

FIBA INTERNAL REGULATIONS



BOOK 4 ANTI-DOPING

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INTRODUCTION

Preface

These FIBA Internal Regulations governing Anti-doping (the “Anti-Doping Rules”) are adopted and implemented in accordance with FIBA’s responsibilities under the revised World Anti-Doping Code, ed. 2015 (the “Code”), and in furtherance of FIBA’s continuing efforts to eradicate doping in sport.

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

Fundamental Rationale for the *Code* and these Anti-Doping Rules

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

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

Doping is fundamentally contrary to the spirit of sport.

Scope of these Anti-Doping Rules

These Anti-Doping Rules shall apply to FIBA – including all its divisions –, its *National Federations* and *Regional Offices*. They also apply to the following *Athletes*, *Athlete Support Personnel* and other *Persons*, each of whom is deemed, as a condition of his/her membership, accreditation and/or participation in the sport, to have agreed to be bound by these Anti-Doping Rules, and to have submitted to the authority of FIBA to enforce these Anti-Doping Rules and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under these Anti-Doping Rules:

- a. all *Athletes* and *Athlete Support Personnel* who have registered at least once with FIBA (e.g. *Athletes* entered in FIBA’s player database), or with any *Regional Office* or *National Federation*, or with any member or affiliate organisation of any *Regional Office* or *National Federation* (including

without limitation any clubs, teams, associations or leagues) or any other national and international professional leagues;

- b. all *Athletes* and *Athlete Support Personnel* participating in such capacity in *Events, Competitions* and other activities organised, convened, authorised or recognised by FIBA, or any *Regional Office* or a *National Federation*, or any member or affiliate organisation of any *National Federation* (including any clubs, teams, associations or leagues, whether recognised by FIBA or not), wherever held;
- c. any other *Athlete* or *Athlete Support Personnel* or other *Person* who, by virtue of an accreditation, a license or other contractual arrangement, or otherwise, is subject to the jurisdiction of FIBA, or of any *Regional Office* or *National Federation*, or of any member or affiliate organisation of any *Regional Office* or *National Federation* (including any clubs, teams, associations or leagues, whether recognised by FIBA or not), for purposes of anti-doping; and
- d. *Athletes* who are not regular members of FIBA or of one of its *Regional Offices* or *National Federations* but who want to be eligible to compete in a particular *International Event*. FIBA may include such *Athletes* in its *Registered Testing Pool* or *Testing Pool(s)* so that they are required to provide information about their whereabouts for purposes of *Testing* under these Anti-Doping Rules for at least one month prior to the *International Event* in question.

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

- a. *Athletes* competing in a *FIBA Event*; and
- b. *Athletes* included by FIBA in the *Registered Testing Pool* and *Testing Pool(s)* (when such *Testing Pool* is established by FIBA).

* All cross-references in these Anti-Doping Rules shall be understood as referring to Articles of this Book 4 of the FIBA Internal Regulations, unless a different Book is expressly mentioned.

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 2.10 of these Anti-Doping Rules.

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

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 analysed; or, where the *Athlete's B Sample* is analysed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or, where the *Athlete's B Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.

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

2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

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

2.2.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body and that no *Prohibited Method* is *Used*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to

establish an anti-doping rule violation for *Use of a Prohibited Substance* or a *Prohibited Method*.

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.

2.3 Evading, Refusing or Failing to Submit to *Sample* Collection

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

2.4 Whereabouts Failures

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

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

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

2.6 *Possession of a Prohibited Substance* or a *Prohibited Method*

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

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

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

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

2.9 Complicity

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.12.1 by another *Person*.

2.10 Prohibited Association

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

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

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

2.10.3 Is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2.

In order for this provision to apply, it is necessary that the *Athlete* or other *Person* has previously been advised in writing by an *Anti-Doping Organisation* with jurisdiction over the *Athlete* or other *Person*, or by *WADA*, of the *Athlete Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organisation* shall also use reasonable efforts to advise the *Athlete Support Person* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Person* may, within 15 days, come forward to the *Anti-Doping Organisation* to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the *Athlete Support Person's* disqualifying conduct occurred prior to the effective date provided in Article 20.7.)

The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in Article 2.10.1 or 2.10.2 is not in a professional or sport-related capacity.

