvalificiral(-a) ali zbiral(-a) točke za nastop na državnem prvenstvu ali *mednarodni prireditvi*, ter *športnik* ali druga *oseba* na njej na noben način ne sodeluje z *zaščitenimi osebami* ali *mladoletniki*.

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[103] *[Comment to Article 10.14.1: The term "activity" as used in this Article includes all competitive, training and administrative functions, as well as social functions where the Person has a formal or official role or receives recognition, authorized or organized by the referenced organizations.*
By way of example, this Article does not prohibit an Ineligible Person from engaging in the following activities so long as the Ineligible Person is not acting as an Athlete Support Personnel, the activity is not funded by a government and is not authorized, organized or funded by any Signatory, Signatory's member organization, or a club or other member organization of a Signatory's member organization:
(1) an Ineligible basketball player could participate in a pick-up basketball game with former teammates;
(2) an Ineligible distance runner could go for a run with friends or other elite Athletes;
(3) an Ineligible swimmer could swim in a separate lane in the same pool where a national team trains as long as the swimmer has no involvement with the team training;
(4) an Ineligible figure skater could receive coaching or athletic training services from Athlete Support Personnel who also work for a referenced organization as long as the services provided to the figure skater are not performed as part of the Athlete Support Personnel's job duties for the referenced organization; and
(5) an Ineligible gymnast could receive payments from an individual sponsor as long as the payments are not connected to or arranged by a referenced organization.
Ineligibility imposed in one sport shall be recognized by other sports (see Article 15.1, Automatic Binding Effect of Decisions). Any performance standard accomplished during a period of Ineligibility shall not be recognized by a Signatory or its National Federations for any purpose.
Without prejudice to Article 5.6.2 and for the avoidance of doubt, the prohibition against participating in any capacity in the activities identified in this Article shall continue to apply to retired Persons through the duration of their period of Ineligibility.
For the avoidance of doubt, where the Ineligible Person is an Athlete under a club contract of employment for athletic services, Article 10.14.1 (vi) does not prohibit the club from continuing to make contractual payments to the Athlete during the period of Ineligibility or Provisional Suspension so long as the Athlete does not engage in any activities prohibited in Article 10.14.1 (v).]

[223] *[Komentar k členu 10.14.1: Izraz »dejavnost«, kot se uporablja v tem členu, vključuje vse tekmovalne in administrativne dejavnosti, dejavnosti, povezane s treningom, kot tudi družabne dejavnosti, kjer ima oseba formalno ali uradno vlogo ali prejme priznanje in ki jih odobrijo ali organizirajo navedene organizacije.*
Ta člen na primer ne prepoveduje izločeni osebi, da se ukvarja z naslednjimi dejavnostmi, če izločena oseba ne nastopa kot član spremljevalnega osebja športnika, dejavnost ni financirana s strani vlade in je ne odobri, organizira ali financira katera koli izmed podpisnic, organizacij, ki so njene članice, ali klub ali druga organizacija, ki je članica organizacije, ki je članica podpisnice:
(1) košarkar, ki mu je bila izrečena izločitev, se lahko udeleži neuradne košarkarske tekme s svojimi nekdanjimi soigralci;
(2) tekač na dolge proge, ki mu je bila izrečena izločitev, lahko teče s prijatelji ali drugimi elitnimi športniki;
(3) plavalec, ki mu je bila izrečena izločitev, lahko plava v ločeni progi v istem bazenu, kjer trenira nacionalna ekipa, če plavalec nikakor ne sodeluje pri treningu ekipe;
(4) umetnostni drsalec, ki mu je bila izrečena izločitev, lahko koristi storitve trenerja ali športnega treniranja od spremljevalnega osebja športnika, ki dela tudi za katero od navedenih organizacij, če se storitve, ki se zagotavljajo umetnostnemu drsalcu, ne izvajajo v okviru delovnih nalog spremljevalnega osebja športnika za navedeno organizacijo; in
(5) telovadec, ki mu je bila izrečena izločitev, lahko prejema plačila od posameznega sponzorja, če ta plačila niso povezana s katero od navedenih organizacij niti jih nobena od njih ni priskrbela.
Izločitev, uvedeno za določeno športno panogo, morajo priznati tudi druge športne panoge (glej člen 15.1, Samodejni zavezujoč učinek odločb). Podpisnica ali njene mednarodne zveze ne priznajo morebitnega standarda uspešnosti, doseženega med obdobjem izločitve, za noben namen.
V izogib dvomu, prepoved kakršne koli udeležbe v dejavnostih, navedenih v tem členu, brez poseganja v člen 5.6.2 velja za osebe, ki so se umaknile iz športa, ves čas trajanja njihove izločitve.
V izogib dvomu, kadar je oseba, ki ji je bila izrečena izločitev, športnik, ki ima s klubom sklenjeno pogodbo o zaposlitvi za športne storitve, točka (vi) člena 10.14.1 klubu ne prepoveduje, da športniku med obdobjem izločitve ali začasne izključitve še naprej izplačuje pogodbena plačila, če se športnik ne udeležuje nobenih dejavnosti, prepovedanih v točki (v) člena 10.14.1.]

An *Athlete* or other *Person* subject to a period of *Ineligibility* who has not retired shall remain subject to *Testing* and any requirement by an *Anti-Doping Organization* to provide whereabouts information.[104]

10.14.2 Return to Training

As an exception to Article 10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory's* member organization during the shorter of: (1) the last two (2) months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed. The permitted training window for *Athletes* that were *Protected Persons* at the time of the anti-doping rule violation shall be the last one-half of the period of *Ineligibility* imposed.[105]

10.14.3 Violation of the Prohibition of Participation during Ineligibility or Provisional *Suspension*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted down to a reprimand and no period of *Ineligibility* based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. Subject to Article 7.1.4, the determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.14.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, an *Anti-Doping Organization* with authority over such *Athlete Support Person* or other *Person* shall impose sanctions for a

Športnika ali drugo *osebo*, ki prestaja obdobje *izločitve* in se ni umaknil(-a) iz športa, je med tem obdobjem še vedno dovoljeno *testirati* in mora *protidopinški organizaciji* posredovati podatke o lokaciji.[224]

10.14.2 Vrnitev na trening

Kot izjema od člena 10.14.1 se lahko *športnik* vrne na trening z ekipo ali uporablja prostore kluba ali druge organizacije, ki je članica organizacije, ki je članica *podpisnice*, v krajšem od naslednjih obdobij: (1) zadnja dva (2) meseca *športnikovega* obdobja *izločitve* ali (2) zadnja četrtina izrečenega obdobja *izločitve*. Dovoljeno obdobje treninga za *športnike*, ki so bili ob kršitvi protidopinških pravil *zaščitene osebe*, je zadnja polovica uvedenega obdobja *izločitve*.[225]

10.14.3 Kršitev prepovedi udeležbe med obdobjem *izločitve* ali *začasne izključitve*

Če *športnik* ali druga *oseba*, ki mu/ji je bila izrečena *izločitev*, krši prepoved udeležbe med obdobjem *izločitve*, opisano v členu 10.14.1, se rezultati te udeležbe *diskvalificirajo*, prvotnemu obdobju *izločitve* pa se doda tudi novo obdobje *izločitve*, ki traja največ toliko kot prvotno obdobje *izločitve*. Novo obdobje *izločitve* se lahko glede na stopnjo *krivde športnika* ali druge *osebe* in glede na druge okoliščine primera prilagodi navzdol na opomin brez obdobja *izločitve*. Ob upoštevanju člena 7.1.4 je za ugotovitev, ali je *športnik* ali druga *oseba* kršil(-a) prepoved udeležbe in ali je prilagoditev primerna, odgovorna *protidopinška organizacija*, katere *upravljanje z rezultati* je vodilo do uvedbe prvotnega obdobja *izločitve*. Zoper to odločbo je mogoče vložiti pritožbo v skladu s 13. členom.

Športniku ali drugi *osebi*, ki krši prepoved udeležbe med obdobjem *začasne izključitve*, kot je opisano v členu 10.14.1, se prestano obdobje *začasne izključitve* ne všteje v obdobje *začasne izključitve*, rezultati take udeležbe pa se *diskvalificirajo*.

Če *član spremljevalnega osebja športnika* ali druga *oseba* pomaga *osebi* pri kršitvi prepovedi udeležbe med obdobjem *izločitve* ali *začasne izključitve*, *protidopinška organizacija*, pristojna za tega *člana spremljevalnega osebja športnika* ali drugo *osebo*, za tako pomoč izreče

[104] *[Comment to Article 10.14.1: For the avoidance of doubt, the prohibition against participation in any capacity in the activities identified in this Article shall continue to apply to retired Persons through the duration of their period of Ineligibility.]*

[105] *[Comment to Article 10.14.2: In many Team Sports and some Individual Sports (e.g., ski jumping and gymnastics), Athletes cannot effectively train on their own so as to be ready to compete at the end of the Athlete's period of Ineligibility. During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.14.1 other than training.]*

[224] *[Komentar k členu 10.14.1: V izogib dvomu, prepoved kakršne koli udeležbe v dejavnostih, navedenih v tem členu, velja za osebe, ki so se umaknile iz športa, ves čas trajanja njihove izločitve.]*

[225] *[Komentar k členu 10.14.2: V številnih ekipnih in nekaterih individualnih športih (npr. smučarski skoki in gimnastika) športnik ne more učinkovito trenirati sam in se tako pripraviti na tekmovanja, ko se mu obdobje izločitve izteče. Med obdobjem treninga po tem členu športnik, ki mu je bila izrečena izločitev, ne sme tekmovati ali se udeleževati drugih dejavnosti iz člena 10.14.1, razen treninga.]*

violation of Article 2.9 for such assistance.

10.14.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by *Signatories*, *Signatories*' member organizations and governments.

10.15 Automatic Publication of Sanction

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

Article 11 *Consequences* to Teams

11.1 *Testing* of *Team Sports*

Where more than one member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

11.2 *Consequences* for *Team Sports*

If more than two members of a team in a *Team Sport* are found to have committed an anti- doping rule violation or violation of Article 10.14.1 during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation or violation of Article 10.14.1.[106] In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

11.3 *Event* Ruling Body or International Federation may Establish Stricter *Consequences* for *Team Sport*s

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences* for *Team Sports* stricter than those in Article 11.2 for purposes of the *Event*.[107] Similarly, an International Federation may elect to establish rules imposing stricter *Consequences* for *Team Sports* within its authority than those in Article 11.2.

Article 12 Sanctions by *Signatories* Against Other Sporting Bodies

Each *Signatory* shall adopt rules that obligate each of its member organizations and any other sporting body over which it has authority to comply with, implement, uphold and enforce the *Code* within that organization's or body's area of competence. When a *Signatory* becomes aware that one of its member organizations or other sporting body over which it has authority has failed to fulfill such obligation, the

sankcije zaradi kršitve člena 2.9.

10.14.4 Odtegnitev finančne podpore med obdobjem *izločitve*

Za vsako kršitev protidopinških pravil, ki ne vključuje skrajšanja sankcije po členu 10.5 ali 10.6, *podpisnice*, organizacije, ki so njihove članice, in vlade odtegnejo vso ali del finančne podpore ali drugih ugodnosti, ki so povezane s športom in jih taka *oseba* sicer prejema.

10.15 Samodejna objava sankcij

Obvezni del vsake sankcije je tudi njena samodejna objava, kot določa člen 14.3.

11. člen *Posledice* za ekipe

11.1 *Testiranje* pri *ekipnih športih*

Če je več kot en član ekipe pri *ekipnih športih* obveščen o kršitvi protidopinških pravil po 7. členu v povezavi s *prireditvijo*, mora predsedujoči organ *prireditve* izvesti primerno *ciljno testiranje* ekipe *med trajanjem prireditve*.

11.2 *Posledice* pri *ekipnih športih*

Če se ugotovi, da sta več kot dva člana ekipe v *ekipnem športu* kršila protidopinška pravila ali člen 10.14.1 med *trajanjem prireditve*, predsedujoči organ *prireditve* poleg kakršnih koli *posledic*, ki doletijo posamezne *športnike*, ki so kršili protidopinška pravila ali člen 10.14.1, primerno sankcionira tudi ekipo (npr. izguba točk, *diskvalifikacija* s *tekmovanja* ali *prireditve* ali druga sankcija).[226] V *ekipnih športih*, kjer je obdobje *izločitve* izrečeno ekipi, se, če pravičnost ne zahteva drugače, obdobje *izločitve* začne na datum dokončne odločbe po obravnavi, s katero je odločeno o *izločitvi*, ali če obravnave ni bilo oziroma so se ji stranke odpovedale, na dan, ko je *izločitev* izrečena ali uvedena na kak drug način. Vsakršna *začasna izključitev* ekipe (bodisi izrečena bodisi prostovoljno sprejeta) se všteva v obdobje *izločitve*, ki ga mora ekipa prestati.

11.3 Predsedujoči organ *prireditve* ali mednarodna zveza lahko za *ekipne športe* določi strožje posledice

Predsedujoči organ *prireditve* lahko za posamezno *prireditev* določi pravila, ki za *ekipne športe* določajo strožje *posledice*, kot jih predvideva člen 11.2 za namene *prireditve*.[227] Prav tako se lahko mednarodna zveza odloči, da v okviru svojih pristojnosti določi pravila, ki za *ekipne športe* nalagajo strožje *posledice*, kot jih predvideva člen 11.2.

12. člen Sankcije *podpisnic* proti drugim športnim organom

Vsaka *podpisnica* sprejme pravilnik, ki vsako njeno organizacijo članico in kateri koli drug športni organ, nad katerim ima pristojnost, zavezuje, da znotraj te organizacije ali v okviru pristojnosti organa upošteva, izvaja, podpira in uveljavlja *Kodeks*. Ko *podpisnica* ugotovi, da ena od njenih organizacij članic ali drug športni organ, nad katerim ima pristojnost, ni izpolnil(-a) te obveznosti, sprejme ustrezne ukrepe

[106] *[Comment to Article 11.2: See Comment to Article 9 regarding team Competition in Individual Sports.]*

[107] *[Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.]*

[226] *[Komentar k členu 11.2: Glej komentar k 9. členu v zvezi s tekmovanjem ekipe v individualnih športih.]*

[227] *[Komentar k členu 11.3: Mednarodni olimpijski komite lahko na primer določi pravila, ki zahtevajo diskvalifikacijo ekipe z olimpijskih iger že na podlagi manjšega števila kršitev med obdobjem trajanja iger.]*

Signatory shall take appropriate action against such organization or body.[108]

In particular, a *Signatory's* action and rules shall include the possibility of excluding all, or some group of, members of that organization or body from specified future *Events* or all *Events* conducted within a specified period of time.[109]

Article 13 *Results Management*: Appeals[110]

13.1 Decisions Subject to Appeal

Decisions made under the *Code* or under rules adopted pursuant to the *Code* may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the *Code* or *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.[111]

13.1.2 *CAS* Shall Not Defer to the Findings Being Appealed

Subject to Article 13.1.4, in making its decision, *CAS* shall not give deference to the discretion exercised by the body whose decision is being appealed.[112]

All anti-doping proceedings before *CAS* involving *WADA*, an International Federation and/or a *Major Event Organization* as a party shall be conducted in French or English. Such proceedings may only be conducted in a language other than French or English if *WADA*, the International Federation and/or the *Major Event Organization* (all) agree with such request at their entire discretion.

13.1.3 *WADA* Not Required to Exhaust Internal

zoper tako organizacijo ali organ.[228]

Ukrepi in pravilnik *podpisnice* morajo zlasti vključevati možnost izključitve vseh ali skupino članic te organizacije ali organa iz določenih prihodnjih *prireditev* ali vseh *prireditev*, izvedenih v določenem obdobju.[229]

13. člen *Upravljanje z rezultati*: Pritožbe[230]

13.1 Odločbe, zoper katere je mogoče vložiti pritožbo

Zoper odločbe in pravila, sprejeta na podlagi *Kodeksa*, je mogoče vložiti pritožbo po določbah členov od 13.2 do 13.4, ali kot sicer določa *Kodeks* ali *Mednarodni standardi*. Take odločitve ostanejo v času pritožbenega postopka v veljavi, razen če pritožbeni organ ne odloči drugače.

13.1.1 Obseg pregleda ni omejen

Obseg pregleda na pritožbeni stopnji vključuje vsa vprašanja, ki so pomembna za odločitev v zadevi, in ni izrecno omejen na vprašanja ali obseg pregleda pred organom, ki je sprejel prvotno odločbo. Katera koli stranka v pritožbenem postopku lahko predloži dokaze, pravne argumente in zahtevke, ki niso bili uveljavljeni v obravnavi na prvi stopnji, če imajo enako pravno podlago ali temeljijo na enakih splošnih dejstvih ali okoliščinah, ki so bile navedene ali obravnavane v obravnavi na prvi stopnji.[231]

13.1.2 *CAS* ni vezano na ugotovitve, zoper katere je mogoče vložiti pritožbo.

Ob upoštevanju člena 13.1.4 *CAS* pri sprejemanju odločitev ni vezano na ugotovitve organa, zoper odločbo katerega je bila vložena pritožba.[232]

Vsi protidopinški postopki pred *CAS*, v katerih sodelujejo *WADA*, mednarodna zveza in/ali *organizator velikih prireditev*, se vodijo v francoščini ali angleščini. Ti postopki se lahko vodijo v jeziku, ki ni francoščina ali angleščina, le če se s tako zahtevo po lastni presoji strinjajo *WADA*, mednarodna zveza in/ali *organizator velikih prireditev* (vsi).

13.1.3 Za *WADA* ne velja zahteva po izčrpanju

[108] *[Comment to Article 12: This Article is not intended to impose an affirmative duty on the Signatory to actively monitor each of its member organizations for acts of non-compliance, but rather only requires the Signatory to take action when it becomes aware of such acts.]*

[109] *[Comment to Article 12: This Article makes it clear that the Code does not restrict whatever disciplinary rights between organizations may otherwise exist. For sanctions against Signatories for non-compliance with the Code, see Article 24.1.]*

[110] *[Comment to Article 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their National Federations, who might benefit from having another competitor Disqualified.]*

[111] *[Comment to Article 13.1.1: The revised language is not intended to make a substantive change to the 2015 Code, but rather for clarification. For example, where an Athlete was charged in the first instance hearing only with Tampering but the same conduct could also constitute Complicity, an appealing party could pursue both Tampering and Complicity charges against the Athlete in the appeal.]*

[112] *[Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]*

[228] *[Komentar k 12. členu: Namen tega člena ni uvedba pozitivne dolžnosti, da podpisnica aktivno nadzira vsako svojo organizacijo članico zaradi dejanj neskladnosti, temveč člen samo zahteva, da podpisnica ukrepa, ko ugotovi, da so se ta dejanja zgodila.]*

[229] *[Komentar k 12. členu: Ta člen jasno določa, da Kodeks ne omejuje drugih obstoječih disciplinskih pravic med organizacijami. Za sankcije proti podpisnicam zaradi neskladnosti s Kodeksom glejte člen 24.1.]*

[230] *[Komentar k 13. členu: Namen Kodeksa je razrešiti protidopinške zadeve v poštenem in transparentnem notranjem postopku s končno pritožbo. Za preglednost odločb glede kršitev protidopinških pravil, ki jih sprejmejo protidopinške organizacije, skrbijo določbe 14. člena. Določene osebe in organizacije, vključno z WADA, se lahko zoper te odločitve pritožijo. Izpostavljamo, da med zainteresirane osebe in organizacije s pravico do pritožbe po 13. členu ne spadajo športniki ali njihove zveze, ki bi lahko pridobile korist od diskvalifikacije drugega tekmovalca.]*

[231] *[Komentar k členu 13.1.1: Spremenjeno besedilo ni namenjeno uvajanju vsebinskih sprememb Kodeksa 2015, temveč zagotavljanju večje jasnosti. Če je bil športnik na primer v obravnavi na prvi stopnji obtožen samo nedovoljenega poseganja in bi enako ravnanje lahko pomenilo tudi udeležbo, lahko stranka, ki vlaga pritožbo, športnika v pritožbi obtoži nedovoljenega poseganja in udeležbe.]*

[232] *[Komentar k členu 13.1.2: Postopek pred CAS se začne od začetka. Na obravnavi pred CAS predhodni postopki ne omejujejo dokazov in nimajo teže.]*

Remedies[113]
Where *WADA* has a right to appeal under Article 13 and no other party has appealed a final decision within the *Anti-Doping Organization's* process, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies in the *Anti- Doping Organization's* process.

13.1.4 Appeals from Decisions Made by *WADA*
Where the *Code* or *International Standards* provide a right of appeal against a decision made by *WADA*, such appeal shall be made exclusively to *CAS*. Notwithstanding any other provision of Article 13.1, the appellate standard of review for such appealable decisions made by *WADA* under the *Code* or *International Standards*, or made with *WADA's* approval under Articles 5.3.2, 5.6.1, 7.1.1, 10.7 and 14.1.1, shall be whether *WADA*'s decision was arbitrary.

13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Violations of Article 10.14.1 *Consequences*, *Provisional Suspensions*, Implementation of Decisions and Authority
The following decisions may be appealed exclusively as provided in this Article 13.2:
- a decision that an anti-doping rule violation or violation of Article 10.14.1 was committed;
- a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation or violation of Article 10.14.1, or a decision that no anti-doping rule violation or violation of Article 10.14.1 was committed;
- a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);
- a decision by *WADA* not to grant an exemption to the six-months notice requirement for a retired *Athlete* to return to competition under Article 5.6.1;
- a decision by an *Anti-Doping Organization* to disqualify, or to not disqualify results under Article 5.6.1.1;
- a decision by *WADA* assigning *Results Management* under Article 7.1;
- a decision by an *Anti-Doping Organization* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, an *Adverse Passport Finding* or an *Atypical Passport Finding* after review, or a decision not to go forward with an anti-doping rule violation or violation of Article 10.14.1 or whereabouts failure after an investigation in accordance with the *International Standard* for *Results Management* or the *International Standard* for Intelligence and Investigations;
- a decision not to impose, or a decision to lift or not to lift, a *Provisional Suspension* (with all

notranjih pravnih sredstev[233]
Če ima *WADA* pravico do pritožbe po 13. členu in se na dokončno odločbo znotraj postopka pred *protidopinško organizacijo* ni pritožila nobena druga stranka, lahko *WADA* vloži pritožbo zoper odločbo neposredno pri *CAS*, ne da bi morala pred tem izčrpati druga pravna sredstva v postopku pred *protidopinško organizacijo*.

13.1.4 Pritožbe zoper odločbe *WADA*
Če *Kodeks* ali *Mednarodni standardi* določajo pravico do pritožbe zoper odločbo *WADA*, se taka pritožba vloži izključno pri *CAS*. Ne glede na druge določbe člena 13.1 je predmet pritožbenega preizkusa takih odločb, ki jih je sprejela *WADA* na podlagi *Kodeksa* ali *Mednarodnih standardov* ali so bile sprejete z odobritvijo *WADA* na podlagi členov 5.3.2, 5.6.1, 7.1.1, 10.7 in 14.1.1 in na katere se je mogoče pritožiti, to, ali je bila odločba *WADA* samovoljna.

13.2 Pritožbe zoper odločbe v zvezi s kršitvami protidopinških pravil, kršitvami člena 10.14.1, *posledicami*, *začasnimi izključitvami*, izvajanjem odločb in pristojnostjo
Zoper naslednje odločbe se je mogoče pritožiti izključno po določbah tega člena 13.2:
- odločbo, s katero je ugotovljena kršitev protidopinških pravil ali kršitev člena 10.14.1;
- odločbo, s katero se uvedejo ali ne uvedejo *posledice* kršitve protidopinških pravil ali kršitve člena 10.14.1, ali odločbo, da do kršitve protidopinških pravil ali kršitve člena 10.14.1 ni prišlo;
- odločbo, da se postopek pri kršitvi protidopinških pravil ne sme nadaljevati zaradi procesnih razlogov (kar npr. vključuje recept);
- odločbo *WADA*, da ne odobri izjeme od zahteve, da mora *športnik*, ki se je umaknil iz športa, za vrnitev na *tekmovanja* šest mesecev prej obvestiti *WADA* po določbah člena 5.6.1;
- odločbo *protidopinške organizacije* o diskvalifikaciji ali nediskvalifikaciji rezultatov po členu 5.6.1.1;
- odločbo *WADA* o dodelitvi *upravljanja z rezultati* po členu 7.1;
- odločbo *protidopinške organizacije*, da ne prijavi *nasprotne analitične ugotovitve* ali *netipične ugotovitve* kot kršitve protidopinških pravil, *nasprotne ugotovitve v zvezi s potnim listom* ali *netipične ugotovitve v zvezi s potnim listom* po pregledu, ali odločbo, da ne nadaljuje postopka pri kršitvi protidopinških pravil ali kršitvi člena 10.14.1 ali kršitvi v zvezi z lokacijo po končani preiskavi v skladu z *Mednarodnimi standardi* za *upravljanje z rezultati* ali *Mednarodnimi standardi* za zbiranje informacij in preiskave;
- odločbo o neuvedbi ali odpravi ali neodpravi *začasne izključitve* (pri čemer se vse take pritožbe

[113] *[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]*
[233] *[Komentar k členu 13.1.3: Če je bila odločitev sprejeta pred zadnjo stopnjo postopka pred protidopinško organizacijo (npr. na prvem naroku) in nobena izmed strank ne vloži pritožbe zoper tako odločbo pri organu druge stopnje po postopku pred protidopinško organizacijo (npr. upravni odbor), lahko WADA obide preostale korake v notranjem postopku pred protidopinško organizacijo in vloži pritožbo neposredno pri CAS.]*

such appeals made exclusively to *CAS* as provided in Article 7.4.3);
- a decision that an *Anti-Doping Organization* lacks authority to rule on an alleged anti- doping rule violation or violation of Article 10.14.1 or its *Consequences*;
- a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Articles 10.7.2, 10.7.3 and 10.7.4;
- failure to comply with Articles 7.1.4 and 7.1.5;
- failure to comply with Article 10.8;
- a decision under Article 10.14.3;
- a decision by the *Results Management* authority that the requirements for recording a whereabouts failure are not met;
- a decision by an *Anti-Doping Organization* not to implement another *Anti-Doping Organization's* decision under Article 15; and
- a decision under Article 27.3.

13.2.1 Appeals Involving *International-Level Athletes* or *International Events*

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to *CAS*.[114]

13.2.2 Appeals Involving Other *Athletes* or Other *Persons*

In cases where Articles 7.4.3 and 13.2.1 are not applicable, the decision may be appealed to an appellate body in accordance with rules established by the *National Anti-Doping Organization*. The rules for such appeal shall respect the following principles:
- a timely hearing;
- a fair, impartial, and *Operationally Independent* and *Institutionally Independent* hearing panel;
- the right to be represented by counsel at the *Person's* own expense; and
- a timely, written, reasoned decision.

Also, if no such body as described above is in place and available at the time of the appeal, the *Athlete* or other *Person* shall have a right to appeal to *CAS*.[115]

13.2.3 *Persons* Entitled to Appeal

13.2.3.1 Appeals Involving *International-Level Athletes* or *International Events*

In cases under Article 13.2.1, the following parties shall have the right to appeal to *CAS*: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which

vložijo izključno pri *CAS*, kot je določeno v členu 7.4.3);
- odločbo o nepristojnosti *protidopinške organizacije* za odločanje o domnevni kršitvi protidopinških pravil ali kršitvi člena 10.14.1 ali njenih *posledicah*;
- odločbo o tem, da odpiše ali ne odpiše *posledic* oziroma ali ponovno vzpostavi ali ne vzpostavi *posledic* po členih 10.7.2, 10.7.3 in 10.7.4;
- neupoštevanje členov 7.1.4 in 7.1.5;
- neupoštevanje člena 10.8;
- odločbo po členu 10.14.3;
- odločbo organa, pristojnega za *upravljanje z rezultati*, da niso izpolnjene zahteve za evidentiranje kršitve v zvezi z lokacijo;
- odločbo *protidopinške organizacije*, da ne bo izvrševala odločbe druge *protidopinške organizacije* na podlagi 15. člena; in
- odločbo po členu 27.3.

13.2.1 Pritožbe v zvezi s *športniki mednarodnega razreda* ali *mednarodnimi prireditvami*

V primerih, ki izhajajo iz udeležbe na *mednarodni prireditvi*, ali v primerih, ki vključujejo *športnike mednarodnega razreda*, se lahko pritožba zoper odločbo vloži le pri *CAS*.[234]

13.2.2 Pritožbe v zvezi z drugimi *športniki* ali drugimi *osebami*

V primerih, ko člena 7.4.3 in 13.2.1 ne prideta v poštev, se lahko pritožba vloži pri pritožbenem organu v skladu s pravilnikom *nacionalne protidopinške organizacije*. Pravila glede takih pritožb morajo upoštevati naslednja načela:
- obravnava v razumnem roku;
- pošten, nepristranski in *neodvisno delujoč* in *institucionalno neodvisni* obravnavni senat;
- pravica do pooblaščenca na lastne stroške zastopane *osebe* ter
- pravočasno izdana, pisna in obrazložena odločba.

Če v času pritožbe ni vzpostavljen in razpoložljiv noben zgoraj opisan organ, ima *športnik* ali druga *oseba* poleg tega pravico do pritožbe pri *CAS*.[235]

13.2.3 *Osebe*, upravičene do pritožbe

13.2.3.1 Pritožbe v zvezi s *športniki mednarodnega razreda* ali *mednarodnimi prireditvam*

V primerih iz člena 13.2.1 imajo pravico do pritožbe pri *CAS* naslednje stranke: (a) *športnik* ali druga *oseba*, na katero(-ega) se nanaša odločba, ki je predmet pritožbe; (b) druga stranka v zadevi, v

[114] *[Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]*
[115] *[Comment to Article 13.2.2: For Therapeutic Use Exemption appeals it is recommended that the appellate body include at least one physician with experience of Therapeutic Use Exemptions.*
[234] *[Komentar k členu 13.2.1: Odločbe CAS so dokončne in zavezujoče z izjemo sprememb, ki jih zahteva veljavni zakon in ki se nanašajo na razveljavitev ali izvršitev arbitražne odločbe.]*
[235] *[Komentar k členu 13.2.2: Pri pritožbah v zvezi s terapevtskimi izjemami je priporočljivo, da pritožbeni organ v postopek vključi vsaj enega zdravnika z izkušnjami na področju terapevtskih izjem.*

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

13.2.3.2 Appeals Involving Other *Athletes* or Other *Persons*

In cases under Article 13.2.2, the parties having the right to appeal to the appellate body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) the *National Anti- Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) *WADA*.

For decisions rendered under Article 13.2.2 by a national-level appellate body, the same parties identified in (a) through (f) above shall have the right to appeal the decision to *CAS*.[116] Any party filing an appeal shall be entitled to assistance from *CAS* to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if *CAS* so directs.

13.2.3.3 Duty to Notify as a Condition to

kateri je bila sprejeta odločba; (c) ustrezna mednarodna zveza; (d) *nacionalna protidopinška organizacija* države, v kateri *oseba* prebiva ali v kateri je *oseba* državljan oziroma imetnik licence; (e) Mednarodni olimpijski komite ali Mednarodni paralimpijski komite, če bi lahko odločba vplivala na olimpijske ali paralimpijske igre, vključno z odločbami, ki vplivajo na izpolnjevanje pogojev za sodelovanje na olimpijskih ali paralimpijskih igrah; in (f) *WADA*.

13.2.3.2 Pritožbe v zvezi z drugimi *športniki* ali drugimi *osebami*

V primerih iz člena 13.2.2 stranke, ki imajo pravico do pritožbe pri pritožbenem organu, določi pravilnik *nacionalne protidopinške organizacije*, vendar obsegajo najmanj naslednje stranke: (a) *športnik* ali druga *oseba*, na katero(-ega) se nanaša odločba, ki je predmet pritožbe; (b) druga stranka v zadevi, v kateri je bila sprejeta odločba; (c) ustrezna mednarodna zveza; (d) *nacionalna protidopinška organizacija* države, v kateri *oseba* prebiva ali v kateri je *oseba* državljan oziroma imetnik licence; (e) Mednarodni olimpijski komite ali Mednarodni paralimpijski komite, če bi lahko odločba vplivala na olimpijske ali paralimpijske igre, vključno z odločbami, ki vplivajo na izpolnjevanje pogojev za sodelovanje na olimpijskih ali paralimpijskih igrah; in (f) *WADA*.

Pri odločbah, ki jih na podlagi člena 13.2.2 sprejme nacionalni pritožbeni organ, imajo iste stranke, navedene v zgornjih točkah (a) do (f), pravico do pritožbe pri *CAS*.[236] Vsaka stranka, ki vlaga pritožbo pri *CAS*, je upravičena do pomoči s strani *CAS*, da od *nacionalne protidopinške organizacije*, zoper odločbo katere se pritožuje, pridobi vse pomembne informacije; če *CAS* tako odredi, mora *nacionalna protidopinška organizacija* te informacije predložiti.

13.2.3.3 Dolžnost obvestitve kot pogoj

[116] *[Comment to Article 13.2.3.2: In such cases, the respondent(s) shall also have the right to cross-appeal.]*
[236] *[Komentar k členu 13.2.3.2: V takih primerih ima(-jo) tudi nasprotna(-e) stranka(-e) pravico do nasprotne pritožbe.]*

Admissibility of Appeal
As a condition to the admissibility of an appeal to *CAS* authorized in this Article 13, an appealing party shall have provided notice of the appeal to *WADA* and all other parties with a right to appeal. For other appeals authorized in this Article 13, all parties to an appeal shall ensure that *WADA* and all other parties with a right to appeal have been given notice of the appeal.

13.2.3.4 Appeal Deadline for Parties Other than *WADA*
The deadline to file an appeal for parties other than *WADA* shall be the later of:

a) Twenty-one (21) days after receipt of the decision[117]; or
b) Where the appealing party makes a timely request for the complete file under Article 14.2.2, twenty-one (21) days after receipt of the complete file relating to the decision.

13.2.3.5 Appeal Deadline for *WADA*
The filing deadline for an appeal filed by *WADA* shall be the later of:

a) Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed; or
b) Where *WADA* makes a timely request for the complete file under Article 14.2.2, twenty-one (21) days after *WADA's* receipt of the complete file relating to the decision.[118]

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

13.2.4 Cross Appeals and other Subsequent

za dopustnost pritožbe
Pogoj za dopustnost pritožbe pri *CAS*, odobrene v tem 13. členu, je, da stranka, ki vlaga pritožbo, o pritožbi obvesti *WADA* in vse druge stranke, ki imajo pravico do pritožbe. Za druge pritožbe, dovoljene v tem 13. členu, morajo vse stranke v pritožbenem postopku zagotoviti, da so *WADA* in vse druge stranke, ki imajo pravico do pritožbe, obveščene o pritožbi.

13.2.3.4 Pritožbeni rok za stranke, ki niso *WADA*
Rok za vložitev pritožbe za stranke, ki niso *WADA*, je poznejši od navedenih:

a) enaindvajset (21) dni po prejemu odločbe;[237] ali
b) če stranka, ki vlaga pritožbo, pravočasno zahteva celotni spis v skladu s členom 14.2.2, enaindvajset (21) dni po prejemu celotnega spisa v zvezi z odločbo.

13.2.3.5 Pritožbeni rok za *WADA*
WADA vloži pritožbo v roku, ki je poznejši od navedenih:

a) enaindvajset (21) dni od zadnjega dne, ko bi se lahko katera koli druga stranka, ki ima pravico do pritožbe, pritožila; ali
b) če *WADA* pravočasno zahteva celotni spis v skladu s členom 14.2.2, enaindvajset (21) dni po tem, ko *WADA* prejme celotni spis v zvezi z odločbo.[238]

13.2.3.6 Pritožba zoper uvedbo *začasne izključitve*
Ne glede na druge določbe v tem dokumentu je edina *oseba*, ki se lahko pritoži zoper uvedbo *začasne izključitve*, *športnik* ali druga *oseba*, ki je *začasno izključen(-a).*

13.2.4 Nasprotne pritožbe in druge poznejše

[117] *[Comment to Article 13.2.3.4(a): Where a reasoned decision is required, the twenty-one (21) day deadline shall begin to run from receipt of the reasoned decision; where a reasoned decision is not required (e.g., imposition of a mandatory Provisional Suspension), the deadline shall run from the receipt of the operative decision.*
Whether governed by CAS rules or Article 13.2.3, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]
[118] *[Comment to Article 13.2.3.5 (b): For purposes of determining whether the complete file has been received, see also Article 14.2.3.]*
[237] *[Komentar k točki (a) člena 13.2.3.4: Kadar se zahteva obrazložena odločba, enaindvajsetdnevni (21) rok začne teči od prejema obrazložene odločbe; kadar se ne zahteva obrazložena odločba (npr. uvedba obvezne začasne izključitve), rok začne teči od prejema izreka odločbe.*
Pritožbeni rok za stranko ne začne teči, dokler ni prejeta odločba, ne glede na to, ali to ureja pravilnik CAS ali člen 13.2.3. Zato pravica stranke do pritožbe, če stranka ni prejela odločbe, ne more poteči.]
[238] *[Komentar k točki (b) člena 13.2.3.5: V zvezi z ugotavljanjem, ali je bil prejet celotni spis, glej tudi člen 14.2.3.]*

Appeals Allowed[119]
Cross appeals and other subsequent appeals by any respondent named in cases brought to *CAS* under the *Code* are specifically permitted. Any party with a right to appeal under this Article 13 shall file a cross appeal or subsequent appeal at the latest with the party's answer.

13.2.5 In any case where *WADA* is provided a right to appeal in this Article 13.2 (subject to the further provisions of Article 7.4.3), *WADA* may elect, at its sole discretion and within its deadline for filing an appeal, or within ten (10) days of being notified of the appeal if later, to join in the appeal as a party in support or opposition to the appeal or cross-appeal. In such event, *WADA* shall have the right, but not the obligation, to file pleadings, examine witnesses and present argument.[120]

13.3 Failure to Render a Timely Decision by an *Anti-Doping Organization*[121]
Where, in a particular case, an *Anti-Doping Organization* fails to render an appealable decision under its authority with respect to whether an anti-doping rule violation or violation of Article 10.14.1 was committed within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to *CAS* (subject to the *CAS* Appeal Division Rules by analogy) as if the *Anti- Doping Organization* had rendered a decision finding no anti-doping rule violation or violation of Article 10.14.1. If the *CAS* hearing panel determines that *WADA* acted reasonably in electing to appeal directly to *CAS*, then *WADA's* costs and attorney fees in prosecuting the appeal shall be reimbursed to *WADA* by the *Anti-Doping Organization*.

13.4 Appeals Relating to *Therapeutic Use Exemptions*
Therapeutic Use Exemption decisions may be appealed exclusively as provided in Article 4.4 and the *International Standard* for *Therapeutic Use Exemptions*.

13.5 Notification of Appeal Decisions
Any *Anti-Doping Organization* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.

13.6 Appeals from Decisions under Article 24.1
A notice that is not disputed and so becomes a final decision under Article 24.1, finding a *Signatory* non-compliant with the *Code* and imposing

pritožbe so dovoljene[239]
Nasprotne pritožbe in druge poznejše pritožbe katere koli stranke, navedene v zadevah, ki jih po določilih *Kodeksa* obravnava *CAS*, so izrecno dovoljene. Stranka, ki ima pravico do pritožbe na podlagi tega 13. člena, mora nasprotno pritožbo ali poznejšo pritožbo vložiti najpozneje ob strankinem odgovoru.

13.2.5 V vseh primerih, ko ima *WADA* v skladu s tem členom 13.2 (ob upoštevanju nadaljnjih določb člena 7.4.3) pravico do pritožbe, se lahko *WADA* po lastni presoji in v roku za vložitev pritožbe oziroma v desetih (10) dneh od prejema obvestila o pritožbi, če je to pozneje, odloči vstopiti v postopek kot stranski intervenient, ki s pritožbo soglaša ali ji nasprotuje, ali pa vložiti nasprotno pritožbo. V tem primeru ima *WADA* pravico predložiti vloge, zaslišati priče in podati navedbe, ni pa tega dolžna storiti.[240]

13.3 *Protidopinška organizacija* odločitve ne sprejme v razumnem roku[241]
Če v konkretnem primeru *protidopinška organizacija* odločbe glede kršitve protidopinških pravil ali kršitve člena 10.14.1, zoper katero je mogoča pritožba in ki je v njeni pristojnosti, ne sprejme v razumnem roku, ki ga postavi *WADA*, lahko *WADA* (ob smiselni uporabi pravilnika pritožbenega oddelka *CAS*) vloži pritožbo neposredno pri *CAS*, kot da bi *protidopinška organizacija* sprejela odločbo, da do kršitve protidopinških pravil ali kršitve člena 10.14.1 ni prišlo. Če obravnavni senat *CAS* ugotovi, da je bila neposredna pritožba *WADA* razumna, mora *protidopinška organizacija WADA* povrniti odvetniške in druge stroške, ki jih je ta imela zaradi vložitve pritožbe.

13.4 Pritožbe v zvezi s *terapevtskimi izjemami*
Zoper odločbe o *terapevtskih izjemah* je mogoče vložiti pritožbo izključno, kot je določeno v členu 4.4 in *Mednarodnih standardih* za *terapevtske izjeme*.

13.5 Obveščanje o odločbah o pritožbi
Katera koli *protidopinška organizacija*, ki je stranka v pritožbenem postopku, mora po določbi 14. člena v najkrajšem možnem času *športniku* ali drugi *osebi* ter drugim *protidopinškim organizacijam*, ki bi bile upravičene do pritožbe po členu 13.2.3, predložiti odločbo o pritožbi.

13.6 Pritožbe zoper odločbe po členu 24.1
Zoper obvestilo, ki ni izpodbijano in postane dokončna odločba po členu 24.1, ugotovitev o neskladnosti *podpisnice* s *Kodeksom* in uvedbo posledic

[119] *[Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]*
[120] *[Comment to Article 13.2.5: For the avoidance of doubt, this provision is not intended to limit any other available right of intervention for any Anti- Doping Organization such as, for example, under the CAS Code.]*
[121] *[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and Results Management process, it is not feasible to establish a fixed time period for an Anti-Doping Organization to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision.]*
[239] *[Komentar k členu 13.2.4: Ta določba je potrebna, ker od leta 2011 pravilnik CAS športniku ne dovoljuje več vložitve nasprotne pritožbe, kadar protidopinška organizacija vloži pritožbo po tistem, ko se je športnikov čas za vložitev pritožbe že iztekel. Ta določba zagotavlja vsem strankam celotno obravnavo.]*
[240] *[Komentar k členu 13.2.5: V izogib dvomu, ta določba ni namenjena omejevanju drugih pravic do posredovanja, ki jih imajo protidopinške organizacije, na primer v skladu s pravilnikom CAS.]*
[241] *[Komentar k členu 13.3: Ker so okoliščine postopkov upravljanja z rezultati in preiskave vsake posamezne kršitve protidopinških pravil zelo različne, ni mogoče določiti fiksnega časovnega obdobja, v katerem mora protidopinška organizacija sprejeti odločbo, preden lahko WADA posreduje z vložitvijo neposredne pritožbe pri CAS. Preden WADA ukrepa, se mora posvetovati s protidopinško organizacijo in ji dati možnost, da pojasni, zakaj odločbe še ni sprejela.]*

consequences for such non-compliance, as well as conditions for *Reinstatement* of the *Signatory*, may be appealed to *CAS* by other affected *Signatories* further to and as set out in the *International Standard* for *Code* Compliance by *Signatories*.

13.7 Appeals from Decisions Suspending or Revoking Laboratory Accreditation

Decisions by *WADA* to suspend or revoke a laboratory's *WADA* accreditation may be appealed only by that laboratory with the appeal being exclusively to *CAS*.

za tako neskladnost ter pogoje za *ponovno vključitev podpisnice* lahko druge prizadete *podpisnice* vložijo pritožbo pri *CAS*, kot določajo *Mednarodni standardi* za skladnost *podpisnic* s *Kodeksom*.

13.7 Pritožbe v zvezi z odločbami, s katerimi se začasno ali trajno preklicuje laboratorijska akreditacija

Zoper odločbo *WADA*, s katero ta laboratoriju začasno ali trajno prekliče akreditacijo, se lahko pritoži samo ta laboratorij in to izključno pri *CAS*.