Anti-Doping Organisations that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1, 2.10.2, or 2.10.3 shall submit that information to *WADA*.

ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

FIBA shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FIBA has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation

which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

3.2 Methods of Establishing Facts and Presumptions

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

3.2.1 Analytical methods or decision limits approved by *WADA* after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge. *CAS* on its own initiative may also inform *WADA* of any such challenge. At *WADA*'s request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of *WADA*'s receipt of such notice, and *WADA*'s receipt of the *CAS* file, *WADA* shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceedings.

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 FIBA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Anti-Doping Rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Athlete* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then FIBA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

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

ARTICLE 4 THE PROHIBITED LIST

4.1 Incorporation of the *Prohibited List*

These Anti-Doping Rules incorporate the *Prohibited List*, which is published and revised by WADA as described in Article 4.1 of the *Code*. FIBA will make the current *Prohibited List* available to each *National Federation* and its members and constituents through the FIBA official website (www.fiba.basketball). The *Prohibited List* in force is also available on WADA's website at www.wada-ama.org.

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

4.2.1 *Prohibited Substances* and *Prohibited Methods*

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three months after publication by WADA, without requiring any further action by FIBA or its *National Federations*. All *Athletes* and other *Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarise themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto. FIBA may request that WADA expand the *Prohibited List* for the sport of basketball in general or for any of its disciplines. FIBA may also request that WADA include additional substances or methods, which have the potential for abuse in the sport of basketball. WADA shall make the final decision on such requests by FIBA.

4.2.2 *Specified Substances*

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.

4.3 WADA's Determination of the *Prohibited List*

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

4.4 Therapeutic Use Exemptions (“TUEs”)

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 *TUE* granted in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.2 If an *International-Level Athlete* is using a *Prohibited Substance* or a *Prohibited Method* for therapeutic reasons:

4.4.2.1 Where the *Athlete* already has a *TUE* granted by his or her *National Anti-Doping Organisation* for the substance or method in question, that *TUE* is not automatically valid for international-level *Competition*. However, the *Athlete* may apply to FIBA to recognise that *TUE*, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that *TUE* meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then FIBA shall recognise it for purposes of international-level *Competition* as well. If FIBA considers that the *TUE* does not meet those criteria and so refuses to recognise it, FIBA shall notify the *Athlete* and his or her *National Anti-Doping Organisation* promptly, with reasons. The *Athlete* and the *National Anti-Doping Organisation* shall have 21 days from such notification to refer the matter to *WADA* for review in accordance with Article 4.4.6. If the matter is referred to *WADA* for review, the *TUE* granted by the *National Anti-Doping Organisation* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA*'s decision. If the matter is not referred to *WADA* for review, the *TUE* becomes invalid for any purpose when the 21-day review deadline expires.

4.4.2.2 If the *Athlete* does not already have a *TUE* granted by his/her *National Anti-Doping Organisation* for the substance or method in question, the *Athlete* must apply directly to FIBA for a *TUE* in accordance with the process set out in the International Standard for Therapeutic Use Exemptions, using the form posted on FIBA's website at www.fiba.basketball/tue. If FIBA denies the *Athlete*'s application, it must notify the *Athlete* promptly, with reasons. If FIBA grants the *Athlete*'s application, it shall notify not only the *Athlete* but also his/her *National Anti-Doping Organisation*. If the *National Anti-Doping Organisation* considers that the *TUE* granted by FIBA does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to *WADA* for review in accordance with Article 4.4.6. If the *National Anti-Doping Organisation* refers the matter to *WADA* for review, the *TUE* granted by FIBA 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 Organisation* does not refer the matter to *WADA* for review, the *TUE* granted by FIBA becomes valid for national-level *Competition* as well when the 21-day review deadline expires.

4.4.3 If FIBA chooses to test an *Athlete* who is not an *International-Level Athlete*, FIBA shall recognise a *TUE* granted to that *Athlete* by his or her *National Anti-Doping Organisation*. If FIBA chooses to test an *Athlete* who is not an *International-Level* or a *National-Level Athlete*, FIBA shall permit that *Athlete* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that he/she is using for therapeutic reasons.

4.4.4 An application to FIBA for grant or recognition of a *TUE* must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the *Athlete's* next *Competition*. FIBA shall appoint a panel of physicians to consider requests for *TUEs* (the "*TUE Committee*"). The *TUE Committee* will include, *ex officio*, the Chairman of the Medical Commission. The *TUE Committee* may request the advice of any external medical or scientific experts that it deems appropriate to assist in the review of an application. Upon FIBA's receipt of a *TUE* request, the Chair of the *TUE Committee* shall appoint one or more members of the *TUE Committee* (which may include the Chair) to consider such request. The *TUE Committee* shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific FIBA protocols, if any, posted on its website (www.fiba.com). Subject to Article 4.4.6 of these Rules, its decision shall be the final decision of FIBA, and shall be reported to *WADA* and other relevant *Anti-Doping Organisations*, including the *Athlete's National Anti-Doping Organisation*, through *ADAMS*, in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.5 Expiration, Cancellation, Withdrawal or Reversal of a *TUE*

4.4.5.1 A *TUE* granted pursuant to these Anti-Doping Rules: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the *Athlete* does not promptly comply with any requirements or conditions imposed by the *TUE Committee* upon grant of the *TUE*; (c) may be withdrawn by the *TUE Committee* if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met; or (d) may be reversed on review by *WADA* or on appeal.

4.4.5.2 The *Athlete* shall not be subject to any *Consequences* based on his/her *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, cancellation, withdrawal or reversal of the *TUE*. The review pursuant to Article 7.2 of any subsequent *Adverse Analytical Finding* shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

4.4.6 Reviews and Appeals of *TUE* Decisions

4.4.6.1 *WADA* shall review any decision by FIBA not to recognise a *TUE* granted by the *National Anti-Doping Organisation* that is referred to *WADA* by the *Athlete*

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

4.4.6.2 Any *TUE* decision by FIBA (or by a *National Anti-Doping Organisation* where it has agreed to consider the application on behalf of FIBA) 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 Organisation* exclusively to *CAS*, in accordance with Article 13.

4.4.6.3 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, the *National Anti-Doping Organisation* and/or FIBA exclusively to *CAS*, in accordance with Article 13.

4.4.6.4 A failure to take action within a reasonable time on a properly submitted application for grant or recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application.

ARTICLE 5 TESTING AND INVESTIGATIONS

5.1 Purpose of *Testing* and Investigations

Testing and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations and the specific protocols of FIBA supplementing that International Standard, if any.

5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete's* compliance (or non-compliance) with the strict *Code* prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*. Test distribution planning, *Testing*, post-*Testing* activity and all related activities conducted by FIBA shall be in conformity with the International Standard for Testing and Investigations. FIBA shall determine the number of finishing placement tests, random tests and target tests to be performed, in accordance with the criteria established by the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such *Testing*.

5.1.2 Investigations shall be undertaken:

5.1.2.1 in relation to *Atypical Findings*, *Atypical Passport Findings* and *Adverse Passport Findings*, in accordance with Articles 7.4 and 7.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and

5.1.2.2 in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.

5.1.3 FIBA may obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate test distribution plan, to plan *Target Testing*, and/or to form the basis of an investigation into a possible anti-doping rule violation(s).

5.2 Authority to conduct *Testing*

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

5.2.2 FIBA may require any *Athlete* over whom it has *Testing* authority (including any *Athlete* serving a period of *Ineligibility*) to provide a *Sample* at any time and at any place.

5.2.3 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.8 of the *Code*.

5.2.4 If FIBA delegates or contracts any part of *Testing* – except for *Testing* during an *Event Period*, for which Article 5.3.2 below applies – to a *National Anti-Doping Organisation* (directly or through a *National Federation*), that *National Anti-Doping Organisation* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organisation's* expense. If additional *Samples* are collected or additional types of analysis are performed, FIBA shall be notified at least twenty four (24) hours in advance of each additional *Sample* collection or additional type of analysis.

5.3 *Event Testing*

5.3.1 Except as provided in Article 5.3.2 of the *Code*, only a single organisation should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. The ruling body of the *Event* shall initiate and direct collection of *Samples* at *Event Venues* during the *Event Period* and co-ordinate any *Testing* during the *Event Period* outside of the *Event Venues*, as follows:

5.3.1.1 FIBA, for all the *FIBA Events* except those mentioned in Article 2-1.b). FIBA may delegate such authority to a *Regional Office* or to another *Anti-Doping Organisation*.