Article 14 Confidentiality and Reporting

The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy of all *Athletes* or other *Persons* are as follows:

14.1 Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and other Asserted Anti-Doping Rule Violations or Violations of Article 10.14.1

14.1.1 Notice of Anti-Doping Rule Violations or Violations of Article 10.14.1 to *National Anti-Doping Organizations*, International Federations and *WADA*

The *Anti-Doping Organization* with *Results Management* authority shall notify the *Athlete's National Anti-Doping Organization*, International Federation, any other *Anti-Doping Organization* with a right to appeal under Article 13.2.3, and *WADA* of the assertion of an anti-doping rule violation or violation of Article 10.14.1 simultaneously with the notice to the *Athlete* or other *Person*; provided, however, the *Anti-Doping Organization* with *Results Management* authority may, upon *WADA's* written approval which it may grant or deny at its discretion, delay or withhold the notice required by this Article 14.1.1.[122]

14.1.2 Content of an Anti-Doping Rule Violation Notice

Notification shall include: the *Athlete's* or other *Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory and other information as required by the *International Standard* for *Results Management*, or, for anti-doping rule violations other than Article 2.1 or violation of Article 10.14.1, the rule violated and the basis of the asserted violation.

14.1.3 Status Reports

Except with respect to investigations which have not resulted in a notice of an anti- doping rule violation pursuant to Article 7.2, the *Anti-Doping Organizations* referenced in Article 14.1.1 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt

14. člen Zaupnost in poročanje

Načela usklajevanja rezultatov protidopinških dejavnosti, javne transparentnosti in odgovornosti ter spoštovanja zasebnosti *športnikov* in drugih *oseb* so naslednja:

14.1 Informacije v zvezi z *nasprotnimi analitičnimi ugotovitvami, netipičnimi ugotovitvami* in drugimi zatrjevanimi kršitvami protidopinških pravil ali kršitvami člena 10.14.1

14.1.1 Obvestilo *nacionalnim protidopinškim organizacijam*, mednarodnim zvezam in *WADA* o kršitvah protidopinških pravil ali kršitvah člena 10.14.1

Protidopinška organizacija, pristojna za *upravljanje z rezultati*, mora o zatrjevani kršitvi protidopinških pravil ali kršitvi člena 10.14.1 istočasno kot *športnika* ali drugo *osebo* obvestiti *nacionalno protidopinško organizacijo športnika*, mednarodno zvezo, morebitno drugo *protidopinško organizacijo*, ki ima pravico do pritožbe v skladu s členom 13.2.3, in *WADA*, pri čemer pa lahko *protidopinška organizacija*, pristojna za *upravljanje z rezultati*, s pisnim dovoljenjem *WADA*, ki ga lahko ta po lastni presoji odobri ali zavrne, odloži ali zadrži obvestilo, ki ga zahteva ta člen 14.1.1.[242]

14.1.2 Vsebina obvestila o kršitvi protidopinških pravil

Obvestilo mora vsebovati: ime, državo, športno panogo in športno disciplino *športnika* ali druge *osebe*, *športnikovo* tekmovalno raven, informacijo o tem, ali je šlo za testiranje *med tekmovanjem* ali *izven tekmovanj*, datum odvzema *vzorca*, rezultat analize, ki ga je sporočil laboratorij, in druge informacije, ki jih predpisujejo *Mednarodni standardi* za *upravljanje z rezultati*, ali pri kršitvah protidopinških pravil razen člena 2.1 ali člena 10.14.1 pravilo, ki je bilo kršeno, in podlago za zatrjevanje kršitve.

14.1.3 Poročila o stanju

Razen v zvezi s preiskavami, zaradi katerih ni bilo izdano obvestilo o kršitvi protidopinških pravil v skladu s členom 7.2, je treba *protidopinške organizacije* iz člena 14.1.1 redno obveščati o stanju in ugotovitvah katerega koli pregleda ali postopka, ki se izvaja v skladu s 7., 8. ali 13. členom, ter jim predložiti takojšnjo utemeljeno pisno

[122] *[Comment to Article 14.1.1: By way of example, WADA could decide to approve an Anti-Doping Organization's request to delay notice where a highly confidential investigation is ongoing which might implicate a party who would otherwise receive notice of the asserted anti-doping rule violation.]*

[242] *[Komentar k členu 14.1.1: WADA bi lahko na primer odobrila zahtevo protidopinške organizacije za odložitev obvestila, če poteka zelo zaupna preiskava, ki bi lahko vplivala na stranko, ki bi sicer prejela obvestilo o zatrjevani kršitvi protidopinških pravil.]*

written reasoned explanation or decision explaining the resolution of the matter.

14.1.4 Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, National Federation, and team in a *Team Sport*) until the *Anti-Doping Organization* with *Results Management* authority has made *Public Disclosure* as permitted by Article 14.3.[123]

14.2 Notice of Decision of Anti-Doping Rule Violations or Violations of Article 10.14.1 and Request for Files

14.2.1 Decisions that are subject to appeal, (whether under Article 13.2 or otherwise) and including, without limitation any anti-doping rule violation decisions, decisions related to violations of Article 10.14.1 and decisions related to whereabouts failures shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the *Anti-Doping Organization* shall provide an English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision. The case file shall be produced in machine readable form and, to the greatest extent practicable, in electronic, digital, and word- searchable format. If the case file contains documents in a language other than English or French, a case file index shall be provided promptly in English or French with a short description of each document in English or French.

14.2.3 For purposes of Articles 13.2.3.4(b) and 13.2.3.5.(b), the complete file shall not be considered to have been received by *WADA* or other parties with a right to appeal until the complete file has been produced in accordance with Article 14.2.2.

14.3 *Public Disclosure*

14.3.1 After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard* for *Results Management*, and to the applicable *Anti-Doping Organizations* in accordance with Article 14.1.1, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation or violation of Article 10.14.1, the *Prohibited Substance* or *Prohibited Method* and nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional*

obrazložitev ali odločitev, ki pojasnjuje razrešitev zadeve.

14.1.4 Zaupnost

Organizacije prejemnice ne smejo razkriti informacij drugim *osebam*, razen tistim, ki jih morajo dobiti (kar vključuje tudi ustrezno osebje ustreznega *nacionalnega olimpijskega komiteja*, nacionalne zveze in ekipo v *ekipnem športu*), vse do trenutka, ko *protidopinška organizacija*, pristojna za *upravljanje z rezultati*, te informacije *javno razkrije*, kot to dovoljuje člen 14.3.[243]

14.2 Obvestilo o odločbah glede kršitev protidopinških pravil ali kršitev člena 10.14.1 in zahteva po dokumentaciji

14.2.1 Odločbe, zoper katere se je mogoče pritožiti (bodisi na podlagi člena 13.2 ali kako drugače), med drugim vključno z odločbami o kršitvah protidopinških pravil, odločbami v zvezi s kršitvami člena 10.14.1 in odločbami v zvezi s kršitvami v zvezi z lokacijo, morajo vsebovati vse razloge za odločbo, po potrebi vključno z utemeljitvijo, zakaj ni bila naložena največja možna sankcija. Če odločba ni v angleščini ali francoščini, mora *protidopinška organizacija* pripraviti tudi kratek povzetek odločbe in razlogov, na katerih temelji, v angleščini ali francoščini.

14.2.2 *Protidopinška organizacija*, ki ima pravico vložiti pritožbo zoper odločbo po členu 14.2.1, lahko v petnajstih (15) dneh od prejema zahteva kopijo celotnega spisa z vso dokumentacijo, na katero se nanaša odločba. Spis se pripravi v strojno berljivi obliki in v največjem možnem obsegu v elektronski, digitalni obliki, ki omogoča iskanje po njem. Če spis vsebuje dokumente v jeziku, ki ni angleščina ali francoščina, je treba nemudoma predložiti kazalo vsebine spisa v angleščini ali francoščini s kratkim opisom vsakega dokumenta v angleščini ali francoščini.

14.2.3 Za namene točke (b) člena 13.2.3.4 in točke (b) člena 13.2.3.5 se šteje, da *WADA* ali druge stranke, ki imajo pravico do pritožbe, niso prejele celotnega spisa, dokler ta ni bil predložen v skladu s členom 14.2.2.

14.3 *Javno razkritje*

14.3.1 Ko je bilo *športniku* ali drugi *osebi* v skladu z *Mednarodnimi standardi* za *upravljanje z rezultati* in ustreznim *protidopinškim organizacijam* v skladu s členom 14.1.1 predloženo obvestilo, lahko *protidopinška organizacija*, pristojna za *upravljanje z rezultati*, *javno razkrije* identiteto *športnika* ali druge *osebe*, ki je bil(-a) obveščen(-a) o potencialni kršitvi protidopinških pravil ali kršitvi člena 10.14.1, *prepovedano snov* ali *prepovedani postopek* in naravo kršitve ter dejstvo, ali mora *športnik* ali druga *oseba*

[123] *[Comment to Article 14.1.4: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]*

[243] *[Komentar k členu 14.1.4: Vsaka protidopinška organizacija mora v svojem protidopinškem pravilniku določiti postopke za varstvo zaupnih informacij ter za preiskovanje in sankcioniranje neprimernega razkritja zaupnih informacij s strani katerega koli zaposlenega ali predstavnika protidopinške organizacije.]*

Suspension may be *Publicly Disclosed* by the *Anti-Doping Organization* with *Results Management* authority.

14.3.2 Subject to Article 14.3.3 and applicable laws, no later than twenty (20) days after a decision or determination finding an anti-doping rule violation or violation of Article 10.14.1 has become final under the applicable rules and is not subject to further appeal provided for under the *Code*, the *Anti-Doping Organization* responsible for *Results Management*:

(i) shall *Publicly Disclose* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. Where *Public Disclosure* as required by Article 14.3.2 would result in a breach of other applicable laws, the *Anti-Doping Organization*'s failure to make the *Public Disclosure* will not result in a determination of non- compliance with the *Code* as set forth in Article 4.2 of the *International Standard* for Data Protection;

(ii) may make public such decision or determination and may comment publicly on the matter.

14.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation or violation of Article 10.14.1 or has established that they bear *No Fault* or *Negligence* for the anti-doping rule violation, no *Public Disclosure* shall be made concerning the determination or the case except with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *Anti-Doping Organization* with *Results Management* authority shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve. As exceptions, and subject to applicable laws, if the identity of the *Athlete* or the other *Person* is already public or *Consequences* have been or are being imposed, or there are other compelling circumstances supporting *Public Disclosure*, then the *Anti-Doping Organization* with *Results Management* authority may, without consent, *Publicly Disclose* the matter to the extent necessary to explain the outcome of the case.

14.3.4 Publication shall be accomplished at a minimum by placing the required information on the *Anti-Doping Organization's* website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

14.3.5 Except as provided in Articles 14.3.1 and 14.3.3, no *Anti-Doping Organization* or *WADA*-accredited laboratory, or official of

prestati *začasno izključitev*.

14.3.2 Ob upoštevanju člena 14.3.3 in veljavne zakonodaje *protidopinška organizacija*, pristojna za *upravljanje z rezultati*, najpozneje dvajset (20) dni po tem, ko odločba ali ugotovitev o kršitvi protidopinških pravil ali kršitvi člena 10.14.1 postane pravnomočna v skladu z veljavnimi pravili in zoper njo v skladu s *Kodeksom* ni več mogoča pritožba:

(i) *javno razkrije* stanje protidopinške zadeve, pri čemer med drugim navede športno panogo, protidopinško pravilo, ki je bilo kršeno, ime *športnika* ali druge *osebe*, ki je storil(-a) kršitev, (morebitno) zadevno *prepovedano snov* ali *prepovedani postopek*, ter uvedene *posledice*. Če bi *javno razkritje*, kot ga zahteva člen 14.3.2, povzročilo kršitev druge veljavne zakonodaje, zaradi dejstva, da *protidopinška organizacija* ne opravi javnega razkritja, ne bo ugotovljena neskladnost s *Kodeksom*, kot določa člen 4.2 *Mednarodnih standardov* za varstvo osebnih podatkov;

(ii) lahko tako odločbo ali ugotovitev objavi in se o zadevi javno izreče.

14.3.3 Če se po obravnavi ali pritožbi ugotovi, da *športnik* ali druga *oseba* ni kršil(-a) protidopinških pravil ali člena 10.14.1 ali je dokazal(-a) *odsotnost krivde ali malomarnost* v zvezi s kršitvijo protidopinških pravil, se *javno razkritje* v zvezi z ugotovitvijo ali zadevo ne opravi, razen s soglasjem *športnika* ali druge *osebe*, na katero se nanaša odločba. *Protidopinška organizacija*, pristojna za *upravljanje z rezultati*, si mora razumno prizadevati, da bi soglasje dobila, in če ga dobi, mora odločbo *javno razkriti* v celoti ali v tako prilagojeni obliki, kot jo je odobril *športnik* ali druga *oseba*. Izjemoma in ob upoštevanju veljavne zakonodaje lahko *protidopinška organizacija*, pristojna za *upravljanje z rezultati*, če je identiteta *športnika* ali druge *osebe* že javno znana ali so že bile uvedene *posledice* ali pa so te v postopku uvedbe ali obstajajo druge nujne okoliščine v prid *javnemu razkritju*, brez soglasja *javno razkrije* zadevo v obsegu, potrebnem za pojasnitev izida zadeve.

14.3.4 Javna objava se izvede najmanj tako, da se zahtevane informacije objavijo na spletnem mestu *protidopinške organizacije* in da tam ostanejo objavljene en (1) mesec oziroma med trajanjem morebitnega obdobja *izločitve*, če je to daljše.

14.3.5 Razen v primerih iz členov 14.3.1 in 14.3.3 nobena *protidopinška organizacija* ali laboratorij, ki ga je akreditirala *WADA*, ali

either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by the *Athlete*, other *Person* or their entourage or other representatives.

14.3.6 The mandatory *Public Disclosure* required in Article 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti- doping rule violation or violation of Article 10.14.1 is a *Minor*, *Protected Person* or *Recreational Athlete*.

14.3.7 Any optional *Public Disclosure*, under any provision of Article 14, in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case and shall take into consideration the best interests of the individual. In exceptional cases, the importance of transparency to the credibility to the anti-doping system may also be subsidiarily considered.

14.4 Statistical Reporting

*Anti-Doping Organization*s shall, at least annually, publish on their websites a general statistical report of their *Doping Control* activities, with a copy provided to *WADA*. The report shall include, without limitation, a separate listing (which shall maintain the anonymity of the *Athlete* or other *Person* involved) of each anti-doping decision finding *No Fault or Negligence* under Article 10.5, and for each such decision, provide: the year the decision was made; the sport involved; the *Code* article violated; the *Prohibited Substance* or *Prohibited Method* involved; and whether the decision has been appealed. *Anti-Doping Organizations* may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*. *WADA* shall, at least annually, publish statistical reports summarizing the information that it receives from *Anti-Doping Organizations* and laboratories.

14.5 *Doping Control* Information Database and Monitoring of Compliance

To enable *WADA* to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* information among *Anti-Doping Organizations*, *WADA* shall develop and manage a *Doping Control* information database, such as *ADAMS*, and *Anti-Doping Organizations* shall report to *WADA* through such database *Doping Control*-related information, including, in particular,

a) *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,
b) Whereabouts information for *Athletes* in accordance with the *International Standard* for *Testing*,
c) *Therapeutic Use Exemption* decisions, and
d) *Results Management* decisions,

funkcionar enega ali drugega ne sme javno komentirati posameznih dejstev katere koli zadeve, ki je še v postopku reševanja (lahko pa predloži splošni opis postopka in znanosti), razen če odgovarja na javne komentarje, ki se pripisujejo ali temeljijo na informacijah, ki jih je predložil *športnik*, druga *oseba* ali njuno spremljevalno osebje ali drugi zastopniki.

14.3.6 Obvezno *javno razkritje*, ki ga zahteva člen 14.3.2, ni potrebno, če je *športnik* ali druga *oseba*, za katerega(-o) je bilo ugotovljeno, da je kršil(-a) protidopinško pravilo ali člen 10.14.1, *mladoletnik, zaščitena oseba* ali *rekreativni športnik*.

14.3.7 Neobvezno *javno razkritje* na podlagi katere koli določbe 14. člena v zadevi, ki vključuje *mladoletnika*, *zaščiteno osebo* ali *rekreativnega športnika*, mora biti sorazmerno z dejstvi in okoliščinami primera, pri njem pa je treba upoštevati posameznikove interese. V izjemnih primerih se lahko subsidiarno upošteva tudi pomen transparentnosti za verodostojnost protidopinškega sistema.

14.4 Statistična poročila

Protidopinške organizacije morajo vsaj enkrat letno na svojih spletnih mestih objaviti splošno statistično poročilo opravljenih *kontrolah dopinga* in kopijo poslati tudi *WADA*. Poročilo mora med drugim vsebovati ločen seznam (v katerem mora biti ohranjena anonimnost vpletenega *športnika* ali druge *osebe*) vseh odločb glede kršitev protidopinških pravil, v katerih je bila ugotovljena *odsotnost krivde ali malomarnosti* v skladu s členom 10.5, za vsako tako odločbo pa morajo biti navedeni: leto, v katerem je bila odločba sprejeta; zadevna športna panoga; kršeni člen *Kodeksa*; zadevna *prepovedana snov* ali *prepovedani postopek*; in ali je bila zoper odločbo vložena pritožba. *Protidopinške organizacije* lahko objavijo tudi poročila, ki vsebujejo imena vseh *športnikov*, ki so bili testirani, in datum vsakega *testiranja*. *WADA* mora vsaj enkrat letno objaviti statistična poročila, ki povzemajo informacije, ki jih pridobi od *protidopinških organizacij* in laboratorijev.

14.5 Podatkovna baza v zvezi s *kontrolo dopinga* in nadzor skladnosti

Da bi lahko *WADA* opravljala svojo vlogo nadzora skladnosti ter zagotavljala učinkovito uporabo virov in izmenjavo podatkov v zvezi s *kontrolo dopinga* med *protidopinškimi organizacijami*, mora razviti in upravljati podatkovno bazo v zvezi s *kontrolo dopinga*, kot je sistem *ADAMS*, *protidopinške organizacije* pa morajo *WADA* poročati s pošiljanjem podatkov v zvezi s *kontrolo dopinga*, kar zlasti vključuje

a) podatke v zvezi s *športnikovim biološkim potnim listom* za *športnike mednarodnega razreda* in *športnike nacionalnega razreda*,
b) podatke o lokaciji za *športnike* v skladu z *Mednarodnimi standardi* za *testiranja*,
c) odločbe o *terapevtskih izjemah* in
d) odločbe v zvezi z *upravljanjem z rezultati*,

and any other information as required under the applicable *International Standard(s)*.

14.5.1 To facilitate coordinated test distribution planning, avoid unnecessary duplication in *Testing* by various *Anti-Doping Organizations*, and to ensure that *Athlete Biological Passport* profiles are updated, each *Anti-Doping Organization* shall report all *In-Competition* and *Out-of-Competition* tests to *WADA* by entering the *Doping Control* forms into *ADAMS* in accordance with the requirements and timelines contained in the *International Standard* for *Testing*.

14.5.2 To facilitate *WADA's* oversight and appeal rights for *Therapeutic Use Exemptions*, each *Anti-Doping Organization* shall report all *Therapeutic Use Exemption* applications, decisions and supporting documentation using *ADAMS* in accordance with the requirements and timelines contained in the *International Standard* for *Therapeutic Use Exemptions*.

14.5.3 To facilitate *WADA's* oversight and appeal rights for *Results Management*, *Anti- Doping Organizations* shall report the following information into *ADAMS* in accordance with the requirements and timelines outlined in the *International Standard* for *Results Management*: (a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*; (b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*; (c) whereabouts failures; (d) violations of Article 10.14.1 and (e) any decision imposing, lifting or reimposing a *Provisional Suspension*.

14.5.4 The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organization* and International Federation, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.[124]

14.6 Data Privacy[125]

14.6.1 *Anti-Doping Organizations* may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their *Anti-Doping Activities* under the *Code* and *International Standards* (including specifically the *International Standard* for Data Protection), and in compliance with applicable law.

14.6.2 *Anti-Doping Organizations* shall not use

in morebitne druge informacije, ki jih zahtevajo veljavni *Mednarodni standardi*.

14.5.1 Da bi se olajšalo usklajeno načrtovanje razporeditve testiranj in preprečilo nepotrebno podvajanje *testiranj*, ki jih izvajajo različne *protidopinške organizacije*, ter da bi se zagotovilo, da so profili *športnikovih bioloških potnih listov* posodobljeni, mora vsaka *protidopinška organizacija* o vseh testiranjih *med tekmovanjem* in *izven tekmovanj* poročati *WADA* tako, da obrazce za *kontrolo dopinga* vnese v sistem *ADAMS* v skladu z zahtevami in roki, ki jih določajo *Mednarodni standardi* za *testiranja*.

14.5.2 Da bi se olajšala nadzor *WADA* in uveljavljanje pravic do pritožbe za *terapevtske izjeme*, mora vsaka *protidopinška organizacija* prek sistema *ADAMS* poročati o vseh prošnjah za *terapevtske izjeme*, odločbah o *terapevtskih izjemah* in podporni dokumentaciji za *terapevtske izjeme* v skladu z zahtevami in roki, določenimi v *Mednarodnih standardih* za *terapevtske izjeme*.

14.5.3 Da bi se olajšala nadzor *WADA* in uveljavljanje pravic do pritožbe za *upravljanje z rezultati*, morajo *protidopinške organizacije* v sistem *ADAMS* vnesti naslednje podatke v skladu z zahtevami in roki, določenimi v *Mednarodnih standardih* za *upravljanje z rezultati*: (a) obvestila o kršitvah protidopinških pravil in povezane odločbe za *nasprotne analitične ugotovitve*; (b) obvestila in povezane odločbe za druge kršitve protidopinških pravil, ki niso *nasprotne analitične ugotovitve*; (c) kršitve v zvezi z lokacijo; (d) kršitve člena 10.14.1 in (e) katero koli odločbo, ki uvaja, odpravlja ali ponovno vzpostavlja *začasno izključitev*.

14.5.4 Informacije, navedene v tem členu, morajo biti, kadar je to primerno in v skladu z veljavnimi pravili, dostopne *športniku*, *športnikovi nacionalni protidopinški organizaciji* in mednarodni zvezi ter kateri koli drugi *protidopinški organizaciji*, pristojni za *testiranje športnika*.[244]

14.6 Zasebnost podatkov[245]

14.6.1 *Protidopinške organizacije* lahko zbirajo, shranjujejo, obdelujejo ali razkrivajo osebne podatke o *športnikih* in drugih *osebah*, če je to potrebno in primerno za izvajanje *protidopinških dejavnosti* po določilih *Kodeksa* in *Mednarodnih standardov* (zlasti *Mednarodnih standardov* za varstvo osebnih podatkov) ter v skladu z veljavno zakonodajo.

14.6.2 *Protidopinške organizacije* ne smejo

[124] *[Comment to Article 14.5: ADAMS is operated, administered and managed by WADA, and is designed to be consistent with data privacy laws and norms applicable to WADA and other organizations using such system. Personal information regarding Athletes or other Persons maintained in ADAMS is and will be treated in strict confidence and in accordance with the International Standard for Data Protection.]*

[125] *[Comment to Article 14.6: Each government should put in place legislation, regulation, policies or administrative practices for: cooperation and sharing of information with Anti-Doping Organizations; sharing of data among Anti-Doping Organizations as provided in the Code.]*

[244] *[Komentar k členu 14.5: Sistem ADAMS vodi, izvaja in upravlja WADA, zasnovan pa je tako, da je skladen z zakoni in normami o varstvu osebnih podatkov, ki jih morajo upoštevati WADA in druge organizacije, ki uporabljajo ta sistem. Osebni podatki o športnikih ali drugih osebah se hranijo v sistemu ADAMS in se obravnavajo strogo zaupno in v skladu z Mednarodnimi standardi za varstvo osebnih podatkov.]*

[245] *[Komentar k členu 14.6: Vsaka vlada naj sprejme zakonodajo, predpise, politike in upravne prakse v zvezi s sodelovanjem in izmenjavo informacij s protidopinškimi organizacijami ter v zvezi z izmenjavo podatkov med protidopinškimi organizacijami, kot to določa Kodeks.]*

personal information in *ADAMS* for purposes other than anti-doping.

uporabljati osebnih podatkov v sistemu *ADAMS* za namene, ki niso povezani z bojem proti dopingu.

Article 15 Implementation of Decisions

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

15.1.1 A decision of an anti-doping rule violation or violation of Article 10.14.1 made by a *Signatory Anti-Doping Organization*, an appellate body (Article 13.2.2) or *CAS* shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon every *Signatory* in every sport with the effects described below:

15.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

15.1.1.2 A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

15.1.1.3 A decision by any of the above-described bodies accepting an anti- doping rule violation or violation of Article 10.14.1 automatically binds all *Signatories*.

15.1.1.4 A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.

15.1.2 Each *Signatory* is under the obligation to recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date the *Signatory* receives actual notice of the decision or the date the decision is placed into *ADAMS*.

15.1.3 A decision by an *Anti-Doping Organization*, an appellate body or *CAS* to suspend, or lift, *Consequences* shall be binding upon each *Signatory* without any further action required, on the earlier of the date the *Signatory* receives actual notice of the decision or the date the decision is placed into *ADAMS*.

15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-

15. člen Izvajanje odločb

15.1 Samodejni zavezujoč učinek odločb s strani *protidopinških organizacij podpisnic Kodeksa*

15.1.1 Odločba o kršitvi protidopinških pravil ali kršitvi člena 10.14.1, ki jo sprejme *protidopinška organizacija podpisnica Kodeksa*, pritožbeni organ (člen 13.2.2) ali *CAS* po tem, ko so stranke v postopku o njej obveščene, poleg strank v postopku samodejno postane zavezujoča za vsako *podpisnico* v vseh športnih panogah in ima naslednje učinke:

15.1.1.1 Odločba, ki jo sprejme kateri koli od zgornjih organov in uvaja *začasno izključitev*, *športniku* ali drugi *osebi* samodejno prepoveduje sodelovanje (kot je opisano v členu 10.14.1) v vseh športnih panogah, za katere je pristojna katera koli *podpisnica*, med *začasno izključitvijo*.

15.1.1.2 Odločba, ki jo sprejme kateri koli od zgornjih organov in uvaja obdobje *izločitve* (po končani obravnavi ali odpovedi obravnavi), *športniku* ali drugi *osebi* med obdobjem *izločitve* samodejno prepoveduje sodelovanje (kot je opisano v členu 10.14.1) v vseh športnih panogah, za katere je pristojna katera koli *podpisnica*.

15.1.1.3 Odločba, ki jo sprejme kateri koli od zgornjih organov in priznava kršitev protidopinških pravil ali kršitev člena 10.14.1, samodejno zavezuje vse *podpisnice*.

15.1.1.4 Odločba o *diskvalifikaciji* rezultatov za določeno obdobje po členu 10.10, ki jo sprejme kateri koli od zgornjih organov, samodejno *diskvalificira* vse rezultate, dosežene v okviru *pristojnosti* katere koli *podpisnice* v določenem obdobju.

15.1.2 Za vse *podpisnice* velja obveznost, da priznajo in izvršijo odločbo in njene učinke, kot zahteva člen 15.1.1, ne da bi bilo treba sprejeti kakršen koli nadaljnji ukrep, ko *podpisnica* prejme dejansko obvestilo o odločbi ali ko se odločba vnese v sistem *ADAMS*, odvisno od tega, kateri datum je zgodnejši.

15.1.3 Odločba *protidopinške organizacije*, pritožbenega organa ali *CAS*, da odpiše ali odpravi *posledice*, je zavezujoča za vse *podpisnice*, ne da bi bilo treba sprejeti kakršen koli nadaljnji ukrep, ko *podpisnica* prejme dejansko obvestilo o odločbi ali ko se odločba vnese v sistem *ADAMS*, odvisno od tega, kateri datum je zgodnejši.

15.1.4 Ne glede na katero koli določbo iz člena 15.1.1 odločba o kršitvi

doping rule violation or violation of Article 10.14.1 by a *Major Event Organization* made in an expedited process during an *Event* shall not be binding on other *Signatories* unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.[126]

15.2 Implementation of Other Decisions by *Anti-Doping Organizations*

Signatories may decide to implement other anti-doping decisions rendered by *Anti-Doping Organizations* not described in Article 15.1.1 above.[127]

15.3 Implementation of Decisions by Body that is not a *Signatory*

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by each *Signatory* if the *Signatory* finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.[128]

Article 16 *Doping Control* for Animals Competing in Sport

16.1 In any sport that includes animals in competition, the International Federation for that sport shall establish and implement anti-doping rules for the animals included in that sport. The anti- doping rules shall include a list of *Prohibited Substances*, appropriate *Testing* procedures and a list of approved laboratories for *Sample* analysis.

16.2 With respect to determining anti-doping rule violations, *Results Management*, fair hearings, *Consequences*, and appeals for animals involved in sport, the International Federation for that sport shall establish and implement rules that are generally consistent with Articles 1, 2, 3, 9, 10, 11, 13 and 17 of the *Code*.

protidopinških pravil ali kršitvi člena 10.14.1, ki jo po hitrem postopku med *prireditvijo* sprejme *organizator velikih prireditev*, ni zavezujoča za druge *podpisnice*, razen če pravilnik *organizatorja velikih prireditev* določa, da se lahko *športnik* ali druga *oseba* pritoži po rednem postopku.[246]

15.2 Izvajanje drugih odločb s strani *protidopinških organizacij*

Podpisnice se lahko odločijo za izvajanje drugih odločb glede kršitev protidopinških pravil, ki jih sprejmejo *protidopinške organizacije* in niso opisane v zgornjem členu 15.1.1.[247]

15.3 Izvajanje odločb s strani organa, ki ni *podpisnica*

Odločbo glede kršitev protidopinških pravil, ki jo sprejme organ, ki ni *podpisnica Kodeksa*, izvrši vsaka *podpisnica*, če ta ugotovi, da je odločba domnevno v okviru pristojnosti tega organa in da so protidopinška pravila tega organa sicer skladna s *Kodeksom*.[248]

16. člen *Kontrola dopinga* pri živalih, ki tekmujejo v športu

16.1 V vsakem športu, kjer so v tekmovanje vključene tudi živali, mora mednarodna zveza za ta šport sprejeti in izvajati protidopinška pravila za živali, vključene v ta šport. Protidopinška pravila vključujejo listo *prepovedanih snovi*, primerne postopke *testiranja* in seznam odobrenih laboratorijev za analize *vzorcev*.

16.2 Glede ugotavljanja kršitev protidopinških pravil, *upravljanja z rezultati*, poštenih obravnav, *posledic* in pritožb v zvezi z živalmi, vključenimi v šport, mora mednarodna zveza za ta šport sprejeti ter izvajati pravilnike, ki so splošno skladni s 1., 2., 3., 9., 10., 11., 13. in 17. členom *Kodeksa*.

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[126] *[Comment to Article 15.1.4: By way of example, where the rules of the Major Event Organization give the Athlete or other Person the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the Major Event Organization is binding on other Signatories regardless of whether the Athlete or other Person chooses the expedited appeal option.]*

[127] *[Comment to Articles 15.1 and 15.2: Anti-Doping Organization decisions under Article 15.1 are implemented automatically by other Signatories without the requirement of any decision or further action on the Signatories' part. For example, when a National Anti-Doping Organization decides to Provisionally Suspend an Athlete, that decision is given automatic effect at the International Federation level. To be clear, the "decision" is the one made by the National Anti-Doping Organization, there is not a separate decision to be made by the International Federation. Thus, any claim by the Athlete that the Provisional Suspension was improperly imposed can only be asserted against the National Anti-Doping Organization.*

Implementation of Anti-Doping Organizations' decisions under Article 15.2 is subject to each Signatory's discretion. A Signatory's implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of Therapeutic Use Exemption decisions of other Anti-Doping Organizations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]

[128] *[Comment to Article 15.3: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in the Athlete's body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed. A Signatory's implementation of a decision or its decision not to implement a decision under Article 15.3, is appealable under Article 13.]*

[246] *[Komentar k členu 15.1.4: Če pravilnik organizatorja velikih prireditev na primer športniku ali drugi osebi omogoča, da izbere hitri pritožbeni postopek pri CAS ali redni pritožbeni postopek pri CAS, je dokončna odločba ali razsodba organizatorja velikih prireditev zavezujoča za druge podpisnice ne glede na to, ali se športnik ali druga oseba odloči za hiter pritožbeni postopek.]*

[247] *[Komentar k členoma 15.1 in 15.2: Druge podpisnice samodejno izvajajo odločbe protidopinških organizacij po členu 15.1, ne da bi podpisnice morale sprejeti kakršno koli odločbo ali nadaljnje ukrepe. Če se na primer nacionalna protidopinška organizacija odloči začasno izključiti športnika, ta odločitev začne samodejno veljati na ravni mednarodne zveze. Ta »odločitev« se nanaša na odločitev, ki jo sprejme nacionalna protidopinška organizacija; mednarodna zveza ne sprejme nobene ločene odločitve. Zato lahko športnik kakršno koli pritožbo, da je bila začasna izključitev nepravilno izrečena, vloži le zoper nacionalno protidopinško organizacijo.*

Odločbe protidopinških organizacij se po členu 15.2 izvajajo po presoji posamezne podpisnice. Zoper podpisničino izvajanje odločbe po členu 15.1 ali 15.2 ni mogoče vložiti pritožbe ločeno od morebitne pritožbe zoper osnovno odločbo. Obseg priznanja odločb o terapevtskih izjemah drugih protidopinških organizacij določajo člen 4.4 in Mednarodni standardi za terapevtske izjeme.]

[248] *[Komentar k členu 15.3: Če je odločba organa, ki ni sprejel Kodeksa, v nekaterih pogledih skladna s Kodeksom, v drugih pa ne, naj podpisnice skušajo uporabiti to odločbo v skladu z načeli Kodeksa. Če je na primer v postopku, ki je skladen s Kodeksom, nepodpisnica ugotovila, da je športnik kršil protidopinška pravila, ker je bila v njegovem telesu prisotna prepovedana snov, vendar je obdobje izločitve krajše kot tisto, ki ga predvideva Kodeks, naj bi vse podpisnice priznale to ugotovitev kršitve protidopinških pravil, športnikova nacionalna protidopinška organizacija pa naj bi izvedla obravnavo, skladno z 8. členom, da ugotovi, ali naj se športniku uvede daljše obdobje izločitve, ki ga predvideva Kodeks. Zoper podpisničino izvrševanje odločbe ali njeno odločitev, da odločbe ne bo izvršila, na podlagi člena 15.3 je mogoče vložiti pritožbo na podlagi 13. člena.]*

Article 17 Statute of Limitations

No anti-doping rule violation or violation of Article 10.14.1 proceeding may be commenced against an *Athlete* or other *Person* unless they have been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

17. člen Zastaranje

Zoper *športnika* ali drugo *osebo* se ne sme začeti postopek zaradi kršitve protidopinških pravil ali kršitve člena 10.14.1, razen če je bil(-a) o tem obveščen(-a) po določilih 7. člena ali če je bil opravljen razumen poskus obvestitve, v desetih (10) letih od datuma, ko naj bi prišlo do zatrjevane kršitve.

PART TWO
EDUCATION AND RESEARCH

DRUGI DEL
IZOBRAŽEVANJE IN RAZISKAVE

Introduction

Part Two deals with *Education* and research and sets forth the principles, rules and requirements that are to be followed by *Anti-Doping Organizations*.

Education plays a fundamental role in the prevention of unintentional and intentional doping.

Education programs are intended to preserve the spirit of sport, in particular protect *Athletes'* right to fair competition, their health, as well as to promote clean sport and the values that underpin it. For this reason, the main focus of *Education* is *Athletes*, in particular *Protected Persons* and *Minors.* In addition, given their roles and responsibilities as well as their influence on *Athletes*, *Athletes Support Personnel* are also a priority for *Education.*

Anti-Doping Organizations shall include *Education* as an essential component to their anti-doping programs. *Athletes* start in sport with no intention to dope. *Education* is an effective way to support the intention not to dope. Therefore, ideally, an *Athlete's* first experience with an anti-doping program should be through *Education* rather than *Doping Control*.

The purpose and principles that underpin *Education* can also be applied to enhance the training and professional development of anti-doping practitioners and any associated roles within the anti-doping system.

Research is essential to advancing human knowledge, developing understanding, driving innovation and coping with the complexity of the anti-doping system. Research is a systematic inquiry-driven endeavor that seeks to increase comprehension and generate contextually meaningful knowledge. The provisions related to research in this *Code* have been drafted taking into account internationally recognized ethical and legal standards.

All *Signatories* are encouraged to engage with research to support the development and implementation of their anti-doping programs.

Article 18 *Education*

18.1 Principles

The overall aim of any *Education* program shall be support the prevention of unintentional and intentional doping by *Athletes* and *Athlete Support Personnel.*

Education programs as outlined in the *International Standard* for *Education* shall promote the spirit of sport and have a positive and long-term influence on the choices made by *Athletes*, *Athlete Support Personnel* and other *Persons.*

Education programs shall be developed and delivered taking into consideration cultural and sport contexts, the needs of learners, and the resources available.

18.2 *Education* Program by *Signatories*

All *Signatories* shall, within their scope of responsibility plan, implement, monitor and evaluate *Education* programs in line with the requirements set out in the *International Standard* for *Education*.[249]

Uvod

Drugi del obravnava *izobraževanje* in raziskave ter določa načela, pravila in zahteve, ki jih morajo upoštevati *protidopinške organizacije*.

Izobraževanje ima temeljno vlogo pri preprečevanju nenamernega in namernega dopinga.

Programi za *izobraževanje* so namenjeni ohranjanju športnega duha, zlasti zaščititi pravice *športnikov* do poštenega tekmovanja, in njihovega zdravja ter tudi spodbujanju čistega športa in vrednot, na katerih ta temelji. Zato je glavni poudarek *izobraževanja* na *športnikih*, zlasti na *zaščitenih osebah* in *mladoletnikih*. Poleg tega je *spremljevalno osebje športnikov* zaradi njihove vloge in odgovornosti ter vpliva na *športnike* prav tako prednostna skupina za *izobraževanje*.

Protidopinške organizacije morajo vključiti *izobraževanje* v protidopinške programe kot njihovo bistveno sestavino. *Športniki* se s športom začnejo ukvarjati brez namena uporabe dopinga. *Izobraževanje* je učinkovit način za spodbujanje namere neuporabe dopinga. Zato bi v idealnem primeru moral biti prvi stik *športnikov* s protidopinškim programom v okviru *izobraževanja* in ne pri *kontroli dopinga*.

Namen in načela, na katerih temelji *izobraževanje*, se lahko uporabijo tudi za izboljšanje usposabljanja in poklicnega razvoja protidopinških strokovnjakov ter drugih oseb, ki delujejo znotraj protidopinškega sistema.

Raziskave so bistvene za napredek človeškega znanja, razvoj razumevanja, spodbujanje inovacij in obvladovanje kompleksnosti protidopinškega sistema. Raziskave so sistematično prizadevanje, ki temelji na raziskovanju vprašanj, s ciljem boljšega razumevanja in ustvarjanja kontekstualno bistvenega znanja. Določbe v tem *Kodeksu*, povezane z raziskavami, so bile oblikovane ob upoštevanju mednarodno priznanih etičnih in pravnih standardov.

Vse *podpisnice* se spodbuja, da se vključijo v raziskave za podporo razvoju in izvajanju protidopinških programov.

18. člen *Izobraževanje*

18.1 Načela

Splošni cilj vsakega programa za *izobraževanje* je podpora preprečevanju nenamernega in namernega dopinga s strani *športnikov* in *spremljevalnega osebja športnika*.

Programi za *izobraževanje*, kot so navedeni v *Mednarodnih standardih* za *izobraževanje*, spodbujajo športni duh ter pozitivno in dolgotrajno vplivajo na odločitve *športnikov*, *spremljevalnega osebja športnika* in drugih *oseb*.

Programi za *izobraževanje* se oblikujejo in izvajajo ob upoštevanju kulturnega in športnega konteksta, potreb udeležencev in razpoložljivih virov.

18.2 Program za *izobraževanje podpisnic*

Vse *podpisnice* morajo v obsegu, za katerega so pristojne, načrtovati, izvajati, nadzorovati in ocenjevati programe za *izobraževanje* v skladu z zahtevami, ki jih določajo *Mednarodni standardi* za

[249] *[Comment to Article 18.2: Signatories are required by the International Standard for Education to conduct a sports system assessment to support the development of their Education programs. The risk assessment that Anti-Doping Organizations are required to conduct under the International Standard for*

Education programs shall raise awareness, provide accurate information, enhance decision-making capability and develop clean sport behaviors in line with the spirit of sport and to be in compliance with the *Code.*

Education programs shall be progressive and in line with the main stages of the *Athlete* pathway, underpinned by a clear curriculum that includes (at a minimum) all topics as listed in the *International Standard* for *Education*.[250] Such topics and content should be adapted in line with the *Athlete* pathway.

18.3 *Education* Pool

Signatories shall form an *Education* pool by considering all *Athletes* who are subject to their anti-doping rules[251] in addition to identifying and prioritizing other *Athlete* groups that require *Education*.

Athlete Support Personnel shall form part of the *Education* pool in addition to any other *Person(s)* as deemed necessary by *Signatories*. *Athlete Support Personnel* are key to reinforcing values and behaviors due to their influence on *Athletes*, as well as, needing to comply with the *Code* and applicable anti-doping rules themselves.

18.4 *Education* Program Implementation by *Signatories*

A *Signatory's Education* program shall include the following components: values-based *Education*; awareness raising; information provision; and anti-doping *Education*.

Signatories shall describe and document their *Education* activities through an annual *Education* plan. *Signatories* shall make their *Education* plans available to other *Signatories* upon request.

Education activities shall be developed in line with the curriculum and tailored for specific groups such as *Minors*, *Protected Persons* or learners with specific needs.

Any in-person delivery of *Education* activities should be delivered by a trained and accredited person according to the requirements set out in the *International Standard* for *Education*. Where such delivery is to *Minors*, *Protected Persons* or learners with specific needs, this should be in line with appropriate safeguarding considerations and legal requirements.[252]

izobraževanje.[253]

Programi za *izobraževanje* morajo ozaveščati, zagotavljati točne informacije, izboljševati sposobnost odločanja in spodbujati vedenja, skladna z vrednotami čistega športa ter športnim duhom, in morajo biti skladni s *Kodeksom*.

Programi za *izobraževanje* morajo biti progresivni, skladni z glavnimi fazami razvojne poti *športnika* in podprti z jasnim učnim načrtom, ki vključuje (vsaj) vse teme, navedene v *Mednarodnih standardih* za *izobraževanje*.[254] Te teme in vsebine naj se prilagodijo glede na razvojno pot *športnika*.

18.3 Skupina za *izobraževanje*

Podpisnice oblikujejo skupino za *izobraževanje*, pri čemer upoštevajo vse *športnike*, ki so podvrženi njihovim protidopinškim pravilom,[255] poleg tega pa opredelijo in prednostno obravnavajo tudi druge skupine *športnikov*, ki potrebujejo *izobraževanje*.

V skupino za *izobraževanje* je treba vključiti *spremljevalno osebje športnika*, prav tako pa tudi morebitne druge *osebe*, za katere je to po mnenju *podpisnic* potrebno. *Spremljevalno osebje športnika* ima zaradi svojega vpliva na *športnike* bistveno vlogo pri krepitvi vrednot in vedenj, prav tako pa morajo tudi sami spoštovati *Kodeks* in veljavna protidopinška pravila.

18.4 Izvajanje programa za *izobraževanje* s strani *podpisnic*

Program za *izobraževanje podpisnice* mora vsebovati naslednje elemente: *izobraževanje*, ki temelji na vrednotah; ozaveščanje; zagotavljanje informacij in *izobraževanje* glede preprečevanja dopinga.

Podpisnice morajo svoje dejavnosti *izobraževanja* opisati in dokumentirati v letnem načrtu *izobraževanja*. *Podpisnice* morajo svoje načrte *izobraževanja* na zahtevo dati na voljo drugim *podpisnicam*.

Dejavnosti *izobraževanja* se oblikujejo v skladu z učnim načrtom in prilagodijo posebnim skupinam, kot so *mladoletniki*, *zaščitene osebe* ali udeleženci s posebnimi potrebami.

Vse dejavnosti *izobraževanja* v živo naj izvaja usposobljena in akreditirana oseba v skladu z zahtevami, določenimi v *Mednarodnih standardih* za *izobraževanje*. Kadar se izvajajo za *mladoletnike*, *zaščitene osebe* ali udeležence s posebnimi potrebami, naj se izvajajo ob upoštevanju ustreznih ukrepov za varstvo takšnih ranljivih skupin in ob upoštevanju zakonskih zahtev.[256]

Testing can also provide a framework relating to the risk of doping within sports. Such assessment can be used to identify priority sports and groups for Education programs.]