5.3.1.2 the relevant ruling body of the *Event*, for all other *International Events*.

5.3.2 If an *Anti-Doping Organisation* that 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 Organisation* shall first confer with FIBA (or any other international organisation which is the ruling body of the *Event* – see Article 5.3.1 above) to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organisation* is not satisfied with the response from FIBA (or any other international organisation which is the ruling body of the *Event*), the *Anti-Doping Organisation* may ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing*, in accordance with the procedures set out in the International Standard for Testing and Investigations. *WADA* shall not grant approval for such *Testing* before consulting with and informing FIBA (or any other international organisation which is the ruling body for the *Event*). *WADA*'s decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. Results management for any such test shall be the responsibility of the *Anti-Doping Organisation* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

5.4 Test Distribution Planning

Consistent with the International Standard for Testing and Investigations and the Technical Document for Sport Specific Analysis, and in coordination with other *Anti-Doping Organisations* conducting *Testing* on the same *Athletes*, the Secretary General of FIBA shall be responsible for overseeing all *Testing* conducted at *FIBA Events* by developing and implementing an effective, intelligent and proportionate test distribution plan for the sport of basketball (in all its disciplines) that prioritises appropriately between disciplines, categories of *Athletes*, types of *Testing*, types of *Samples* collected, and types of *Sample* analysis, all in compliance with the requirements of the International Standard for Testing and Investigations and the Technical Document for Sport Specific Analysis. *Testing* may be conducted by qualified *Persons* so authorised by FIBA. FIBA shall provide *WADA* upon request with a copy of its current test distribution plan.

5.4.1 *Testing* is to be carried out at *FIBA Events* and during the 1st division of all national championships for Men and Women.

5.4.2 *In-Competition Testing* is compulsory during the following *Events*:

- a. Olympic Qualifying Tournaments for Men and Women;
- b. FIBA Basketball World Cup (Men and Women);
- c. FIBA U19 and U17 World Championship for Men and Women;
- d. FIBA 3x3 World Cups (Men and Women);
- e. Continental Championships for Men and Women;
- f. Official FIBA cups and tournaments for club teams, if the appropriate body of FIBA has the facilities to carry out such tests;
- g. 1st division of all national championships for Men and Women.

5.4.3 Regarding results management, refer to Article 7.1.2 below.

5.5 Coordination of *Testing*

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

5.6 *Athlete* Whereabouts Information

5.6.1 FIBA may identify a *Registered Testing Pool* of those *Athletes* who are required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, and shall make available through *ADAMS*, a list which identifies those *Athletes* included in its *Registered Testing Pool* either by name or by clearly defined, specific criteria. FIBA shall coordinate with *National Anti-Doping Organisations* the identification of such *Athletes* and the collection of their whereabouts information. FIBA shall review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with the set criteria. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. Each *Athlete* in the *Registered Testing Pool* shall do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations: (a) advise FIBA of his/her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make him/herself available for *Testing* at such whereabouts.

5.6.1.1 FIBA may establish other *Testing Pool(s)* for *Athletes* not included in the *Registered Testing Pool* and require such *Athletes* to provide and update, either directly or through their club or *National Federation*, specific whereabouts information requested by FIBA. Failure to comply with FIBA's requirements, in addition to possible *Consequences* under these Anti-Doping Rules, may lead to (a) a sanction in accordance with Article 1-129; (b) the *Athlete's* inclusion in the *Registered Testing Pool*.

5.6.2 For purposes of Article 2.4, an *Athlete's* failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a filing failure or a missed test (as defined in the International Standard for Testing and Investigations) where the conditions set forth in the International Standard for Testing and Investigations for declaring a filing failure or missed test are met.

5.6.3 An *Athlete* in FIBA's *Registered Testing Pool* shall continue to be subject to the obligation to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations unless and until (a) the *Athlete* gives written notice to FIBA that he/she has retired or (b) FIBA has informed him or her that he/she no longer satisfies the criteria for inclusion in FIBA's *Registered Testing Pool*.

5.6.4 Whereabouts information relating to an *Athlete* shall be shared (through *ADAMS*) with *WADA* and other *Anti-Doping Organisations* having authority to test that *Athlete*, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes

set out in Article 5.6 of the *Code*, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

5.7 Team Whereabouts Information

5.7.1 FIBA may establish a *Testing Pool* of teams required to comply with whereabouts requirements set out by FIBA from time to time. Teams shall be notified of their inclusion in the *Testing Pool* and shall furnish FIBA with any whereabouts information so requested. At a minimum this shall include:

- a. Training dates;
- b. Start and finish times of training;
- c. Venue of training sessions;
- d. Dates of travel;
- e. Accommodation;
- f. Home address or address of regular overnight stay of each *Athlete* of the team.

5.7.2 The following shall constitute team whereabouts violations:

- a. The failure to provide FIBA with whereabouts information within the deadline communicated to the team;
- b. Incomplete or inaccurate whereabouts information;
- c. The absence of one or more *Athletes* from a test conducted on the team.

Team whereabouts violations shall incur a monetary fine in accordance with Book 1, Chapter 6 (Sanctions) of the FIBA Internal Regulations.

5.7.3 All *Athletes* belonging to teams in the *Testing Pool* are deemed to be aware of the whereabouts information provided by their team and must be present and available for *Testing* in accordance with that information. In addition to potential *Consequences* for an anti-doping rule violation, any *Athlete* not present for *Testing* in accordance with the whereabouts information provided by the team may be included in the *Registered Testing Pool* and required to submit whereabouts information to FIBA in accordance with Article 5.6.

5.8 Retired *Athletes* Returning to *Competition*

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

decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.8.1 shall be *Disqualified*.

5.8.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* shall not resume competing in *International Events* or *National Events* until the *Athlete* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to FIBA and to his/her *National Anti-Doping Organisation* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.8.3 An *Athlete* who is not in FIBA's *Registered Testing Pool* or Testing Pool(s) and who has given notice of retirement to FIBA may not resume competing unless he/she notifies FIBA and his/her *National Anti-Doping Organisation* at least six months before he/she wishes to return to *Competition* and makes him/herself available for unannounced *Out-of-Competition Testing*, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, during the period before actual return to *Competition*.

5.8.4 *National Federations* shall (directly or through their *National Anti-Doping Organisations*) establish similar requirements for retirement and returning to *Competition* for *Athletes* in the national *Registered Testing Pool*, as provided for in the *Code*.

5.9 Selection of *Athletes* to be Tested

5.9.1 *Testing* should be performed according to the provisions of the International Standard for Testing and Investigations as well as Appendix 2 to these Anti-Doping Rules.

5.9.2 An *Athlete* may be subject to *Testing* on more than one occasion during an *Event* or *Competition*.

5.9.4 *Athletes* selected for *Testing* through Article 5.9.1 shall immediately report for *Sample* collection and deliver a *Sample* according to the sampling procedure described in the International Standard for Testing and Investigations.

5.9.5 For *Out-of-Competition Testing*, the *Doping Control* officer can decide to organise a drawing of lots between all *Athletes* present or pick out specific *Athletes* at his discretion or as per FIBA's instructions. In any case, the selected *Athlete* has the right to finish his training session provided that he can remain constantly chaperoned during that period of time. The sampling procedure is the same as for *In-Competition Testing*.

5.10 Independent Observer Program

FIBA and the organising committees for *FIBA Events*, as well as the *National Federations* and the organising committees for *National Events*, shall authorise and facilitate the *Independent Observer Program* at such *Events*.

ARTICLE 6 ANALYSIS OF *SAMPLES*

Samples shall be analysed in accordance with the following principles:

6.1 Use of Accredited and Approved Laboratories

For purposes of Article 2.1, *Samples* shall be analysed only in laboratories accredited or otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by FIBA.

6.2 Purpose of Analysis of *Samples*

6.2.1 *Samples* shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* and other substances as may be directed by *WADA* pursuant to the Monitoring Program described in Article 4.5 of the *Code*; or to assist FIBA in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

6.2.2 FIBA shall ask laboratories to analyse *Samples* in conformity with Article 6.4 of the *Code* and Article 4.7 of the International Standard for Testing and Investigations.

6.3 Research on *Samples*

No *Sample* may be used for research without the *Athlete's* written consent. *Samples* used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.

6.4 Standards for *Sample* Analysis and Reporting

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

6.4.1 FIBA may request that laboratories analyse its *Samples* using more extensive menus than those described in the Technical Document.