[250] *[Comment to Article 18.2: WADA will develop and publish model curricula that can be adopted or tailored by Signatories to underpin their Education programs. These model curricula will cover all topics as outlined in the International Standard for Education aligned to a generic Athlete pathway that encompasses the main stages of Athlete development. WADA strongly encourages Signatories where they have the expertise and resources to do so, to adapt the Athlete pathway and associated model curricula to their own context.]*

[251] *[Comment to Article 18.3: A Signatory's Education pool shall be in line with the minimum requirements for Athletes and Athlete Support Personnel as set out in the International Standard for Education.]*

[252] *[Comment to Article 18.4: The requirement for trained and accredited personnel is to safeguard the Athlete and maintain consistent standards of delivery. Further details on the competencies required by educators and the requirements for training, assessment, accreditation and reaccreditation can be found in the International Standard for Education. In addition, Signatories can find further guidance in the Guidelines for the International Standard for Education.]*

[253] *[Komentar k členu 18.2: Mednarodni standardi za izobraževanje od podpisnic zahtevajo izvedbo ocene športnega sistema za podporo oblikovanju programov za izobraževanje. Ocena tveganja, ki jo morajo opraviti protidopinške organizacije v skladu z Mednarodnimi standardi za testiranja, lahko poleg tega zagotovi okvir v zvezi s tveganjem dopinga v športu. Taka ocena se lahko uporabi za opredelitev prednostnih športov in ciljnih skupin za programe za izobraževanje.]*

[254] *[Komentar k členu 18.2: WADA bo razvila in objavila vzorčne učne načrte, ki jih bodo podpisnice lahko sprejele ali prilagodile za podporo svojim programom za izobraževanje. Ti vzorčni učni načrti bodo zajemali vse teme, opredeljene v Mednarodnih standardih za izobraževanje, pri čemer bodo te usklajene s splošno razvojno potjo športnika, ki obsega glavne faze njegovega razvoja. WADA podpisnice, ki imajo za to strokovno znanje in vire, močno spodbuja, naj razvojno pot športnika in s tem povezane vzorčne učne načrte prilagodijo lastnemu kontekstu.]*

[255] *[Komentar k členu 18.3: Skupina za izobraževanje, ki jo opredeli podpisnica, mora biti skladna z minimalnimi zahtevami za športnike in spremljevalno osebje športnika, kot so določene v Mednarodnih standardih za izobraževanje.]*

[256] *[Komentar k členu 18.4: Zahteva po usposobljenem in akreditiranem osebju je namenjena zaščiti športnika in zagotovitvi doslednih standardov izvajanja. Več podrobnosti o kompetencah, ki se zahtevajo od izobraževalcev, in o zahtevah za usposabljanje, ocenjevanje, akreditacijo in ponovno akreditacijo je na voljo v Mednarodnih standardih za izobraževanje. Poleg tega so podpisnicam na voljo dodatni napotki v Smernicah za Mednarodne standarde za izobraževanje.]*

18.5 *Event*-Specific *Education*

Signatories should cooperate with each other to deliver *Event*-specific *Education* in line with the roles and responsibilities as specified in the *International Standard* for *Education*.

Participants attending an *Event* should receive Pre-*Event Education* in advance of the *Event*.

Signatories should deliver *Event*-Based *Education* at the *Events* where *Testing* takes place to help reach those *Participants* attending their *Events*.

18.6 Monitoring and Evaluation

Signatories shall monitor the delivery of their *Education* plan and evaluate their *Education* programs in line with the requirements of the *International Standard* for *Education*.

Signatories shall keep *Education* records in line with the requirements and retention periods as stipulated in the *International Standard* for Data Protection.

18.7 Coordination and Cooperation

Signatories shall coordinate their *Education* efforts to maximize the effectiveness of their *Education* program and minimize duplication of *Education* delivery to the same groups, including acknowledging the *Education* activities carried out by other *Signatories*.

Signatories shall respect their specific roles and responsibilities regarding *Education* as outlined in the *Code* and Part Three of the *International Standard* for *Education*, including where each *Anti-Doping Organization* has authority.

WADA and *Signatories* shall cooperate with, and encourage, governments and other stakeholders to contribute to their *Education* efforts, maximizing resources and integrating expertise from other relevant fields such as public health.

WADA shall work with relevant stakeholders to support the implementation of the *International Standard* for *Education*.

Article 19 Research

19.1 Purpose and Aims of Anti-Doping Research

Anti-doping research contributes to the development and implementation of efficient programs regarding doping-free sport.

All *Signatories* and *WADA* shall, in cooperation with each other and governments, encourage and promote such research and take all reasonable measures to ensure that the results of such research are used for the promotion of the goals that are consistent with the principles of the *Code*.

19.2 Types of Research

Relevant anti-doping research may include, for example, scientific, medical, analytical, statistical, technological, pharmacological and physiological investigation. Without limiting the foregoing, studies on the *Use* of emerging substances or methods resulting from scientific developments should be conducted in a manner that is consistent with the principles of the *Code* and respectful of the integrity of the human subjects.

Relevant anti-doping research related to understanding behavior and the anti-doping system may include, for example, studies investigating individual behaviors, organizations, culture, sport

18.5 *Izobraževanje* v zvezi s *prireditvijo*

Podpisnice naj med seboj sodelujejo pri izvajanju *izobraževanja* v zvezi s *prireditvijo* v skladu z vlogami in odgovornostmi, določenimi v *Mednarodnih standardih* za *izobraževanje*.

Udeleženci prireditve naj pred *prireditvijo* opravijo predhodno *izobraževanje*.

Podpisnice naj na *prireditvah*, kjer se izvaja *testiranje*, zagotovijo *izobraževanje* v sklopu *prireditve*, da bi tako dosegle *udeležence* svojih *prireditev*.

18.6 Spremljanje in ocenjevanje

Podpisnice morajo spremljati izvajanje svojega načrta *izobraževanja* in vrednotiti svoje programe za *izobraževanje* v skladu z zahtevami *Mednarodnih standardov* za *izobraževanje*.

Podpisnice morajo voditi evidence o *izobraževanju* v skladu z zahtevami in roki hrambe, določenimi v *Mednarodnih standardih* za varstvo osebnih podatkov.

18.7 Usklajevanje in sodelovanje

Podpisnice morajo usklajevati svoja prizadevanja na področju *izobraževanja*, da bi povečale učinkovitost svojega programa za *izobraževanje* in zmanjšale podvajanje *izobraževanja* za iste skupine, vključno s priznavanjem dejavnosti *izobraževanja*, ki jih izvajajo druge *podpisnice*.

Podpisnice morajo spoštovati svoje specifične vloge in odgovornosti v zvezi z *izobraževanjem*, kot so opredeljene v *Kodeksu* in tretjem delu *Mednarodnih standardov* za *izobraževanje*, vključno s področji, za katera je pristojna vsaka *protidopinška organizacija*.

WADA in *podpisnice* morajo sodelovati z vladami in drugimi deležniki ter jih spodbujati, da prispevajo k njihovim prizadevanjem na področju *izobraževanja*, pri čemer morajo kar najbolje izkoristiti vire in vključiti strokovno znanje z drugih relevantnih področij, kot je javno zdravje.

WADA v sodelovanju z ustreznimi deležniki podpira izvajanje *Mednarodnih standardov* za *izobraževanje*.

19. člen Raziskave

19.1 Namen in cilji protidopinških raziskav

Protidopinške raziskave pripomorejo k razvoju in izvajanju učinkovitih programov za šport brez dopinga.

Vse *podpisnice* in *WADA* morajo v sodelovanju druga z drugo in z vladami spodbujati in promovirati tako raziskovanje ter izpeljati vse ustrezne ukrepe, da zagotovijo, da se rezultati teh raziskav uporabijo za namen promocije ciljev, ki so v skladu z načeli *Kodeksa*.

19.2 Vrste raziskav

Pomembne protidopinške raziskave lahko na primer vključujejo znanstvene, medicinske, analitične, statistične, tehnološke, farmakološke in fiziološke preiskave. Brez omejevanja zgoraj navedenega naj se na način, ki je skladen z načeli *Kodeksa* in spoštuje integriteto človeških bitij, izvajajo tudi študije o *uporabi* snovi ali postopkov, ki se šele začenjajo pojavljati in so posledica novih znanstvenih odkritij.

Pomembne protidopinške raziskave, povezane z razumevanjem vedenj in protidopinškega sistema, lahko na primer vključujejo študije, ki raziskujejo posamezna vedenja, organizacije, kulturo, športne

structures and governance, and the societies within which they all operate. Studies on the efficacy and effectiveness of anti-doping programs should be conducted using available data and metrics to determine trends and insights over time.

19.3 Coordination of Research and Sharing of Results

Coordination of anti-doping research through *WADA* is essential. Subject to any limitations arising from intellectual property rights, the results of such anti-doping research shall be provided to *WADA* and, where appropriate, shared with relevant *Signatories* and *Athletes* and other stakeholders.

19.4 Research Practices

Anti-doping research and *Quality Assurance* shall comply with internationally recognized ethical practices and any applicable national ethics standards and legal requirements as they relate to the involvement of human subjects or use of analytical data or other personal information in research/*Quality Assurance*.

19.5 Research Using *Prohibited Substances* and *Prohibited Methods*

Research efforts should avoid the *Administration* of *Prohibited Substances* or *Prohibited Methods* to *Athletes*.

19.6 Misuse of Results

Adequate precautions should be taken so that the results of anti-doping research are not misused and applied for doping purposes.

Analytical data or other personal information processed for anti-doping research or *Quality Assurance* purposes shall not be used for the purpose of establishing whether an anti-doping rule violation by the *Person* who provided the *Sample* has occurred, or made available in a form that identifies that *Person*.

19.7 Engagement in Research

Signatories shall promote research opportunities and encourage *Athletes* and *Athlete Support Personnel* to participate in research involving an *Anti-Doping Organization* or *WADA*- accredited or *WADA*-approved laboratory.

WADA recognizes *Signatories'* efforts to innovate for the benefit of the anti-doping system and encourages this in line with the principles of the *Code*. *WADA* will monitor and assess the feasibility of such practices and innovations. Where appropriate, *WADA* will coordinate and promote the adoption of such practices at a global level.

strukture in upravljanje ter družbe, v katerih se vse od navedenega pojavlja. Študije o učinkovitosti in uspešnosti protidopinških programov naj se izvajajo z uporabo razpoložljivih podatkov ter meril, da se skozi čas ugotovijo trendi in spoznanja.

19.3 Usklajevanje raziskav in deljenje rezultatov

Usklajevanje protidopinških raziskav prek *WADA* je nujno potrebno. Ob spoštovanju morebitnih omejitev, ki izhajajo iz pravic intelektualne lastnine, je treba rezultate teh protidopinških raziskav poslati *WADA* in jih, kjer je to primerno, deliti z ustreznimi *podpisnicami* in *športniki* ter drugimi deležniki.

19.4 Raziskovalne prakse

Protidopinške raziskave in *zagotavljanje kakovosti* morajo biti v skladu z mednarodno priznanimi etičnimi praksami ter vsemi veljavnimi nacionalnimi etičnimi standardi in zakonskimi zahtevami, ki se nanašajo na uporabo ljudi kot udeležencev raziskav ali uporabo analitičnih podatkov ali drugih osebnih podatkov pri raziskavah/*zagotavljanju kakovosti*.

19.5 Raziskave z uporabo *prepovedanih snovi* in *prepovedanih postopkov*

Ob izvajanju raziskav naj se izogiba *dajanju prepovedanih snovi* ali *omogočanju prepovedanih postopkov športnikom*.

19.6 Zloraba rezultatov

Izvajajo naj se ustrezni varnostni ukrepi, da ne bi prišlo do zlorabe protidopinških raziskav in njihove uporabe za namen dopinga.

Analitični podatki ali drugi osebni podatki, ki se obdelujejo za namene protidopinških raziskav ali *zagotavljanja kakovosti*, se ne smejo uporabiti za ugotavljanje, ali je *oseba*, ki je dala *vzorec*, kršila protidopinška pravila, niti se ne smejo dati na voljo v obliki, ki omogoča identifikacijo te *osebe*.

19.7 Sodelovanje v raziskavah

Podpisnice morajo spodbujati raziskovalne priložnosti ter *športnike* in *spremljevalno osebje športnika* spodbujati k sodelovanju v raziskavah, v katere je vključena *protidopinška organizacija* ali laboratorij, ki ga je akreditirala ali odobrila *WADA*.

WADA priznava prizadevanja *podpisnic* za inovacije v korist protidopinškega sistema in jih pri tem spodbuja v skladu z načeli *Kodeksa*. *WADA* bo spremljala in ocenjevala izvedljivost takih praks ter inovacij. Kadar bo to primerno, bo *WADA* koordinirala in spodbujala sprejemanje takih praks na globalni ravni.

PART THREE
ROLES AND RESPONSIBILI-TIES

All *Signatories and WADA* shall act in a spirit of partnership and collaboration in order to ensure the success of the fight against doping in sport and the respect of the *Code*.[257]

TRETJI DEL
VLOGE IN OBVEZNOSTI

Vse *podpisnice in WADA* morajo ravnati v duhu partnerstva ter sodelovanja, da bi zagotovile uspeh boja proti dopingu v športu in upoštevanje *Kodeksa*.[258]

[257] *[Comment: Responsibilities for Signatories and Athletes or other Persons are addressed in various Articles in the Code and the responsibilities listed in this part are additional to these responsibilities.]*
[258] *[Komentar: Obveznosti podpisnic, športnikov in drugih oseb so navedene v različnih členih Kodeksa. Obveznosti, navedene v tem delu, spadajo med dodatne obveznosti poleg že prej navedenih.]*

Article 20 Additional Roles and Responsibilities of *Signatories* and *WADA*

Anti-Doping Organizations shall work together ethically and in good faith to achieve the purposes of the *Code*. Subject to any express restriction set out elsewhere in the Code or an International Standard each *Anti-Doping Organization* may delegate aspects of *Doping Control* or anti-doping *Education* for which it is responsible, but remains fully responsible for ensuring that any aspect it delegates is performed in compliance with the *Code*. To the extent such delegation is made to a *Delegated Third Party* that is not a *Signatory*, the agreement with the *Delegated Third Party* shall require its compliance with the *Code* and *International Standards*.[259] Notwithstanding the foregoing, an *Anti-Doping Organization* shall not delegate any aspect of *Doping Control* (including, without limitation, *Testing* and *Results Management*) to a *Delegated Third Party* where such delegation could reasonably lead to a potential or actual conflict of interest; moreover, due to the potential conflict of interest, an *Anti-Doping Organization* shall not delegate any aspect of *Doping Control* (including, without limitation, *Testing* and *Results Management*) to a national sports governing body or other national sports organization.

20.1 Roles and Responsibilities of the International Olympic Committee

20.1.1 To adopt and implement anti-doping policies and rules for the Olympic Games which conform with the *Code* and the *International Standards* and promptly publish those policies and rules online where they are readily accessible to *Athletes* and other *Persons*.

20.1.2 To require, as a condition of recognition by the International Olympic Committee, that International Federations and *National Olympic Committees* within the Olympic Movement are in compliance with the *Code* and the *International Standards*.

20.1.3 To withhold some or all Olympic funding and/or other benefits from sport organizations that are not in compliance with the *Code* and/or the *International Standards*, where required under Article 24.1.

20.1.4 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard* for *Code* Compliance by *Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.

20.1.5 To authorize and facilitate the *Independent Observer Program*.

20.1.6 To require all *Athletes* preparing for or participating in the Olympic Games, and all *Athlete Support Personnel* associated with

20. člen Dodatne vloge in obveznosti *podpisnic* in *WADA*

Protidopinške organizacije morajo sodelovati etično in v dobri veri, da bi dosegle cilje *Kodeksa*. Ob upoštevanju morebitnih izrecnih omejitev, določenih drugod v *Kodeksu* ali v *Mednarodnem standardu*, lahko vsaka *protidopinška organizacija* prenese nekatere vidike *kontrole dopinga* ali protidopinškega *izobraževanja*, za katere je odgovorna, vendar ostane v celoti odgovorna za zagotavljanje, da je kateri koli preneseni vidik izveden v skladu s *Kodeksom*. Če so ti vidiki preneseni na *pooblaščeno tretjo osebo*, ki ni *podpisnica*, mora *pooblaščena tretja oseba* na podlagi dogovora zagotoviti skladnost s *Kodeksom* in *Mednarodnimi standardi*.[284] Ne glede na zgoraj navedeno *protidopinška organizacija* ne sme prenesti nobenega vidika *kontrole dopinga* (vključno z, vendar ne omejeno na, *testiranje* in *upravljanje z rezultati*) na *pooblaščeno tretjo osebo*, če je mogoče razumno domnevati, da bi tak prenos privedel do potencialnega ali dejanskega nasprotja interesov; poleg tega *protidopinška organizacija* zaradi potencialnega nasprotja interesov ne sme prenesti nobenega vidika *kontrole dopinga* (vključno z, vendar ne omejeno na, *testiranje* in *upravljanje z rezultati*) na nacionalni organ, pristojen za šport, ali drugo nacionalno športno organizacijo.

20.1 Vloge in obveznosti Mednarodnega olimpijskega komiteja

20.1.1 Sprejeti in izvajati protidopinške politike in pravila za olimpijske igre, ki so skladni s *Kodeksom* in *Mednarodnimi standardi*, ter te politike in pravila nemudoma objaviti na spletu, kjer so zlahka dostopni *športnikom* in drugim *osebam*.

20.1.2 Mednarodni olimpijski komite mora kot pogoj za priznanje od mednarodnih zvez in *nacionalnih olimpijskih komitejev* v olimpijskem gibanju zahtevati, naj ravnajo v skladu s *Kodeksom* in *Mednarodnimi standardi*.

20.1.3 Zadržati del ali celotno financiranje iz olimpijskih sredstev in/ali druge ugodnosti športnim organizacijam, ki ne ravnajo v skladu s *Kodeksom* in/ali *Mednarodnimi standardi,* če tako določa člen 24.1.

20.1.4 Sprejeti primerne ukrepe za odvračanje od neskladnosti s *Kodeksom* in *Mednarodnimi standardi* s strani (a) *podpisnic* v skladu s členom 24.1 in *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom* ter (b) katerega koli drugega športnega organa, nad katerim ima pristojnost, v skladu z 12. členom.

20.1.5 Odobriti in omogočati *program neodvisnih opazovalcev*.

20.1.6 Zahtevati, da se vsi *športniki*, ki se pripravljajo za olimpijske igre ali na njih sodelujejo, in vsi člani *spremljevalnega osebja*

[259] *[Comment to Article 20: An Anti-Doping Organization is not responsible for a failure to comply with the Code by its non-Signatory Delegated Third Parties if the Delegated Third Party's failure is committed in connection with services provided to a different Anti-Doping Organization. For example, if World Aquatics and FIBA both delegate aspects of Doping Control to the same non-Signatory Delegated Third Party, and the provider fails to comply with the Code in performing the services for World Aquatics, only World Aquatics and not FIBA would be responsible for the failure. However, Anti-Doping Organizations shall contractually require Delegated Third Parties to whom they have delegated anti-doping responsibilities to report to the Anti-Doping Organization any finding of non-compliance by the Delegated Third Parties.]*

[284] *[Komentar k 20. členu: Protidopinška organizacija ni odgovorna za neupoštevanje Kodeksa s strani pooblaščenih tretjih oseb, ki niso podpisnice, če je neupoštevanje s strani pooblaščene tretje osebe povezano s storitvami, zagotovljenimi drugi protidopinški organizaciji. Če na primer Mednarodna plavalna zveza in FIBA preneseta vidike kontrole dopinga na isto pooblaščeno tretjo osebo, ki ni podpisnica, in ponudnik pri izvajanju storitev za Mednarodno plavalno zvezo ne upošteva Kodeksa, je za neupoštevanje odgovorna Mednarodna plavalna zveza in ne FIBA. Vendar protidopinške organizacije od pooblaščenih tretjih oseb, na katere so prenesle protidopinške obveznosti, pogodbeno zahtevajo, da protidopinški organizaciji poročajo o kakršni koli ugotovljeni neskladnosti.]*

such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.

20.1.7 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, senior executives and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.

20.1.8 Subject to applicable law, to not knowingly employ or permit participation by a *Person* in a capacity where such employment or participation would conflict with the prohibitions described in Article 10.14.1. Further, the same prohibition on employment or permitted participation shall apply to a *Person* who was not bound by the rules adopted pursuant to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

20.1.9 To vigorously pursue all potential anti-doping rule violations within its authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of *Consequences*.[260]

20.1.10 To conduct an automatic investigation of *Athlete Support Personnel* within its authority in the case of any anti-doping rule violation involving a *Protected Person* or *Minor* and to conduct an automatic investigation of any *Athlete Support Personnel* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation. The results of such investigations shall be reported promptly to *WADA*.

20.1.11 To plan, implement, monitor, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard* for *Education*.

20.1.12 To accept bids for the Olympic Games only from countries where the government has ratified, accepted, approved or acceded to

športnika, ki so povezani s temi *športniki*, kot pogoj za sodelovanje ali udeležbo strinjajo s protidopinškimi pravili v skladu s *Kodeksom* in da jih ta pravila zavezujejo.

20.1.7 Skladno z veljavno zakonodajo kot pogoj za tak položaj ali sodelovanje zahtevati, da se vsi člani odbora, direktorji, vodilni delavci, višji vodstveni delavci in tisti zaposleni (in zaposleni imenovanih *pooblaščenih tretjih oseb*), ki so vključeni v kateri koli vidik *kontrole dopinga*, strinjajo, da jih protidopinška pravila zavezujejo kot *osebe* v skladu s *Kodeksom* za neposredne ali naklepne kršitve ali da jih zavezujejo primerljiva pravila in predpisi, ki jih je sprejela *podpisnica*.

20.1.8 V skladu z veljavno zakonodajo ne sme zavestno zaposliti ali dopustiti sodelovanja *osebe* v kateri koli vlogi, če bi bila taka zaposlitev ali sodelovanje v nasprotju s prepovedmi, opisanimi v členu 10.14.1. Poleg tega enaka prepoved zaposlitve ali dopustitve sodelovanja velja za *osebo*, ki je niso zavezovala pravila, sprejeta na podlagi *Kodeksa*, in ki je v preteklih šestih (6) letih neposredno in namerno ravnala na način, ki bi pomenil kršitev protidopinških pravil, če bi se za tako *osebo* uporabljala pravila, skladna s *Kodeksom*.

20.1.9 Odločno preganjati vse potencialne kršitve protidopinških pravil v okviru svojih pristojnosti, vključno s preiskavo, ali je bilo *spremljevalno osebje športnika* ali druga *oseba* vključena(-o) v vsak posamezni primer dopinga, ter zagotavljati primerno izvrševanje *posledic*.[285]

20.1.10 Izvesti samodejno preiskavo *spremljevalnega osebja športnika* v okviru svojih pristojnosti v primeru kakršne koli kršitve protidopinških pravil, ki vključuje *zaščiteno osebo* ali *mladoletnika*, in izvesti samodejno preiskavo katerega koli *spremljevalnega osebja športnika*, ki je zagotavljalo podporo več kot enemu *športniku*, ki je kršil protidopinška pravila. Rezultati takih preiskav se nemudoma sporočijo *WADA*.

20.1.11 Načrtovati, izvajati, ocenjevati in spodbujati *izobraževanje* glede preprečevanja dopinga v skladu z zahtevami *Mednarodnih standardov* za *izobraževanje*.

20.1.12 Sprejeti prijave za izvedbo olimpijskih iger samo od držav, v katerih je vlada ratificirala, sprejela ali odobrila *UNESCO*

[260] *[Comment to Article 20.1.9: Without limitation, the obligation to vigorously pursue all potential anti-doping rule violations shall include the obligation on the Anti-Doping Organization (i) to notify and pursue all anti-doping rule violations within their authority where there is sufficient evidence to do so, (ii) where the case is resolved/decided by the Anti-Doping Organization directly (as opposed to a hearing panel), to impose (or agree) Code- compliant and appropriate Consequences (iii) to robustly prosecute anti-doping rule violation cases before applicable hearing panels including, without limitation, by seeking Code-compliant and appropriate Consequences and (iv) to properly consider exercising any right of appeal against erroneous and/or non-compliant decisions by hearing panels. For the avoidance of doubt, a serious or repeated failure to vigorously pursue all potential anti-doping rule violations may result in the initiation of compliance proceedings against the Anti-Doping Organization.]*

[285] *[Komentar k členu 20.1.9: Obveznost, da se odločno preganjajo vse potencialne kršitve protidopinških pravil, vključuje, vendar ni omejeno na, obveznost protidopinške organizacije, da (i) prijavi in preganja vse kršitve protidopinških pravil v okviru svoje pristojnosti, kadar za to obstajajo zadostni dokazi, (ii) naloži (ali se dogovori za) posledice, ki so skladne s Kodeksom in primerne, kadar zadevo reši/odloči neposredno protidopinška organizacija (in ne obravnavni senat), (iii) odločno preganja primere kršitev protidopinških pravil pred ustreznimi obravnavnimi senati, kar brez omejitev vključuje zahtevanje posledic, ki so skladne s Kodeksom in primerne, ter (iv) ustrezno prouči možnost uveljavljanja morebitne pravice do pritožbe zoper napačne in/ali neskladne odločitve obravnavnih senatov. V izogib dvomu, zaradi resne ali večkratne kršitve obveznosti, da se odločno preganjajo vse potencialne kršitve protidopinških pravil, se lahko zoper protidopinško organizacijo uvede postopek glede skladnosti.]*

the *UNESCO Convention*, and (where required under Article 24.1.9) to not accept bids for *Events* from countries where the *National Olympic Committee*, the *National Paralympic Committee* and/or the *National Anti-Doping Organization* is not in compliance with the *Code* or the *International Standards*.

20.1.13 To cooperate with relevant national organizations and agencies and other *Anti- Doping Organizations* and report to *WADA* the failure of any *Anti-Doping Organization* to cooperate with it.

20.1.14 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.

20.1.15 To adopt a policy or rule implementing Article 2.11.

20.1.16 To render timely decisions in its *Results Management* process in accordance with the *International Standard* for *Results Management*.[261]

20.1.17 To adopt and implement Code of Conduct provisions allowing the imposition of disciplinary action against *Athlete Support Personnel* under its authority who violate their obligations under Article 21.2 where such violation would not otherwise constitute an anti-doping rule violation or violation of Article 10.14.1.

20.1.18 To respect the autonomy and independence of *National Anti-Doping Organizations* as well as the requirements of *National Anti-Doping Organization Operational Independence*.

20.2 Roles and Responsibilities of the International Paralympic Committee

20.2.1 To adopt and implement anti-doping policies and rules for the Paralympic Games which conform with the *Code* and the *International Standards* and promptly publish those policies and rules online where they are readily accessible to *Athletes* and other *Persons*.

20.2.2 To require, as a condition of membership of the International Paralympic Committee, that International Federations and *National Paralympic Committees* within the Paralympic Movement are in compliance with the *Code* and the *International Standards*.

20.2.3 To withhold some or all Paralympic funding and/or other benefits from sport organizations that are not in compliance with the *Code* and/or the *International Standards*, where required under Article 24.1.

20.2.4 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard* for *Code* Compliance by *Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.

20.2.5 To authorize and facilitate the *Independent Observer Program*.

konvencijo oziroma k njej pristopila, ter (če tako določa člen 24.1.9) ne sme sprejeti prijav za izvedbo prireditev od držav, v katerih *nacionalni olimpijski komite*, *nacionalni paralimpijski komite* in/ali *nacionalna protidopinška organizacija* ne delujejo v skladu s *Kodeksom* ali *Mednarodnimi standardi*.

20.1.13 Sodelovati z ustreznimi nacionalnimi organizacijami in agencijami ter drugimi *protidopinškimi organizacijami* in prijaviti *WADA* nesodelovanje katere koli *protidopinške organizacije* z njim.

20.1.14 Upoštevati neodvisnost delovanja laboratorijev, kot je določeno v *Mednarodnih standardih* za laboratorije.

20.1.15 Sprejeti politiko ali pravilo za izvajanje člena 2.11.

20.1.16 V okviru postopka *upravljanja z rezultati* sprejemati pravočasne odločitve v skladu z *Mednarodnimi standardi* za *upravljanje z rezultati*.[286]

20.1.17 Sprejeti in izvajati določbe kodeksa ravnanja, ki omogočajo uvedbo disciplinskih ukrepov zoper *spremljevalno osebje športnika*, za katero je pristojen in ki krši svoje obveznosti iz člena 21.2, kadar taka kršitev sicer ne bi pomenila kršitve protidopinških pravil ali kršitve člena 10.14.1.

20.1.18 Spoštovati avtonomijo in neodvisnost *nacionalnih protidopinških organizacij* ter zahteve glede *neodvisnosti delovanja nacionalnih protidopinških organizacij*.

20.2 Vloge in obveznosti Mednarodnega paralimpijskega komiteja

20.2.1 Sprejeti in izvajati protidopinške politike in pravila za paralimpijske igre, ki so skladni s *Kodeksom* in *Mednarodnimi standardi*, ter te politike in pravila nemudoma objaviti na spletu, kjer so zlahka dostopni *športnikom* in drugim *osebam*.

20.2.2 Mednarodni paralimpijski komite mora kot pogoj za članstvo od mednarodnih zvez in *nacionalnih paralimpijskih komitejev* v paralimpijskem gibanju zahtevati, da ravnajo v skladu s *Kodeksom* in *Mednarodnimi standardi*.

20.2.3 Zadržati del ali celotno financiranje iz paralimpijskih sredstev in/ali druge ugodnosti športnim organizacijam, ki ne ravnajo v skladu s *Kodeksom* in/ali *Mednarodnimi standardi,* če tako določa člen 24.1.

20.2.4 Sprejeti primerne ukrepe za odvračanje od neskladnosti s *Kodeksom* in *Mednarodnimi standardi* s strani (a) *podpisnic* v skladu s členom 24.1 in *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom* ter (b) katerega koli drugega športnega organa, nad katerim ima pristojnost, v skladu z 12. členom.

20.2.5 Odobriti in omogočati *program neodvisnih opazovalcev*.

[261] *[Comment to Article 20.1.15: See Article 13.3.]*
[286] *[Komentar k členu 20.1.15: Glej člen 13.3.]*

20.2.6 To require all *Athletes* preparing for or participating in the Paralympic Games, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.

20.2.7 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, senior executives and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.

20.2.8 Subject to applicable law, to not knowingly employ or permit participation by a *Person* in a capacity where such employment or participation would conflict with the prohibitions described in Article 10.14.1. Further, the same prohibition on employment or permitted participation shall apply to a *Person* who was not bound by the rules adopted pursuant to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

20.2.9 To plan, implement, monitor, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard* for *Education*.

20.2.10 To vigorously pursue all potential anti-doping rule violations within its authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of *Consequences*.[262]

20.2.11 To conduct automatic investigation of *Athlete Support Personnel* within its authority in the case of any anti-doping rule violation involving a *Protected Person* or *Minor* and to conduct an automatic investigation of any *Athlete Support Personnel* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation. The results of such investigations shall be reported promptly to *WADA*.

20.2.12 To cooperate with relevant national organizations and agencies and other *Anti- Doping Organizations* and report to *WADA* the failure of any such organization to cooperate with it.

20.2.13 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.

20.2.14 To render timely decisions in its *Results Management* process in accordance with

20.2.6 Zahtevati, da se vsi *športniki*, ki se pripravljajo za paralimpijske igre ali na njih sodelujejo, in vsi člani *spremljevalnega osebja športnika*, ki so povezani s temi *športniki*, kot pogoj za sodelovanje ali udeležbo strinjajo s protidopinškimi pravili v skladu s *Kodeksom* in da jih ta pravila zavezujejo.

20.2.7 V skladu z veljavno zakonodajo kot pogoj za tak položaj ali sodelovanje zahtevati, da se vsi člani odbora, direktorji, vodilni delavci, višji vodstveni delavci in tisti zaposleni (in zaposleni imenovanih *pooblaščenih tretjih oseb*), ki so vključeni v kateri koli vidik *kontrole dopinga*, strinjajo, da jih protidopinška pravila zavezujejo kot *osebe* v skladu s *Kodeksom* za neposredne in naklepne kršitve ali da jih zavezujejo primerljiva pravila in predpisi, ki jih je sprejela *podpisnica*.

20.2.8 V skladu z veljavno zakonodajo ne sme zavestno zaposliti ali dopustiti sodelovanja *osebe* v kateri koli vlogi, če bi bila taka zaposlitev ali sodelovanje v nasprotju s prepovedmi, opisanimi v členu 10.14.1. Poleg tega enaka prepoved zaposlitve ali dopustitve sodelovanja velja za *osebo*, ki je niso zavezovala pravila, sprejeta na podlagi *Kodeksa*, in ki je v preteklih šestih (6) letih neposredno in namerno ravnala na način, ki bi pomenil kršitev protidopinških pravil, če bi se za tako *osebo* uporabljala pravila, skladna s *Kodeksom*.

20.2.9 Načrtovati, izvajati, ocenjevati in spodbujati *izobraževanje* glede preprečevanja dopinga v skladu z zahtevami *Mednarodnih standardov* za *izobraževanje*.

20.2.10 Odločno preganjati vse potencialne kršitve protidopinških pravil v okviru svojih pristojnosti, vključno s preiskavo, ali je bilo *spremljevalno osebje športnika* ali druga *oseba* vključena(-o) v vsak posamezni primer dopinga, ter zagotavljati primerno izvrševanje *posledic*.[287]

20.2.11 Izvesti samodejno preiskavo *spremljevalnega osebja športnika* v okviru svojih pristojnosti v primeru, ko kršitev protidopinških pravil vključuje *zaščiteno osebo* ali *mladoletnika*, in izvesti samodejno preiskavo katerega koli *spremljevalnega osebja športnika*, ki je zagotavljalo podporo več kot enemu *športniku*, ki je kršil protidopinška pravila. Rezultati takih preiskav se nemudoma sporočijo *WADA*.

20.2.12 Sodelovati z ustreznimi nacionalnimi organizacijami in agencijami ter drugimi *protidopinškimi organizacijami* in prijaviti *WADA* nesodelovanje katere koli take organizacije z njim.

20.2.13 Upoštevati neodvisnost delovanja laboratorijev, kot je določeno v *Mednarodnih standardih* za laboratorije.

20.2.14 V okviru postopka *upravljanja z rezultati* sprejemati pravočasne odločitve v skladu z

[262] *[Comment to Article 20.2.10: See comment to Article 20.1.9.]*
[287] *[Komentar k členu 20.2.10: Glej komentar k členu 20.1.9.]*

the *International Standard* for *Results Management*.[263]

20.2.15 To adopt and implement Code of Conduct provisions allowing the imposition of disciplinary action against *Athlete Support Personnel* under its authority who violate their obligations under Article 21.2 where such violation would not otherwise constitute an anti-doping rule violation or violation of Article 10.14.1.

20.2.16 To respect the autonomy and independence of *National Anti-Doping Organizations* as well as the requirements of *National Anti-Doping Organization Operational Independence*.

20.3 Roles and Responsibilities of International Federations

20.3.1 To adopt and implement anti-doping policies and rules which conform with the *Code* and *International Standards* and promptly publish those policies and rules online where they are readily accessible to *Athletes* and other *Persons*.[264]

20.3.2 To require, as a condition of membership, that their National Federations have used their best efforts to ensure that the *National Anti-Doping Organization* in their country possesses complete authority to implement their *Anti-Doping Activities* over all *Athletes* and other *Persons* under the jurisdiction of the National Federation, that the policies, rules and programs of their National Federations and all affiliates of the *International Federation* (e.g., Continental Federations or other groups of members), and other members are in compliance with the *Code* and the *International Standards*, and to take appropriate action to enforce such compliance; areas of compliance shall include but not be limited to: (i) requiring that the *International Federation's* affiliates (e.g., Continental Federations) conduct *Testing* only under the documented authority of their International Federation[265] (ii) requiring that their National Federations respect the autonomy and independence of the *National Anti- Doping Organization* in their country as well as the requirements of *National Anti- Doping Organization Operational Independence* (iii) requiring that their National Federations recognize the authority of the *National Anti-Doping Organization* in their country in accordance with Article 5.2.1 and assist as appropriate with the *National Anti-Doping Organization's* implementation of the national *Testing* program for their sport; (iv) requiring that the *International Federation's* affiliates (e.g., Continental Federations) analyze all

Mednarodnimi standardi za *upravljanje z rezultati*.[288]

20.2.15 Sprejeti in izvajati določbe kodeksa ravnanja, ki omogočajo uvedbo disciplinskih ukrepov zoper *spremljevalno osebje športnika*, za katero je pristojen in ki krši svoje obveznosti iz člena 21.2, kadar taka kršitev sicer ne bi pomenila kršitve protidopinških pravil ali kršitve člena 10.14.1.

20.2.16 Spoštovati avtonomijo in neodvisnost *nacionalnih protidopinških organizacij* ter zahteve glede *neodvisnosti delovanja nacionalnih protidopinških organizacij*.

20.3 Vloge in obveznosti mednarodnih zvez

20.3.1 Sprejeti in izvajati protidopinške politike in pravila, ki so skladni s *Kodeksom* in *Mednarodnimi standardi*, ter te politike in pravila nemudoma objaviti na spletu, kjer so zlahka dostopni *športnikom* in drugim *osebam*.[289]

20.3.2 Kot pogoj za članstvo zahtevati, da so njihove nacionalne zveze storile vse, kar je v njihovi moči, da bi zagotovile, da je *nacionalna protidopinška organizacija* v njihovi državi v celoti pristojna za izvajanje svojih *protidopinških dejavnosti* za vse *športnike* in druge *osebe*, za katere je pristojna nacionalna zveza, da so politike, pravila ter programi nacionalnih zvez in vseh pridruženih organizacij *mednarodne zveze* (npr. celinske zveze ali druge skupine članic) ter drugih članic skladni s *Kodeksom* in *Mednarodnimi standardi*, ter sprejeti ustrezne ukrepe za zagotavljanje take skladnosti; področja skladnosti vključujejo, vendar niso omejena na: (i) zahtevo, da pridružene organizacije *mednarodne zveze* (npr. celinske zveze) izvajajo *testiranje* samo po dokumentiranem pooblastilu njihove *mednarodne zveze*;[290] (ii) zahtevo, da nacionalne zveze spoštujejo avtonomijo in neodvisnost *nacionalne protidopinške organizacije* v njihovi državi, kot tudi zahteve glede *neodvisnosti delovanja nacionalnih protidopinških organizacij*; (iii) zahtevo, da njihove nacionalne zveze priznajo pristojnost *nacionalne protidopinške organizacije* v njihovi državi v skladu s členom 5.2.1 in ustrezno pomagajo *nacionalni protidopinški organizaciji* pri izvajanju nacionalnega programa *testiranja* za njihovo športno panogo; (iv) zahtevo, da pridružene organizacije *mednarodne zveze* (npr. celinske zveze) analizirajo odvzete *vzorce* v laboratoriju, ki ga je akreditirala ali odobrila *WADA*, v skladu s členom 6.1; in

[263] *[Comment to Article 20.2.13: See Article 13.3.]*
[264] *[Comment to Article 20.3.1: International Federations are encouraged, to the extent their resources and structural framework allow, to ensure that their anti-doping activities operate independently from their sport governance and operations.]*
[265] *[Comment to Article 20.3.2: For the avoidance of doubt, National Federations or other national affiliates of International Federations shall not conduct Testing.]*
[288] *[Komentar k členu 20.2.13: Glej člen 13.3.]*
[289] *[Komentar k členu 20.3.1: Mednarodne zveze se spodbuja, da v obsegu, ki ga omogočajo njihovi viri in njihov strukturni okvir, zagotovijo, da njihove protidopinške dejavnosti potekajo neodvisno od njihovega upravljanja in delovanja v športu.]*
[290] *[Komentar k členu 20.3.2: V izogib dvomu, nacionalne zveze ali druge nacionalne pridružene organizacije mednarodnih zvez ne smejo izvajati testiranja.]*

Samples collected using a *WADA*-accredited or *WADA*- approved laboratory in accordance with Article 6.1; and (v) requiring that any national level anti-doping rule violation cases discovered by their National Federations are immediately reported to the *National Anti-Doping Organization* in their country so that they may be addressed in accordance with the anti-doping rules of the *National Anti-Doping Organization* by an *Operationally Independent* hearing panel in accordance with Article 8.1 and the *International Standard* for *Results Management*.

(v) zahtevo, da se vsi primeri kršitev protidopinških pravil na nacionalni ravni, ki jih odkrijejo nacionalne zveze, takoj prijavijo *nacionalni protidopinški organizaciji* v njihovi državi, da bi jih v skladu s protidopinškimi pravili *nacionalne protidopinške organizacije* lahko obravnaval obravnavni senat, ki *deluje neodvisno*, v skladu s členom 8.1 in *Mednarodnimi standardi* za *upravljanje z rezultati*.

20.3.3 To require all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by the International Federation or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.

20.3.3 Zahtevati, da se vsi *športniki*, ki se pripravljajo za *tekmovanje* ali dejavnost, ki jo odobri ali organizira *mednarodna zveza* ali katera izmed njenih organizacij članic, oziroma sodelujejo na tem *tekmovanju* ali v tej dejavnosti, in vsi člani *spremljevalnega osebja športnika*, ki so povezani s temi *športniki*, kot pogoj za sodelovanje ali udeležbo strinjajo s protidopinškimi pravili v skladu s *Kodeksom* in da jih ta pravila zavezujejo.

20.3.4 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, senior executives and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.

20.3.4 V skladu z veljavno zakonodajo kot pogoj za tak položaj ali sodelovanje zahtevati, da se vsi člani odbora, direktorji, vodilni delavci, višji vodstveni delavci in tisti zaposleni (in zaposleni imenovanih *pooblaščenih tretjih oseb*), ki so vključeni v kateri koli vidik *kontrole dopinga*, strinjajo, da jih protidopinška pravila zavezujejo kot *osebe* v skladu s *Kodeksom* za neposredne in naklepne kršitve ali da jih zavezujejo primerljiva pravila in predpisi, ki jih je sprejela *podpisnica*.

20.3.5 Subject to applicable law, to not knowingly employ or permit participation by a *Person* in a capacity where such employment or participation would conflict with the prohibitions described in Article 10.14.1. Further, the same prohibition on employment or permitted participation shall apply to a *Person* who was not bound by the rules adopted pursuant to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

20.3.5 V skladu z veljavno zakonodajo ne smejo zavestno zaposliti ali dopustiti sodelovanja *osebe* v kateri koli vlogi, če bi bila taka zaposlitev ali sodelovanje v nasprotju s prepovedmi, opisanimi v členu 10.14.1. Poleg tega enaka prepoved zaposlitve ali dopustitve sodelovanja velja za *osebo*, ki je niso zavezovala pravila, sprejeta na podlagi *Kodeksa*, in ki je v preteklih šestih (6) letih neposredno in namerno ravnala na način, ki bi pomenil kršitev protidopinških pravil, če bi se za tako *osebo* uporabljala pravila, skladna s *Kodeksom*.

20.3.6 To require *Athletes* who are not regular members of the International Federation or one of its member National Federations to be available for *Sample* collection and to provide accurate and up-to-date whereabouts information as part of the International Federation's *Registered Testing Pool* consistent with the conditions for eligibility established by the International Federation or, as applicable, the *Major Event Organization*.[266]

20.3.6 Zahtevati, da so *športniki*, ki niso redni člani mednarodne zveze ali katere izmed njenih nacionalnih zvez članic, na voljo za odvzem *vzorcev* in da pravilno posredujejo svoje najnovejše podatke o lokaciji kot del *registrirane skupine za testiranje* pri mednarodni zvezi v skladu s pogoji za ustreznost, ki jih sprejme mednarodna zveza ali *organizator velikih prireditev*.[291]

20.3.7 To require each of their National Federations to establish rules requiring all *Athletes* preparing for or participating in a

20.3.7 Zahtevati, da vse nacionalne zveze vzpostavijo pravila, ki zahtevajo, da se vsi *športniki*, ki se pripravljajo za *tekmovanje* ali

[266] *[Comment to Article 20.3.4: This would include, for example, Athletes from professional leagues.]*
[291] *[Komentar k členu 20.3.4: To na primer vključuje športnike iz profesionalnih lig.]*

Competition or activity authorized or organized by a National Federation or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to be bound by anti-doping rules and the *Results Management* authority of an *Anti-Doping Organization* in conformity with the *Code* as a condition of such participation.

20.3.8 To require National Federations to report any information suggesting or relating to an anti-doping rule violation or violation of Article 10.14.1 to their *National Anti- Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.

20.3.9 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard* for *Code* Compliance by *Signatories*, and (b) by any other sporting body over which they have authority, in accordance with Article 12.

20.3.10 To authorize and facilitate the *Independent Observer Program* at *International Events*.

20.3.11 To withhold some or all funding to their member or recognized National Federations that are not in compliance with the *Code* and/or the *International Standards*.