6.4.2 FIBA may request that laboratories analyse its *Samples* using less extensive menus than those described in the Technical Document only if it has satisfied *WADA* that, because of the particular circumstances of its sport, as set out in its test distribution plan, less extensive analysis would be appropriate.

6.4.3 As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the *Sample* analysis menu described in the Technical Document

or specified by the *Testing* authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

6.5 Further Analysis of *Samples*

Any *Sample* may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2: (a) by *WADA* at any time; and/or (b) by FIBA at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by FIBA to the *Athlete* as the asserted basis for an Article 2.1 anti-doping rule violation. Such further analysis of *Samples* shall conform to the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

ARTICLE 7 RESULTS MANAGEMENT

7.1 Responsibility for Conducting Results Management

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

7.1.2 FIBA is the sole results management authority for all anti-doping rule violations arising from or in connection with:

- a *FIBA Event*, regardless of the authority that conducted *Testing*, and
- any *Out-of-Competition Testing* conducted by FIBA, a Regional Office and *WADA* on any *Athlete* as long as the conditions of Article 7.1.1 of the *Code* are respected concerning the *Testing* activity conducted by *WADA*.

7.2 Review of *Adverse Analytical Findings*

Results management with respect to the results of *Testing* initiated by FIBA (including tests performed by *WADA* pursuant to agreement with FIBA), a Regional Office or in connection with *FIBA Events* shall proceed as follows:

7.2.1 The results from all analyses must be sent to FIBA in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted confidentially and in conformity with *ADAMS*.

7.2.2 Upon receipt of an *Adverse Analytical Finding*, the FIBA Anti-Doping Officer shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Adverse Analytical Finding*.

7.2.3 If the review of an *Adverse Analytical Finding* under Article 7.2.2 reveals an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organisation* and *WADA* shall be so informed.

7.3 Notification After Review Regarding *Adverse Analytical Findings*

7.3.1 If the review of an *Adverse Analytical Finding* under Article 7.2.2 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, FIBA shall promptly notify the *Athlete*, and simultaneously the *Athlete's National Anti-Doping Organisation* and *WADA*, in the manner set out in Article 14.1, of: (a) the *Adverse Analytical Finding*; (b) the anti-doping rule violated; (c) the *Athlete's* right to promptly request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived; (d) the scheduled date, time and place for the B *Sample* analysis if the *Athlete* or FIBA chooses to request an analysis of the B *Sample*; (e) the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the B *Sample* opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the *Athlete's* right to request copies of the A and B *Sample* laboratory documentation package which includes information as required by the International Standard for Laboratories. If FIBA decides not to bring forward the *Adverse Analytical Finding* as an anti-doping rule violation, it shall so notify the *Athlete*, the *Athlete's National Anti-Doping Organisation* and *WADA*.

7.3.2 Where requested by the *Athlete* or FIBA, arrangements shall be made to analyse the B *Sample* in accordance with the International Standard for Laboratories. An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. FIBA may nonetheless elect to proceed with the B *Sample* analysis.

7.3.3 The *Athlete* and/or his representative shall be allowed to be present at the analysis of the B *Sample*. Also, a representative of FIBA as well as a representative of the *Athlete's National Federation* shall be allowed to be present.

7.3.4 If the B *Sample* analysis does not confirm the A *Sample* analysis, then (unless FIBA takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organisation* and *WADA* shall be so informed.

7.3.5 If the B *Sample* analysis confirms the A *Sample* analysis, the findings shall be reported to the *Athlete*, the *Athlete's National Anti-Doping Organisation* and to *WADA*.

7.4 Review of *Atypical Findings*

7.4.1 As provided in the International Standard for Laboratories, in some circumstances, laboratories are directed to report the presence of *Prohibited Substances*, which may also

be produced endogenously, as *Atypical Findings*, i.e., as findings that are subject to further investigation.

7.4.2 Upon receipt of an *Atypical Finding*, the FIBA Anti-Doping Officer shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the *Atypical Finding*.

7.4.3 If the review of an *Atypical Finding* under Article 7.4.2 reveals an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative and the *Athlete*, the *Athlete's National Anti-Doping Organisation* and *WADA* shall be so informed.