20.3.12 To vigorously pursue all potential anti-doping rule violations within their authority including investigation into whether *Athlete Support Personnel* or other *Person*s may have been involved in each case of doping and to ensure proper enforcement of *Consequences*.[267]

20.3.13 To conduct an automatic investigation of *Athlete Support Personnel* within their authority in the case of any anti-doping rule violation involving a *Protected Person* or *Minor* and to conduct an automatic investigation of any *Athlete Support Personnel* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation. The results of such investigations shall be reported promptly to *WADA*.

20.3.14 To plan, implement, monitor, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard* for *Education*, including requiring National Federations to conduct anti-doping *Education* in coordination with the applicable *National Anti-Doping Organization*.

20.3.15 To accept bids for World Championships and other *International Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention*, and (where required under Article 24.1.9) to not accept bids for *Events* from countries where the

dejavnost, ki jo odobri ali organizira nacionalna zveza ali katera izmed njenih organizacij članic, oziroma sodelujejo na tem *tekmovanju* ali v tej dejavnosti, in vsi člani *spremljevalnega osebja športnika*, ki so povezani s temi *športniki*, strinjajo, da jih kot pogoj za tako sodelovanje zavezujejo protidopinška pravila in pristojnost *protidopinške organizacije* za *upravljanje z rezultati* v skladu s *Kodeksom*.

20.3.8 Zahtevati, da nacionalne zveze poročajo vse informacije v zvezi s kršitvami protidopinških pravil ali kršitvami člena 10.14.1 svojim *nacionalnim protidopinškim organizacijam* in mednarodni zvezi, ter sodelovati v preiskavah, ki jih vodi katera koli *protidopinška organizacija*, pristojna za vodenje preiskav.

20.3.9 Sprejeti primerne ukrepe za odvračanje od neskladnosti s *Kodeksom* in *Mednarodnimi standardi* s strani (a) *podpisnic* v skladu s členom 24.1 in *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom* ter (b) katerega koli drugega športnega organa, za katerega so pristojne, v skladu z 12. členom.

20.3.10 Odobriti in omogočati *program neodvisnih opazovalcev* na *mednarodnih prireditvah*.

20.3.11 Zadržati del ali celotno financiranje nacionalnih zvez, ki so njihove članice ali jih priznavajo ter ki ne ravnajo v skladu s *Kodeksom* in/ali *Mednarodnimi standardi*.

20.3.12 Odločno preganjati vse potencialne kršitve protidopinških pravil v okviru svojih pristojnosti, vključno s preiskavo, ali je bilo *spremljevalno osebje športnika* ali druga *oseba* vključena(-o) v vsak posamezni primer dopinga, ter zagotavljati primerno izvrševanje *posledic*.[292]

20.3.13 Izvesti samodejno preiskavo *spremljevalnega osebja športnika* v okviru svojih pristojnosti v primeru, ko kršitev protidopinških pravil vključuje *zaščiteno osebo* ali *mladoletnika*, in izvesti samodejno preiskavo katerega koli *spremljevalnega osebja športnika*, ki je zagotavljalo podporo več kot enemu *športniku*, ki je kršil protidopinška pravila. Rezultati takih preiskav se nemudoma sporočijo *WADA*.

20.3.14 Načrtovati, izvajati, spremljati, ocenjevati in spodbujati *izobraževanje* glede preprečevanja dopinga v skladu z zahtevami *Mednarodnih standardov* za *izobraževanje,* vključno z zahtevo, da nacionalne zveze izvajajo *izobraževanje* glede preprečevanja dopinga v sodelovanju z ustrezno *nacionalno protidopinško organizacijo*.

20.3.15 Sprejeti prijave za izvedbo svetovnih prvenstev in drugih *mednarodnih prireditev* samo od držav, v katerih je vlada ratificirala, sprejela ali odobrila *UNESCO konvencijo* oziroma k njej pristopila, ter (če tako določa člen 24.1.9) ne smejo sprejeti prijav za izvedbo prireditev od držav, v

[267] *[Comment to Article 20.3.12: See comment to Article 20.1.9.]*
[292] *[Komentar k členu 20.3.12: Glej komentar k členu 20.1.9.]*

National Olympic Committee, the *National Paralympic Committee* and/or the *National Anti-Doping Organization* is not in compliance with the *Code* or the *International Standards*.

20.3.16 To cooperate with relevant national organizations and agencies and other *Anti- Doping Organizations* and report to *WADA* the failure of any such organization to cooperate with them.

20.3.17 To cooperate fully with *WADA* in connection with investigations conducted by *WADA* pursuant to Article 20.8.15.

20.3.18 To have disciplinary rules in place and require National Federations to have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* within the International Federation's or National Federation's authority.

20.3.19 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.

20.3.20 To adopt a policy or rule implementing Article 2.11.

20.3.21 To render timely decisions in their *Results Management* process in accordance with the *International Standard* for *Results Management*.[268]

20.3.22 To adopt and implement, and require each National Federation to adopt and implement, Code of Conduct provisions allowing the imposition of disciplinary action against *Athlete Support Personnel* under its authority who violate their obligations under Article 21.2 where such violation would not otherwise constitute an anti-doping rule violation or violation of Article 10.14.1.

20.3.23 To respect the autonomy and independence of *National Anti-Doping Organizations* as well as the requirements of *National Anti-Doping Organization Operational Independence*.

20.4 Roles and Responsibilities of *National Olympic Committees* and *National Paralympic Committees*

20.4.1 To ensure that their anti-doping policies and rules conform with the *Code* and the *International Standards* and promptly publish those policies and rules online where they are readily accessible to *Athletes* and other *Persons*.

20.4.2 To require, as a condition of membership, that the policies, rules and programs of their National Federations and other members are in compliance with the *Code* and the *International Standards*, and to take appropriate action to enforce such compliance.

20.4.3 To respect the autonomy of the *National Anti-Doping Organization* in their country and not to interfere in its operational decisions and activities and to use their best efforts to ensure that the *National Anti-Doping Organization* in their country possesses

katerih *nacionalni olimpijski komite*, *nacionalni paralimpijski komite* in/ali *nacionalna protidopinška organizacija* ne delujejo v skladu s *Kodeksom* ali *Mednarodnimi standardi*.

20.3.16 Sodelovati z ustreznimi nacionalnimi organizacijami in agencijami ter drugimi *protidopinškimi organizacijami* in prijaviti *WADA* nesodelovanje katere koli take organizacije z njimi.

20.3.17 V celoti sodelovati z *WADA* v povezavi s preiskavami, ki jih ta vodi skladno s členom 20.8.15.

20.3.18 Uvesti disciplinska pravila in zahtevati, da nacionalne zveze uvedejo disciplinska pravila, ki preprečujejo, da bi *spremljevalno osebje športnika*, ki brez upravičenega razloga uporablja *prepovedane snovi* ali *prepovedane postopke*, zagotavljalo podporo *športnikom* v okviru pristojnosti mednarodne zveze ali nacionalne zveze.

20.3.19 Upoštevati neodvisnost delovanja laboratorijev, kot je določeno v *Mednarodnih standardih* za laboratorije.

20.3.20 Sprejeti politiko ali pravilo za izvajanje člena 2.11.

20.3.21 V okviru postopka *upravljanja z rezultati* sprejemati pravočasne odločitve v skladu z *Mednarodnimi standardi* za *upravljanje z rezultati*.[293]

20.3.22 Sprejeti in izvajati ter od vsake nacionalne zveze zahtevati, da sprejme in izvaja določbe kodeksa ravnanja, ki omogočajo uvedbo disciplinskih ukrepov zoper *spremljevalno osebje športnika*, za katero je pristojen in ki krši svoje obveznosti iz člena 21.2, kadar taka kršitev sicer ne bi pomenila kršitve protidopinških pravil ali kršitve člena 10.14.1.

20.3.23 Spoštovati avtonomijo in neodvisnost *nacionalnih protidopinških organizacij* ter zahteve glede *neodvisnosti delovanja nacionalnih protidopinških organizacij*.

20.4 Vloge in obveznosti *nacionalnih olimpijskih komitejev* in *nacionalnih paralimpijskih komitejev*

20.4.1 Zagotavljati, da so njihove protidopinške politike in pravila skladni s *Kodeksom* in *Mednarodnimi standardi*, ter te politike in pravila nemudoma objaviti na spletu, kjer so zlahka dostopni *športnikom* in drugim *osebam*.

20.4.2 Kot pogoj za članstvo zahtevati, da so politike, pravila in programi njihovih nacionalnih zvez in drugih članic v skladu s *Kodeksom* in *Mednarodnimi standardi*, ter sprejeti ustrezne ukrepe za zagotavljanje take skladnosti.

20.4.3 Spoštovati avtonomijo *nacionalne protidopinške organizacije* v svoji državi ter se ne vmešavati v njene operativne odločitve in dejavnosti ter storiti vse, kar je v njihovi moči, da bi zagotovili, da je *nacionalna protidopinška organizacija* v njihovi državi v

[268] *[Comment to Article 20.3.20: See Article 13.3.]*
[293] *[Komentar k členu 20.3.20: Glej člen 13.3.]*

complete authority to implement their *Anti-Doping Activities* over all *Athletes* and other *Persons* under the jurisdiction of the *National Olympic Committee* or *National Paralympic Committee*.

20.4.4 To require National Federations to report any information suggesting or relating to an anti-doping rule violation or violation of Article 10.14.1 to their *National Anti- Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.

20.4.5 To require, as a condition of participation in the Olympic Games and Paralympic Games that, at a minimum, *Athletes* who are not regular members of a National Federation be available for *Sample* collection and to provide whereabouts information as required by the *International Standard* for *Testing* as soon as the *Athlete* is identified on the long list or subsequent entry document submitted in connection with the Olympic Games or Paralympic Games.

20.4.6 To cooperate with their *National Anti-Doping Organization* and to work with their government to establish a *National Anti-Doping Organization* where one does not already exist, provided that, in the interim, the *National Olympic Committee* or its designee shall fulfill the responsibility of a *National Anti-Doping Organization*. For those countries that are members of a *Regional Anti-Doping Organization*, the *National Olympic Committee*, in cooperation with the government, shall maintain an active and supportive role with their respective *Regional Anti-Doping Organization*.

20.4.7 To require each of their National Federations to establish rules (or other means) requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a National Federation or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules and the *Results Management* authority of an *Anti-Doping Organization* in conformity with the *Code* as a condition of such participation or involvement.

20.4.8 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, senior executives and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.

20.4.9 Subject to applicable law, to not knowingly employ or permit participation by a *Person* in a capacity where such employment or

celoti pristojna za izvajanje svojih *protidopinških dejavnosti* za vse *športnike* in druge *osebe*, za katere je pristojen *nacionalni olimpijski komite* ali *nacionalni paralimpijski komite*.

20.4.4 Zahtevati, da nacionalne zveze poročajo vse informacije v zvezi s kršitvami protidopinških pravil ali kršitvami člena 10.14.1 svojim *nacionalnim protidopinškim organizacijam* in mednarodni zvezi, ter sodelovati v preiskavah, ki jih vodi katera koli *protidopinška organizacija*, pristojna za vodenje preiskav.

20.4.5 Kot minimalni pogoj za sodelovanje na olimpijskih in paralimpijskih igrah zahtevati, da so *športniki*, ki niso redni člani nacionalne zveze, na razpolago za odvzem *vzorca* ter da posredujejo svoje podatke o lokaciji, kot to zahtevajo *Mednarodni standardi* za *testiranja*, takoj ko je *športnik* uvrščen na širšem seznamu ali poznejšem prijavnem dokumentu, predloženem v zvezi z olimpijskimi igrami ali paralimpijskimi igrami.

20.4.6 Sodelovati z *nacionalnimi protidopinškimi organizacijami* in z vladami, da se ustanovi *nacionalna protidopinška organizacija*, kjer ta še ne obstaja, če v vmesnem obdobju *nacionalni olimpijski komite* ali njegov pooblaščenec izpolnjuje obveznosti *nacionalne protidopinške organizacije*. V državah, ki so članice *regionalnih protidopinških organizacij*, mora *nacionalni olimpijski komite* v sodelovanju z vlado vzdrževati svojo aktivno in podporno vlogo pri ustrezni *regionalni protidopinški organizaciji*.

20.4.7 Zahtevati, da vse nacionalne zveze določijo pravila (ali druga sredstva), ki zahtevajo, da se vsi *športniki*, ki se pripravljajo za *tekmovanje* ali dejavnost, ki jo odobri ali organizira nacionalna zveza ali katera izmed njenih organizacij članic, oziroma sodelujejo na tem *tekmovanju* ali v tej dejavnosti, in vsi člani *spremljevalnega osebja športnika*, ki so povezani s temi *športniki*, strinjajo, da jih kot pogoj za tako sodelovanje ali udeležbo zavezujejo protidopinška pravila in pristojnost *protidopinške organizacije* za *upravljanje z rezultati* v skladu s *Kodeksom*.

20.4.8 V skladu z veljavno zakonodajo kot pogoj za tak položaj ali sodelovanje zahtevati, da se vsi člani odbora, direktorji, vodilni delavci, višji vodstveni delavci in tisti zaposleni (in zaposleni imenovanih *pooblaščenih tretjih oseb*), ki so vključeni v kateri koli vidik *kontrole dopinga*, strinjajo, da jih protidopinška pravila zavezujejo kot *osebe* v skladu s *Kodeksom* za neposredne in naklepne kršitve ali da jih zavezujejo primerljiva pravila in predpisi, ki jih je sprejela *podpisnica*.

20.4.9 V skladu z veljavno zakonodajo ne smejo zavestno zaposliti ali dopustiti sodelovanja *osebe* v kateri koli vlogi, če bi bila taka

participation would conflict with the prohibitions described in Article 10.14.1. Further, the same prohibition on employment or permitted participation shall apply to a *Person* who was not bound by the rules adopted pursuant to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

20.4.10 To withhold some or all funding, during any period of *Ineligibility*, to any *Athlete* or *Athlete Support Person* who has violated anti-doping rules.

20.4.11 To withhold some or all funding to their member or recognized National Federations that are not in compliance with the *Code* and/or the *International Standards*.

20.4.12 To plan, implement, monitor, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard* for *Education*, including requiring National Federations to conduct anti-doping *Education* in coordination with the applicable *National Anti-Doping Organization*.

20.4.13 To vigorously pursue all potential anti-doping rule violations within their authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of *Consequences*.[269]

20.4.14 To conduct an automatic investigation of *Athlete Support Personnel* within their authority in the case of any anti-doping rule violation involving a *Protected Person* or *Minor* and to conduct an automatic investigation of any *Athlete Support Personnel* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation. The results of such investigations shall be reported promptly to *WADA*.

20.4.15 To cooperate with relevant national organizations and agencies and other *Anti- Doping Organizations* and report to *WADA* the failure of any such organization to cooperate with them.

20.4.16 To have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* within the *National Olympic Committee's* or *National Paralympic Committee's* authority.

20.4.17 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.

20.4.18 To adopt a policy or rule implementing Article 2.11.

20.4.19 To take appropriate action to discourage non-compliance with the *Code* and the

zaposlitev ali sodelovanje v nasprotju s prepovedmi, opisanimi v členu 10.14.1. Poleg tega enaka prepoved zaposlitve ali dopustitve sodelovanja velja za *osebo*, ki je niso zavezovala pravila, sprejeta na podlagi *Kodeksa*, in ki je v preteklih šestih (6) letih neposredno in namerno ravnala na način, ki bi pomenil kršitev protidopinških pravil, če bi se za tako *osebo* uporabljala pravila, skladna s *Kodeksom*.

20.4.10 V obdobju *izločitve* kateremu koli *športniku* ali *članu spremljevalnega osebja športnika*, ki je kršil protidopinška pravila, zadržati del ali celotno financiranje.

20.4.11 Zadržati del ali celotno financiranje nacionalnih zvez, ki so njihove članice ali jih priznavajo ter ki ne ravnajo v skladu s *Kodeksom* in/ali *Mednarodnimi standardi*.

20.4.12 Načrtovati, izvajati, spremljati, ocenjevati in spodbujati *izobraževanje* glede preprečevanja dopinga v skladu z zahtevami *Mednarodnih standardov* za *izobraževanje*, vključno z zahtevo, da nacionalne zveze izvajajo *izobraževanje* glede preprečevanja dopinga v sodelovanju z ustrezno *nacionalno protidopinško organizacijo*.

20.4.13 Odločno preganjati vse potencialne kršitve protidopinških pravil v okviru svojih pristojnosti, vključno s preiskavo, ali je bilo *spremljevalno osebje športnika* ali druga *oseba* vključena(-o) v vsak posamezni primer dopinga, ter zagotavljati primerno izvrševanje *posledic*.[294]

20.4.14 Izvesti samodejno preiskavo *spremljevalnega osebja športnika* v okviru svojih pristojnosti v primeru, ko kršitev protidopinških pravil vključuje *zaščiteno osebo* ali *mladoletnika*, in izvesti samodejno preiskavo katerega koli *spremljevalnega osebja športnika*, ki je zagotavljalo podporo več kot enemu *športniku*, ki je kršil protidopinška pravila. Rezultati takih preiskav se nemudoma sporočijo *WADA*.

20.4.15 Sodelovati z ustreznimi nacionalnimi organizacijami in agencijami ter drugimi *protidopinškimi organizacijami* in prijaviti *WADA* nesodelovanje katere koli take organizacije z njimi.

20.4.16 Uvesti disciplinska pravila, ki preprečujejo, da bi *spremljevalno osebje športnika*, ki brez upravičenega razloga *uporablja prepovedane snovi* ali *prepovedane postopke*, zagotavljalo podporo *športnikom* v okviru pristojnosti *nacionalnega olimpijskega komiteja* ali *nacionalnega paralimpijskega komiteja*.

20.4.17 Upoštevati neodvisnost delovanja laboratorijev, kot je določeno v *Mednarodnih standardih* za laboratorije.

20.4.18 Sprejeti politiko ali pravilo za izvajanje člena 2.11.

20.4.19 Sprejeti primerne ukrepe za odvračanje od neskladnosti s *Kodeksom* in *Mednarodnimi*

[269] *[Comment to Article 20.4.13: See comment to Article 20.1.9.]*
[294] *[Komentar k členu 20.4.13: Glej komentar k členu 20.1.9.]*

International Standards (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard* for *Code* Compliance by *Signatories* and (b) by any other sporting body over which it has authority, in accordance with Article 12.

20.4.20 To adopt and implement, and require each member or recognized National Federation, to adopt and implement, Code of Conduct provisions allowing the imposition of disciplinary action against *Athlete Support Personnel* under its authority who violate their obligations under Article 21.2 where such violation would not otherwise constitute an anti-doping rule violation or violation of Article 10.14.1.

20.4.21 To respect the autonomy and independence of *National Anti-Doping Organizations* as well as the requirements of *National Anti-Doping Organization Operational Independence*.

20.5 Roles and Responsibilities of *National Anti-Doping Organizations*[270]

20.5.1 To comply with the requirements of *National Anti-Doping Organization Operational Independence*.[271]

20.5.2 To adopt, implement and ensure the enforceability of anti-doping policies and rules which conform with the *Code* and the *International Standards*, promptly publish those policies and rules online where they are readily accessible to *Athletes* and other *Persons,* and exercise complete authority to implement their *Anti-Doping Activities* over relevant *Athletes* and other *Persons*.

20.5.3 To cooperate with relevant national organizations and agencies and other *Anti- Doping Organizations* and report to *WADA* the failure of any such organization to cooperate with them.

20.5.4 To encourage reciprocal *Testing* between *Anti-Doping Organizations*.

20.5.5 To promote anti-doping research.

20.5.6 Where funding is provided, to withhold some or all funding, during any period of *Ineligibility*, to any *Athlete* or *Athlete Support Person* who has violated anti-doping rules.

20.5.7 To vigorously pursue all potential anti-doping rule violations within their authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of *Consequences*.[272]

20.5.8 To plan, implement, monitor, evaluate and promote anti-doping *Education* in line with the requirements of the *International*

standardi s strani (a) *podpisnic* v skladu s členom 24.1 in *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom* ter (b) katerega koli drugega športnega organa, nad katerim ima pristojnost, v skladu z 12. členom.

20.4.20 Sprejeti in izvajati ter od vsake nacionalne zveze, ki je njihova članica ali ki jo priznavajo, zahtevati, da sprejme in izvaja določbe kodeksa ravnanja, ki omogočajo uvedbo disciplinskih ukrepov zoper *spremljevalno osebje športnika*, za kater so pristojni in ki krši svoje obveznosti iz člena 21.2, kadar taka kršitev sicer ne bi pomenila kršitve protidopinških pravil ali kršitve člena 10.14.1.

20.4.21 Spoštovati avtonomijo in neodvisnost *nacionalnih protidopinških organizacij* ter zahteve glede *neodvisnosti delovanja nacionalnih protidopinških organizacij*.

20.5 Vloge in obveznosti *nacionalnih protidopinških organizacij*[295]

20.5.1 Izpolnjevati zahteve glede *neodvisnosti delovanja nacionalne protidopinške organizacije*.[296]

20.5.2 Sprejeti, izvajati in zagotoviti izvrševanje protidopinških politik in pravil, ki so skladni s *Kodeksom* in *Mednarodnimi standardi*, nemudoma objaviti te politike in pravila na spletu, kjer so zlahka dostopni *športnikom* in drugim *osebam*, ter izvajati popolno pristojnost za izvedbo svojih *protidopinških dejavnosti* za zadevne *športnike* in druge *osebe*.

20.5.3 Sodelovati z ustreznimi nacionalnimi organizacijami in agencijami ter drugimi *protidopinškimi organizacijami* in prijaviti *WADA* nesodelovanje katere koli take organizacije z njimi.

20.5.4 Spodbujati vzajemno *testiranje* med *nacionalnimi protidopinškimi organizacijami*.

20.5.5 Spodbujati protidopinške raziskave.

20.5.6 Kjer je zagotovljeno financiranje, v obdobju *izločitve* kateremu koli *športniku* ali *članu spremljevalnega osebja športnika*, ki je kršil protidopinška pravila, zadržati del ali celotno financiranje.

20.5.7 Odločno preganjati vse potencialne kršitve protidopinških pravil v okviru svojih pristojnosti, vključno s preiskavo, ali je bilo *spremljevalno osebje športnika* ali druga *oseba* vključena(-o) v vsak posamezni primer dopinga, ter zagotavljati primerno izvrševanje *posledic*.[297]

20.5.8 Načrtovati, izvajati, ocenjevati in spodbujati *izobraževanje* glede preprečevanja dopinga v skladu z zahtevami *Mednarodnih*

[270] *[Comment to Article 20.5: For some smaller countries, a number of the responsibilities described in this Article may be delegated by their National Anti-Doping Organization to a Regional Anti-Doping Organization.]*

[271] *[Comment to Article 20.5.1: This would not, for example, prohibit a National Anti-Doping Organization from acting as a Delegated Third Party for a Major Event Organization or other Anti-Doping Organization.]*

[272] *[Comment to Article 20.5.7: See comment to Article 20.1.9.]*

[295] *[Komentar k členu 20.5: Nacionalne protidopinške organizacije nekaterih manjših držav lahko pooblastila za izvajanje nekaterih obveznosti iz tega člena prenesejo na regionalne protidopinške organizacije.]*

[296] *[Komentar k členu 20.5.1: To na primer nacionalni protidopinški organizaciji ne prepoveduje, da bi delovala kot pooblaščena tretja oseba za organizatorja velikih prireditev ali drugo protidopinško organizacijo.]*

[297] *[Komentar k členu 20.5.7: Glej komentar k členu 20.1.9.]*

Standard for *Education*.

20.5.9 Each *National Anti-Doping Organization* shall be the authority on *Education* within their respective countries.

20.5.10 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, senior executives and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.

20.5.11 Subject to applicable law, to not knowingly employ or permit participation by a *Person* in a capacity where such employment or participation would conflict with the prohibitions described in Article 10.14.1. Further, the same prohibition on employment or permitted participation shall apply to a *Person* who was not bound by the rules adopted pursuant to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

20.5.12 To conduct an automatic investigation of *Athlete Support Personnel* within their authority in the case of any anti-doping rule violation involving a *Protected Person* or *Minor* and to conduct an automatic investigation of any *Athlete Support Person* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation. The results of such investigations shall be reported promptly to *WADA*.

20.5.13 To cooperate fully with *WADA* in connection with investigations conducted by *WADA* pursuant to Article 20.8.15.

20.5.14 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.

20.5.15 To adopt a policy or rule implementing Article 2.11.

20.5.16 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard* for *Code* Compliance by *Signatories* and (b) by any other sporting body over which it has authority, in accordance with Article 12.

20.5.17 To render timely decisions in their *Results Management* process in accordance with the *International Standard* for *Results Management*.[273]

20.6 Roles and Responsibilities of *Major Event Organizations*

20.6.1 To adopt and implement anti-doping policies and rules for its *Events* which conform

standardov za *izobraževanje*.

20.5.9 Vsaka *nacionalna protidopinška organizacija* je pristojna za *izobraževanje* v svoji državi.

20.5.10 V skladu z veljavno zakonodajo kot pogoj za tak položaj ali sodelovanje zahtevati, da se vsi člani odbora, direktorji, vodilni delavci, višji vodstveni delavci in tisti zaposleni (in zaposleni imenovanih *pooblaščenih tretjih oseb*), ki so vključeni v kateri koli vidik *kontrole dopinga*, strinjajo, da jih protidopinška pravila zavezujejo kot *osebe* v skladu s *Kodeksom* za neposredne ali naklepne kršitve ali da jih zavezujejo primerljiva pravila in predpisi, ki jih je sprejela *podpisnica*.

20.5.11 V skladu z veljavno zakonodajo ne smejo zavestno zaposliti ali dopustiti sodelovanja *osebe* v kateri koli vlogi, če bi bila taka zaposlitev ali sodelovanje v nasprotju s prepovedmi, opisanimi v členu 10.14.1. Poleg tega enaka prepoved zaposlitve ali dopustitve sodelovanja velja za *osebo*, ki je niso zavezovala pravila, sprejeta na podlagi *Kodeksa*, in ki je v preteklih šestih (6) letih neposredno in namerno ravnala na način, ki bi pomenil kršitev protidopinških pravil, če bi se za tako *osebo* uporabljala pravila, skladna s *Kodeksom*.

20.5.12 Izvesti samodejno preiskavo *spremljevalnega osebja športnika* v okviru svojih pristojnosti v primeru, ko kršitev protidopinških pravil vključuje *zaščiteno osebo* ali *mladoletnika*, in izvesti samodejno preiskavo katerega koli *člana spremljevalnega osebja športnika*, ki je zagotavljal podporo več kot enemu *športniku*, ki je kršil protidopinška pravila. Rezultati takih preiskav se nemudoma sporočijo *WADA*.

20.5.13 V celoti sodelovati z *WADA* v povezavi s preiskavami, ki jih ta vodi skladno s členom 20.8.15.

20.5.14 Upoštevati neodvisnost delovanja laboratorijev, kot je določeno v *Mednarodnih standardih* za laboratorije.

20.5.15 Sprejeti politiko ali pravilo za izvajanje člena 2.11.

20.5.16 Sprejeti primerne ukrepe za odvračanje od neskladnosti s *Kodeksom* in *Mednarodnimi standardi* s strani (a) *podpisnic* v skladu s členom 24.1 in *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom* ter (b) katerega koli drugega športnega organa, nad katerim ima pristojnost, v skladu z 12. členom.

20.5.17 V okviru postopka *upravljanja z rezultati* sprejemati pravočasne odločitve v skladu z *Mednarodnimi standardi* za *upravljanje z rezultati*.[298]

20.6 Vloge in obveznosti *organizatorjev velikih prireditev*

20.6.1 Sprejeti in izvajati protidopinške politike in pravila za svoje *prireditve*, ki so skladni s

[273] *[Comment to Article 20.5.17: See Article 13.3.]*
[298] *[Komentar k členu 20.5.17: Glej člen 13.3.]*

with the *Code* and the *International Standards* and promptly publish those policies and rules online where they are readily accessible to *Athletes* and other *Persons*.

20.6.2 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard* for *Code* Compliance by *Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.

20.6.3 To authorize and facilitate the *Independent Observer Program*.

20.6.4 To require all *Athletes* preparing for or participating in the *Event*, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.

20.6.5 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, senior executives and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.

20.6.6 Subject to applicable law, to not knowingly employ or permit participation by a *Person* in a capacity where such employment or participation would conflict with the prohibitions described in Article 10.14.1. Further, the same prohibition on employment or permitted participation shall apply to a *Person* who was not bound by the rules adopted pursuant to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

20.6.7 To vigorously pursue all potential anti-doping rule violations within its authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of *Consequences*.[274]

20.6.8 To conduct an automatic investigation of *Athlete Support Personnel* within their authority in the case of any anti-doping rule violation involving a *Protected Person* or *Minor* and to conduct an automatic investigation of any *Athlete Support Personnel* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation. The results of such investigations shall be reported promptly to *WADA*.

Kodeksom in *Mednarodnimi standardi*, ter te politike in pravila nemudoma objaviti na spletu, kjer so zlahka dostopni *športnikom* in drugim *osebam*.

20.6.2 Sprejeti primerne ukrepe za odvračanje od neskladnosti s *Kodeksom* in *Mednarodnimi standardi* s strani (a) *podpisnic* v skladu s členom 24.1 in *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom* ter (b) katerega koli drugega športnega organa, nad katerim ima pristojnost, v skladu z 12. členom.

20.6.3 Odobriti in omogočati *program neodvisnih opazovalcev*.

20.6.4 Zahtevati, da se vsi *športniki*, ki se pripravljajo za *prireditev* ali na njej sodelujejo, in vsi člani *spremljevalnega osebja športnika*, ki so povezani s temi *športniki*, kot pogoj za sodelovanje ali udeležbo strinjajo s protidopinškimi pravili v skladu s *Kodeksom* in da jih ta pravila zavezujejo.

20.6.5 V skladu z veljavno zakonodajo kot pogoj za tak položaj ali sodelovanje zahtevati, da se vsi člani odbora, direktorji, vodilni delavci, višji vodstveni delavci in tisti zaposleni (in zaposleni imenovanih *pooblaščenih tretjih oseb*), ki so vključeni v kateri koli vidik *kontrole dopinga*, strinjajo, da jih protidopinška pravila zavezujejo kot *osebe* v skladu s *Kodeksom* za neposredne in naklepne kršitve ali da jih zavezujejo primerljiva pravila in predpisi, ki jih je sprejela *podpisnica*.

20.6.6 V skladu z veljavno zakonodajo ne smejo zavestno zaposliti ali dopustiti sodelovanja *osebe* v kateri koli vlogi, če bi bila taka zaposlitev ali sodelovanje v nasprotju s prepovedmi, opisanimi v členu 10.14.1. Poleg tega enaka prepoved zaposlitve ali dopustitve sodelovanja velja za *osebo*, ki je niso zavezovala pravila, sprejeta na podlagi *Kodeksa*, in ki je v preteklih šestih (6) letih neposredno in namerno ravnala na način, ki bi pomenil kršitev protidopinških pravil, če bi se za tako *osebo* uporabljala pravila, skladna s *Kodeksom*.

20.6.7 Odločno preganjati vse potencialne kršitve protidopinških pravil v okviru svojih pristojnosti, vključno s preiskavo, ali je bilo *spremljevalno osebje športnika* ali druga *oseba* vključena(-o) v vsak posamezni primer dopinga, ter zagotavljati primerno izvrševanje *posledic*.[299]

20.6.8 Izvesti samodejno preiskavo *spremljevalnega osebja športnika* v okviru svojih pristojnosti v primeru, ko kršitev protidopinških pravil vključuje *zaščiteno osebo* ali *mladoletnika*, in izvesti samodejno preiskavo katerega koli *spremljevalnega osebja športnika*, ki je zagotavljalo podporo več kot enemu *športniku*, ki je kršil protidopinška pravila. Rezultati takih preiskav se nemudoma sporočijo *WADA*.

[274] *[Comment to Article 20.6.7: See comment to Article 20.1.9.]*
[299] *[Komentar k členu 20.6.7: Glej komentar k členu 20.1.9.]*

20.6.9 To plan, implement, monitor, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard* for *Education*.

20.6.10 To accept bids for *Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention*, and (where required under Article 24.1.9) to not accept bids for *Events* from countries where the *National Olympic Committee*, the *National Paralympic Committee* and/or the *National Anti- Doping Organization* is not in compliance with the *Code* or the *International Standards*.

20.6.11 To cooperate with relevant national organizations and agencies and other *Anti- Doping Organization*s and report to *WADA* the failure of any such organization to cooperate with them.

20.6.12 To respect the operational independence of laboratories as provided in the *International Standard* for Laboratories.

20.6.13 To adopt a policy or rule implementing Article 2.11.

20.6.14 To render timely decisions in their *Results Management* process in accordance with the *International Standard* for *Results Management*.[275]

20.6.15 To respect the autonomy and independence of *National Anti-Doping Organizations* as well as the requirements of *National Anti-Doping Organization Operational Independence*.

20.7 Roles and Responsibilities of Other *Signatories*

20.7.1 The roles and responsibilities of *Signatories* not identified in Articles 20.1 through 20.6 shall be as listed in Annex A to the *Technical Document* for the Acceptance of New World Anti-Doping *Code Signatories* (ISCCS TD ANSC), as applicable.

20.8 Roles and Responsibilities of *WADA*

20.8.1 To accept the *Code* and commit to fulfill its roles and responsibilities under the *Code* through a declaration approved by *WADA's* Foundation Board. [276]

20.8.2 To approve *International Standards* applicable to the implementation of the *Code*.

20.8.3 To adopt and implement policies and procedures which conform with the *Code* and the *International Standards*.

20.8.4 To provide support and guidance to *Signatories* in their efforts to comply with the *Code* and the *International Standards* and monitor such compliance in accordance with Article 24.1 of the *Code* and the *International Standard* for *Code* Compliance by *Signatories*.

20.8.5 To accredit and reaccredit laboratories to conduct *Sample* analysis or to approve others to conduct *Sample* analysis.

20.8.6 To develop and publish guidelines and templates.

20.6.9 Načrtovati, izvajati, ocenjevati in spodbujati *izobraževanje* glede preprečevanja dopinga v skladu z zahtevami *Mednarodnih standardov* za *izobraževanje*.

20.6.10 Sprejeti prijave za izvedbo *prireditev* samo od držav, v katerih je vlada ratificirala, sprejela ali odobrila *UNESCO konvencijo* oziroma k njej pristopila, ter (če tako določa člen 24.1.9) ne sme sprejeti prijav za izvedbo prireditev od držav, v katerih *nacionalni olimpijski komite*, *nacionalni paralimpijski komite* in/ali *nacionalna protidopinška organizacija* ne delujejo v skladu s *Kodeksom* ali *Mednarodnimi standardi*.

20.6.11 Sodelovati z ustreznimi nacionalnimi organizacijami in agencijami ter drugimi *protidopinškimi organizacijami* in prijaviti *WADA* nesodelovanje katere koli take organizacije z njimi.

20.6.12 Upoštevati neodvisnost delovanja laboratorijev, kot je določeno v *Mednarodnih standardih* za laboratorije.

20.6.13 Sprejeti politiko ali pravilo za izvajanje člena 2.11.

20.6.14 V okviru postopka *upravljanja z rezultati* sprejemati pravočasne odločitve v skladu z *Mednarodnimi standardi* za *upravljanje z rezultati*.[300]

20.6.15 Spoštovati avtonomijo in neodvisnost *nacionalnih protidopinških organizacij* ter zahteve glede *neodvisnosti delovanja nacionalnih protidopinških organizacij*.

20.7 Vloge in obveznosti drugih *podpisnic*

20.7.1 Vloge in obveznosti *podpisnic*, ki niso zajete v členih 20.1 do 20.6, so navedene v prilogi A k *Tehničnemu dokumentu* za sprejem novih *podpisnic* Svetovnega protidopinškega *kodeksa* (ISCCS TD ANSC), kot je ustrezno.

20.8 Vloge in obveznosti *WADA*

20.8.1 Sprejeti *Kodeks* in se zavezati, da bo izpolnjevala svoje vloge in obveznosti iz *Kodeksa* na podlagi deklaracije, ki jo odobri ustanovni odbor *WADA*.[301]

20.8.2 Odobriti *Mednarodne standarde*, potrebne za izvajanje *Kodeksa*.

20.8.3 Sprejeti in izvajati politike in postopke, ki so skladni s *Kodeksom* in *Mednarodnimi standardi*.

20.8.4 *Podpisnicam* zagotoviti podporo in smernice pri prizadevanjih za skladnost s *Kodeksom* in *Mednarodnimi standardi* ter nadzirati tako skladnost v skladu s členom 24.1 *Kodeksa* in *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom*.

20.8.5 Akreditirati in ponovno akreditirati laboratorije za analizo *vzorcev* ali odobriti drugim, da lahko izvajajo analizo *vzorcev*.

20.8.6 Pripraviti in objaviti smernice ter vzorce.

[275] *[Comment to Article 20.6.14: See Article 13.3.]*
[276] *[Comment to Article 20.7.1: WADA cannot be a Signatory because of its role in monitoring Signatory compliance with the Code.]*
[300] *[Komentar k členu 20.6.14: Glej člen 13.3.]*
[301] *[Komentar k členu 20.7.1: WADA ne more biti podpisnica zaradi svoje vloge pri nadzoru skladnosti podpisnic s Kodeksom.]*

20.8.7 To submit to the *WADA* Executive Committee for approval, upon the recommendation of the *WADA Athletes* Council the *Athletes'* Anti-Doping Rights Act which compiles in one place those *Athletes'* rights which are specifically identified in the *Code* and *International Standards*, and other agreed upon principles of best practice with respect to the overall protection of *Athletes'* rights in the context of anti- doping.

20.8.8 To plan, implement, monitor, evaluate and promote anti-doping *Education* in line with requirements of the *International Standard* for *Education*.

20.8.9 To promote, conduct, commission, fund and coordinate anti-doping research.

20.8.10 To design and conduct an effective *Independent Observer Program* and other types of *Event* advisory programs.

20.8.11 To conduct, in exceptional circumstances and at the direction of the *WADA* Director General, *Testing* on its own initiative or as requested by other *Anti-Doping Organizations*, and to cooperate with relevant national and international organizations and agencies, including but not limited to, facilitating inquiries and investigations.[277]

20.8.12 To approve, in consultation with International Federations, *National Anti-Doping Organizations*, and *Major Event Organizations*, defined *Testing* and *Sample* analysis programs.

20.8.13 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, senior executives and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.

20.8.14 Subject to applicable law, to not knowingly employ or permit participation by a *Person* in a capacity where such employment or participation would conflict with the prohibitions described in Article 10.14.1. Further, the same prohibition on employment or permitted participation shall apply to a *Person* who was not bound by the rules adopted pursuant to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

20.8.15 To initiate its own investigations of anti-doping rule violations, non-compliance of *Signatories* and *WADA*-accredited laboratories, and other activities that may facilitate doping.

20.8.7 Izvršnemu odboru *WADA* na priporočilo sveta *športnikov WADA* predložiti v odobritev Zakon o pravicah *športnikov* na področju boja proti dopingu, ki na enem mestu zajema tiste pravice *športnikov*, ki so posebej opredeljene v *Kodeksu* in *Mednarodnih standardih*, ter druga dogovorjena načela dobre prakse glede splošne zaščite pravic *športnikov* v okviru boja proti dopingu.

20.8.8 Načrtovati, izvajati, ocenjevati in spodbujati *izobraževanje* glede preprečevanja dopinga v skladu z zahtevami *Mednarodnih standardov* za *izobraževanje*.

20.8.9 Spodbujati, izvajati, naročati, financirati in usklajevati protidopinške raziskave.

20.8.10 Razviti in izvajati učinkovit *program neodvisnih opazovalcev* ter drugih oblik svetovalnih programov na *prireditvah*.

20.8.11 V izjemnih okoliščinah po naročilu generalnega direktorja *WADA* izvajati *testiranje* na lastno pobudo ali na zahtevo drugih *protidopinških organizacij* ter sodelovati z ustreznimi nacionalnimi in mednarodnimi organizacijami in agencijami, kar med drugim vključuje omogočanje poizvedb in preiskav.[302]

20.8.12 Odobriti opredeljene programe *testiranja* in analize *vzorcev* ob posvetovanju z mednarodnimi zvezami, *nacionalnimi protidopinškimi organizacijami* in *organizatorji velikih prireditev*.

20.8.13 V skladu z veljavno zakonodajo kot pogoj za tak položaj ali sodelovanje zahtevati, da se vsi člani odbora, direktorji, vodilni delavci, višji vodstveni delavci in tisti zaposleni (in zaposleni imenovanih *pooblaščenih tretjih oseb*), ki so vključeni v kateri koli vidik *kontrole dopinga*, strinjajo, da jih protidopinška pravila zavezujejo kot *osebe* v skladu s *Kodeksom* za neposredne in naklepne kršitve ali da jih zavezujejo primerljiva pravila in predpisi, ki jih je sprejela *podpisnica*.

20.8.14 V skladu z veljavno zakonodajo ne smejo zavestno zaposliti ali dopustiti sodelovanja *osebe* v kateri koli vlogi, če bi bila taka zaposlitev ali sodelovanje v nasprotju s prepovedmi, opisanimi v členu 10.14.1. Poleg tega enaka prepoved zaposlitve ali dopustitve sodelovanja velja za *osebo*, ki je niso zavezovala pravila, sprejeta na podlagi *Kodeksa*, in ki je v preteklih šestih (6) letih neposredno in namerno ravnala na način, ki bi pomenil kršitev protidopinških pravil, če bi se za tako *osebo* uporabljala pravila, skladna s *Kodeksom*.

20.8.15 Začeti lastne preiskave kršitev protidopinških pravil, neskladnosti *podpisnic* in laboratorijev, ki jih je akreditirala *WADA*, ter drugih dejavnosti, ki bi lahko omogočale doping.

[277] *[Comment to Article 20.8.11: WADA is not a Testing agency, but it reserves the right, in exceptional circumstances, to conduct its own tests where problems have been brought to the attention of the relevant Anti-Doping Organization and have not been satisfactorily addressed.]*

[302] *[Komentar k členu 20.8.11: WADA ni agencija za testiranje, vendar pa si pridržuje pravico, da v izjemnih okoliščinah sama izvede lastne teste, če so bile sporočene težave pristojni protidopinški organizaciji in niso bile zadovoljivo rešene.]*

20.8.16 To render timely decisions in its *Results Management* process.

20.9 Cooperation Regarding Third Party Regulations

Signatories shall cooperate with each other, *WADA* and governments to encourage professional associations and institutions with authority over *Athlete Support Personnel* who are otherwise not bound by rules adopted pursuant to the *Code* to implement regulations prohibiting conduct which would be considered an anti-doping rule violation if committed by *Athlete Support Personnel* who are bound by rules adopted pursuant to the *Code*.

Article 21 Additional Roles and Responsibilities of *Athletes* and Other *Persons*

21.1 Roles and Responsibilities of *Athletes*

21.1.1 To be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the *Code*.

21.1.2 To be available for *Sample* collection at all times.[278]

21.1.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.

21.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the *Code*.

21.1.5 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.

21.1.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations or violations of Article 10.14.1.[279]

21.1.7 To disclose the identity of their *Athlete Support Personnel* upon request by any *Anti- Doping Organization* with authority over the *Athlete*.

21.1.8 *Athletes* shall make themselves available for *Education*.

21.2 Roles and Responsibilities of *Athlete Support Personnel*

21.2.1 To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* whom they support.

21.2.2 *Athlete Support Personnel* shall make themselves available for *Education* in order to support the provision of accurate anti-doping information to the *Athletes* who they support, particularly in the case of

20.8.16 Sprejemati pravočasne odločitve v okviru postopka *upravljanja z rezultati*.

20.9 Sodelovanje v zvezi s predpisi drugih oseb

Podpisnice morajo sodelovati med seboj, z *WADA* in vladami, da spodbujajo profesionalna združenja in ustanove, pristojne za *spremljevalno osebje športnika*, ki jih sicer ne zavezujejo pravila, sprejeta na podlagi *Kodeksa*, da izvajajo predpise za prepoved ravnanja, ki bi se štelo za kršitev protidopinških pravil, če bi ga storilo *spremljevalno osebje športnika*, ki ga zavezujejo pravila, sprejeta na podlagi *Kodeksa*.

21. člen Dodatne vloge in obveznosti *športnikov* in drugih *oseb*

21.1 Vloge in obveznosti *športnikov*

21.1.1 Poznati in upoštevati vse veljavne protidopinške politike in pravila, sprejete na podlagi *Kodeksa*.

21.1.2 Biti dostopni za odvzem *vzorcev* ob vsakem času.[303]

21.1.3 V okviru boja proti dopingu prevzeti odgovornost za vse, kar zaužijejo in *uporabljajo*.

21.1.4 Obvestiti medicinsko osebje, da ne smejo uporabljati *prepovedanih snovi* in *prepovedanih postopkov*, ter prevzeti odgovornost za to, da prejete oblike zdravljenja ne kršijo protidopinških politik in pravil, sprejetih na podlagi *Kodeksa*.

21.1.5 *Nacionalni protidopinški organizaciji* in mednarodni zvezi razkriti vsako odločbo *nepodpisnice*, s katero je ta ugotovila, da je *športnik* v predhodnih desetih (10) letih kršil protidopinška pravila ali člen 10.14.1.

21.1.6 Sodelovati s *protidopinškimi organizacijami*, ki preiskujejo kršitve protidopinških pravil ali kršitve člena 10.14.1.[304]

21.1.7 Na zahtevo katere koli *protidopinške organizacije*, ki je pristojna za *športnika*, razkriti identiteto *spremljevalnega osebja športnika*.

21.1.8 *Športniki* morajo biti na voljo za *izobraževanje*.

21.2 Vloge in obveznosti *spremljevalnega osebja športnika*

21.2.1 Poznati in upoštevati vse veljavne protidopinške politike in pravila, ki so bila sprejeta na podlagi *Kodeksa* in veljajo zanj ali za *športnika*, ki mu zagotavlja podporo.

21.2.2 *Spremljevalno osebje športnika* mora biti na voljo za *izobraževanje*, da bi lahko zagotavljalo natančne protidopinške informacije *športnikom*, ki jim zagotavlja podporo, zlasti v primeru *zaščitenih oseb* in

[278] *[Comment to Article 21.1.2: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes Use low doses of EPO during these hours so that it will be undetectable in the morning.]*

[279] *[Comment to Article 21.1.6: Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a Signatory's rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the International Standard for Intelligence and Investigations.]*

[303] *[Komentar k členu 21.1.2: Ob potrebnem upoštevanju športnikovih človekovih pravic in zasebnosti legitimni pomisleki glede boja proti dopingu včasih zahtevajo odvzem vzorca pozno zvečer ali zgodaj zjutraj. Znano je na primer, da nekateri športniki ob teh urah uporabljajo nizke odmerke eritropoetina, da jih potem zjutraj ni mogoče zaznati.]*

[304] *[Komentar k členu 21.1.6: Nesodelovanje ni kršitev protidopinških pravil po določilih Kodeksa, vendar je lahko podlaga za disciplinsko ukrepanje v skladu s pravili podpisnice. Zahteva po sodelovanju mora upoštevati ustrezna postopkovna jamstva (vključno z, vendar ne omejeno na, pravico do pravnega zastopnika in privilegijem zoper samoobtožbo), kot je opisano v Mednarodnem standardu za zbiranje informacij in preiskave.]*

Protected Persons and *Minors*.

21.2.3 To cooperate with the *Athlete Testing* program.

21.2.4 To use their influence on *Athlete* values and behavior to foster anti-doping attitudes.

21.2.5 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.

21.2.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations or violations of Article 10.14.1.[280]

21.2.7 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.[281]

21.2.8 No *Person* subject to a period of *Ineligibility* shall provide *Athlete Support Personnel* services to any *Athlete* or other *Person* who is bound by rules adopted pursuant to the *Code*.

21.2.9 To exercise the highest duty of care in supporting *Athletes* to protect them from the risk of an unintentional anti-doping rule violation.

21.3 Roles and Responsibilities of Other *Persons* Bound by Rules Adopted Pursuant to the *Code*

21.3.1 To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them.

21.3.2 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation or violation of Article 10.14.1 within the previous ten (10) years.

21.3.3 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations or violations of Article 10.14.1.[282]

21.4 Roles and Responsibilities of *Regional Anti-Doping Organizations*

21.4.1 To encourage and support member countries to adopt and implement rules, policies and programs which conform with the *Code*.

21.4.2 To support the relevant authorities in their

mladoletnikov.

21.2.3 Sodelovati s programom *testiranja športnikov*.

21.2.4 Uporabiti svoj vpliv na *športnikove* vrednote in vedenje ter s tem spodbujati protidopinški odnos do športa.

21.2.5 *Nacionalni protidopinški organizaciji* in mednarodni zvezi razkriti vsako odločbo *nepodpisnice*, s katero je ta ugotovila, da je v predhodnih desetih (10) letih kršilo protidopinška pravila ali člen 10.14.1.

21.2.6 Sodelovati s *protidopinškimi organizacijami*, ki preiskujejo kršitve protidopinških pravil ali kršitve člena 10.14.1.[305]

21.2.7 *Spremljevalno osebje športnika* ne sme *uporabljati* ali *posedovati prepovedanih snovi* ali *prepovedanih postopkov* brez upravičenega razloga.[306]

21.2.8 Nobena *oseba*, za katero velja obdobje *izločitve*, ne sme opravljati storitev *spremljevalnega osebja športnika* za nobenega *športnika* ali drugo *osebo*, ki jo zavezujejo pravila, sprejeta na podlagi *Kodeksa*.

21.2.9 Izvajati največjo mero skrbnosti pri zagotavljanju podpore *športnikom*, da bi jih zaščitilo pred tveganjem nenaklepne kršitve protidopinških pravil.

21.3 Vloge in obveznosti drugih *oseb*, ki jih zavezujejo pravila, sprejeta na podlagi *Kodeksa*

21.3.1 Poznati in upoštevati vse veljavne protidopinške politike in pravila, ki so bila sprejeta na podlagi *Kodeksa* in veljajo zanje.

21.3.2 *Nacionalni protidopinški organizaciji* in mednarodni zvezi razkriti vsako odločbo *nepodpisnice*, s katero je ta ugotovila, da so v predhodnih desetih (10) letih kršile protidopinška pravila ali člen 10.14.1.

21.3.3 Sodelovati s *protidopinškimi organizacijami*, ki preiskujejo kršitve protidopinških pravil ali kršitve člena 10.14.1.[307]

21.4 Vloge in obveznosti *regionalnih protidopinških organizacij*

21.4.1 Spodbujati države članice, da sprejmejo in izvajajo pravila, politike in programe, ki so skladni s *Kodeksom*, in jih pri tem podpirati.

21.4.2 Podpirati ustrezne organe v njihovih

[280] *[Comment to Article 21.2.6: Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a Signatory's rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the International Standard for Intelligence and Investigations.]*

[281] *[Comment to Article 21.2.7: In those situations where Use or personal Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Person without justification is not an anti-doping rule violation under the Code, it should be subject to other sport disciplinary rules. Coaches and other Athlete Support Personnel are often role models for Athletes. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their Athletes not to dope.]*

[282] *[Comment to Article 21.3.3: Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a Signatory's rules. The requirement for cooperation shall respect appropriate procedural safeguards (including without limitation the right to legal counsel and the right not to self-incriminate) as described in the International Standard for Intelligence and Investigations.]*

[305] *[Komentar k členu 21.2.6: Nesodelovanje ni kršitev protidopinških pravil po določilih Kodeksa, vendar je lahko podlaga za disciplinsko ukrepanje v skladu s pravili podpisnice. Zahteva po sodelovanju mora upoštevati ustrezna postopkovna jamstva (vključno z, vendar ne omejeno na, pravico do pravnega zastopnika in privilegijem zoper samoobtožbo), kot je opisano v Mednarodnem standardu za zbiranje informacij in preiskave.]*

[306] *[Komentar k členu 21.2.7: V primerih, ko član spremljevalnega osebja športnika uporablja ali poseduje prepovedane snovi ali prepovedane postopke v osebne namene brez upravičenega razloga in se to ne šteje za kršitev protidopinških pravil na podlagi Kodeksa, naj se to sankcionira z uporabo drugih športnih disciplinskih pravil. Trenerji in drugo spremljevalno osebje športnika so za športnike pogosto vzorniki. Zato naj se ne bi vedli na način, ki je v nasprotju z njihovo odgovornostjo, da športnike spodbujajo, naj ne uporabljajo dopinga.]*

[307] *[Komentar k členu 21.3.3: Nesodelovanje ni kršitev protidopinških pravil po določilih Kodeksa, vendar je lahko podlaga za disciplinsko ukrepanje v skladu s pravili podpisnice. Zahteva po sodelovanju mora upoštevati ustrezna postopkovna jamstva (vključno z, vendar ne omejeno na, pravico do pravnega zastopnika in privilegijem zoper samoobtožbo), kot je opisano v Mednarodnem standardu za zbiranje informacij in preiskave.]*

member countries, including government and sport, in fulfilling their respective roles and responsibilities under the *Code*.

21.4.3 To require, as a condition of membership, that a member country sign an official *Regional Anti-Doping Organization* membership form which clearly outlines the delegation of anti-doping responsibilities to the *Regional Anti-Doping Organization* and the *Regional Anti-Doping Organization's* expectations of the member country.

21.4.4 To cooperate with relevant national organizations and agencies and other *Anti- Doping Organizations* and report to *WADA* the failure of any such organization to cooperate with them.

21.4.5 To encourage reciprocal *Testing* between *National Anti-Doping Organizations* and *Regional Anti-Doping Organizations*.

21.4.6 To promote and assist with development among its member countries and other relevant *Anti-Doping Organizations*.

21.4.7 To support member countries to plan, implement, monitor, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard* for *Education*.

21.4.8 To promote anti-doping research.

Article 22 Involvement of Governments[283]

Each government's commitment to the *Code* will be evidenced by its signing the Copenhagen Declaration on Anti-Doping in Sport of 3 March 2003, and by ratifying, accepting, approving or acceding to the *UNESCO Convention*.

Signatories are aware that any action taken by a government is a matter for that government and subject to the obligations under international law as well as to its own laws and regulations. While governments are bound only by the requirements of the relevant international intergovernmental treaties (and notably of the *UNESCO Convention*), the following Articles set forth the expectations of *Signatories* to support them in the implementation of the *Code*.

22.1 Each government should take all actions and measures necessary to comply with the *UNESCO Convention*.

22.2 Each government should commit itself to the principles of the *Code* and to support *WADA's* mission as defined in its statutes.

22.3 Each government should put in place legislation, regulation, policies or administrative practices for: cooperation and sharing of information with *Anti-Doping Organizations*; sharing of data among *Anti-Doping Organizations* as provided in the *Code*; unrestricted transport of urine and blood *Samples* in a manner that maintains their security and integrity; and unrestricted entry and exit of *Doping Control* officials and unrestricted access for *Doping Control*

državah članicah, vključno z vladnimi in športnimi organi, pri izpolnjevanju njihovih vlog in obveznosti v skladu s *Kodeksom*.

21.4.3 Kot pogoj za članstvo zahtevati, da država članica podpiše uradni članski obrazec v *regionalni protidopinški organizaciji*, iz katerega jasno izhajajo prenos pooblastil za izvajanje protidopinških obveznosti na *regionalno protidopinško organizacijo* in pričakovanja *regionalne protidopinške organizacije* do države članice.

21.4.4 Sodelovati z ustreznimi nacionalnimi organizacijami in agencijami ter drugimi *protidopinškimi organizacijami* in prijaviti *WADA* nesodelovanje katere koli take organizacije z njimi.

21.4.5 Spodbujati vzajemno *testiranje* med *nacionalnimi* in *regionalnimi protidopinškimi organizacijami*

21.4.6 Spodbujati razvoj svojih držav članic in drugih *protidopinških organizacij* in jim pri tem pomagati.

21.4.7 Podpirati države članice pri načrtovanju, izvajanju, ocenjevanju in spodbujanju *izobraževanja* glede preprečevanja dopinga v skladu z zahtevami *Mednarodnih standardov* za *izobraževanje*.

21.4.8 Spodbujati protidopinške raziskave.

22. člen Vključenost državnih organov[308]

Svojo zavezanost *Kodeksu* vsaka vlada potrdi tako, da podpiše Kopenhagensko deklaracijo proti dopingu v športu s 3. marca 2003 ter z ratifikacijo, sprejemom, odobritvijo *UNESCO konvencije* ali pristopom k njej.

Podpisnice se zavedajo, da kateri koli ukrep, ki ga sprejme vlada, zadeva le to vlado in zanj veljajo obveznosti po mednarodnem pravu ter lastni zakoni in drugimi veljavni predpisi. Čeprav vlade zavezujejo samo zahteve ustreznih mednarodnih medvladnih pogodb (in zlasti *UNESCO konvencija*), spodnji členi določajo pričakovanja *podpisnic* za podporo pri izvajanju *Kodeksa*.

22.1 Vsaka vlada naj izvede vse ukrepe, potrebne za skladnost z *UNESCO konvencijo*.

22.2 Vsaka vlada naj se zaveže k spoštovanju načel *Kodeksa* in podpiranju poslanstva *WADA*, kot je opredeljeno v njenih statutih.

22.3 Vsaka vlada naj sprejme zakonodajo, predpise, politike ali upravne prakse za: sodelovanje in izmenjavo informacij s *protidopinškimi organizacijami*; izmenjavo podatkov med *protidopinškimi organizacijami*, kot to določa *Kodeks*; neomejen transport *vzorcev* urina in krvi na način, ki zagotavlja njihovo varnost in celovitost ter verodostojnost; neomejen vstop in izstop uradnikov za *kontrolo dopinga* in neomejen dostop za uradnika za *kontrolo dopinga* na

[283] *[Comment to Article 22: Most governments cannot be parties to, or be bound by, private non-governmental instruments such as the Code. For that reason, governments are not asked to be Signatories to the Code but rather to sign the Copenhagen Declaration and ratify, accept, approve or accede to the UNESCO Convention. Although the acceptance mechanisms may be different, the effort to combat doping through the coordinated and harmonized program reflected in the Code is very much a joint effort between the sport movement and governments.*
This Article sets forth what Signatories clearly expect from governments. However, these are simply "expectations" since governments are only "obligated" to adhere to the requirements of the UNESCO Convention.]

[308] *[Komentar k 22. členu: Večina vlad ne more biti stranka niti jih ne more zavezovati zaseben nevladni instrument, kot je Kodeks. Zato vlade niso podpisnice Kodeksa, pač pa podpišejo Kopenhagensko deklaracijo in ratificirajo, sprejmejo, odobrijo UNESCO konvencijo ali pristopijo k njej. Čeprav utegnejo biti mehanizmi sprejema drugačni, je prizadevanje v boju proti dopingu s pomočjo usklajenega in harmoniziranega programa, ki ga izraža Kodeks, v resnici skupno prizadevanje športnih gibanj in vlad.*
V tem členu je jasno določeno, kaj lahko podpisnice pričakujejo od svojih vlad. Toda to so le »pričakovanja«, saj so vlade »zavezane« le k upoštevanju zahtev UNESCO konvencije.]

officials to all areas where *International-Level Athletes* or *National-Level Athletes* live or train to conduct no advance notice *Testing*, subject to applicable border control, immigration and access requirements and regulations.

22.4 Each government should adopt rules, regulations or policies to discipline officials and employees who are involved in *Doping Control*, sport performance or medical care in a sport setting, including in a supervisory capacity, for engaging in activities which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Persons*.

22.5 Each government should not permit any *Person* to be involved in any position involving *Doping Control*, sport performance or medical care in a sport setting, including in a supervisory capacity, where such *Person*: (i) is serving a period of *Ineligibility* for an anti-doping rule violation or violation of Article 10.14.1 under the *Code*, or (ii) if not subject to the authority of an *Anti-Doping Organization*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*, in which case the disqualifying status of such *Person* should be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed.

22.6 Each government should encourage cooperation between all of its public services or agencies and *Anti-Doping Organizations* to timely share information with *Anti-Doping Organization*s which would be useful in the fight against doping and where to do so would not otherwise be legally prohibited.

22.7 Each government should respect arbitration as the preferred means of resolving doping-related disputes, subject to human and fundamental rights and applicable national law.

22.8 Each government that does not have a *National Anti-Doping Organization* in its country should work with its *National Olympic Committee* to establish one.

22.9 Each government should respect the autonomy and independence of a *National Anti-Doping Organization* in its country or a *Regional Anti-Doping Organization* to which its country belongs, as well as the requirements of *National Anti-Doping Organization Operational Independence*, and the operational independence of any *WADA*-accredited or approved laboratory in its country and not interfere in their operational decisions and activities.

22.10 Each government should not limit or restrict *WADA's* access to any doping *Samples* or anti-doping records or information held or controlled by any *Signatory*, member of a *Signatory* or *WADA*-accredited or approved laboratory.

22.11 Each government should undertake, within their means, to support, devise or implement *Education* and training programs on anti-doping, including programs focused on *Protected Persons* and *Minors*, the harm of doping to the ethical values of sport and

vsa območja, kjer *športniki mednarodnega razreda* ali *športniki nacionalnega razreda* živijo ali trenirajo, da izvedejo *testiranje* brez vnaprejšnjega obvestila v skladu z veljavnimi predpisi o nadzoru meja, priseljevanju in zahtevah za dostop.

22.4 Vsaka vlada naj sprejme pravila, predpise ali politike za discipliniranje uradnikov in zaposlenih, ki so vključeni v *kontrolo dopinga*, športne rezultate ali zdravstveno oskrbo v športnem okolju, vključno v nadzorni funkciji, zaradi opravljanja dejavnosti, ki bi pomenila kršitev protidopinških pravil, če bi se za take *osebe* uporabljala pravila, skladna s *Kodeksom*.

22.5 Vlade naj ne dovolijo, da bi bila na katerem koli položaju, ki vključuje *kontrolo dopinga*, športne rezultate ali zdravstveno oskrbo v športnem okolju, vključno v nadzorni funkciji, katera koli *oseba*, ki: (i) prestaja obdobje *izločitve* zaradi kršitve protidopinških pravil ali kršitve člena 10.14.1 *Kodeksa*; ali (ii) če ne spada pod pristojnost *protidopinške organizacije* in se o njeni *izločitvi* ni odločalo v postopku *upravljanja z rezultati* na podlagi *Kodeksa*, je bila v kazenskem, disciplinskem ali strokovnem postopku obsojena oziroma je bilo ugotovljeno, da je ravnala na način, ki bi pomenil kršitev protidopinških pravil, če bi se za tako *osebo* uporabljala pravila, skladna s *Kodeksom*; v tem primeru naj diskvalifikacijski status take *osebe* velja šest (6) let od odločbe v kazenskem, disciplinskem ali strokovnem postopku ali za čas trajanja sankcije, izrečene v kazenskem, disciplinskem ali strokovnem postopku, odvisno od tega, kaj traja dlje.

22.6 Vsaka vlada naj spodbuja sodelovanje med vsemi svojimi javnimi službami ali agencijami ter *protidopinškimi organizacijami*, da pravočasno delijo informacije, ki bi lahko bile koristne v boju proti dopingu, z drugimi *protidopinškimi organizacijami*, kadar to ni zakonsko prepovedano.

22.7 Vsaka vlada naj upošteva dejstvo, da je arbitraža prednostni način reševanja sporov v zvezi z dopingom ter da je podvržena človekovim pravicam in temeljnim svoboščinam ter veljavnemu nacionalnemu pravu.

22.8 Vlada, ki v svoji državi nima *nacionalne protidopinške organizacije*, naj v sodelovanju s svojim *nacionalnim olimpijskim komitejem* poskrbi za to, da se ta ustanovi.

22.9 Vsaka vlada naj spoštuje avtonomijo in neodvisnost *nacionalne protidopinške organizacije* v svoji državi ali *regionalne protidopinške organizacije*, ki ji pripada njena država, kot tudi zahteve glede *neodvisnosti delovanja nacionalne protidopinške organizacije* in neodvisnosti delovanja katerega koli laboratorija v svoji državi, ki ga je akreditirala ali odobrila *WADA*, ter se ne sme vmešavati v njene operativne odločitve in dejavnosti.

22.10 Vlade naj ne omejujejo dostopa *WADA* do kakršnih koli *vzorcev* za *kontrolo dopinga* ali protidopinških evidenc ali informacij, ki jih hrani ali nadzira katera koli *podpisnica*, članica *podpisnice* ali laboratorij, ki ga je akreditirala ali odobrila *WADA*.

22.11 Vsaka vlada naj se v okviru svojih možnosti zaveže, da bo podpirala, oblikovala ali izvajala programe *izobraževanja* in usposabljanja o boju proti dopingu, vključno s programi, namenjenimi *zaščitenim osebam* in *mladoletnikom*, o tem, kako doping škoduje

the health consequences of doping.

22.12 Failure by a government to ratify, accept, approve or accede to the *UNESCO Convention* may result in ineligibility to bid for and/or host *Events* as provided in Articles 20.1.12, 20.3.15 and 20.6.10, and the failure by a government to comply with the *UNESCO Convention* thereafter, as determined by UNESCO, may result in meaningful consequences by UNESCO and *WADA* as determined by each organization.

etičnim vrednotam športa, ter o zdravstvenih posledicah dopinga.

22.12 Če vlada ne ratificira, sprejme, odobri *UNESCO konvencije* ali ne pristopi k njej, se lahko zgodi, da država morda ne bo upravičena do prijave za izvedbo *prireditev* in/ali njihove organizacije, kot določajo členi 20.1.12, 20.3.15 ter 20.6.10, in če vlada nato ne upošteva določb *UNESCO konvencije*, kot določa UNESCO, lahko UNESCO in *WADA* naložita pomembne posledice, kot določa posamezna organizacija.

PART FOUR
ACCEPTANCE, COMPLIANCE, MODIFICATION AND INTERPRETA-TION

ČETRTI DEL
SPREJEM, SKLADNOST, SPREMEMBE IN RAZLAGA

Article 23 Acceptance and Implementation

23.1 Acceptance of the *Code*

23.1.1 The following entities may be *Signatories* to the *Code*: the International Olympic Committee, International Federations, the International Paralympic Committee, *National Olympic Committees*, *National Paralympic Committees*, *Major Event Organizations*, *National Anti-Doping Organizations* and other organizations having significant relevance in sport.

23.1.2 The International Olympic Committee; International Federations recognized by the International Olympic Committee; the International Paralympic Committee; International Federations recognized by the International Paralympic Committee; *National Olympic Committees*; *National Paralympic Committees*; *National Anti- Doping Organizations*; and *Major Event Organizations* whose application to become a *Signatory* has been approved in writing by the *International Olympic Committee* or *International Paralympic Committee* shall become *Signatories* by signing a declaration of acceptance or by another form of acceptance determined to be acceptable by *WADA*.

23.1.3 Any other entity described in Article 23.1.1 may submit an application to *WADA* to become a *Signatory* which will be reviewed under the *International Standard* for *Code* Compliance by *Signatories Technical Document* for the Acceptance of New World Anti-Doping *Code Signatories* (ISCCS TD ANSC) adopted by *WADA*.[309] *WADA's* acceptance of such applications shall be subject to conditions and requirements established by *WADA* in such policy.[310]

23.1.4 A list of all acceptances will be made public by *WADA*.

23.2 Implementation of the *Code*

23.2.1 *Signatories* shall implement applicable *Code* provisions through policies, statutes, rules or regulations according to their authority and within their relevant spheres of responsibility.

23.2.2 The following Articles as applicable to the scope of the *Anti-Doping Activity* which the *Anti-Doping Organization* performs shall be implemented by *Signatories* without substantive change (allowing for any non-substantive changes to the language in order to refer to the organization's name, sport, section numbers, etc.):[311]

23. člen Sprejem in izvrševanje

23.1 Sprejem *Kodeksa*

23.1.1 Naslednji subjekti so lahko *podpisnice Kodeksa*: Mednarodni olimpijski komite, mednarodne zveze, Mednarodni paralimpijski komite, *nacionalni olimpijski komiteji*, *nacionalni paralimpijski komiteji*, *organizatorji velikih prireditev, nacionalne protidopinške organizacije* in druge organizacije, ki imajo velik pomen v športu.

23.1.2 Mednarodni olimpijski komite, mednarodne zveze, ki jih priznava Mednarodni olimpijski komite, Mednarodni paralimpijski komite, mednarodne zveze, ki jih priznava Mednarodni paralimpijski komite, *nacionalni olimpijski komiteji, nacionalni paralimpijski komiteji*, *nacionalne protidopinške organizacije* in *organizatorji velikih prireditev*, katerih prošnjo, da postane *podpisnica*, je pisno odobril *Mednarodni olimpijski komite* ali *Mednarodni paralimpijski komite*, postanejo *podpisnice* tako, da podpišejo deklaracijo o sprejemu ali drug obrazec o sprejemu, ki ga *WADA* opredeli kot ustreznega.

23.1.3 Kateri koli drug subjekt, naveden v členu 23.1.1, lahko pri *WADA* vloži prošnjo, da postane *podpisnica*, o čemer se odloča v skladu s *tehničnim dokumentom* za sprejem novih *podpisnic* Svetovnega protidopinškega *kodeksa* iz *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom* (ISCCS TD ANSC), ki ga je sprejela *WADA*.[320] Za sprejem takih prošenj s strani *WADA* veljajo pogoji in zahteve, ki jih v taki politiki določa *WADA*.[321]

23.1.4 Seznam vseh sprejetih vlog javno objavi *WADA*.

23.2 Izvrševanje *Kodeksa*

23.2.1 *Podpisnice* izvajajo ustrezne določbe *Kodeksa* prek politik, statutov, pravilnikov in predpisov v skladu s svojo pristojnostjo in znotraj ustrezne sfere svoje odgovornosti.

23.2.2 *Podpisnice* morajo brez vsebinskih sprememb izvajati naslednje člene, ki veljajo v obsegu *protidopinških dejavnosti*, ki jih izvaja *protidopinška organizacija* (dovoljene so nevsebinske spremembe jezika zaradi sklicevanja na imena organizacij, športov, oštevilčenja oddelkov itd.):[322]

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[309] *[Comment to Article 23.1.3: For the avoidance of doubt, any entity that becomes a Signatory under Article 23.1.2 but ceases to be one of the entities covered by Article 23.1.2 (e.g., because they lose a requisite recognition) shall, from the 1st of January of the next calendar year, become subject to the same conditions and requirements for Signatories admitted under Article 23.1.3.]*

[310] *[[Comment to Article 23.1.3: For example, these conditions and requirements would include financial contributions by the entity to cover WADA's administrative, monitoring and compliance costs that may be attributable to the application process and the entity's subsequent Signatory status.]*

[311] *[Comment to Article 23.2.2: Nothing in the Code precludes an Anti-Doping Organization from adopting and enforcing its own specific disciplinary rules for conduct by Athlete Support Personnel related to doping but which does not, in and of itself, constitute an anti-doping rule violation under the Code. For example, a National or International Federation could refuse to renew the license of a coach when multiple Athletes have committed anti-doping rule violations while under that coach's supervision.]*

[320] *[Komentar k členu 23.1.3: V izogib dvomu, vsak subjekt, ki postane podpisnica v skladu s členom 23.1.2, vendar preneha biti eden od subjektov iz člena 23.1.2 (npr. ker izgubi potrebno priznanje), je od 1. januarja naslednjega koledarskega leta zavezan k izpolnjevanju enakih pogojev in zahtev, ki veljajo za podpisnice, sprejete v skladu s členom 23.1.3.]*

[321] *[Komentar k členu 23.1.3: Ti pogoji in zahteve na primer vključujejo finančne prispevke subjekta za kritje administrativnih stroškov, stroške nadzora in stroške zagotavljanja skladnosti WADA, ki jih je mogoče pripisati postopku prijave in subjektovemu poznejšemu statusu podpisnice.]*

[322] *[Komentar k členu 23.2.2: Kodeks ne preprečuje, da bi protidopinška organizacija sprejela in izvajala lastna disciplinska pravila glede ravnanja spremljevalnega osebja športnika, ki je povezano z dopingom, vendar pa samo po sebi ne predstavlja kršitve protidopinških predpisov po Kodeksu. Nacionalna ali*

- Article 1 (Definition of Doping)
- Article 2 (Anti-Doping Rule Violations)
- Article 3 (Proof of Doping)
- Article 4.2.2 (*Specified Substances* or *Specified Methods*)
- Article 4.2.3 (*Substances of Abuse*)
- Article 4.3.3 (*WADA's* Determination of the *Prohibited List*)
- Article 5.6. (Retired *Athletes* Returning to *Competition*)
- Article 7.4 (Principles Applicable to *Provisional Suspensions*)
- Article 7.7 (Retirement from Sport)
- Article 7.8 (Cases Subject to Review by *Independent Review Expert)*
- Article 9 (Automatic *Disqualification* of Individual Results)
- Article 10 (Sanctions on Individuals)
- Article 11 (*Consequences* to Teams)
- Article 13 (Appeals) with the exception of 13.2.2, 13.6, and 13.7
- Article 15.1 (Automatic Binding Effect of Decisions)
- Article 17 (Statute of Limitations)
- Article 26 (Interpretation of the *Code*)
- Appendix 1 – Definitions

No additional provision may be added to a *Signatory's* rules which changes the effect of the Articles enumerated in this Article. A *Signatory's* rules shall expressly acknowledge the Commentary of the *Code* and endow the Commentary with the same status that it has in the *Code*. However, nothing in the *Code* precludes a *Signatory* from having rules regulating aspects of sport or their activities unrelated to doping.

23.2.3 In implementing the *Code*, *Signatories* are encouraged to use the guidelines and templates recommended by *WADA*.

23.3 Implementation of Anti-Doping Programs

Signatories shall devote sufficient resources in order to implement anti-doping programs in all areas that are compliant with the *Code* and the *International Standards*.

Article 24 Monitoring and Enforcing Compliance with the Code and UNESCO Convention

24.1 Monitoring and Enforcing Compliance with the *Code*[312]

24.1.1 Compliance by *Signatories* with the *Code* and the *International Standards* shall be monitored by *WADA* in accordance with the *International Standard* for *Code* Compliance by *Signatories*. To facilitate such monitoring, each *Signatory* shall report to *WADA* on its compliance with the *Code* and the *International Standards* as and when required by *WADA*, providing all of the information requested by *WADA* and

- 1. člen (Definicija dopinga)
- 2. člen (Kršitve protidopinških pravil)
- 3. člen (Dokazovanje dopinga)
- Člen 4.2.2 (*Opredeljene snovi* ali *opredeljeni postopki*)
- Člen 4.2.3 (*Snovi, ki se zlorabljajo*)
- Člen 4.3.3 (Sestava *Liste prepovedanih snovi in postopkov* s strani *WADA*)
- Člen 5.6 (*Športniki*, ki so se umaknili iz športa in se vrnejo na *tekmovanja*)
- Člen 7.4 (Načela, ki veljajo za *začasne izključitve*)
- Člen 7.7 (Umik iz športa)
- Člen 7.8 (Zadeve, ki se predložijo v pregled *neodvisnemu izvedencu*)
- 9. člen (Samodejna *diskvalifikacija* individualnih rezultatov)
- 10. člen (Sankcije za posameznike)
- 11. člen (*Posledice* za ekipe)
- 13. člen (Pritožbe), razen členov 13.2.2, 13.6 in 13.7
- Člen 15.1 (Samodejni zavezujoč učinek odločb)
- 17. člen (Zastaranje)
- 26. člen (Razlaga *Kodeksa*)
- Priloga 1 – Definicije

Pravilniki *podpisnic* ne smejo vsebovati dodatnih določb, ki bi spreminjale učinek členov, naštetih v tem členu. Pravilniki *podpisnic* morajo izrecno priznavati komentar h *Kodeksu* in mu priznati isti status, kot ga ima v *Kodeksu*. Vendar pa nobena določba *Kodeksa podpisnici* ne preprečuje, da ima pravila, ki urejajo vidike športa ali njenih dejavnosti, ki niso povezane z dopingom.

23.2.3 Priporočljivo je, da *podpisnice* pri izvajanju *Kodeksa* uporabljajo smernice in vzorce, ki jih priporoča *WADA*.

23.3 Izvajanje protidopinških programov

Podpisnice morajo zagotoviti zadostna sredstva za izvajanje protidopinških programov na vseh področjih, ki so v skladu s *Kodeksom* in *Mednarodnimi standardi*.

24. člen Nadzor in zagotavljanje skladnosti s Kodeksom in UNESCO konvencijo

24.1 Nadzor in zagotavljanje skladnosti s *Kodeksom*[323]

24.1.1 *WADA* v skladu z *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom* nadzira skladnost *podpisnic* s *Kodeksom* in *Mednarodnimi standardi*. Da se tak nadzor omogoči, mora vsaka *podpisnica* poročati *WADA* o svoji skladnosti s *Kodeksom* in *Mednarodnimi standardi*, če in kadar to zahteva *WADA*, pri čemer navede vse informacije, ki jih zahteva *WADA*, in obrazloži ukrepe, ki jih izvaja za odpravo morebitnih

mednarodna zveza lahko na primer zavrne obnovitev licence trenerju, potem ko je več športnikov kršilo protidopinška pravila, medtem ko so bili pod njegovim nadzorom.]

[312] *[Comment to Article 24.1: Defined terms specific to Article 24.1 are set forth at the end of Appendix 1 to the Code.]*

[323] *[Komentar k členu 24.1: Opredeljeni izrazi, ki se nanašajo na člen 24.1, so navedeni na koncu priloge 1 Kodeksa.]*

explaining the actions it is taking to correct any *Non-Conformities*. Any failure to provide complete and accurate compliance information to *WADA*, whether further to this *Code* Article or otherwise as required under the *Code* and/or any *International Standard*, constitutes a *Non-Conformity* with the *Code*.

24.1.2 For all *Non-Conformities* (whether with information requirements or otherwise), *WADA* shall follow the corrective procedures set out in the *International Standard* for *Code* Compliance by *Signatories*. If the *Signatory* fails to correct the *Non- Conformities* within the specified timeframe, *WADA* shall send a formal notice to the *Signatory*, alleging that it is non-compliant, categorizing the requirement(s) in question as *Critical*, *High Priority*, or General, identifying any *Aggravating Circumstances* alleged by *WADA* (only in cases involving non-compliance with one or more *Critical* requirements), specifying from the list set out in Article 24.1.4 the *Signatory Consequences* that *WADA* proposes should apply for such non- compliance (in accordance with Article 10 of the *International Standard* for *Code* Compliance by *Signatories*), and also specifying the conditions that *WADA* proposes the *Signatory* should have to satisfy in order to be *Reinstated* (in accordance with Article 11 of the *International Standard* for *Code* Compliance by *Signatories*). That notice will be publicly reported in accordance with the *International Standard* for *Code* Compliance by *Signatories*.

24.1.3 If the *Signatory* wishes to dispute *WADA*'s allegation of non-compliance and/or the *Signatory Consequences* and/or the *Reinstatement* conditions proposed by *WADA* in the Article 24.1.2 formal notice, it shall send *WADA* formal written confirmation of that dispute together with payment of the required security deposit (as specified in Article 9.3.1 of the *International Standard* for *Code* Compliance by *Signatories*) so that they are both received by *WADA* no more than twenty-one (21) days after the day the *Signatory* receives the Article 24.1.2 formal notice.

a) If the *Signatory* meets these requirements by the specified deadline, *WADA* shall file a formal notice of the dispute with *CAS*, the dispute will be resolved by the *CAS* Ordinary Arbitration Division in accordance with *Code* Article 24.1.8 and Article 9.4 of the *International Standard* for *Code* Compliance by *Signatories*, and no *Signatory Consequences* or *Reinstatement* conditions will come into effect unless and until *CAS* so orders. *WADA* shall have the burden of proving to the *CAS* Panel, on the balance of probabilities, that the *Signatory* is non-compliant and that the *Signatory Consequences* and the

neskladnosti. Nepredložitev popolnih in točnih informacij o skladnosti *WADA*, bodisi v skladu s tem členom *Kodeksa* bodisi v skladu z drugimi zahtevami *Kodeksa* in/ali katerega koli *Mednarodnega standarda*, predstavlja *neskladnost* s *Kodeksom*.

24.1.2 *WADA* pri vseh *neskladnostih* (z zahtevami glede informacij ali drugimi obveznostmi) upošteva korektivne postopke, določene v *Mednarodnih standardih* za skladnost *podpisnic* s *Kodeksom*. Če *podpisnica* v določenem roku ne odpravi *neskladnosti*, *WADA podpisnici* pošlje uradno obvestilo, v katerem zatrjuje, da je *podpisnica* v neskladju, pri čemer zadevne zahteve razvrsti kot *kritične*, *prednostne* ali splošne, navede morebitne *obteževalne okoliščine*, ki jih zatrjuje (le v primeru neskladnosti z eno ali več *kritičnimi* zahtevami), navede *posledice za podpisnico* na podlagi seznama, določenega v členu 24.1.4, za katere *WADA* predlaga, da bi se morale uporabiti za tako neskladnost (v skladu z 10. členom *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*), in določi pogoje, za katere *WADA* predlaga, da jih mora *podpisnica* izpolniti za *ponovno vključitev* (v skladu z 11. členom *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*). To obvestilo se javno objavi v skladu z *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom*.

24.1.3 Če *podpisnica* želi izpodbijati neskladnost, ki jo zatrjuje *WADA*, in/ali *posledice za podpisnico* in/ali pogoje za *ponovno vključitev*, ki jih je *WADA* predlagala v uradnem obvestilu iz člena 24.1.2, mora poslati *WADA* uradno pisno potrditev svojega ugovora skupaj s plačilom zahtevane varščine (kot je določena v členu 9.3.1 *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*), tako da *WADA* oboje prejme najpozneje enaindvajset (21) dni po dnevu, ko *podpisnica* prejme uradno obvestilo iz člena 24.1.2.

a) Če *podpisnica* izpolni te zahteve v navedenem roku, *WADA* vloži uradno obvestilo o sporu pri *CAS*, o sporu pa odloči oddelek za stalno arbitražo *CAS* v skladu s členom 24.1.8 *Kodeksa* in členom 9.4 *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom* in *posledice za podpisnico* ali pogoji za *ponovno vključitev* ne bodo začeli veljati, če in dokler tega ne odredi *CAS*. *WADA* nosi breme, da senatu *CAS* s stopnjo utemeljene verjetnosti dokaže, da je *podpisnica* v neskladju in da je treba uvesti *posledice za podpisnico* ter pogoje za *ponovno vključitev*, ki jih predlaga *WADA*. *CAS* lahko sprejme te

Reinstatement conditions proposed by *WADA* should be imposed. The *CAS* Panel may accept those proposals or impose such other *Signatory Consequences* from the list set out at Article 24.1.4 and such other *Reinstatement* conditions as it deems necessary and proportionate based on all of the facts and circumstances of the case.

predloge ali pa uvede druge *posledice za podpisnico* s seznama iz člena 24.1.4 ter druge pogoje za *ponovno vključitev*, ki so po njegovem mnenju potrebni in sorazmerni glede na vsa dejstva ter okoliščine zadeve.

b) If the *Signatory* does not meet these requirements by the specified deadline, it will be deemed to have admitted the non-compliance alleged and to have accepted the *Signatory Consequences* and *Reinstatement* conditions proposed in *WADA's* Article 24.1.2 notice, and that notice will automatically become and will be issued by *WADA* as a final decision. Without prejudice to any appeal by another *Signatory* filed in accordance with Article 13.6, that decision will be enforceable with immediate effect in accordance with Article 24.1.9, and it will be publicly reported as provided in the *International Standard* for *Code* Compliance by *Signatories* or other *International Standards*.

b) Če *podpisnica* teh zahtev ne izpolni do navedenega roka, se bo štelo, da je zatrjevano neskladnost priznala in sprejela *posledice za podpisnico* in pogoje za *ponovno vključitev*, ki jih je predlagala *WADA* v obvestilu iz člena 24.1.2, obvestilo pa samodejno postane in ga *WADA* izda kot dokončno odločbo. Brez poseganja v morebitno pritožbo, ki jo vloži druga *podpisnica* v skladu s členom 13.6, bo ta odločba izvršljiva s takojšnjim učinkom v skladu s členom 24.1.9 in bo javno objavljena, kot je predvideno v *Mednarodnih standardih* za skladnost *podpisnic* s *Kodeksom* ali drugih *Mednarodnih standardih*.

24.1.4 The following *Signatory Consequences* may be imposed, individually or cumulatively, on a *Signatory* that has failed to comply with the *Code* and/or the *International Standards*, based on the particular facts and circumstances of the case at hand, and the provisions of Article 10 of the *International Standard* for *Code* Compliance by *Signatories*:

24.1.4 *Podpisnici*, ki ni ravnala skladno s *Kodeksom* in/ali *Mednarodnimi standardi* ter določbami 10. člena *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*, se lahko posamično ali kumulativno naložijo naslednje *posledice za podpisnico* glede na posamezna dejstva in okoliščine zadevnega primera:

24.1.4.1 Ineligibility or withdrawal of *WADA* privileges:

24.1.4.1 Neupravičenost ali preklic privilegijev *WADA*:

a) in accordance with the relevant provisions of *WADA's* Statutes, the *Signatory's Representatives* being ruled ineligible for a specified period to hold any *WADA* office or any position as a member of any *WADA* board or committee or other body (including but not limited to *WADA's* Foundation Board, the Executive Committee, and any Standing Committee) (although *WADA* may exceptionally permit *Representatives* of the *Signatory* to remain as members of *WADA* expert groups where there is no effective substitute available);

a) v skladu z ustreznimi določbami statutov *WADA* se za zastopnike *podpisnice* razsodi, da za določeno obdobje niso upravičeni do opravljanja kakršne koli funkcije pri *WADA* ali kakršnega koli položaja kot člani katerega koli odbora ali komiteja ali drugega organa *WADA* (kar med drugim vključuje ustanovni odbor, izvršni odbor in kateri koli stalni odbor *WADA*) (čeprav lahko *WADA zastopnikom podpisnice* izjemoma dovoli, da ostanejo člani strokovnih skupin *WADA*, če ni na voljo nobenega ustreznega nadomestnega člana);

b) the *Signatory* being ruled ineligible to host any event organized or co-hosted or co-organized by *WADA*;

b) za *podpisnico* se razsodi, da ni upravičena do prirejanja katere koli prireditve, katere organizator ali soprireditelj ali soorganizator je *WADA*;

c) some or all of the *Signatory's Representatives* being ruled ineligible to participate in any *WADA Independent Observer Program* or *WADA* Outreach

c) za nekatere ali vse *zastopnike podpisnice* se razsodi, da niso upravičeni do sodelovanja v katerem koli *programu neodvisnih opazovalcev WADA* ali

program or other *WADA* activities[313]; and

d) withdrawal of *WADA* funding to the *Signatory* (whether direct or indirect) relating to the development of specific activities or participation in specific programs.

24.1.4.2 Some or all of the *Signatory's Representatives* being ruled ineligible for a specified period to hold any office of or position as a member of the board or committees or other bodies of any other *Signatory* (or its members) or association of *Signatories*, or of any *Regional Anti-Doping Organization*.

24.1.4.3 *Special Monitoring* of some or all of the *Signatory's Anti-Doping Activities*, at the non-compliant *Signatory's* expense, until *WADA* considers that the *Signatory* is able to implement such *Anti-Doping Activities* in a compliant manner without such monitoring.

24.1.4.4 *Supervision* and/or *Takeover* of some or all of the *Signatory's Anti-Doping Activities* by an *Approved Third Party*, at the non-compliant *Signatory's* expense, until *WADA* considers that the *Signatory* is able to implement such *Anti-Doping Activities* itself in a compliant manner without such measures:

a) If the non-compliance involves non-compliant rules, regulations and/or legislation, then the *Anti-Doping Activities* in issue shall be conducted under the rules of one or more other *Anti-Doping Organizations* that are compliant (e.g., International Federations or *National Anti-Doping Organizations* or *Regional Anti-Doping Organizations*), as directed by *WADA*, with any related costs incurred by the *Anti-Doping Organization(s)* to be reimbursed by the non-compliant *Signatory*.

b) If it is not possible to fill the gap in the *Signatory's Anti-Doping Activities* in this way (for example, because national legislation prohibits it, and the *National Anti-Doping*

programu ozaveščanja *WADA* ali drugih dejavnostih *WADA*;[324] in

d) financiranje (neposredno ali posredno) *podpisnice* s strani *WADA* v zvezi z razvojem posebnih dejavnosti ali sodelovanjem v posebnih programih se prekliče.

24.1.4.2 Za nekatere ali vse *zastopnike podpisnice* se razsodi, da za določeno obdobje niso upravičeni do opravljanja kakršne koli funkcije ali položaja kot član odbora ali komitejev ali drugih organov katere koli druge podpisnice (ali njenih članic) ali združenja *podpisnic* ali katere koli *regionalne protidopinške organizacije*.

24.1.4.3 *Posebno spremljanje* nekaterih ali vseh *protidopinških dejavnosti podpisnice* na stroške *podpisnice*, ki ne ravna skladno s *Kodeksom* in/ali *Mednarodnimi standardi*, dokler ne bo *WADA* presodila, da je *podpisnica* sposobna na skladen način izvajati take *protidopinške dejavnosti* brez takšnega nadzora.

24.1.4.4 *Nadzor* in/ali *prevzem* nekaterih ali vseh *protidopinških dejavnosti podpisnice* s strani *odobrene tretje osebe* na stroške *podpisnice*, ki ne ravna skladno s *Kodeksom* in/ali *Mednarodnimi standardi*, dokler ne bo *WADA* presodila, da je *podpisnica* sposobna na skladen način sama izvajati take *protidopinške dejavnosti* brez takšnih ukrepov.

a) Če neskladnost vključuje neskladna pravila, predpise in/ali zakonodajo, se zadevne *protidopinške dejavnosti* izvajajo na podlagi pravil ene ali več drugih *protidopinških organizacij*, ki so skladne (npr. mednarodnih zvez ali *nacionalnih protidopinških organizacij* ali *regionalnih protidopinških organizacij*), po navodilih *WADA*, pri čemer *podpisnica*, ki ne ravna skladno s *Kodeksom* in/ali *Mednarodnimi standardi*, povrne morebitne s tem povezane stroške, ki nastanejo *protidopinški(-m) organizaciji(-am)*.

b) Če na ta način ni mogoče zapolniti vrzeli v *protidopinških dejavnostih podpisnice* (na primer, ker nacionalna zakonodaja to prepoveduje in *nacionalna protidopinška*

[313] *[Comment to Article 24.1.4.1(c): For the avoidance of doubt, nothing in this Article prevents the Signatory accessing educational materials and resources made available online by WADA, for example, as part of its Code Implementation Support Program, or any other training and/or educational activity where participation is approved by WADA.]*

[324] *[Komentar k točki (c) člena 24.1.4.1: V izogib dvomu, nobena določba tega člena podpisnici ne preprečuje dostopa do izobraževalnih gradiv in virov, ki jih WADA da na voljo na spletu, na primer v okviru svojega Programa podpore izvajanju Kodeksa, ali do katere koli druge dejavnosti usposabljanja in/ali izobraževalne dejavnosti, pri kateri udeležbo odobri WADA.]*

Organization has not secured an amendment to that legislation or other solution), it may be necessary as an alternative measure to exclude *Athletes* who would have been covered by the *Signatory's Anti-Doping Activities* from participating in the Olympic/Paralympic Games/other *Events* in order to protect the rights of clean *Athletes* and to preserve public confidence in the integrity of competition at those *Events*.

24.1.4.5 A *Fine*.

24.1.4.6 Suspension or loss of eligibility to receive some or all funding and/or other benefits from the International Olympic Committee or the International Paralympic Committee or any other *Signatory* for a specified period (with or without the right to receive such funding and/or other benefits for that period retrospectively following *Reinstatement*).

24.1.4.7 Recommendation to the relevant public authorities to withhold some or all public and/or other funding and/or other benefits from the *Signatory* for a specified period (with or without the right to receive such funding and/or other benefits for that period retrospectively following *Reinstatement*).[314]

24.1.4.8 Where the *Signatory* is a *National Anti-Doping Organization* or a *National Olympic Committee* acting as a *National Anti-Doping Organization*: non- display and non-appearance (physically or virtually or in any other way) of the national flag of the *Signatory's* country and/or no playing of the national anthem of the *Signatory's* country at or in association with an *International Event* (e.g., Olympic Games, the Paralympic Games, any other *Major Event Organization's Event*, World Championships, regional or continental championships, and/or any other *International Event*) for a specified period.[315]

organizacija ni zagotovila spremembe te zakonodaje ali druge rešitve), je lahko kot alternativni ukrep treba *športnike*, ki bi jih *protidopinške dejavnosti podpisnice* zajemale, izključiti iz sodelovanja na olimpijskih ali paralimpijskih igrah oz. drugih *prireditvah*, da se zaščitijo pravice čistih *športnikov* in ohrani zaupanje javnosti v integriteto tekmovanj na teh *prireditvah*.

24.1.4.5 *Globa*.

24.1.4.6 Prekinitev ali izguba upravičenosti do dela ali celotnega financiranja in/ali drugih ugodnosti, ki jih omogoča Mednarodni olimpijski komite ali Mednarodni paralimpijski komite ali katera koli druga *podpisnica*, za določeno obdobje (s pravico, da *podpisnica* po *ponovni vključitvi* prejme tako financiranje in/ali druge ugodnosti za to obdobje za nazaj, ali brez te pravice).

24.1.4.7 Priporočilo ustreznim javnim organom, naj *podpisnici* za določeno obdobje zadržijo del ali celotno javno in/ali drugo financiranje in/ali druge ugodnosti (s pravico, da *podpisnica* po *ponovni vključitvi* prejme tako financiranje in/ali druge ugodnosti za to obdobje za nazaj, ali brez te pravice).[325]

24.1.4.8 Če je *podpisnica nacionalna protidopinška organizacija* ali *nacionalni olimpijski komite*, ki deluje kot *nacionalna protidopinška organizacija*, se za določeno obdobje na *mednarodnih prireditvah* (npr. olimpijskih igrah, paralimpijskih igrah, kateri koli drugi *prireditvi organizatorja velikih prireditev*, svetovnih prvenstvih, regionalnih ali celinskih prvenstvih in/ali katerih koli drugih mednarodnih prireditvah) ali v zvezi z njimi ne izobeša in ne prikazuje (fizično, virtualno ali na kakršen koli drug način) državna zastava države *podpisnice* in/ali se ne predvaja državna himna države *podpisnice*.[326]

[314] *[Comment to Article 24.1.4.7: Public authorities are not Signatories to the Code. In accordance with Article 11(c) of the UNESCO Convention, however, State Parties shall, where appropriate, withhold some or all financial or other sport-related support from any sports organization or Anti- Doping Organization that is not in compliance with the Code.]*

[315] *[Comment to Article 24.1.4.8: This consequence targets (i) displays of the relevant flag by the Event organizer or any other Person within the context of the protocol elements of an Event such as medal, opening or closing ceremonies and (ii) official, permanent displays of the relevant flag at the venue. Without limitation, it shall not prevent displays of flags by spectators and shall not prevent the display of a flag in association with an Athlete outside of a protocol context (e.g. on a scoreboard or race list, or on the Athlete's jersey/uniform). Indeed, this specific consequence is separate from the neutral participation of Athletes and Athlete Support Personnel that may be required per the terms of the International Standard for Code Compliance by Signatories.]*

[325] *[Komentar k členu 24.1.4.7: Javni organi niso podpisnice Kodeksa. V skladu s členom 11(c) UNESCO konvencije morajo države, ki so njene članice, kadar je to primerno, kateri koli športni organizaciji ali protidopinški organizaciji, ki ne ravna skladno s Kodeksom, zadržati del ali celotno finančno ali drugo podporo, povezano s športom.]*

[326] *[Komentar k členu 24.1.4.8: Ta posledica se nanaša na (i) izobešanje zadevne zastave s strani organizatorja prireditve ali katere koli druge osebe v okviru protokolarnih elementov prireditve, kot so podelitev medalj, otvoritvene ali zaključne slovesnosti, in (ii) uradno, stalno izobešanje zadevne zastave na prizorišču. To ne omejuje izobešanja zastav s strani gledalcev in ne preprečuje prikazovanja zastave v zvezi s športnikom zunaj protokolarnega konteksta (npr. na semaforju ali seznamu tekem ali na dresu/uniformi športnika). Ta posebna posledica je dejansko ločena od nevtralnega sodelovanja športnikov in spremljevalnega osebja športnika, ki se lahko zahteva v skladu z določbami Mednarodnih standardov za skladnost podpisnic s Kodeksom.]*

24.1.4.9 Where the *Signatory* is a *National Anti-Doping Organization* or a *National Olympic Committee* acting as a *National Anti-Doping Organization*: the *Signatory's* country being ruled ineligible to host or co-host and/or to be awarded the right to host or co-host an *International Event* (e.g., the Olympic Games, the Paralympic Games, any other *Major Event Organization's Event*, World Championships, regional or continental championships, and/or any other *International Event*) for a specified period.

a) If the right to host or co-host the *Event* in question has already been awarded to the country in question, the *Signatory* that awarded that right shall assess whether it is legally and practically possible to withdraw that right and reassign the *Event* to another country. If it is legally and practically possible to do so, then the *Signatory* shall do so.

b) *Signatories* shall ensure that they have due authority under their statutes, rules and regulations, and/or hosting agreements, to comply with this requirement (including a right in any hosting agreement to cancel the agreement without penalty where the relevant country has been ruled ineligible to host the *Event*).

24.1.4.10 Where the *Signatory* is a *National Anti-Doping Organization* or a *National Olympic Committee* or a National Paralympic Committee: exclusion of some or all of the following *Persons* from participation in or attendance at an *International Event* (e.g., the Olympic Games, the Paralympic Games, any other *Major Event Organization's Event*, World Championships, regional or continental championships and/or any other *International Events*) for a specified period:

a) the *Representatives* of the *National Anti-Doping Organization*;

b) the *National Olympic Committee* and/or the National Paralympic Committee of the *Signatory's* country;

c) the *Representatives* of that country and/or of the *National Olympic Committee* and/or the National Paralympic Committee of that

24.1.4.9 Če je *podpisnica nacionalna protidopinška organizacija* ali *nacionalni olimpijski komite*, ki deluje kot *nacionalna protidopinška organizacija*, se za državo *podpisnice* razsodi, da za določeno obdobje ni upravičena do prirejanja ali soprirejanja oziroma dodelitve pravice do prirejanja ali soprirejanja *mednarodne prireditve* (npr. olimpijskih iger, paralimpijskih iger in drugih *prireditev organizatorja velikih prireditev*, svetovnih prvenstev, regionalnih ali kontinentalnih prvenstev in/ali katerih koli drugih *mednarodnih prireditev*).

a) Če je bila zadevni državi že podeljena pravica do prirejanja ali soprirejanja zadevne *prireditve*, mora *podpisnica*, ki je to pravico podelila, oceniti, ali je zakonito in dejansko mogoče odvzeti to pravico in *prireditev* podeliti drugi državi. Če je to zakonito in dejansko mogoče, *podpisnica* to naredi.

b) *Podpisnice* morajo zagotoviti, da so v skladu s svojimi statuti, pravili in predpisi in/ali sporazumi o prirejanju pristojne za izpolnjevanje te zahteve (vključno s pravico v katerem koli sporazumu o prirejanju, da brez kazni razveljavijo sporazum, če se je za zadevno državo razsodilo, da ni upravičena do prirejanja *prireditve*).

24.1.4.10 Če je *podpisnica nacionalna protidopinška organizacija* ali *nacionalni olimpijski komite* ali nacionalni paralimpijski komite, se nekatere ali vse naslednje *osebe* za določeno obdobje izključijo iz sodelovanja ali udeležbe na *mednarodni prireditvi* (npr. olimpijskih igrah in paralimpijskih igrah, kateri koli drugi *prireditvi organizatorja velikih prireditev*, svetovnih prvenstvih, regionalnih ali kontinentalnih prvenstvih in/ali katerih koli drugih *mednarodnih prireditvah*):

a) *zastopniki nacionalne protidopinške organizacije*;

b) *nacionalni olimpijski komite* in/ali nacionalni paralimpijski komite v državi *podpisnice*;

c) *zastopniki* te države in/ali *nacionalni olimpijski komite* in/ali nacionalni paralimpijski komite v tej državi; in/ali

country; and/or

d) the *Athletes* and *Athlete Support Personnel* affiliated to that country and/or to the *National Olympic Committee* and/or to the National Paralympic Committee and/or to the National Federation of that country.[316]

24.1.4.11 Where the *Signatory* is an International Federation:

a) exclusion of its sport (or one or more disciplines of that sport), and/or some or all of its *Representatives*, from the Olympic Games and the Paralympic Games and/or other *Events* for a specified period; and

b) ineligibility to receive funding or enjoy any of the other benefits of recognition by the International Olympic Committee or of membership of the International Paralympic Committee or of recognition by or membership of any other *Signatory* until it is *Reinstated* (and then it shall still not be able to receive any funding retrospectively for the period prior to *Reinstatement*).

24.1.4.12 Where the *Signatory* is a *Major Event Organization*:

a) *Special Monitoring* or *Supervision* or *Takeover* of the *Signatory's Anti- Doping Activities* at its *Event(s)* for a specified period, at the *Signatory's* expense; and/or

b) suspension or loss of eligibility to receive funding and other benefits from and/or the recognition/membership/patronage (as applicable) of the International Olympic Committee, the International Paralympic Committee, or of any other *Signatory* or associations of *Signatories* for a specified period; and/or

c) loss of recognition of its *Event(s)* as a qualifying event for the Olympic

d) *športniki* in *spremljevalno osebje športnika*, povezani s to državo in/ali *nacionalnim olimpijskim komitejem* in/ali nacionalnim paralimpijskim komitejem in/ali nacionalno zvezo v tej državi.[327]

24.1.4.11 Če je *podpisnica* mednarodna zveza:

a) izključitev njene športne panoge (ali ene ali več disciplin te športne panoge) in/ali nekaterih ali vseh njenih *zastopnikov* iz olimpijskih iger in paralimpijskih iger in/ali drugih *prireditev* za določeno obdobje; in

b) neupravičenost *podpisnice* do prejemanja financiranja ali koriščenja katerih koli drugih ugodnosti priznavanja s strani Mednarodnega olimpijskega komiteja ali članstva v Mednarodnem paralimpijskem komiteju ali članstva v kateri koli drugi *podpisnici* oziroma priznavanja z njene strani, dokler ni *ponovno vključena* (zatem še vedno ne bo mogla prejeti nobenega financiranja za nazaj za obdobje pred *ponovno vključitvijo*).

24.1.4.12 Če je *podpisnica organizator velikih prireditev*:

a) *posebno spremljanje* ali *nadzor* ali *prevzem protidopinških dejavnosti* na njeni(-h) *prireditvi(-ah)* za določeno obdobje na stroške *podpisnice* in/ali

b) prekinitev ali izguba upravičenosti do prejema financiranja in drugih ugodnosti in/ali priznanja/članstva/pokroviteljstva (kot je primerno) s strani Mednarodnega olimpijskega komiteja, Mednarodnega paralimpijskega komiteja ali katere koli druge *podpisnice* ali združenja *podpisnic* za določeno obdobje in/ali

c) izguba priznanja *prireditve(-ev)* kot kvalifikacijske prireditve za olimpijske igre ali

[316] *[Comment to Article 24.1.4.10(d): As further discussed in the International Standard for Code Compliance by Signatories, exclusion of Athletes from participation in one or more Events should be considered only where, absent such exclusion, there is a risk to the integrity of the Events and fairness to the competitors, and only after first considering whether it is feasible to create and implement a mechanism to enable the Athlete(s) to demonstrate that they are not affected by the Signatory's non-compliance and that allowing the Athlete(s) to compete in a neutral capacity would not make the Signatory Consequences less effective, would not be unfair to their competitors, and would not undermine public confidence in the integrity of the Event.]*

[327] *[Komentar k točki (d) člena 24.1.4.10: Kot je podrobneje obravnavano v Mednarodnih standardih za skladnost podpisnic s Kodeksom, naj se o izključitvi športnikov iz udeležbe na enem ali več tekmovanjih razmisli le, če brez take izključitve obstaja tveganje za integriteto tekmovanj in poštenost do tekmovalcev in šele po tem, ko se najprej prouči, ali je izvedljivo oblikovati in izvajati mehanizem, ki bi športniku(-om) omogočil, da dokaže(-jo), da neskladnost podpisnice nanj(-e) ne vpliva ter da dopustitev tekmovanja športnika(-ov) v nevtralni vlogi ne bi zmanjšala učinkovitosti posledic za podpisnico, ne bi bila nepoštena do njegovih/njihovih tekmecev in ne bi omajala zaupanja javnosti v integriteto prireditve.]*

Games or the Paralympic Games for a specified period.

24.1.4.13 Suspension of recognition by the Olympic Movement and/or of membership of the Paralympic Movement and/or of recognition by/membership of any other *Signatory* (as applicable).

24.1.4.14 Where the *Signatory* is an organization outside of the Olympic Movement and the Paralympic Movement, is not recognized by the International Olympic Committee, and is not a member of the International Paralympic Committee: termination of the *Signatory's* status as a *Signatory*, without any entitlement to reimbursement of any fees paid for such status.

24.1.5 In accordance with the *International Standard* for *Code* Compliance by *Signatories*, *WADA* will classify the various requirements imposed on *Signatories* by the *Code* and the *International Standards* as *Critical* or *High Priority* or *General*, depending on their relative importance to the fight against doping in sport, and that classification shall be a key factor in determining what *Signatory Consequences* should be imposed in the event of non-compliance. Where *WADA* refers a case of *Signatory* non-compliance to the *CAS*, the *Signatory* may dispute *WADA's* classification of the requirement(s) in issue, in which case *CAS* will decide on the appropriate classification as part of its determination of the *Signatory Consequences* to be imposed for the non-compliance in question.

24.1.6 Other Consequences

Governments and *Signatories* and associations of *Signatories* may impose additional consequences within their respective spheres of authority for non- compliance by *Signatories*, provided that this does not compromise or restrict in any way the ability to apply *Signatory Consequences* in accordance with this Article 24.1.[317]

24.1.7 Disputes About Whether *Reinstatement* Conditions Have Been Met

Where *Reinstatement* conditions have been imposed on a *Signatory*, and the *Signatory* contends that those *Reinstatement* conditions have been met and therefore it is entitled to be *Reinstated*, but *WADA* does not agree, the *Signatory* may, in the specific circumstances set out in Article 11.3.4 of the *International Standard for*

paralimpijske igre za določeno obdobje.

24.1.4.13 Preklic priznanja s strani olimpijskega gibanja in/ali prekinitev članstva v paralimpijskem gibanju in/ali preklic priznanja/prekinitev članstva s strani katere koli druge *podpisnice* (kot je ustrezno).

24.1.4.14 Če je *podpisnica* organizacija zunaj olimpijskega gibanja in paralimpijskega gibanja, ki je Mednarodni olimpijski komite ne priznava in ni članica Mednarodnega paralimpijskega komiteja, se status *podpisnice* kot *podpisnice Kodeksa* prekine brez pravice do povračila kakršnih koli stroškov, plačanih za ta status.

24.1.5 *WADA* bo v skladu z *Mednarodnimi standardi* za skladnost *podpisnic* s *Kodeksom* različne zahteve, ki jih *Kodeks* in *Mednarodni standardi* nalagajo *podpisnicam*, odvisno od njihove relativne pomembnosti za boj proti dopingu v športu razvrstila kot *kritične*, *prednostne* ali *splošne*, ta razvrstitev pa bo ključni dejavnik pri določanju *posledic za podpisnico*, ki naj se uvedejo v primeru neskladnosti. Če *WADA* zadevo v zvezi z neskladnostjo *podpisnice* predloži *CAS*, lahko *podpisnica* izpodbija razvrstitev zadevne(-ih) zahteve(-ev) s strani *WADA*, in *CAS* v tem primeru odloči o ustrezni razvrstitvi v okviru svoje določitve *posledic za podpisnico*, ki se uvedejo zaradi zadevne neskladnosti.

24.1.6 Druge posledice

Vlade in *podpisnice* ter združenja *podpisnic* lahko v okviru svojih pristojnosti naložijo dodatne posledice zaradi neskladnosti *podpisnic*, če to na noben način ne ogrozi ali omeji sposobnosti uporabe *posledic* za *podpisnico* v skladu s tem členom 24.1.[328]

24.1.7 Spori o tem, ali so bili izpolnjeni pogoji za *ponovno vključitev*

Če so bili *podpisnici* naloženi pogoji za *ponovno vključitev* in *podpisnica* trdi, da so ti pogoji izpolnjeni ter da je zato upravičena do *ponovne vključitve*, *WADA* pa se s tem ne strinja, lahko *podpisnica* v posebnih okoliščinah, določenih v členu 11.3.4 *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*, v enaindvajsetih (21)

[317] *[Comment to Article 24.1.6: For example, the International Olympic Committee may decide to impose symbolic or other consequences on an International Federation or a National Olympic Committee pursuant to the Olympic Charter, such as withdrawal of eligibility to organize an International Olympic Committee Session or an Olympic Congress; while an International Federation may decide to cancel International Events that were scheduled to be held in the country of a non-compliant Signatory, or move them to another country.]*

[328] *[Komentar k členu 24.1.6: Mednarodni olimpijski komite se lahko na primer odloči mednarodni zvezi ali nacionalnemu olimpijskemu komiteju v skladu z Olimpijsko listino naložiti simbolične ali druge posledice, kot so preklic upravičenosti za organiziranje seje Mednarodnega olimpijskega komiteja ali olimpijskega kongresa, mednarodna zveza pa se lahko odloči odpovedati mednarodne prireditve, ki so bile predvidene v državi podpisnice,* ki ne ravna skladno s *Kodeksom* in/ali *Mednarodnimi standardi, ali jih prestaviti v drugo državo.]*

Code Compliance by Signatories, file a request for arbitration of the dispute with *CAS* (and on the same day with *WADA*) within twenty-one (21) days of receiving notice of *WADA's* disagreement. If the *Signatory* does not satisfy those conditions within that deadline, it will be deemed to have accepted that the *Reinstatement* conditions have not yet been met. If the *Signatory* does satisfy those conditions within that deadline, the dispute will be resolved by the *CAS* Ordinary Arbitration Division in accordance with *Code* Article 24.1.8 and Article 11.3 of the *International Standard* for *Code* Compliance by *Signatories*. The *Signatory* shall have the burden to prove to the *CAS* Panel, on the balance of probabilities, that it has met all of the *Reinstatement* conditions imposed on it and therefore is entitled to be *Reinstated*.

24.1.8 Compliance Cases Referred to *CAS*

In each case that is referred to *CAS* pursuant to Article 24.1.3 or Article 24.1.7:

24.1.8.1 *WADA* will publicly report the fact that the case has been referred to *CAS* for determination.

24.1.8.2 Each of the following *Persons* shall have the right to intervene and participate as a party in the case, provided it gives *CAS*, *WADA* and the *Signatory* notice of its intervention within ten (10) days of such publication:

a) the International Olympic Committee and/or the International Paralympic Committee (as applicable), and the *National Olympic Committee* and/or the National Paralympic Committee (as applicable), where the decision may have an effect in relation to the Olympic Games or Paralympic Games (including decisions affecting eligibility to attend/participate in the Olympic Games or Paralympic Games); and

b) an International Federation, where the decision may have an effect on participation (i) in the International Federation's *Events* at the Olympic Games and/or the Paralympic Games or in World Championships and/or other *International Events*; and/or (ii) on a bid that has been submitted for a country to host the International Federation's World Championships and/or other *International Events*.

24.1.8.3 Any other *Person* wishing to

dneh od prejema obvestila o nestrinjanju *WADA* vloži zahtevo za arbitražno reševanje spora pri *CAS* (in istega dne pri *WADA*). Če *podpisnica* v tem roku ne izpolni teh pogojev, se šteje, da je sprejela, da pogoji za *ponovno vključitev* še niso izpolnjeni. Če *podpisnica* v tem roku izpolni te pogoje, bo spor rešil oddelek za stalno arbitražo *CAS* v skladu s členom 24.1.8 *Kodeksa* in členom 11.3 *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*. Podpisnica nosi breme, da senatu *CAS* s stopnjo utemeljene verjetnosti dokaže, da je izpolnila vse pogoje za *ponovno vključitev*, ki so ji bili naloženi, in je zato upravičena do *ponovne vključitve*.

24.1.8 Zadeve v zvezi s skladnostjo, posredovane *CAS*

Pri vsaki zadevi, ki se v skladu s členom 24.1.3 ali členom 24.1.7 posreduje *CAS*, velja naslednje:

24.1.8.1 *WADA* javno objavi dejstvo, da je bila zadeva posredovana *CAS* v odločanje.

24.1.8.2 Vsaka od naslednjih oseb ima pravico, da vstopi v postopek kot stranski intervenient, če o svojem vstopu v postopek v desetih (10) dneh od take objave obvesti *CAS*, *WADA* in *podpisnico*:

a) Mednarodni olimpijski komite in/ali Mednarodni paralimpijski komite (kot je primerno) ter *nacionalni olimpijski komite* in/ali nacionalni paralimpijski komite (kot je primerno), če bi odločba lahko vplivala na olimpijske oziroma paralimpijske igre (vključno z odločbami, ki vplivajo na izpolnjevanje pogojev za udeležbo/sodelovanje na olimpijskih oz. paralimpijskih igrah); in

b) mednarodna zveza, če bi odločitev lahko vplivala na sodelovanje (i) na *prireditvah* mednarodne zveze na olimpijskih igrah in/ali paralimpijskih igrah ali na svetovnih prvenstvih in/ali drugih *mednarodnih prireditvah* mednarodne zveze in/ali (ii) na prijavo, ki je bila vložena za državo za organizacijo svetovnih prvenstev in/ali drugih *mednarodnih prireditev* mednarodne zveze.

24.1.8.3 Katera koli druga *oseba*, ki želi

intervene and participate as a party in the case shall apply to *CAS* within ten (10) days of publication by *WADA* of the fact that the case has been referred to *CAS* for determination. *CAS* shall permit such intervention (i) if all other parties in the case agree; or (ii) if the applicant demonstrates that it has a sufficient legal interest in the outcome of the case to justify its participation as a party.

24.1.8.4 *CAS*'*s* decision resolving the dispute will be publicly reported by *CAS* and by *WADA*. Subject to the right under Swiss law to challenge that decision before the Swiss Federal Tribunal, the decision shall be final and enforceable with immediate effect. It may be appealed by other *Signatories* as set out in *Code* Article 13.6 and Article 9.3.4 of the *International Standard* for *Code* Compliance by *Signatories*.

24.1.8.5 If the *Signatory* corrects the *Non-Conformities* at issue to *WADA's* satisfaction at any time before *CAS* issues its decision, *WADA* may agree to the termination of the *CAS* proceedings by means of a consent award agreed by *WADA* which provides that (a) the *Signatory* accepts *Signatory Consequences* that address any prejudice caused by the non-compliance, (b) the *Signatory* shall pay all of the costs of the arbitration proceedings referenced in *CAS* Code R64.4, and (c) the *Signatory* shall contribute an amount specified by *WADA* towards the legal fees and other expenses incurred by *WADA* in connection with the proceedings. Any such termination, including the reasons for it and any conditions of termination, shall be publicly reported by *CAS* and by the parties.

24.1.9 Final decisions issued by *WADA* further to Article 24.1.3 and final decisions issued by *CAS* further to Article 24.1.3 or Article 24.1.7 are applicable worldwide, and shall be recognized, respected and given full effect by all *Signatories* in accordance with their authority and within their respective spheres of responsibility. All *Signatories* shall ensure that they have due authority under their statutes, rules and regulations to recognize, respect and give full effect to those decisions in a timely manner.

24.2 Monitoring Compliance with the *UNESCO Convention*

Compliance with the commitments reflected in the

vstopiti v postopek kot stranski intervenient, se mora v desetih (10) dneh od datuma, ko je *WADA* javno objavila dejstvo, da je bila zadeva posredovana *CAS* v odločanje, prijaviti pri *CAS*. *CAS* dovoli tak vstop v postopek, (i) če vse druge stranke v postopku s tem soglašajo ali (ii) če prosilec izkaže zadosten pravni interes v zvezi z izidom postopka, da upraviči svoje sodelovanje kot stranski intervenient.

24.1.8.4 Odločitev *CAS* o rešitvi zadeve javno objavita *CAS* in *WADA*. Ob upoštevanju pravice do izpodbijanja te odločitve pred švicarskim zveznim sodiščem v skladu s švicarsko zakonodajo je odločba dokončna in izvršljiva s takojšnjim učinkom. Druge *podpisnice* lahko vložijo pritožbo zoper odločbo, kot je določeno v členu 13.6 *Kodeksa* in členu 9.3.4 *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*.

24.1.8.5 Če *podpisnica* kadar koli pred izdajo odločbe *CAS* odpravi zadevne neskladnosti na način, ki je sprejemljiv za *WADA*, lahko *WADA* privoli v zaključek postopka pred *CAS* z izdajo odločbe na podlagi sporazuma med strankama, s katero soglaša *WADA* in ki določa, da (a) *podpisnica* sprejme *posledice za podpisnico* zaradi morebitne škode, ki jo je povzročila neskladnost, (b) *podpisnica* plača vse stroške arbitražnega postopka iz člena R64.4 Pravilnika *CAS* ter (c) *podpisnica* prispeva znesek, ki ga določi *WADA*, za pravne stroške in druge izdatke, ki so nastali *WADA* v zvezi s postopkom. *CAS* in stranke javno objavijo vsak tak zaključek postopka, vključno z razlogi in morebitnimi pogoji zanj.

24.1.9 Dokončne odločbe, ki jih izda *WADA* v skladu s členom 24.1.3, in dokončne odločbe, ki jih izda *CAS* v skladu s členom 24.1.3 ali členom 24.1.7, veljajo po vsem svetu, pri čemer jih morajo vse *podpisnice* priznati, spoštovati in v celoti izvrševati skladu s svojimi pooblastili in v okviru svojih pristojnosti. *Podpisnice* morajo zagotoviti, da so v skladu s svojimi statuti, pravili in predpisi pristojne za pravočasno priznanje, spoštovanje in popolno izvrševanje teh odločb.

24.2 Nadzor skladnosti z *UNESCO konvencijo*

Skladnost z zavezami, ki se odražajo v *UNESCO*

UNESCO Convention will be monitored as determined by the Conference of Parties to the *UNESCO Convention*, following consultation with the State Parties and *WADA*. *WADA* shall advise governments on the implementation of the *Code* by *Signatories* and shall advise *Signatories* on the ratification, acceptance, approval or accession to the *UNESCO Convention* by governments.

Article 25 Modification and Withdrawal

25.1 Modification

25.1.1 *WADA* shall be responsible for overseeing the evolution and improvement of the *Code*. *Athletes* and other stakeholders and governments shall be invited to participate in such process.

25.1.2 *WADA* shall initiate proposed amendments to the *Code* and shall ensure a consultative process to both receive and respond to recommendations and to facilitate review and feedback from *Athletes* and other stakeholders and governments on recommended amendments.

25.1.3 Amendments to the *Code* shall, after appropriate consultation, be approved by a two-thirds majority of the *WADA* Foundation Board including a majority of both the public sector and Olympic Movement members casting votes. Amendments shall, unless provided otherwise, go into effect three (3) months after such approval.

25.1.4 *Signatories* shall modify their rules to incorporate the 2027 *Code* on or before 1 January 2027, to take effect on 1 January 2027. *Signatories* shall implement any subsequent applicable amendment to the *Code* within one (1) year of approval by the *WADA* Foundation Board.[318]

25.2 Withdrawal of Acceptance of the *Code*

Signatories may withdraw acceptance of the *Code* after providing *WADA* six-months written notice of their intent to withdraw. *Signatories* shall no longer be considered in compliance once acceptance has been withdrawn.

Article 26 Interpretation of the Code

26.1 The official text of the *Code* shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

26.2 The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.

26.3 The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of *Signatories* or governments.

konvenciji, se nadzoruje, kot je bilo to določeno na konferenci strank *UNESCO konvencije*, in sicer po posvetovanju z državami, ki so njene članice, in z *WADA*. *WADA* svetuje vladam, kako naj *podpisnice* izvajajo *Kodeks*, ter *podpisnicam* svetuje glede ratifikacije, sprejema, odobritve ali pristopa k *UNESCO konvenciji*, ki jo/ga mora izvesti vlada.

25. člen Spremembe in umik

25.1 Spremembe

25.1.1 *WADA* je odgovorna za nadzor razvoja in izboljšav *Kodeksa*. *Športniki* in drugi deležniki morajo biti povabljeni k sodelovanju v tem postopku.

25.1.2 Predlagane spremembe *Kodeksa* mora predlagati *WADA* in pri tem zagotoviti postopek posvetovanja, v katerem prejema in odgovarja na predloge ter omogoča pregled in povratne informacije s strani *športnikov*, drugih deležnikov in vlad glede predlaganih sprememb.

25.1.3 Spremembe *Kodeksa* se po ustreznem posvetovanju potrdijo z dvotretjinsko večino ustanovnega odbora *WADA*, vključno z večino oddanih glasov članov predstavnikov javnega sektorja in olimpijskega gibanja. Spremembe, razen če ni določeno drugače, začnejo veljati tri (3) mesece po potrditvi.

25.1.4 *Podpisnice* morajo svoja pravila spremeniti tako, da bodo v njih vključene določbe *Kodeksa* 2027 najpozneje do 1. januarja 2027, ter bodo začela veljati 1. januarja 2027. *Podpisnice* morajo izvesti vse nadaljnje veljavne spremembe *Kodeksa* v enem (1) letu po potrditvi s strani ustanovnega odbora *WADA*.[329]

25.2 Umik sprejema *Kodeksa*

Podpisnice lahko umaknejo sprejem *Kodeksa* tako, da šest mesecev prej o svoji nameri pisno obvestijo *WADA*. Če *podpisnice* sprejem umaknejo, se šteje, da niso več v skladju.

26. člen Razlaga Kodeksa

26.1 Uradno besedilo *Kodeksa* hrani *WADA* ter je objavljeno v angleščini in francoščini. V primeru razlik med angleško in francosko različico prevlada angleška različica.

26.2 Komentarji, ki razlagajo različna določila *Kodeksa*, se uporabljajo za njegovo razlago.

26.3 *Kodeks* je treba razlagati kot neodvisno in avtonomno besedilo ter ne s sklicevanjem na obstoječe pravo ali statute *podpisnic* ali vlad.

[318] *[Comment to Articles 25.1.3 and 25.1.4: Under Article 25.1.3, new or changed obligations imposed on Signatories automatically go into effect three (3) months after approval unless provided otherwise. In contrast, Article 25.1.4 addresses new or changed obligations imposed on Athletes or other Persons which can only be enforced against individual Athletes or other Persons by changes to the anti-doping rules of the relevant Signatory (e.g., an International Federation). For that reason, Article 25.1.4 provides for a longer period of time for each Signatory to conform its rules to the 2027 Code and take any necessary measures to ensure the appropriate Athletes and other Persons are bound by the rules.]*

[329] *[Komentar k členoma 25.1.3 in 25.1.4: Skladno s členom 25.1.3 nove ali spremenjene obveznosti, naložene podpisnicam, samodejno začnejo veljati tri (3) mesece po odobritvi, razen če je določeno drugače. V nasprotju s členom 25.1.3 pa člen 25.1.4 obravnava nove ali spremenjene obveznosti, naložene športnikom ali drugim osebam, ki jih je mogoče uveljaviti proti posameznim športnikom ali drugim osebam samo s spremembami protidopinških pravil zadevne podpisnice (npr. mednarodne zveze). Zato člen 25.1.4 določa daljše obdobje, v katerem mora vsaka podpisnica zagotoviti skladnost svojih pravil s Kodeksom 2027 in sprejeti potrebne ukrepe za zagotovitev, da pravila zavezujejo ustrezne športnike in druge osebe.]*

26.4 The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.

26.5 Where the term "days" is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.

26.6 Where the term "shall" is used in the *Code* or an *International Standard*, it means a mandatory obligation that must be adhered to; where the term "should" is used in the *Code* or an *International Standard*, it means something is considered a best practice or is encouraged to be followed but is not mandatory.

26.7 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

26.8 The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions, shall be considered integral parts of the *Code*.

Article 27 Transitional Provisions

27.1 General Application of the 2027 *Code*

The 2027 *Code* shall apply in full as of 1 January 2027 (the "Effective Date").

27.2 Non-Retroactive except for Articles 10.9.4 and 17 or Unless Principle of "Lex Mitior" Applies

Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in this 2027 *Code*, unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 17 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in the 2027 *Code* (provided, however, that Article 17 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date).

27.3 Application to Decisions Rendered Prior to the 2027 *Code*

With respect to cases where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organization* which had *Results Management* authority for the anti-doping rule violation or violation of Article 10.14.1 to consider a reduction in the

26.4 Naslovi različnih delov in členov *Kodeksa* so uporabljeni zaradi primernosti ter se ne štejejo za del vsebine *Kodeksa* in ne vplivajo na besedilo določil, na katera se nanašajo.

26.5 Kjer je v *Kodeksu* ali *Mednarodnem standardu* uporabljen izraz »dnevi«, to pomeni koledarske dni, razen če je določeno drugače.

26.6 Kjer je v *Kodeksu* ali *Mednarodnem standardu* uporabljen izraz »mora(-jo)«, to pomeni obveznost, ki jo je treba izpolniti. Kjer je v *Kodeksu* ali *Mednarodnem standardu* uporabljen izraz »naj«, pa to pomeni, da se nekaj šteje za najboljšo prakso ali se priporoča, da se to upošteva, ni pa obvezno.

26.7 *Kodeks* ne velja za nazaj za zadeve, ki so se obravnavale še pred datumom, ko je *podpisnica* sprejela *Kodeks* in ga vključila v svoj pravilnik. Kljub temu se kršitve protidopinških pravil, ki so se zgodile, preden je začel veljati *Kodeks*, še vedno štejejo za »prve kršitve« in »druge kršitve« za namen odločanja o sankcijah po 10. členu glede poznejših kršitev, do katerih je prišlo med veljavnostjo *Kodeksa*.

26.8 Namen, področje in organiziranost Svetovnega protidopinškega programa in *Kodeksa* ter priloga 1, Definicije, so sestavni deli *Kodeksa*.

27. člen Prehodne določbe

27.1 Splošna uporaba *Kodeksa* 2027

Kodeks 2027 bo v celoti začel veljati s 1. januarjem 2027 (»datum začetka veljavnosti«).

27.2 *Kodeks* se ne uporablja za nazaj, razen členov 10.9.4 in 17 ali če pride do uporabe načela uporabe milejšega zakona (»*lex mitior*«)

Za vsako kršitev protidopinških pravil, ki je na datum začetka veljavnosti *Kodeksa* v postopku obravnavanja, in vsako kršitev protidopinških pravil, ki se začne obravnavati po datumu začetka veljavnosti *Kodeksa*, vendar pa je do kršitve same prišlo pred datumom začetka veljavnosti *Kodeksa*, se uporabljajo materialna protidopinška pravila, ki so veljala, ko je prišlo do domnevne kršitve protidopinških pravil, in ne materialna protidopinška pravila iz tega *Kodeksa* 2027, razen če obravnavni senat oceni, da je treba glede na okoliščine primera uporabiti načelo uporabe milejšega zakona (»*lex mitior*«). V ta namen so prejšnja obdobja, v katerih se lahko predhodne kršitve štejejo za večkratne kršitve po členu 10.9.4, in zastaralni rok iz 17. člena procesna in ne materialna pravila ter se uporabljajo za nazaj skupaj z vsemi drugimi procesnimi pravili iz *Kodeksa* 2027 (vendar pa se 17. člen uporablja za nazaj samo, če se zastaralni rok ni iztekel že pred datumom začetka veljavnosti *Kodeksa*).

27.3 Uporaba glede odločb, sprejetih pred *Kodeksom* 2027

V zvezi s primeri, v katerih je bila dokončna odločba o kršitvi protidopinških pravil ali kršitvi člena 10.14.1 sprejeta pred datumom začetka veljavnosti *Kodeksa*, vendar *športnik* ali druga *oseba* na ta datum še vedno prestaja obdobje *izločitve*, lahko *športnik* ali druga *oseba protidopinško organizacijo*, ki je bila pristojna za *upravljanje z rezultati* v zvezi s kršitvijo protidopinških pravil ali kršitvijo člena 10.14.1, zaprosi, naj razmisli o skrajšanju obdobja *izločitve* ob

period of *Ineligibility* in light of the 2027 *Code*. Such application shall be made before the period of *Ineligibility* has expired. The decision rendered by the *Anti-Doping Organization* may be appealed pursuant to Article 13.2. The 2027 *Code* shall have no application to any anti-doping rule violation or violation of Article 10.14.1 case where a final decision finding an anti-doping rule violation or violation of Article 10.14.1 has been rendered and the period of *Ineligibility* has expired.

upoštevanju *Kodeksa* 2027. Tako prošnjo je treba vložiti pred iztekom obdobja *izločitve*. Zoper odločbo *protidopinške organizacije* se je mogoče pritožiti v skladu s členom 13.2. *Kodeks* 2027 ne vpliva na primere kršitev protidopinških pravil ali kršitev člena 10.14.1, v katerih je bila dokončna odločba o kršitvi protidopinških pravil ali kršitvi člena 10.14.1 sprejeta in se je obdobje *izločitve* že izteklo.

27.4 Multiple Violations Where the First Violation Occurs Prior to 1 January 2027

For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on pre-2027 *Code* rules, the period of *Ineligibility* which would have been assessed for that first violation had 2027 *Code* rules been applicable, shall be applied.[319]

27.4 Večkratne kršitve, v katerih je do prve kršitve prišlo pred 1. januarjem 2027

Za namen ocene obdobja *izločitve* za drugo kršitev po členu 10.9.1, pri čemer je bila sankcija za prvo kršitev določena po pravilih, ki so veljala pred *Kodeksom* 2027, se uporabi obdobje *izločitve*, ki bi bilo ocenjeno za prvo kršitev, če bi se uporabljala pravila iz *Kodeksa* 2027.[330]

27.5 Additional *Code* Amendments

Any additional *Code* Amendments shall go into effect as provided in Article 27.1.

27.5 Dodatne spremembe *Kodeksa*

Vsakršne dodatne spremembe *Kodeksa* začnejo veljati tako, kot to določa člen 27.1.

27.6 Changes to the *Prohibited List*

Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to the *Anti-Doping Organization* which had *Results Management* authority for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.

27.6 Spremembe *Liste prepovedanih snovi in postopkov*

Spremembe *Liste prepovedanih snovi in postopkov* in *tehničnih dokumentov*, ki se nanašajo na snovi z *Liste prepovedanih snovi in postopkov*, se ne uporabljajo za nazaj, razen če je izrecno določeno drugače. Izjemoma lahko *športnik* ali druga *oseba*, ki trenutno prestaja obdobje *izločitve* zaradi nekdanje *prepovedane snovi* ali *prepovedanega postopka*, če je bila *prepovedana snov* ali *prepovedan postopek* odstranjen(-a) z *Liste prepovedanih snovi in postopkov*, *protidopinško organizacijo*, ki je bila pristojna za *upravljanje z rezultati* v zvezi s kršitvijo protidopinških pravil, zaprosi za skrajšanje obdobja *izločitve* ob upoštevanju dejstva, da je bila snov ali postopek odstranjen(-a) z *Liste prepovedanih snovi in postopkov*.

[319] *[Comment to Article 27.4: Other than the situation described in Article 27.4, where a final decision finding an anti-doping rule violation has been rendered prior to the existence of the Code or under the Code in force before the 2027 Code and the period of Ineligibility imposed has been completely served, the 2027 Code may not be used to re-characterize the prior violation.]*

[330] *[Komentar k členu 27.4: Razen v situacijah, ki jih opisuje člen 27.4, kjer je bila dokončna odločba o kršitvi protidopinških pravil sprejeta že pred obstojem Kodeksa oz. po določilih Kodeksa, ki je veljal pred Kodeksom 2027, in je bilo izrečeno obdobje izločitve že v celoti prestano, se Kodeks 2027 ne sme uporabiti za novo oceno predhodne kršitve.]*

APPENDIX 1
DEFINITIONS

PRILOGA 1
DEFINICIJE

Definitions[331]

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

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

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

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

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

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

***Anti-Doping Organization*:** *WADA* or a *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This

Definicije[350]

ADAMS: Protidopinški administrativni sistem in sistem upravljanja je spletno orodje za upravljanje podatkovnih baz, ki se uporablja za vnašanje, shranjevanje, izmenjavo in poročanje, oblikovan pa je tako, da pomaga deležnikom in *WADA* pri njihovem protidopinškem delovanju skladno z zakonodajo s področja varstva podatkov.

Administracija: Pridobivanje, dobavljanje, nadziranje, omogočanje ali drugačna udeležba pri *uporabi* ali *poskusu uporabe prepovedane snovi* ali *prepovedanega postopka* s strani druge *osebe*. Ta definicija ne vsebuje dobrovernih dejanj medicinskega osebja, ki vključujejo *prepovedano snov* ali *prepovedan postopek*, *uporabljen* zaradi resničnega in zakonitega terapevtskega namena ali drugega upravičenega razloga, ter ne vsebuje dejanj v zvezi s *prepovedanimi snovmi*, ki niso prepovedane na *testiranjih izven tekmovanj*, razen če okoliščine kot celota kažejo, da *prepovedane snovi* niso namenjene za *uporabo* v resnične in zakonite terapevtske namene ali da so namenjene izboljšanju športne zmogljivosti.

Nasprotna analitična ugotovitev: Poročilo laboratorija, ki ga je akreditirala *WADA*, ali drugega laboratorija, ki ga je odobrila *WADA*, ki v skladu z *Mednarodnimi standardi* za laboratorije v *vzorcu* odkrije prisotnost *prepovedane snovi*, njenih *presnovkov* ali *označevalcev* ali dokaze *uporabe prepovedanega postopka*.

Nasprotna ugotovitev v zvezi s potnim listom: Poročilo, opredeljeno kot *nasprotna ugotovitev v zvezi s potnim listom* v skladu z veljavnimi *Mednarodnimi standardi*.

Obteževalne okoliščine: Okoliščine, ki vključujejo *športnika* ali drugo *osebo*, ali dejanja, ki jih stori *športnik* ali druga *oseba*, ki lahko upravičijo uvedbo obdobja *izločitve*, daljšega od sankcije, ki se uporablja sicer. Take okoliščine in dejanja med drugim vključujejo naslednje: *športnik* ali druga *oseba* je *uporabil(-a)* ali *posedoval(-a)* več *prepovedanih snovi* ali *prepovedanih postopkov*, večkrat *uporabil(-a)* ali *posedoval(-a) prepovedano snov* ali *prepovedan postopek* oziroma zagrešil(-a) več drugih kršitev protidopinških pravil; povprečni posameznik bi verjetno izkoristil učinke kršitve(-ev) protidopinških pravil za izboljšanje zmogljivosti po izteku obdobja *izločitve*, ki bi bilo sicer uvedeno; kršitev protidopinških pravil je bila storjena v okviru dovršene dopinške sheme ali načrta; *športnik* ali *oseba* je ravnal(-a) zavajajoče ali ovirajoče, da bi se izognil(-a) odkrivanju kršitve protidopinških pravil ali razsojanju o njej. V izogib dvomom, primeri okoliščin in ravnanja, opisani v tem dokumentu, niso izčrpni in druge podobne okoliščine ali ravnanje lahko prav tako upravičujejo uvedbo daljšega obdobja *izločitve*.

Protidopinške dejavnosti: *Izobraževanje* glede preprečevanja dopinga in obveščanje o preprečevanju dopinga, načrtovanje razporeda testiranj, vodenje *registrirane skupine za testiranje*, upravljanje *športnikovih bioloških potnih listov*, izvajanje *testiranja*, urejanje analize *vzorcev*, zbiranje podatkov in izvajanje preiskav, obdelava prošenj za *terapevtske izjeme*, *upravljanje z rezultati*, nadzor in zagotavljanje skladnosti s kakršnimi koli naloženimi *posledicami* ter vse druge dejavnosti v zvezi z bojem proti dopingu, ki jih mora izvesti *protidopinška organizacija* ali se morajo izvesti v njenem imenu, kot je določeno v *Kodeksu* in/ali *Mednarodnih standardih*.

Protidopinška organizacija: *WADA* ali *podpisnica*, ki je odgovorna za sprejetje pravil o uvedbi, izvajanju ali izvrševanju katerega koli dela postopka *kontrole dopinga*. To na primer

[331] *[Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]*
[350] *[Komentar k definicijam: Opredeljeni izrazi vključujejo tudi vse množinske in svojilne oblike in sklone ter izraze, kot se uporabljajo v drugih besednih vrstah.]*

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*.

***Athlete*:** Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti- Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of "*Athlete*." In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *Therapeutic Use Exemptions*.[332] However, if an Article 2.1, 2.3 or 2.5 anti- doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* shall be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.[333]

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

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

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

***Atypical Finding*:** A report from a *WADA*-accredited laboratory or other *WADA*-approved laboratory which requires further investigation as provided by the applicable *International Standards* (including related *Technical Documents* or *Technical Letters*), or as directed by *WADA*, prior to the final determination about the finding (i.e., the establishing, or not, of an anti-doping rule violation).

***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.

vključuje tudi Mednarodni olimpijski komite, Mednarodni paralimpijski komite, druge *organizatorje velikih prireditev*, ki izvajajo *testiranje* na svojih *prireditvah*, mednarodne zveze in *nacionalne protidopinške organizacije*.

Športnik: Vsaka *oseba*, ki tekmuje v športu na mednarodni ravni (kot jo opredeli vsaka mednarodna zveza) ali nacionalni ravni (kot jo opredeli vsaka *nacionalna protidopinška organizacija*). *Protidopinška organizacija* lahko po lastni presoji uporabi protidopinška pravila tudi zoper *športnika*, ki ni *športnik mednarodnega* ali *nacionalnega razreda*, in tako tudi nanj razširi definicijo »*športnika*«. V zvezi s *športniki*, ki niso *športniki* niti *mednarodnega* niti *nacionalnega razreda*, lahko *protidopinška organizacija*: izvaja omejeno *testiranje* ali *testiranja* sploh ne izvaja; analizira *vzorce* za manj kot celoten nabor *prepovedanih snovi*; zahteva omejene podatke o lokaciji ali jih sploh ne zahteva; ne zahteva vnaprej najavljenih *terapevtskih izjem*.[351] Če pa protidopinška pravila iz členov 2.1, 2.3 ali 2.5 krši kateri koli *športnik*, nad katerim se je *protidopinška organizacija* odločila izvajati svojo pristojnost za testiranje in ki tekmuje na ravni, nižji od mednarodne ali nacionalne, se izvajajo *posledice*, določene v *Kodeksu*. Za namene členov 2.8 in 2.9 ter za namene obveščanja in *izobraževanja* na področju boja proti dopingu je *športnik* katera koli *oseba*, ki sodeluje v športu pod okriljem katere koli *podpisnice*, vlade ali druge športne organizacije, ki sprejema *Kodeks*.[352]

Športnikov biološki potni list: Program in metode zbiranja in primerjanja podatkov, kot jih opisujejo *Mednarodni standardi* za *testiranja* ter *Mednarodni standardi* za laboratorije.

Spremljevalno osebje športnika/član spremljevalnega osebja športnika: Vsak trener, vaditelj, menedžer, agent, član ekipe, funkcionar, medicinsko in reševalno osebje, starš ali katera koli druga *oseba*, ki dela s *športnikom*, ki se udeležuje ali se pripravlja na športno tekmovanje, oziroma ga zdravi ali mu pomaga.

Poskus: Namerno ravnanje, ki pomeni bistven korak v toku ravnanj, katerih namen je, da se končajo s kršitvijo protidopinških pravil. Vendar če *oseba* odstopi od *poskusa*, preden jo odkrije tretja *oseba*, ki ni vključena v *poskus*, sam *poskus* kršitve še ne pomeni kršitve protidopinških pravil.

Netipična ugotovitev: Poročilo laboratorija, ki ga je akreditirala *WADA*, ali drugega laboratorija, ki ga je odobrila *WADA*, ki pred dokončno odločitvijo o ugotovitvi (tj. da gre za kršitev protidopinških pravil ali ne) zahteva nadaljnjo preiskavo, kot to določajo veljavni *Mednarodni standardi* (vključno s *tehničnimi dokumenti* ali *tehničnimi pojasnili*) ali kot naroči *WADA*.

Netipična ugotovitev v zvezi s potnim listom: Poročilo, določeno kot *netipična ugotovitev v zvezi s potnim listom*, kot ga opisujejo veljavni *Mednarodni standardi*.

CAS: Mednarodno športno razsodišče.

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[332] *[Comment to Athlete: For the avoidance of doubt, an Anti-Doping Organization may not adopt different rules for such Athletes (including with respect to Therapeutic Use Exemptions) except with respect to the matters explicitly referenced above or as expressly allowed by an International Standard.]*

[333] *[Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International- or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International- or National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.]*

[351] *[Komentar k izrazu »športnik«: V izogib dvomu, protidopinška organizacija ne sme sprejeti drugačnih pravil za take športnike (vključno v zvezi s terapevtskimi izjemami), razen v zvezi z zadevami, ki so zgoraj izrecno omenjene, ali kot to izrecno dovoljuje Mednarodni standard.]*

[352] *[Komentar k izrazu »športnik«: Posamezniki, ki sodelujejo v športu, lahko spadajo v eno od petih kategorij: 1) športnik mednarodnega razreda, 2) športnik nacionalnega razreda, 3) posamezniki, ki niso športniki mednarodnega ali nacionalnega razreda, vendar se je mednarodna zveza ali nacionalna protidopinška organizacija odločila, da bo nad njimi izvajala pristojnost, 4) rekreativni športnik in 5) posamezniki, nad katerimi nobena mednarodna zveza ali nacionalna protidopinška organizacija ni izvajala ali se ni odločila izvajati pristojnosti. Protidopinška pravila Kodeksa veljajo za vse športnike mednarodnega ali nacionalnega razreda, pri čemer se natančne opredelitve športa na mednarodni in nacionalni ravni določijo v protidopinških pravilih mednarodnih zvez oziroma nacionalnih protidopinških organizacij.]*

***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 Article 10.14; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under 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 Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

***Contaminated Source*:** An unforeseeable source of a *Prohibited Substance*, such as: using or taking a medication or supplement that contains a *Prohibited Substance* that is not disclosed on the product label or in information accessible by a reasonable artificial intelligence or comparable search; consumption of a food or drink, such as contaminated meat or liquid, that contains a *Prohibited Substance* with no advance warning, disclosure or other basis to suspect that it may contain a *Prohibited Substance*; exposure to a *Prohibited Substance* through the *Athlete's* direct physical contact with a third person or physical contact with objects touched or handled by the third person.

***Decision Limit*:** The value above which a quantitative analytical result for a Threshold Substance in a *Sample* shall be reported as an *Adverse Analytical Finding*.[334]

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

***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, *Therapeutic Use*

Kodeks: Svetovni protidopinški *kodeks*.

Tekmovanje: Posamezna dirka, tekma, igra ali posamezno športno tekmovanje. Na primer košarkarska tekma, finale olimpijskega teka na 100 metrov v atletiki. Pri dirkah, ki potekajo v več etapah, in drugih športnih tekmovanjih, na katerih se nagrade podeljujejo na dnevni ravni ali v vmesnem obdobju, se razlika med *tekmovanjem* in *prireditvijo* določi s pravilnikom ustrezne mednarodne zveze.

Posledice kršitev protidopinških pravil (»posledice«): Kršitev protidopinških pravil, ki jo zagreši *športnik* ali druga *oseba*, se lahko konča na enega ali več od naslednjih načinov: (a) *diskvalifikacija* pomeni, da se *športnikovi* rezultati na določenem *tekmovanju* ali *prireditvi* razveljavijo, temu pa sledijo *posledice*, ki vključujejo odvzem vseh morebitnih medalj, točk in nagrad; (b) *izločitev* pomeni, da je *športniku* ali drugi *osebi* zaradi kršitve protidopinških pravil za določeno obdobje prepovedano sodelovati na katerem koli *tekmovanju* ali v drugi dejavnosti ali financiranju, kot to predpisuje člen 10.14; (c) *začasna izključitev* pomeni, da je *športniku* ali drugi *osebi* začasno prepovedano nastopati na *tekmovanjih* in v dejavnostih, dokler ne pride do dokončne odločitve po obravnavi, ki se izvede v skladu z 8. členom; (d) *finančne posledice* pomenijo izrečeno finančno sankcijo zaradi kršitve protidopinških pravil ali zaradi povrnitve stroškov, povezanih s kršitvijo protidopinških pravil; (e) *javno razkritje* pomeni razširjanje ali razpošiljanje informacij splošni javnosti ali *osebam*, razen tistim, ki so upravičene do zgodnjega obvestila v skladu s 14. členom. Ekipe v *ekipnih športih* so prav tako lahko podvržene *posledicam*, kot to določa 11. člen.

Kontaminiran vir: Nepredvidljiv vir *prepovedane snovi*, na primer: uporaba ali jemanje zdravila ali prehranskega dopolnila, ki vsebuje *prepovedano snov*, ki ni navedena na etiketi izdelka ali v informacijah, dostopnih z razumnim iskanjem z uporabo umetne inteligence ali primerljivim iskanjem; uživanje hrane ali pijače, kot je kontaminirano meso ali tekočina, ki vsebuje *prepovedano snov*, pri čemer ni predhodnega opozorila, razkritja ali druge podlage za sum, da bi lahko vsebovala *prepovedano snov*; izpostavljenost *prepovedani snovi* prek neposrednega fizičnega stika *športnika* s tretjo osebo ali fizičnega stika *športnika* s predmeti, ki se jih je tretja oseba dotaknila ali je z njimi rokovala.

Mejna vrednost: Vrednost, nad katero se kvantitativni analitični rezultat za snov, za katero je določen količinski prag, v *vzorcu* prijavi kot *nasprotna analitična ugotovitev*.[353]

Pooblaščena tretja oseba: Katera koli *oseba*, na katero *protidopinška organizacija* prenese kateri koli vidik *kontrole dopinga* ali programov protidopinškega *izobraževanja*, kar med drugim vključuje tretje osebe ali druge *protidopinške organizacije*, ki za *protidopinško organizacijo* izvajajo odvzem *vzorcev* ali druge storitve *kontrole dopinga* ali programe *izobraževanja* glede preprečevanja dopinga, ali posameznike, ki delujejo kot neodvisni izvajalci, ki za *protidopinško organizacijo* izvajajo storitve *kontrole dopinga* (npr. uradniki za *kontrolo dopinga* ali nadzorniki, ki niso zaposleni). Ta definicija ne vključuje *CAS*.

Diskvalifikacija: Glej zgoraj: *Posledice kršitev protidopinških pravil*.

Kontrola dopinga: Vsi koraki ali postopki, ki vključujejo načrtovanje razporeditve testiranj do končnega stanja ob pritožbi in izvršitve *posledic*, vključno z vsemi koraki in s postopki med tem, kar med drugim vključuje *testiranje*, preiskave, podatke o lokaciji, *terapevtske izjeme*, odvzem *vzorca* in

[334] *[Comment to Decision Limit: For more information on Decision Limits and which Threshold Substances they are applied for, refer to the ISL TD DL and other applicable Technical Documents (e.g., ISL TD GH, ISL TD CG/LH.)]*

[353] *[Komentar k izrazu »mejna vrednost«: Več informacij o mejnih vrednostih in o tem, za katere snovi, za katere je določen količinski prag, se te uporabljajo, je na voljo v tehničnem dokumentu o mejnih vrednostih iz Mednarodnih standardov za laboratorije (ISL TD DL) in drugih ustreznih tehničnih dokumentih (npr. v tehničnem dokumentu o rastnem hormonu (ISL TD GH) in v tehničnem dokumentu o horionskem gonadotropinu/luteinizirajočem hormonu (ISL TD CG/LH) iz Mednarodnih standardov za laboratorije).]*

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

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

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

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

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

***Fault*:** *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person* or *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered shall be specific and relevant to explain the *Athlete's* or other *Person*'*s* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.[335]

***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.[336]

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

Independent Review Expert: The role of the *Independent Review Expert* is to review those rare cases where, as described in Article 7.8.1, an *Anti-Doping Organization* has decided not to proceed with the normal *Results Management* process. Two individuals will be appointed to undertake the

ravnanje z njim, laboratorijsko analizo, *upravljanje z rezultati* ter preiskave ali postopke v zvezi s kršitvami člena 10.14 (Status med obdobjem *izločitve* ali *začasne izključitve*).

Izobraževanje: Proces učenja za privzgojitev vrednot in razvoj vedenja, ki spodbuja in ščiti športni duh ter preprečuje namerno in nenamerno uporabo dopinga.

Prireditev: Serija posameznih *tekmovanj*, ki jih skupaj vodi en krovni organ (npr. olimpijske igre, svetovna prvenstva mednarodne zveze ali panameriške igre).

Čas trajanja prireditve: Čas med začetkom in koncem neke *prireditve*, kot ga določi predsedujoči organ *prireditve*.

Prireditveni prostor: Prostor, ki ga kot takega določa predsedujoči organ *prireditve*.

Krivda: *Krivda* je vsaka kršitev dolžnosti ali pomanjkanje skrbnosti, ki bi bila primerna v določeni situaciji. Dejavniki, ki jih je treba upoštevati pri oceni stopnje *športnikove krivde* ali stopnje *krivde* druge *osebe*, na primer vključujejo *športnikove* izkušnje oz. izkušnje druge *osebe*, ali je *športnik* ali druga *oseba zaščitena oseba* ali *mladoletnik*, posebne okoliščine, kot so poškodba, stopnjo tveganja, ki bi jo *športnik* moral zaznati, ter stopnjo skrbnosti in preudarnosti, ki jo je pokazal *športnik* v povezavi s stopnjo tveganja, ki bi jo moral predvideti. Pri ocenjevanju stopnje *krivde športnika* ali druge *osebe* morajo biti upoštevane okoliščine, ki so konkretne in pomembne za pojasnitev, zakaj je *športnik* ali druga *oseba* odstopil(-a) od pričakovanega standarda vedenja. Zato na primer dejstva, kot so to, da bi *športnik* lahko izgubil priložnost za zaslužek velike vsote denarja med obdobjem *izločitve*, ali dejstvo, da *športniku* preostaja le še kratko obdobje kariere, ali časovna razporeditev športnega koledarja, niso pomembni dejavniki, ki jih je treba presojati v zvezi s skrajšanjem obdobja *izločitve* iz člena 10.6.[354]

Finančne posledice: Glej zgoraj: *Posledice kršitev protidopinških pravil*.

Med tekmovanjem: Obdobje, ki se začne ob 23.59 na dan pred *tekmovanjem*, na katerem bo *športnik* nastopil, in traja do konca tega *tekmovanja* in *odvzema vzorca*, povezanega s tem *tekmovanjem*. Vendar lahko *WADA* za določen šport odobri alternativno definicijo, če mednarodna zveza zagotovi tehtno obrazložitev, da je za njen šport potrebna drugačna definicija; ko jo *WADA* odobri, vsi *organizatorji velikih prireditev* za ta določen šport upoštevajo alternativno definicijo.[355]

Program neodvisnih opazovalcev: Skupina opazovalcev in/ali revizorjev, ki pod nadzorom *WADA* opazuje in zagotavlja smernice za postopek *kontrole dopinga* pred določenimi *prireditvami* ali med njimi ter v okviru programa nadzora skladnosti *WADA* poroča o svojih opažanjih.

Neodvisni izvedenec: Naloga *neodvisnega izvedenca* je pregled tistih redkih primerov, v katerih se je, kot je opisano v členu 7.8.1, *protidopinška organizacija* odločila, da ne bo nadaljevala z običajnim postopkom *upravljanja z rezultati*. Imenovani bosta dve osebi, ki bosta izvajali naloge

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[335] *[Comment to Fault: The criterion for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.6, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]*

[336] *[Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from Substances prohibited Out-of-Competition being carried over to the Competition period.]*

[354] *[Komentar k izrazu »krivda«: Kriterij za oceno športnikove stopnje krivde je enak za vse člene, kjer je treba presojati krivdo. Vendar po členu 10.6 ni primerno nobeno skrajšanje sankcije, razen če se pri oceni stopnje krivde izkaže, da je šlo za neznatno krivdo ali malomarnost na strani športnika ali druge osebe.]*

[355] *[Komentar k izrazu »med tekmovanjem«: Splošno sprejeta definicija za izraz »med tekmovanjem« zagotavlja večjo harmonizacijo med športniki v vseh športih, odpravlja ali zmanjšuje zmedo med športniki o ustreznem časovnem okviru testiranja med tekmovanjem, preprečuje nenamerne nasprotne analitične ugotovitve med tekmovanji na prireditvi in pomaga preprečiti, da bi se potencialni učinki na izboljšanje športne zmogljivosti snovi, ki so prepovedane izven tekmovanja, prenesli v obdobje tekmovanja.]*

Independent Review Expert responsibilities described in Article 7.8 – a Primary *Independent Review Expert* and a Backup *Independent Review Expert* who will serve in the event the Primary *Independent Review Expert* is not available to promptly review a case or has a conflict of interest. The Primary and Backup *Independent Review Experts* shall be legal experts having extensive experience with anti-doping *Results Management* and with an established reputation of integrity and fairness. Stakeholders will be invited to submit, or encourage individuals to submit, *Independent Review Expert* applications to *WADA*'s Independent Nominations Committee. That Committee will nominate at least two individuals which it believes are qualified to serve as the Primary *Independent Review Expert* or Backup *Independent Review Expert*. The Primary and Backup *Independent Review Experts* will then be selected by the *WADA* Executive Committee to serve under terms of reference which will address compensation, length of service term and other details of the engagement.

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

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

***Institutional Independence*:** In addition to the requirements of *Operational Independence*, hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management* as well as from any national sports governing body or other national sports organization. They shall therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management* or any national sports governing body or other national sports organization.

***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*.[337]

***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* and *Technical Letters* 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

neodvisnega izvedenca, opisane v členu 7.8 – glavni *neodvisni izvedenec* in nadomestni *neodvisni izvedenec*, ki bo funkcijo opravljal, če glavni *neodvisni izvedenec* ne bo na voljo za takojšnji pregled zadeve ali bo obstajalo nasprotje interesov. Glavni in nadomestni *neodvisni izvedenec* morata biti pravna strokovnjaka z obsežnimi izkušnjami na področju *upravljanja z rezultati* v okviru boja proti dopingu ter uveljavljenim ugledom glede integritete in poštenosti. Deležniki bodo pozvani, da pri neodvisni komisiji za imenovanje *WADA* vložijo vloge za imenovanje *neodvisnega izvedenca* oziroma k temu spodbudijo posameznike. Ta komisija bo predlagala vsaj dve osebi, za kateri meni, da sta usposobljeni za vlogo glavnega *neodvisnega izvedenca* ali nadomestnega *neodvisnega izvedenca*. Izvršni odbor *WADA* bo nato izbral glavnega in nadomestnega *neodvisnega izvedenca*, ki bosta funkcijo opravljala v skladu s pooblastili, ki bodo urejala nadomestilo, trajanje mandata in druge podrobnosti mandata.

Individualni šport: Vsak šport, ki ni *ekipni šport*.

Izločitev: Glej zgoraj: *Posledice kršitev protidopinških pravil*.

Institucionalna neodvisnost: Poleg zahtev glede *neodvisnosti delovanja* morajo biti obravnavni senati na pritožbeni stopnji popolnoma institucionalno neodvisni od *protidopinške organizacije*, pristojne za *upravljanje z rezultati*, ter od vseh nacionalnih organov, pristojnih za šport, ali drugih nacionalnih športnih organizacij. Zato jih niti *protidopinška organizacija*, pristojna za *upravljanje z rezultati*, niti noben nacionalni organ, pristojen za šport, ali druga nacionalna športna organizacija ne sme na noben način upravljati, prav tako pa ne smejo biti z njo/njim povezani ali biti od nje(-ga) odvisni.

Mednarodna prireditev: *Prireditev* ali *tekmovanje*, na katerem je krovni organ Mednarodni olimpijski komite, Mednarodni paralimpijski komite, mednarodna zveza, *organizator velikih prireditev* ali druga mednarodna športna organizacija ali pa so imenovani tehnični funkcionarji za to *prireditev*.

Športnik mednarodnega razreda: *Športnik*, ki tekmuje v športu na mednarodni ravni, kot jo opredeljuje vsaka mednarodna zveza, v skladu z *Mednarodnimi standardi* za *testiranja*.[356]

Mednarodni standardi: Standardi, ki jih je v podporo *Kodeksu* sprejela *WADA*. Skladnost z *Mednarodnimi standardi* (v nasprotju z drugimi alternativnimi standardi, prakso ali postopki) zadostuje za ugotovitev, da so se postopki, ki jih vključujejo *Mednarodni standardi*, primerno izvajali. *Mednarodni standardi* vključujejo vse *tehnične dokumente* in *tehnična pojasnila*, ki so izdani na podlagi *Mednarodnih standardov*.

Organizatorji velikih prireditev: Celinska združenja *nacionalnih olimpijskih komitejev* ter druge mednarodne organizacije, ki združujejo več športov in ki skupaj delujejo kot predsedujoči organ za celinsko, regionalno ali drugo *mednarodno prireditev*.

Označevalec: Spojina, skupina spojin ali bioloških spremenljivk, ki kaže na *uporabo prepovedane snovi* ali

[337] *[Comment to International-Level Athlete: Consistent with the International Standard for Testing, the International Federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular International Events, or by type of license within a specified prior time window, etc. However, it shall publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain International Events, then the International Federation shall publish a list of those International Events and the retrospective time period which applies.]*

[356] *[Komentar k izrazu »športnik mednarodnega razreda«: V skladu z Mednarodnimi standardi za testiranja lahko mednarodna zveza po lastni izbiri določi kriterije, po katerih bo športnike uvrstila bodisi med športnike mednarodnega razreda, npr. po rangu, udeležbi na določenih mednarodnih prireditvah ali tipu licence v določenem preteklem časovnem obdobju itd. Vendar pa mora te kriterije objaviti v jasni in jedrnati obliki, zato da lahko športniki hitro in z lahkoto ugotovijo, ali so uvrščeni med športnike mednarodnega razreda. Če kriteriji na primer vsebujejo sodelovanje na nekaterih mednarodnih prireditvah, mora mednarodna zveza objaviti njihov seznam in upoštevno obdobje v preteklosti.]*

Prohibited Method.

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

***Minimum Reporting Level*:** Value below which an estimated analytical result for some Non- Threshold Substances should not be reported as an *Adverse Analytical Finding*.[338]

***Minor*:** A natural *Person* who has not reached the age of eighteen (18) years.[339]

Monitoring Program: Laboratory Analytical *Testing* program including substances or methods that are not in the *Prohibited List*, but that *WADA* wishes to monitor in order to detect potential patterns of misuse in sport.

***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 Organization Operational Independence*:** This means that (1) a *National Anti-Doping Organization* shall establish sufficient legal, organizational, procedural, and/or contractual safeguards in order to prevent any undue influence, interference, or involvement in its management or operational activities to ensure the independent implementation of its anti-doping program; and (2) a *National Anti-Doping Organization* shall ensure that no *Person* is involved in its management or operational activities if such *Person* has a real or potential conflict of interest regarding the implementation of its operational activities; without limitation this would occur in circumstances where a Person is concurrently involved in the management or operational activities of the *National Anti-Doping Organization* and the management or operational activities of a national sports governing body or other national sports organization or government department with responsibility for sport or anti-doping.[340]

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

***National-Level Athlete*:** *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping*

prepovedanega postopka.

Presnovek: Vsaka snov, ki nastane s postopkom biotransformacije.

Najnižja raven poročanja: Vrednost, pod katero naj se ocenjeni analitični rezultat za nekatere snovi, za katere ni določen količinski prag, ne bi prijavil kot *nasprotna analitična ugotovitev*.[357]

Mladoletnik: Fizična *oseba*, ki še ni dopolnila starosti osemnajst (18) let.[358]

Program nadzora: Laboratorijski program analitičnega *testiranja*, ki vključuje snovi ali postopke, ki niso na *Listi prepovedanih snovi in postopkov*, vendar jih želi *WADA* nadzorovati, da bi se odkrili morebitni vzorci zlorabe v športu.

Nacionalna protidopinška organizacija: Pravni subjekt, ki mu posamezna država določi prvenstveno pooblastilo in odgovornost za sprejemanje in izvajanje protidopinških pravil, usmerjanje odvzema *vzorcev*, upravljanje z rezultati ter izvajanje *upravljanja z rezultati* na nacionalni ravni. Če pristojna javna oblast ne imenuje *nacionalne protidopinške organizacije*, to nalogo opravlja *nacionalni olimpijski komite* ali njegov pooblaščenec.

Neodvisnost delovanja nacionalne protidopinške organizacije: To pomeni, da (1) mora *nacionalna protidopinška organizacija* vzpostaviti zadostne pravne, organizacijske, postopkovne in/ali pogodbene zaščitne ukrepe, da bi preprečila kakršno koli neprimerno vplivanje, vmešavanje ali sodelovanje pri njenem vodenju ali operativnih dejavnostih ter tako zagotovila neodvisno izvajanje njenega protidopinškega programa; in (2) mora *nacionalna protidopinška organizacija* zagotoviti, da pri njenem vodenju ali operativnih dejavnostih ne sodeluje nobena *oseba*, ki ima dejansko ali potencialno nasprotje interesov v zvezi z izvajanjem njenih operativnih dejavnosti; brez omejitev bi do tega prišlo v okoliščinah, ko oseba hkrati sodeluje pri vodenju ali operativnih dejavnostih *nacionalne protidopinške organizacije* ter pri vodenju ali operativnih dejavnostih nacionalnega organa, pristojnega za šport, ali druge nacionalne športne organizacije ali vladne službe, odgovorne za šport ali boj proti dopingu.[359]

Nacionalna prireditev: Športna *prireditev* ali *tekmovanje*, ki vključuje predvsem *športnike mednarodnega* ali *nacionalnega razreda* in ki ni *mednarodna prireditev*.

Športnik nacionalnega razreda: *Športnik*, ki tekmuje v športu na nacionalni ravni, kot jo opredeljuje vsaka

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[338] *[Comment to Minimum Reporting Level: For more information on Minimum Reporting Levels and the Non-Threshold Substances to which they shall be applied, refer to the TD MRPL.]*

[339] *[Comment to Minor: For context, see Comment to Protected Person. Any circumstance where a Minor is to be treated differently than other Persons or Athletes has been specifically identified in the Code. It should not be assumed that different treatment was intended where it is not specifically expressed.]*

[340] *[Comment to National Anti-Doping Organization Operational Independence: A National Anti-Doping Organization's operational activities include the implementation of day-to-day administration and decision-making regarding staff and budget allocation, and the Doping Control process.*

The requirement of National Anti-Doping Organization Operational Independence would not prohibit, for example, the collaboration between Signatory staff members at International Events; National Anti-Doping Organization representatives providing expert advice to other Anti-Doping Organizations; the involvement of state-employed doctors or nurses as sample collection personnel; the participation of National Anti-Doping Organization staff in local sports associations or clubs; or the involvement of National Federation staff in anti-doping Education activities.

Where the National Olympic Committee is acting as a National Anti-Doping Organization pursuant to Article 20.4.6, it shall comply with the requirements of National Anti-Doping Organization Operational Independence. If, however, the National Olympic Committee acting as the National Anti-Doping Organization cannot ensure that it fully respects the requirements of National Anti-Doping Organization Operational Independence, it should delegate its Doping Control activities to a Delegated Third Party for independent implementation.]

[357] *[Komentar k izrazu »najnižja raven poročanja«: Več informacij o najnižjih ravneh poročanja in snoveh, za katere ni določen količinski prag in za katere se te uporabljajo, je na voljo v tehničnem dokumentu o minimalni zahtevani ravni uspešnosti.]*

[358] *[Komentar k izrazu »mladoletnik«: Za kontekst glej komentar k izrazu »zaščitena oseba«. Vse okoliščine, v katerih je treba mladoletnika obravnavati drugače kot druge osebe ali športnike, so v Kodeksu posebej opredeljene. Naj se ne domneva, da je predvidena drugačna obravnava, če to ni izrecno navedeno.]*

[359] *[Komentar k izrazu »neodvisnost delovanja nacionalne protidopinške organizacije«: Operativne dejavnosti nacionalne protidopinške organizacije vključujejo izvajanje tekočega upravljanja in sprejemanje odločitev v zvezi z osebjem in dodelitvijo sredstev ter postopkom kontrole dopinga.*

Zahteva po neodvisnosti delovanja nacionalne protidopinške organizacije na primer ne bi prepovedovala sodelovanja med podpisnicami na mednarodnih prireditvah; zagotavljanja strokovnih nasvetov predstavnikov nacionalne protidopinške organizacije drugim protidopinškim organizacijam; sodelovanja zdravnikov ali medicinskih sester, zaposlenih v javnem sektorju, kot osebja za odvzem vzorcev; sodelovanja osebja nacionalne protidopinške organizacije v lokalnih športnih združenjih ali klubih ali sodelovanja osebja nacionalne zveze pri dejavnostih izobraževanja glede preprečevanja dopinga.

Kadar nacionalni olimpijski komite nastopa kot nacionalna protidopinška organizacija v skladu s členom 20.4.6, mora izpolnjevati zahteve glede neodvisnosti delovanja nacionalne protidopinške organizacije. Če pa nacionalni olimpijski komite, ki nastopa kot nacionalna protidopinška organizacija, ne more zagotoviti, da v celoti spoštuje zahteve glede neodvisnosti delovanja nacionalne protidopinške organizacije, mora svoje dejavnosti kontrole dopinga prenesti na pooblaščeno tretjo osebo za neodvisno izvajanje.]

Organization, consistent with the *International Standard* for *Testing*.[341]

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

***National Paralympic Committee*:** The organization recognized by the International Paralympic Committee. The term *National Paralympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Paralympic Committee* responsibilities in the anti-doping area.

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

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

***Operational Independence*:** This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organization* with *Results Management* authority 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 *Results Management* authority 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. In addition, hearings shall not be conducted (whether by delegation or otherwise) by *Persons* appointed by, or under the authority of, national sports governing bodies or other national sports organizations.[342]

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

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

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

***Possession*:** The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the

nacionalna protidopinška organizacija, v skladu z *Mednarodnimi standardi* za *testiranja*.[360]

Nacionalni olimpijski komite: Organizacija, ki jo priznava Mednarodni olimpijski komite. Izraz *nacionalni olimpijski komite* vključuje tudi nacionalno športno konfederacijo v tistih državah, kjer nacionalna športna konfederacija izvaja naloge, tipične za *nacionalni olimpijski komite* na protidopinškem področju.

Nacionalni paralimpijski komite: Organizacija, ki jo priznava Mednarodni paralimpijski komite. Izraz *nacionalni paralimpijski komite* vključuje tudi nacionalno športno konfederacijo v tistih državah, kjer nacionalna športna konfederacija izvaja naloge, tipične za *nacionalni paralimpijski komite* na protidopinškem področju.

Odsotnost krivde* ali *malomarnosti: Ko *športnik* ali druga *oseba* dokaže, da ni vedel(-a) ali sumil(-a) in da tudi ob izjemno skrbnem ravnanju razumno ni mogel(-la) vedeti ali sumiti, da je *uporabljal(-a)* ali da mu/ji je nekdo dal *prepovedano snov* ali *prepovedan postopek* ali da je kako drugače kršil(-a) protidopinško pravilo. Razen *zaščitenih oseb* ali *rekreativnih športnikov* morajo *športniki* za vse kršitve člena 2.1 dokazati tudi, kako je *prepovedana snov* vstopila v njihovo telo.

Neznatna krivda* ali *malomarnost: Ko *športnik* ali druga *oseba* dokaže, da je bila kakršna koli *krivda* ali *malomarnost* v primerjavi s celoto okoliščin in ob upoštevanju kriterijev za *odsotnost krivde* ali *malomarnosti* v odnosu do kršitve protidopinškega pravila neznatna. Razen *zaščitenih oseb* ali *rekreativnih športnikov* morajo *športniki* za vse kršitve člena 2.1 dokazati tudi, kako je *prepovedana snov* vstopila v njihovo telo.

Neodvisnost delovanja: To pomeni, da (1) člani odbora, uslužbenci, člani komisije, svetovalci in uradniki *protidopinške organizacije*, ki je pristojna za *upravljanje z rezultati*, ali njenih povezanih organizacij (npr. zveze članice ali konfederacije) ter katera koli *oseba*, ki je vključena v preiskavo in postopek pred razsodbo o zadevi, ne morejo biti imenovani za člane in/ali referente (če je tak referent vključen v postopek posvetovanja in/ali pripravo odločbe) obravnavnih senatov te *protidopinške organizacije*, ki je pristojna za *upravljanje z rezultati*, in da (2) so obravnavni senati sposobni izvesti obravnavo in postopek odločanja brez vmešavanja *protidopinške organizacije* ali katere koli tretje osebe. Cilj je zagotoviti, da člani obravnavnega senata ali posamezniki, ki so sicer vključeni v postopek odločanja obravnavnega senata, niso vključeni v preiskavo zadeve ali odločitev o nadaljevanju postopka v zvezi z zadevo. Poleg tega obravnav ne smejo voditi (po pooblastilu ali drugače) *osebe*, ki jih imenujejo nacionalni organi, pristojni za šport, ali druge nacionalne športne organizacije ali se imenujejo po njihovem pooblastilu.[361]

Izven tekmovanja: Vsako obdobje, ki ni *med tekmovanjem*.

Udeleženec: Vsak *športnik* ali *član spremljevalnega osebja športnika*.

Oseba: Fizična *oseba*, organizacija ali drug subjekt.

Posest: Prava, neposredna fizična *posest*, ali posredna *posest* (ki se ugotovi le, če ima *oseba* izključni nadzor ali namerava izvajati nadzor nad *prepovedano snovjo* ali

[341] *[Comment to National-Level Athlete: Each National Anti-Doping Organization shall publish its definition (with supporting criteria, if any) of National- Level Athlete in a manner sufficient to provide guidance to Athletes in ascertaining whether an Athlete is a National-Level Athlete.]*

[342] *[Comment to Operational Independence: Further description of the requirements for service on hearing panels, with examples, may be provided by WADA in the Guidelines for the International Standard for Results Management.]*

[360] *[Komentar k izrazu »športnik nacionalnega razreda«: Vsaka nacionalna protidopinška organizacija mora objaviti svojo opredelitev (z morebitnimi ustreznimi merili) športnika nacionalnega razreda na način, ki športnikom zagotavlja zadostna navodila za ugotavljanje, ali je športnik športnik nacionalnega razreda.]*

[361] *[Komentar k izrazu »neodvisnost delovanja«: WADA lahko v Smernicah za Mednarodne standarde za upravljanje z rezultati zagotovi podrobnejši opis zahtev za delo v obravnavnih senatih, skupaj s primeri.]*

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.[343]

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

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

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

***Protected Person*:** An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation:
(i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.[344]

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

prepovedanim postopkom ali nad prostori, kjer se nahajata *prepovedana snov* ali *prepovedan postopek*); če *oseba* nima izključnega nadzora nad *prepovedano snovjo*, *prepovedanim postopkom* ali nad prostori, kjer sta *prepovedana snov* ali *prepovedan postopek*, se posredna *posest* lahko ugotovi samo, če se dokaže, da je *oseba* vedela za prisotnost *prepovedane snovi* ali *prepovedanega postopka* ter nameravala nad njima izvajati nadzor. Če *oseba* še pred kakršnim koli obvestilom o kršitvi protidopinških pravil izvede konkretne ukrepe, s katerimi izkaže, da nikoli ni nameravala imeti te snovi v *posesti*, ter se odpove *posesti* tako, da jo izrecno prijavi *protidopinški organizaciji*, gola *posest* še ne predstavlja kršitve protidopinških pravil. Ne glede na kakršno koli drugačno navedbo v tej definiciji nakup *prepovedane snovi* ali *prepovedanega postopka* (vključno z nakupom prek elektronskih in drugih medijev) vedno pomeni *posest osebe*, ki nakup opravi.[362]

Lista prepovedanih snovi in postopkov: Lista, na kateri so navedeni *prepovedane snovi* in *prepovedani postopki*.

Prepovedan postopek: Vsi postopki, ki so kot taki opisani na *Listi prepovedanih snovi in postopkov.*

Prepovedana snov: Katera koli snov ali razred snovi, ki je kot tak opisan na *Listi prepovedanih snovi in postopkov*.

Zaščitena oseba: *Športnik* ali druga fizična *oseba*, ki v času kršitve protidopinških pravil:
(i) ni dopolnil(-a) starosti šestnajst (16) let; (ii) ni dopolnil(-a) starosti osemnajst (18) let in ni vključen(-a) v nobeno *registrirano skupino za testiranje* ter nikoli ni tekmoval(-a) na nobeni *mednarodni prireditvi* v odprti kategoriji; ali (iii) je bilo zanj(-o) zaradi razlogov, ki niso povezani s starostjo, ugotovljeno, da na podlagi veljavne nacionalne zakonodaje nima poslovne sposobnosti.[363]

Začasna izključitev: Glej zgoraj: *Posledice kršitev protidopinških pravil*.

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[343] *[Comment to Possession: Under this definition, anabolic steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization shall establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization shall establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third-party address.]*

[344] *[Comment to Protected Person: Not every Minor is a Protected Person. The Code differentiates between different groups of Minors based on two criteria: (i) age and (ii) level of sporting performance. Below the age of 16, Minors always qualify as Protected Persons. It is assumed that they are unable, in principle, to control their behavior in the same way as adults and therefore need to be given special treatment. Where Minors are over 16 (but below 18) years of age, they are assumed to have a higher level of understanding and, depending on their sporting level, better access to anti- doping Education. This justifies treating the age group between 16-18 differently from the age group below 16. The term "open category" is meant to exclude competition that is limited to junior or age group categories.*
Athletes with a documented lack of legal capacity due to an intellectual impairment always qualify as Protected Persons independently of their age.
The purpose of the category of Protected Person is to take into account that an Athlete or other Person may not possess the mental capacity to sufficiently understand and appreciate the prohibitions against conduct contained in the Code. The special treatment of Protected Person flows from the fact that the central criteria to determine the period of Ineligibility is "Fault".
Those circumstances where a Protected Person, Minor or Recreational Athlete is to be treated differently than other Persons or Athletes have been specifically identified in the Code. It should not be assumed, with respect to Article 7.4 or any other Article in the Code, that different treatment was intended where it is not specifically expressed.]

[362] *[Komentar k izrazu »posest«: Po tej definiciji bi anabolični steroidi, ki bi jih našli v športnikovem avtomobilu, pomenili kršitev, razen če bi športnik dokazal, da nekdo drug tudi uporablja ta avto; v tem primeru mora protidopinška organizacija dokazati, da je športnik, čeprav ni imel izključnega nadzora nad avtomobilom, vedel za anabolične steroide in je imel namen nad njimi izvajati nadzor. Podobno mora v primeru anaboličnih steroidov, najdenih v domači omarici z zdravili, ki jo skupno uporabljata športnik in njegov partner, protidopinška organizacija dokazati, da je športnik vedel, da so anabolični steroidi v omarici in da je imel namen nad njimi izvajati nadzor. Samo dejanje nakupa prepovedane snovi pa že pomeni posest, tudi ko proizvod na primer ne prispe, ga prejme nekdo drug ali je poslan na naslov tretje osebe.]*

[363] *[Komentar k izrazu »zaščitena oseba«: Ni vsak mladoletnik zaščitena oseba. Kodeks razlikuje med različnimi skupinami mladoletnikov na podlagi dveh meril: (i) starosti in (ii) ravni športne uspešnosti. Mladoletniki, mlajši od 16 let, se vedno štejejo za zaščitene osebe. Predpostavlja se, da praviloma niso sposobni nadzorovati svojega vedenja na enak način kot odrasli in zato potrebujejo posebno obravnavo. Če je mladoletnik starejši od 16 (vendar mlajši od 18) let, se predpostavlja, da ima višjo raven razumevanja in odvisno od njihove športne ravni tudi boljši dostop do izobraževanja glede preprečevanja dopinga. To upravičuje drugačno obravnavanje starostne skupine med 16 in 18 leti v primerjavi s starostno skupino pod 16 let. Izraz »odprta kategorija« izključuje tekmovanja, ki so omejena na kategorije mladincev ali starostnih skupin.*
Športniki, pri katerih je dokazano, da nimajo poslovne sposobnosti zaradi zmanjšane intelektualne sposobnosti, se ne glede na starost vedno štejejo za zaščitene osebe.
Namen kategorije zaščitenih oseb je upoštevanje, da športnik ali druga oseba morda nima potrebne duševne sposobnosti, da bi v zadostni meri razumel(-a) in se zavedal(-a) prepovedi ravnanj, ki jih vsebuje Kodeks. Posebna obravnava zaščitene osebe izhaja iz dejstva, da je osrednji kriterij za določitev obdobja izločitve »krivda«.
Okoliščine, v katerih je treba zaščiteno osebo, mladoletnika ali rekreativnega športnika obravnavati drugače kot druge osebe ali športnike, so v Kodeksu posebej opredeljene. Glede člena 7.4 ali katerega koli drugega člena Kodeksa naj se ne domneva, da je predvidena drugačna obravnava, če to ni izrecno navedeno.]

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

***Quality Assurance*:** Processes aimed at maintaining and improving the quality of Analytical *Testing* Procedures (as further defined in the *International Standard* for Laboratories), i.e., quality control, quality improvement, method development and validation, generation and evaluation of reference population data, analysis of substances included in the *WADA Monitoring Program* as described in *Code* Article 4.5, and any other legitimate *Quality Assurance* process, as determined by *WADA*, aimed at monitoring the validity of Analytical *Testing* Procedures applied to the analysis of *Prohibited Substances* and *Prohibited Methods* for the purposes established in *Code* Article 6.2.

***Recreational Athlete*:** A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation has, in the same sport, been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard* for *Testing*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard* for *Testing*); has participated in the sport in a professional capacity[345]; has competed in an *International Event* or *National Event*; represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.[346]

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

***Registered Testing Pool*:** 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 at least a minimum level of *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 Article 5.5 and the *International Standard* for *Testing*.

***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).

***Sample* or *Specimen*:** Any biological material collected for the purposes of *Doping Control*.[347]

***Javno razkritje/javno razkriti*:** Glej zgoraj: *Posledice kršitev protidopinških pravil*.

Zagotavljanje kakovosti: Postopki, namenjeni ohranjanju in izboljševanju kakovosti postopkov analitičnega *testiranja* (kot so podrobneje opredeljeni v *Mednarodnih standardih* za laboratorije), tj. kontrola kakovosti, izboljševanje kakovosti, razvoj in validacija metod, pridobivanje in ocenjevanje podatkov o referenčni populaciji, analiza snovi, vključenih v *program nadzora WADA*, kot je opisano v členu 4.5 *Kodeksa*, ter kateri koli drugi legitimni postopek *zagotavljanja kakovosti*, ki ga določi *WADA* in ki je namenjen nadzoru veljavnosti postopkov analitičnega *testiranja*, ki se uporabljajo za analizo *prepovedanih snovi* in *prepovedanih postopkov* za namene, določene v členu 6.2 *Kodeksa*.

Rekreativni športnik: Fizična *oseba*, ki jo tako opredeli ustrezna *nacionalna protidopinška organizacija*; vendar izraz ne vključuje *osebe*, ki je bila v isti športni panogi v petih (5) letih pred kršitvijo protidopinških pravil *športnik mednarodnega razreda* (kot ga opredeljuje vsaka mednarodna zveza v skladu z *Mednarodnimi standardi* za *testiranja*) ali *športnik nacionalnega razreda* (kot ga opredeljuje vsaka *nacionalna protidopinška organizacija* v skladu z *Mednarodnimi standardi* za *testiranja*), je sodelovala v tej športni panogi v profesionalni vlogi,[364] je tekmovala na *mednarodni* ali *nacionalni prireditvi*, je na *mednarodni prireditvi* v odprti kategoriji predstavljala katero koli državo ali je bila vključena v katero koli *registrirano skupino za testiranje* ali drugo skupino za podatke o lokaciji, ki jo vodi mednarodna zveza ali *nacionalna protidopinška organizacija*.[365]

Regionalna protidopinška organizacija: Regionalni subjekt, ki ga države članice pooblastijo za usklajevanje in upravljanje prenesenih področij svojih nacionalnih protidopinških programov, kar lahko vključuje tudi sprejemanje in izvajanje protidopinških pravilnikov, načrtovanje in odvzemanje *vzorcev*, upravljanje z rezultati, pregled *terapevtskih izjem*, izvajanje obravnav ter izvajanje programov za *izobraževanje* na regionalni ravni.

Registrirana skupina za testiranje: Skupina vrhunskih *športnikov*, ki jo na mednarodni ravni posebej ustanovijo mednarodne zveze, na nacionalni ravni pa *nacionalne protidopinške organizacije*; ti *športniki* so podvrženi vsaj minimalnemu *testiranju izven tekmovanj* v okviru načrta razporeditve *testiranj* mednarodne zveze ali *nacionalne protidopinške organizacije* ter morajo zato predložiti podatke o lokaciji, kot to določajo člen 5.5 in *Mednarodni standardi* za *testiranja*.

Upravljanje z rezultati: Postopek, ki zajema časovni okvir od obvestila v skladu s 5. členom *Mednarodnih standardov* za *upravljanje z rezultati* ali v nekaterih primerih (npr. *netipična ugotovitev*, *športnikov biološki potni list*, *kršitev v zvezi z lokacijo*) korakov pred obvestilom, ki so izrecno določeni v 5. členu *Mednarodnih standardov* za *upravljanje z rezultati*, in obtožbe do končne rešitve zadeve, vključno s koncem postopka obravnave na prvi ali pritožbeni stopnji (če je bila vložena pritožba).

Vzorec: Vsak biološki material, odvzet za namene *kontrole*

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[345] *[Comment to Recreational Athlete: With respect to the term "professional capacity," further guidance may be provided in the International Standard for Results Management or guidelines.]*

[346] *[Comment to Recreational Athlete: The term "open category" is meant to exclude competition that is limited to junior or age group categories. Those circumstances where a Protected Person, Minor or Recreational Athlete is to be treated differently than other Persons or Athletes have been specifically identified in the Code. It should not be assumed, with respect to Article 7.4 or any other Article in the Code, that different treatment was intended where it is not specifically expressed.]*

[347] *[Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood or urine Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]*

[364] *[Komentar k izrazu »rekreativni športnik«: V Mednarodnih standardih za upravljanje z rezultati ali smernicah so lahko na voljo dodatna navodila glede izraza »profesionalna vloga«.]*

[365] *[Komentar k izrazu »rekreativni športnik«: Izraz »odprta kategorija« izključuje tekmovanja, ki so omejena na kategorije mladincev ali starostnih skupin.*

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

***Specified Method*:** See Article 4.2.2.

***Specified Substance*:** See Article 4.2.2.

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

***Substance of Abuse*:** See Article 4.2.3.

***Substantial Assistance*:** For purposes of Article 10.7.3, a *Person* providing *Substantial Assistance* shall: (1) fully disclose in a signed written statement or recorded interview all information they possess in relation to anti-doping rule violations or other proceeding described in Article 10.7.3.1, 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 shall remain credible and valuable throughout any subsequent investigation or proceeding.

***Tampering*:** Intentional conduct which subverts the *Doping Control* process. *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 *Therapeutic Use Exemption* 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*.[348]

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

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

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

***Technical Letter*:** Mandatory technical requirements provided by *WADA* from time to time to address particular issues relating to the analysis, interpretation and reporting of specific *Prohibited Substance(s)* and/or *Prohibited Method(s)* or to the application of specific Laboratory or *Athlete Biological Passport* Laboratory procedures.

***Testing*:** The parts of the *Doping Control* process involving *dopinga*.[366]

Podpisnice: Subjekti, ki sprejmejo *Kodeks* in se strinjajo, da ga bodo izvajali, kot to predpisuje 23. člen.

Opredeljeni postopek: Glej člen 4.2.2.

Opredeljena snov: Glej člen 4.2.2.

Objektivna odgovornost: Pravilo, ki določa, da po členih 2.1 in 2.2 za ugotovitev kršitve protidopinških pravil *protidopinški organizaciji* ni treba dokazati *športnikovega* naklepa, *krivde*, *malomarnosti* ali zavedne *uporabe*.

Snov, ki se zlorablja: Glej člen 4.2.3.

Znatna pomoč: Za namene člena 10.7.3 mora *oseba*, ki zagotavlja *znatno pomoč*: (1) v podpisani pisni izjavi ali posnetem pogovoru popolnoma razkriti vse informacije, ki jih ima v zvezi s kršitvami protidopinških pravil ali drugimi postopki, opisanimi v členu 10.7.3.1, ter (2) popolnoma sodelovati pri preiskovanju in razsojanju vsakega primera, ki se tiče teh informacij, vključno na primer s tem, da priča na obravnavi, če to od nje zahteva *protidopinška organizacija* ali obravnavni senat. Poleg tega morajo posredovane informacije ostati zanesljive in uporabne med celotno nadaljnjo preiskavo ali postopkom.

Nedovoljeno poseganje: Naklepno ravnanje, s katerim se spodkopava postopek *kontrole dopinga*. *Nedovoljeno poseganje* med drugim vključuje ponujanje ali sprejemanje podkupnine za izvajanje ali neizvajanje dejanja, preprečevanje odvzema *vzorca*, vplivanje na analizo *vzorca* ali njeno onemogočanje, ponarejanje dokumentov, predloženih *protidopinški organizaciji* ali odboru za *terapevtske izjeme* ali obravnavnemu senatu, zagotavljanje krivega pričanja prič, kakršna koli druga goljufiva dejanja, storjena *protidopinški organizaciji* ali obravnavnemu senatu z namenom vplivanja na *upravljanje z rezultati* ali uvedbo *posledic*, ter katero koli drugo podobno namerno vmešavanje ali *poskus* vmešavanja v kateri koli vidik *kontrole dopinga*.[367]

Ciljno testiranje: Izbor določenih *športnikov* na podlagi kriterijev, ki jih določajo *Mednarodni standardi* za *testiranja*.

Ekipni šport: Šport, pri katerem je med *tekmovanjem* dovoljeno menjavanje igralcev.

Tehnični dokument: Dokument, ki ga občasno sprejme in objavi *WADA* ter vsebuje obvezne tehnične zahteve v zvezi s posebnimi temami boja proti dopingu, kot določajo *Mednarodni standardi*.

Tehnična pojasnila: Obvezne tehnične zahteve, ki jih *WADA* vsakokrat določi za ureditev posebnih vprašanj v zvezi z analizo, razlago in prijavo določenih *prepovedanih snovi* in/ali *prepovedanih postopkov* ali v zvezi z uporabo posebnih laboratorijskih postopkov ali laboratorijskih postopkov za *biološki potni list športnika*.

Testiranje: Del postopka *kontrole dopinga*, ki vsebuje tudi

Okoliščine, v katerih je treba zaščiteno osebo, mladoletnika ali rekreativnega športnika obravnavati drugače kot druge osebe ali športnike, so v Kodeksu posebej opredeljene. Glede člena 7.4 ali katerega koli drugega člena Kodeksa se ne sme domnevati, da je predvidena drugačna obravnava, če to ni izrecno navedeno.]

[348] *[Comment to Tampering: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or Attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct which occurs during the Results Management process. See Article 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti- doping rule violation charge shall not be considered Tampering. Sample collection personnel should be permitted to carry out their duties in a safe environment without interference or harassment. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]*

[366] *[Komentar k izrazu »vzorec«: Včasih so se pojavljale trditve, da odvzem vzorcev krvi ali urina predstavlja kršitev načel nekaterih verskih in kulturnih skupin. Ugotovljeno je bilo, da za takšne trditve ni nobene osnove.]*

[367] *[Komentar k izrazu »nedovoljeno poseganje«: Ta člen na primer prepoveduje spreminjanje identifikacijskih številk na obrazcu za kontrolo dopinga med testiranjem, razbitje stekleničke B v času testiranja vzorca B, spreminjanje vzorca z dodajanjem kake druge snovi ali ustrahovanje ali poskus ustrahovanja potencialne priče oziroma priče, ki je v postopku kontrole dopinga pričala ali zagotovila informacije. Nedovoljeno poseganje vključuje kršitev, ki nastane med upravljanjem z rezultati. Glej člen 10.9.3.3. Ukrepi, sprejeti v okviru zakonite obrambe osebe v postopku pri kršitvi protidopinških pravil, se ne štejejo za nedovoljeno poseganje. Osebje za odvzem vzorcev mora imeti možnost opravljati svoje naloge v varnem okolju brez motenj ali nadlegovanja. Žaljivo vedenje do uradnika za kontrolo dopinga ali druge osebe, vključene v kontrolo dopinga, ki ne pomeni nedovoljenega poseganja, se sankcionira po disciplinskih pravilih športnih organizacij.]*

test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

***Testing Pool*:** The pool of *Athletes* that the International Federation or *National Anti-Doping Organization* considers to be a lesser priority and from sport/disciplines of lesser risk than those *Athletes* in the *Registered Testing Pool* and who are subject to at least a minimum level of *Out-of- Competition Testing* and required to provide whereabouts information as outlined in the *International Standard* for *Testing*.

***Therapeutic Use Exemption*:** 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.

***Trafficking*:** Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the authority of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include: (1) the actions of bona fide medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes (2) actions involving one or more *Prohibited Substances* which is/are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substance(s)* (a) is/are not intended for genuine and legal therapeutic purposes or (b) is/are intended to enhance sport performance; or (3) other acceptable justification.[349]

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

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

***WADA*:** The World Anti-Doping Agency.

***Without Prejudice Agreement*:** For purposes of Articles 10.7.1.1 and 10.8, a written agreement between an *Anti-Doping Organization* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organization* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organization* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organization* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti- Doping Organization* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

načrtovanje razporeditve testiranj, odvzem *vzorcev*, ravnanje z *vzorci* in prevoz *vzorcev* do laboratorija.

Skupina za testiranje: Skupina *športnikov*, ki jih mednarodna zveza ali *nacionalna protidopinška organizacija* obravnava kot manj prioritetne in so iz športov oziroma disciplin z manjšim tveganjem v primerjavi s *športniki* v *registrirani skupini za testiranje* ter ki so podvrženi vsaj minimalni ravni *testiranja izven tekmovanj* in morajo zagotavljati podatke o lokaciji, kot je določeno v *Mednarodnih standardih* za *testiranja*.

Terapevtska izjema: *Terapevtska izjema športniku* z bolezenskim stanjem omogoča *uporabo prepovedane snovi* ali *prepovedanega postopka*, vendar le, če so izpolnjeni pogoji iz člena 4.4 in *Mednarodnih standardov* za *terapevtske izjeme*.

Trgovanje: Prodajanje, dajanje, prevoz, pošiljanje, razpošiljanje ali širjenje (ali *posest* s takim namenom) *prepovedane snovi* ali *prepovedanega postopka* (fizično ali elektronsko ali kako drugače) s strani *športnika*, *člana spremljevalnega osebja športnika* ali katere koli druge *osebe*, ki spada pod pristojnost *protidopinške organizacije*, tretji osebi; vendar ta definicija ne vključuje: (1) dobrovernih dejanj medicinskega osebja, ki vključujejo *prepovedano snov*, *uporabljeno* zaradi resničnega in zakonitega terapevtskega namena, (2) dejanj v zvezi z eno ali več *prepovedanimi snovmi*, ki niso prepovedane pri *testiranjih izven tekmovanj*, razen če okoliščine kot celota kažejo, da *prepovedane snovi* (a) niso namenjene za uporabo v resnične in zakonite terapevtske namene ali (b) so namenjene izboljšanju športne zmogljivosti, ali (3) drugih upravičenih razlogov.[368]

UNESCO konvencija: Mednarodna konvencija proti uporabi nedovoljenih snovi v športu, ki je bila sprejeta na 33. zasedanju generalne konference UNESCO 19. oktobra 2005, vključno z vsemi spremembami, ki so jih sprejele države, ki so stranke Konvencije, in Konferenca pogodbenic Mednarodne konvencije proti uporabi nedovoljenih snovi v športu.

Uporaba: Uporaba, nanos, zaužitje, vbrizganje ali uživanje prepovedanih snovi ali prepovedanih postopkov na kakršen koli način.

WADA: Svetovna protidopinška agencija.

Sporazum brez prejudica: Za namene členov 10.7.1.1 in 10.8 to pomeni pisni sporazum med *protidopinško organizacijo* in *športnikom* ali drugo *osebo*, ki *športniku* ali drugi *osebi* omogoča, da *protidopinški organizaciji* v opredeljenem časovno omejenem okviru posreduje informacije ob razumevanju, da *protidopinška organizacija*, če sporazum o *znatni pomoči* ali sporazum o rešitvi zadeve ni sklenjen, informacij, ki jih je v tem okviru posredoval *športnik* ali druga *oseba*, ne sme uporabiti proti *športniku* ali drugi *osebi* v katerem koli postopku *upravljanja z rezultati* na podlagi *Kodeksa* in da *športnik* ali druga *oseba* informacij, ki jih je v tem okviru posredovala *protidopinška organizacija*, ne sme uporabiti proti *protidopinški organizaciji* v katerem koli postopku *upravljanja z rezultati* na podlagi *Kodeksa*. Tak sporazum *protidopinški organizaciji, športniku* ali drugi *osebi* ne preprečuje uporabe katerih koli informacij ali dokazov, ki so bili zbrani iz katerega koli vira, vendar ne v posebnem časovno omejenem okviru, opisanem v sporazumu.

Definitions Specific to Article 24.1

***Aggravating Factors*:** This term encompasses a deliberate attempt to circumvent or undermine the *Code* or the

Definicije, ki se nanašajo na člen 24.1

Obteževalni dejavniki: Ta izraz zajema namerni poskus izogibanja *Kodeksu* ali *Mednarodnim standardom* oz.

[349] *[Comment to Trafficking: Acceptable justification would not include, for example, giving, transporting or delivering a Prohibited Substance to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., transporting and delivering Insulin to a diabetic child.]*

[368] *[Komentar k izrazu »trgovanje«: Upravičen razlog na primer ne vključuje dajanja, prevoza ali dostave prepovedane snovi prijatelju ali sorodniku, razen zaradi upravičenih zdravstvenih razlogov, ko je imela ta oseba tudi zdravniški recept, npr. prevoz in dostava inzulina za otroka s sladkorno boleznijo.]*

International Standards and/or to corrupt the anti-doping system, an attempt to cover up non-compliance, or any other form of bad faith on the part of the *Signatory* in question; a persistent refusal or failure by the *Signatory* to make any reasonable effort to correct *Non-Conformities* that are notified to it by *WADA*; repeat offending; and any other factor that aggravates the *Signatory's* non- compliance.

***Approved Third Party*:** One or more *Anti-Doping Organizations* and/or *Delegated Third Parties* selected or approved by *WADA*, following consultation with the non-compliant *Signatory*, to *Supervise* or *Takeover* some or all of that *Signatory's Anti-Doping Activities*. As a last resort, if there is no other suitable body available, then *WADA* may carry out this function itself.

***Critical*:** A requirement that is considered to be *Critical* to the fight against doping in sport. See further Annex A of the *International Standard* for *Code* Compliance by *Signatories*.

***Fine*:** Payment by the *Signatory* of an amount that reflects the seriousness of the non- compliance/*Aggravating Factors*, its duration, and the need to deter similar conduct in the future. In a case that does not involve non-compliance with any *Critical* requirements, the *Fine* shall not exceed the lower of (a) 10% of the *Signatory's* total annual budgeted expenditure; and (b) US $100,000. The *Fine* will be applied by *WADA* to finance further *Code* compliance monitoring activities and/or anti- doping *Education* and/or anti-doping research.

***General*:** A requirement that is considered to be important to the fight against doping in sport but does not fall into the categories of *Critical* or *High Priority*. See further Annex A of the *International Standard* for *Code* Compliance by *Signatories*.

***High Priority*:** A requirement that is considered to be *High Priority* but not *Critical* in the fight against doping in sport. See further Annex A of the *International Standard* for *Code* Compliance by *Signatories*.

***Non-Conformity*:** Where a *Signatory* is not complying with the *Code* and/or one or more *International Standards* and/or any requirements imposed by the *WADA* Executive Committee, but the opportunities provided in the *International Standard* for *Code* Compliance by *Signatories* to correct the *Non-Conformity*/*Non-Conformities* have not yet expired and so *WADA* has not yet formally alleged that the *Signatory* is non-compliant.

***Reinstatement*:** When a *Signatory* that was previously declared non-compliant with the *Code* and/or the *International Standards* is determined to have corrected that non-compliance and to have met all of the other conditions imposed in accordance with Article 11 of the *International Standard* for *Code* Compliance by *Signatories* for *Reinstatement* of its name to the list of *Code*-compliant *Signatories* (and *Reinstated* shall be interpreted accordingly).

***Representatives*:** Officials, directors, officers, elected members, employees, and committee members of the *Signatory* or other body in question, and also (where the *Signatory* in question is a *National Anti-Doping Organization* or a *National Olympic Committee* acting as a *National Anti-Doping Organization*) the state representatives of the country of that *National Anti-Doping Organization* or *National Olympic Committee* referenced in Annex B of the *International Standard* for *Code* Compliance by *Signatories*, provided that persons who are appointed as International Olympic Committee members in their personal capacities are excluded from this definition.

***Signatory Consequences*:** One or more of the consequences set out in *Code* Article 24.1.4 that may be imposed on a *Signatory* as a result of its failure to maintain *Code* Compliance, such consequences to be based on the

spodkopavanja *Kodeksa* ali *Mednarodnih standardov* in/ali korupcije protidopinškega sistema, poskus skrivanja neskladnosti ali katero koli drugo obliko nepoštenosti na strani zadevne *podpisnice*; vztrajno zavračanje ali neprizadevanje za odpravo *neskladnosti*, ki jih sporoči *WADA*, s strani *podpisnice*; ponovno kršenje in kateri koli drug dejavnik, ki otežuje skladnost *podpisnice*.

Odobrena tretja oseba: Ena ali več *protidopinških organizacij* in/ali *pooblaščenih tretjih oseb*, ki jih je po posvetovanju s *podpisnico*, ki ne ravna skladno s *Kodeksom* in/ali *Mednarodnimi standardi*, izbrala in odobrila *WADA* za *nadzor* ali *prevzem* dela ali vseh *protidopinških dejavnosti* te *podpisnice*. V skrajnem primeru, če ni na voljo nobenega drugega ustreznega organa, lahko *WADA* sama opravlja to funkcijo.

Kritična: Zahteva, ki se šteje za *kritično* v boju proti dopingu v športu. Glej prilogo A *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*.

Globa: Znesek, ki ga plača *podpisnica* glede na resnost neskladnosti/*obteževalnih dejavnikov*, trajanje neskladnosti in potrebe po odvračanju od podobnega ravnanja v prihodnosti. Če zadeva ne vključuje neskladnosti s katerimi koli *kritičnimi* zahtevami, *globa* ne presega (a) 10 % skupnih letnih odhodkov, predvidenih v proračunu *podpisnice*, in (b) 100.000 USD, kar je nižje. *WADA* uporabi *globo* za financiranje nadaljnjih dejavnosti nadzora skladnosti s *Kodeksom* in/ali *izobraževanja* glede preprečevanja dopinga in/ali protidopinških raziskav.

Splošna: Zahteva, ki se šteje za pomembno v boju proti dopingu v športu, vendar ne spada v kategoriji *kritično* ali *prednostno*. Glej prilogo A *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*.

Prednostna: Zahteva, ki se šteje za *prednostno*, vendar ne *kritično*, v boju proti dopingu v športu. Glej prilogo A *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*.

Neskladnost: Če *podpisnica* ni skladna s *Kodeksom* in/ali enim ali več *Mednarodnih standardov* in/ali katerimi koli zahtevami, ki jih naloži izvršni odbor *WADA*, vendar možnosti, določene v *Mednarodnih standardih* za skladnost *podpisnic* s *Kodeksom*, za odpravo ene ali več *neskladnosti* še niso potekle, zato *WADA* še ni uradno zatrdila, da je *podpisnica* neskladna.

Ponovna vključitev: Če je za *podpisnico*, ki je bila predhodno razglašena za neskladno s *Kodeksom* in/ali *Mednarodnimi standardi*, ugotovljeno, da je odpravila to neskladnost in izpolnila vse druge pogoje, naložene v skladu z 11. členom *Mednarodnih standardov* za skladnost *podpisnic* s *Kodeksom*, za *ponovno vključitev* njenega imena na seznam *podpisnic*, ki so skladne s *Kodeksom* (izraz »*ponovno vključen*« se razlaga v tem smislu).

Zastopniki: Uradniki, direktorji, vodilni delavci, izvoljeni člani, zaposleni in člani odbora zadevne *podpisnice* ali drugega organa ter (če je zadevna *podpisnica nacionalna protidopinška organizacija* ali *nacionalni olimpijski komite*, ki deluje kot *nacionalna protidopinška organizacija*) predstavniki vlade države te *nacionalne protidopinške organizacije* ali *nacionalnega olimpijskega komiteja* iz priloge B k *Mednarodnim standardom* za skladnost *podpisnic* s *Kodeksom*, pri čemer so iz te definicije izključene osebe, ki so imenovane za člane Mednarodnega olimpijskega komiteja, v osebnem svojstvu.

Posledice za podpisnico: Ena ali več posledic, ki so določene v členu 24.1.4 *Kodeksa* in ki se lahko naložijo *podpisnici*, ker ni ohranjala skladnosti s *Kodeksom*; te posledice morajo temeljiti na posameznih dejstvih in okoliščinah

particular facts and circumstances of the case at hand, and applying the principles set out in the *International Standard* for *Code* Compliance by *Signatories*.

***Special Monitoring*:** Where, as part of the consequences imposed on a non-compliant *Signatory*, *WADA* applies a system of specific and ongoing monitoring to some or all of the *Signatory's Anti- Doping Activities*, to ensure that the *Signatory* is carrying out those activities in a compliant manner.

***Supervision*:** Where, as part of the consequences imposed on a non-compliant *Signatory*, an *Approved Third Party* oversees and supervises the *Signatory's Anti-Doping Activities*, as directed by *WADA*, at the *Signatory's* expense (and *Supervise* shall be interpreted accordingly). Where a *Signatory* has been declared non-compliant and has not yet finalized a *Supervision* agreement with the *Approved Third Party*, that *Signatory* shall not implement independently any *Anti-Doping Activity* in the area(s) that the *Approved Third Party* is to oversee and supervise without the express prior written agreement of *WADA*.

***Takeover*:** Where, as part of the consequences imposed on a non-compliant *Signatory*, an *Approved Third Party* takes over all or some of the *Signatory's Anti-Doping Activities*, as directed by *WADA*, at the *Signatory's* expense. Where a *Signatory* has been declared non-compliant and has not yet finalized a *Takeover* agreement with the *Approved Third Party*, that *Signatory* shall not implement independently any *Anti-Doping Activity* in the area(s) that the *Approved Third Party* is to take over without the express prior written agreement of *WADA*.

zadevnega primera ter upoštevati načela, določena v *Mednarodnih standardih* za skladnost *podpisnic* s *Kodeksom*.

Posebno spremljanje: Če *WADA* kot del posledic, naloženih *podpisnici*, ki ne ravna skladno s *Kodeksom* in/ali *Mednarodnimi standardi*, uporabi sistem posebnega in stalnega spremljanja nekaterih ali vseh *protidopinških dejavnosti podpisnice*, da bi zagotovila, da podpisnica te dejavnosti izvaja na skladen način.

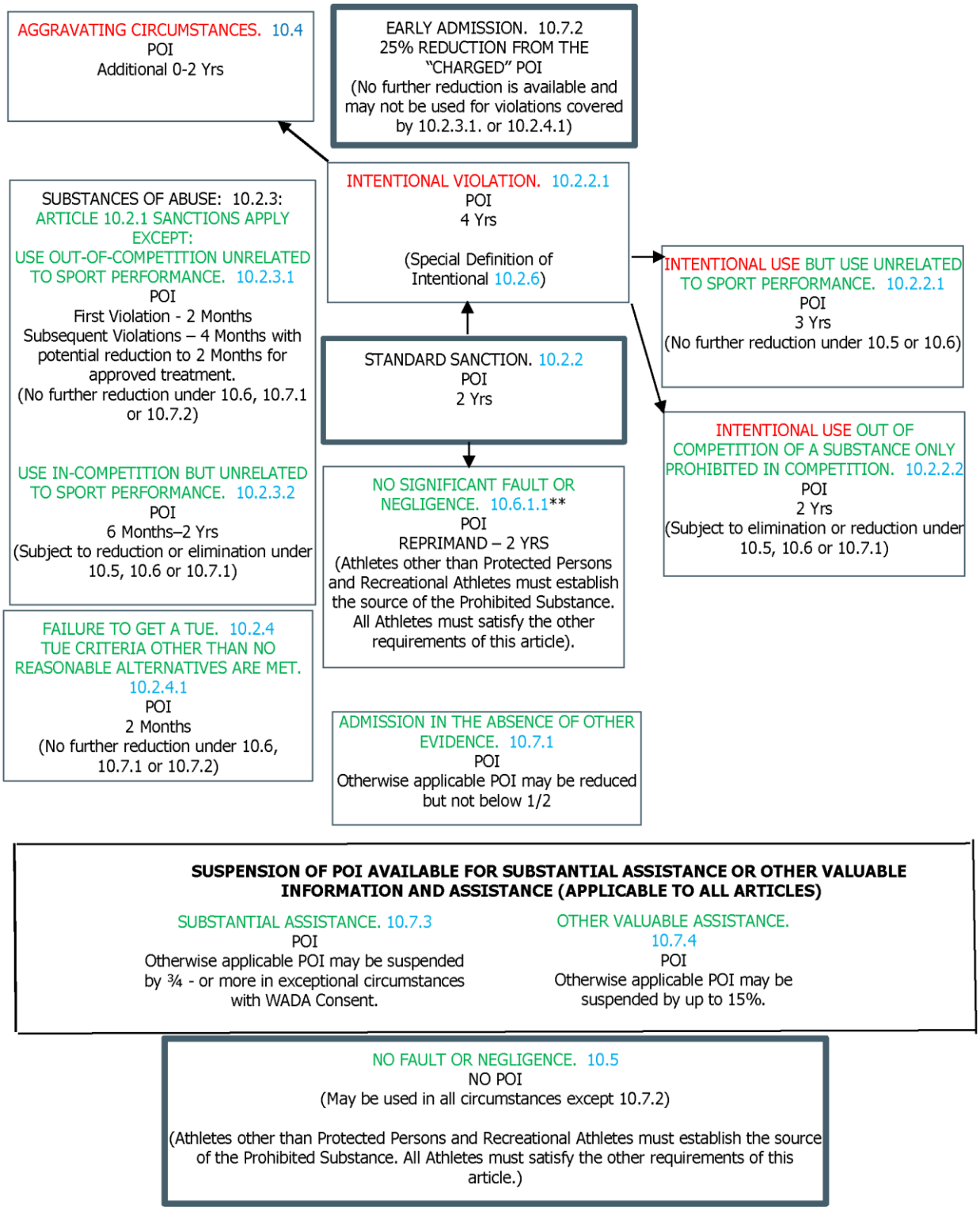
Nadzor: Če *odobrena tretja oseba* kot del posledic, naloženih neskladni *podpisnici*, po navodilih *WADA* in na stroške *podpisnice* nadzoruje *protidopinške dejavnosti podpisnice* (izraz »nadzorovati« se razlaga v tem smislu). Če je bila *podpisnica* razglašena za neskladno in z *odobreno tretjo osebo* še ni sklenila sporazuma o *nadzoru*, ta *podpisnica* brez izrecnega predhodnega pisnega soglasja *WADA* ne sme samostojno izvajati nobene *protidopinške dejavnosti* na področju(-ih), ki ga/jih mora nadzirati *odobrena tretja oseba*.

Prevzem: Če *odobrena tretja oseba* kot del posledic, naloženih *podpisnici*, ki ne ravna skladno s *Kodeksom* in/ali *Mednarodnimi standardi*, po navodilih *WADA* in na stroške *podpisnice* prevzame vse ali nekatere *protidopinške dejavnosti podpisnice*. Če je bila *podpisnica* razglašena za neskladno in z *odobreno tretjo osebo* še ni sklenila sporazuma o *prevzemu*, ta *podpisnica* brez izrecnega predhodnega pisnega soglasja *WADA* ne sme samostojno izvajati nobene *protidopinške dejavnosti* na področju(-ih), ki ga/jih mora prevzeti *odobrena tretja oseba*.

APPENDIX 2
SANCTION CHARTS

PRILOGA 2
DIAGRAMI SANKCIJ

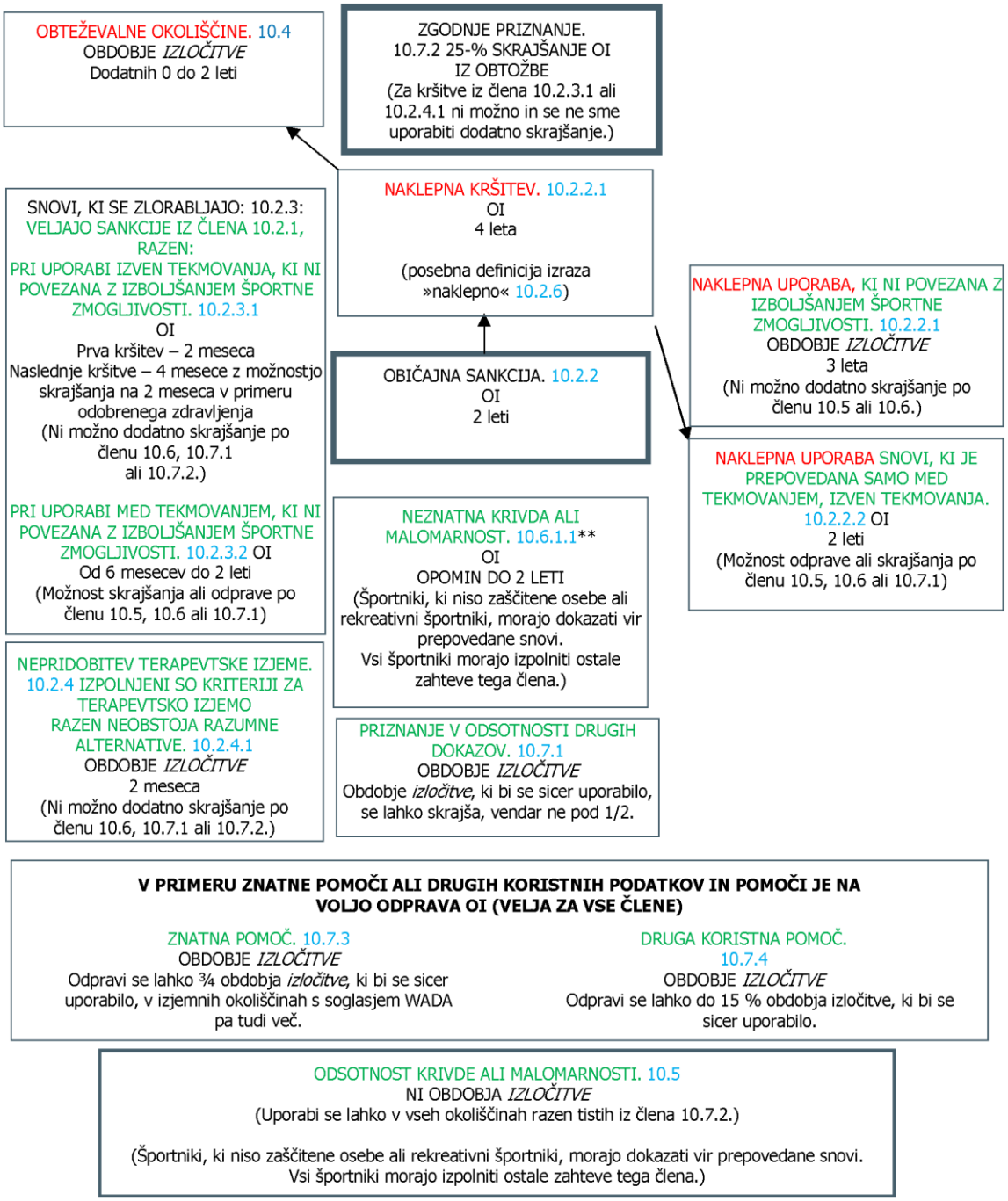
SPECIFIED SUBSTANCES
PERIOD OF INELIGIBILITY (POI) FOR USE (2.1) OR PRESENCE (2.2)
GREEN = BURDEN ON ATHLETE | RED = BURDEN ON ADO*



*This chart is simply illustrative. The actual wording of Code Article 10 shall prevail.

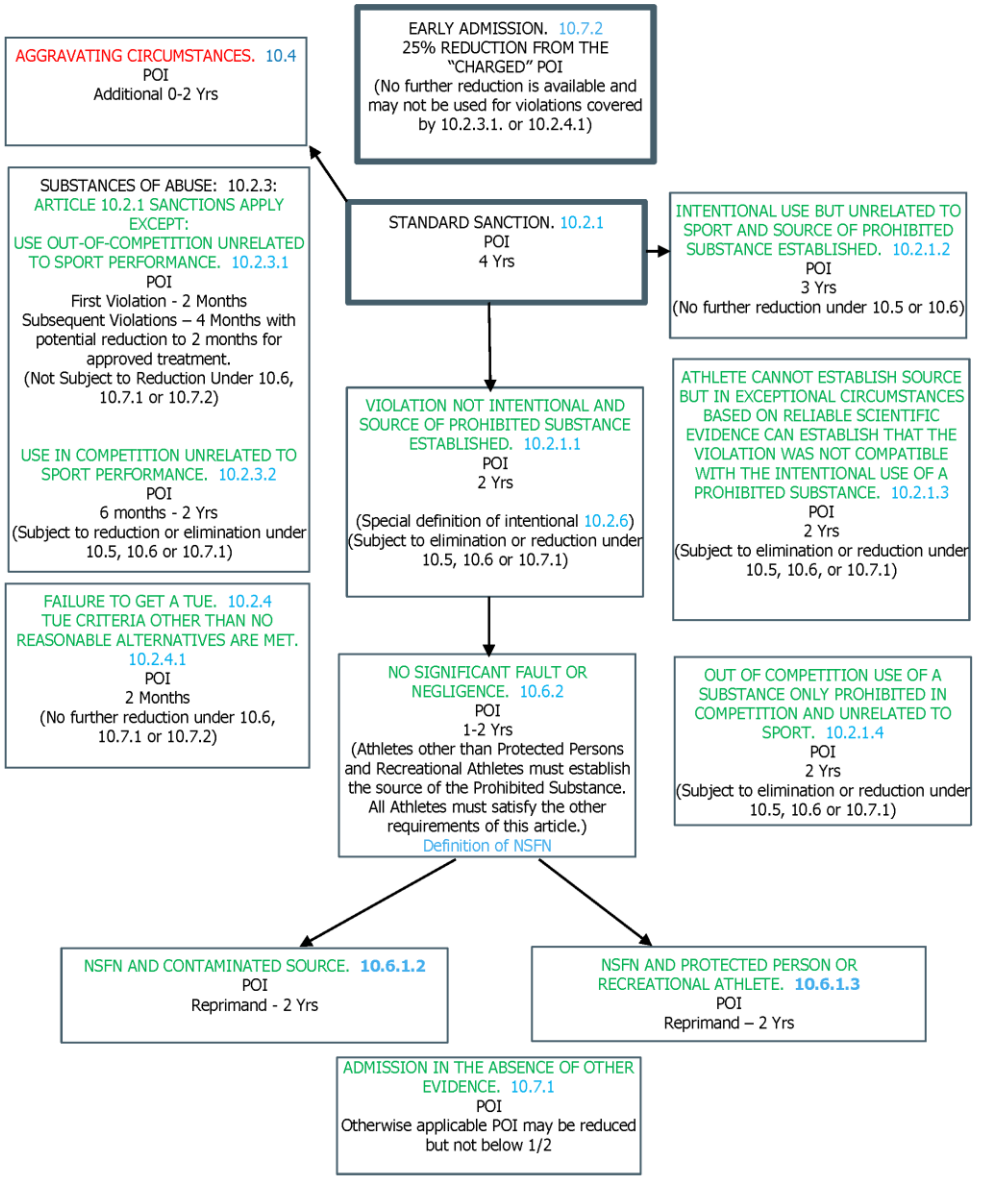
**Since the sanction for Contaminated Source (10.6.1.2) and Protected Person or Recreation Athlete (10.6.1.3) requires a finding of No Significant Fault and also provides a POI of a reprimand – 2 years (which would be considered in assessing the sanction's range), those provisions do not provide any additional reduction opportunity beyond the reduction already available for No Significant Fault or Negligence.

OPREDELJENE SNOVI
OBDOBJE IZLOČITVE (OI) ZA UPORABO (2.1) ALI PRISOTNOST (2.2)
ZELENO = BREME ŠPORTNIKA | RDEČE = BREME PROTIDOPINŠKE ORGANIZACIJE*



* Diagram je namenjen zgolj ponazoritvi. Velja dejansko besedilo 10. člena Kodeksa.
** Ker se za sankcijo zaradi kontaminiranega vira (10.6.1.2) ter za zaščiteno osebo ali rekreativnega športnika (10.6.1.3) zahteva ugotovitev neznatne krivde in je predvidena sankcija od opomina do OI 2 let (kar bi se upoštevalo pri določanju razpona sankcije), te določbe ne predvidevajo nobene možnosti dodatnega skrajšanja razen tiste, ki je že na voljo za neznatno krivdo ali malomarnost.

NON-SPECIFIED SUBSTANCES
PERIOD OF INELIGIBILITY (POI) FOR USE (2.1) OR PRESENCE (2.2)
GREEN = BURDEN ON ATHLETE | RED = BURDEN ON ADO*



SUSPENSION OF POI AVAILABLE FOR SUBSTANTIAL ASSISTANCE OR OTHER VALUABLE INFORMATION AND ASSISTANCE (APPLICABLE TO ALL ARTICLES)

SUBSTANTIAL ASSISTANCE. 10.7.3
POI
Otherwise applicable POI may be suspended by ¾ - or more in exceptional circumstances with WADA Consent.

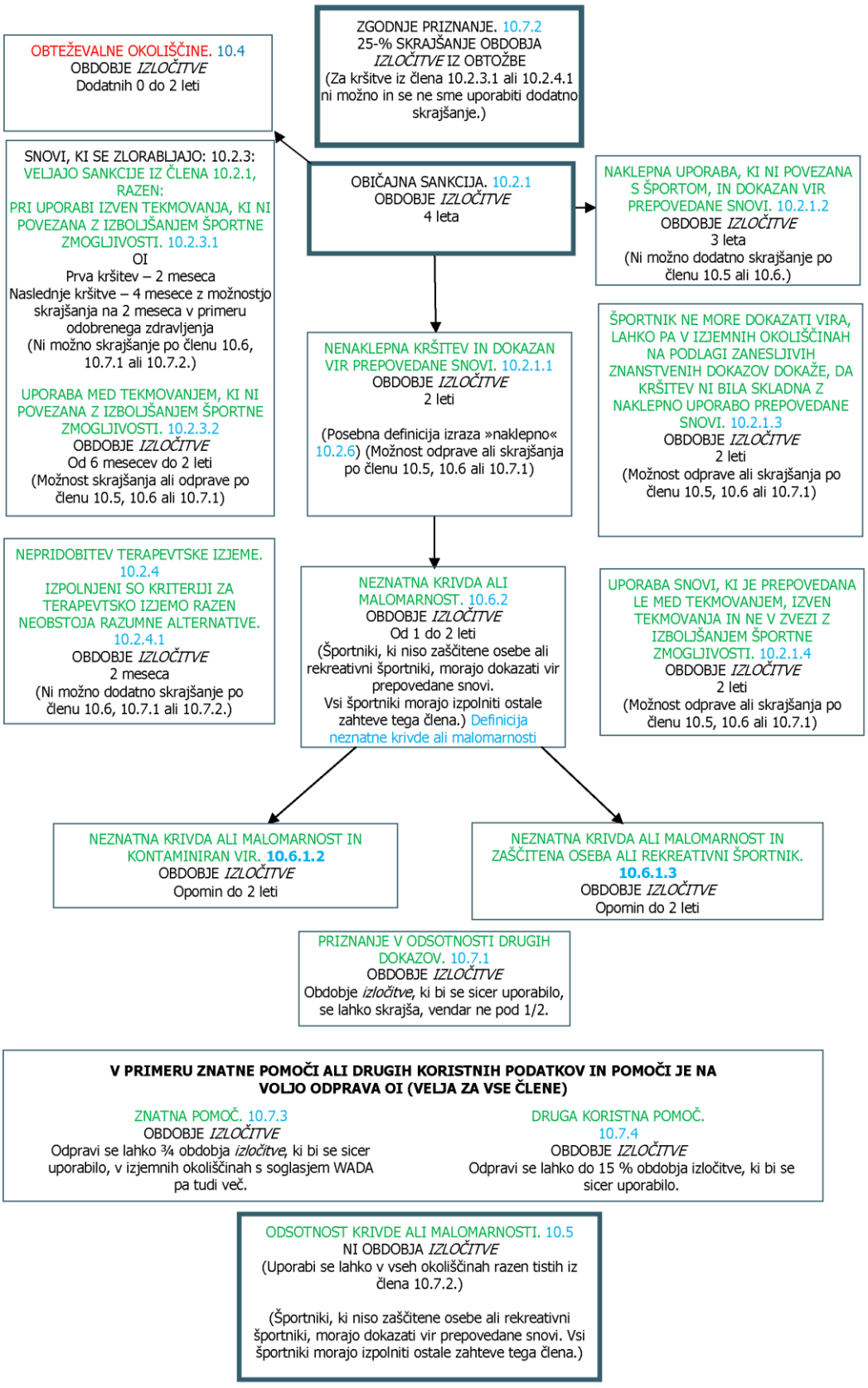
OTHER VALUABLE ASSISTANCE. 10.7.4
POI
Otherwise applicable POI may be suspended by up to 15%.

NO FAULT OR NEGLIGENCE. 10.5
NO POI
(May be used in all circumstances except 10.7.2)

(Athletes other than Protected Persons and Recreational Athletes must establish the source of the Prohibited Substance. All Athletes must satisfy the other requirements of this article.)

*This chart is simply illustrative. The actual wording of Code Article 10 shall prevail.

NEOPREDELJENE SNOVI
OBDOBJE IZLOČITVE (OI) ZA UPORABO (2.1) ALI PRISOTNOST (2.2)
ZELENO = BREME ŠPORTNIKA | RDEČE = BREME PROTIDOPINŠKE ORGANIZACIJE*



* Diagram je namenjen zgolj ponazoritvi. Velja dejansko besedilo 10. člena Kodeksa.