7.4.4 If that review does not reveal an applicable *TUE* or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Atypical Finding*, FIBA shall conduct the required follow-up investigation or cause it to be conducted. After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.3.1, or else the *Athlete*, the *Athlete's National Anti-Doping Organisation* and *WADA* shall be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.

7.4.5 FIBA will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:

7.4.5.1 If FIBA determines the *B Sample* should be analysed prior to the conclusion of its investigation, it may conduct the *B Sample* analysis after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.3.1(d)-(f).

7.4.5.2 If FIBA is asked (a) by a *Major Event Organisation* shortly before one of its *International Events*, or (b) by a sport organisation responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list provided by the *Major Event Organisation* or sport organisation has a pending *Atypical Finding*, FIBA shall so advise the *Major Event Organisation* or sports organisation after first providing notice of the *Atypical Finding* to the *Athlete*.

7.5 Review of *Atypical Passport Findings* and *Adverse Passport Findings*

Review of *Atypical Passport Findings* and *Adverse Passport Findings* shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as FIBA is satisfied that an anti-doping rule violation has occurred, it shall promptly give

the *Athlete* (and simultaneously the *Athlete's National Anti-Doping Organisation* and *WADA*) notice of the anti-doping rule violation asserted and the basis of that assertion.

7.6 Review of Whereabouts Failures

FIBA shall review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations, in respect of *Athletes* who file their whereabouts information with FIBA, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as FIBA is satisfied that an Article 2.4 anti-doping rule violation has occurred, it shall promptly give the *Athlete* (and simultaneously the *Athlete's National Anti-Doping Organisation* and *WADA*) notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

7.7 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.2–7.6

FIBA shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2- 7.6. At such time as FIBA is satisfied that an anti-doping rule violation has occurred, it shall promptly give the *Athlete* or other *Person* (and simultaneously the *Athlete's* or other *Person's National Anti-Doping Organisation* and *WADA*) notice of the anti-doping rule violation asserted and the basis of that assertion.

7.8 Identification of Prior Anti-Doping Rule Violations

Before giving an *Athlete* or other *Person* notice of an asserted anti-doping rule violation as provided above, or at the latest prior to closing the procedure before the FIBA Disciplinary Panel and provided that the *Athlete* is given reasonable time to prepare his/her defence, FIBA shall refer to *ADAMS* and contact *WADA* and other relevant *Anti-Doping Organisations* to determine whether any prior anti-doping rule violation exists.

7.9 Provisional Suspensions

7.9.1 Mandatory Provisional Suspension: If analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or for a *Prohibited Method*, and a review in accordance with Article 7.2.2 does not reveal an applicable *TUE* or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the *Adverse Analytical Finding*, a *Provisional Suspension* shall be imposed upon or promptly after the notification described in Articles 7.2, 7.3 or 7.5.

7.9.2 Optional Provisional Suspension: In case of an *Adverse Analytical Finding* for a *Specified Substance*, or in the case of any other anti-doping rule violations not covered by Article 7.9.1, the Secretary General of FIBA, after consultation with the FIBA Anti-Doping Officer, may impose a *Provisional Suspension* on the *Athlete* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2 to 7.7 and prior to the final hearing as described in Article 8.

7.9.3 Where a *Provisional Suspension* is imposed pursuant to Article 7.9.1 or Article 7.9.2, the *Athlete* or other *Person* shall be given either: (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis

after imposition of the *Provisional Suspension*. Furthermore, the *Athlete* or other *Person* has a right to appeal from the *Provisional Suspension* in accordance with Article 13.2 (save as set out in Article 7.9.3.1). *National Federations* shall impose *Provisional Suspensions* in accordance with the principles set forth in this Article.

7.9.3.1 The *Provisional Suspension* imposed as per Article 7.9.1 may be lifted if the *Athlete* demonstrates to FIBA or to the FIBA Disciplinary Panel that the violation is likely to have involved a *Contaminated Product*. FIBA's or the FIBA Disciplinary Panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* or to lift an optional *Provisional Suspension* imposed as per Article 7.9.2 shall not be appealable.

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

7.9.5 In all cases where an *Athlete* or other *Person* has been notified of an anti-doping rule violation but a *Provisional Suspension* has not been imposed on him or her, the *Athlete* or other *Person* shall be offered the opportunity to accept a *Provisional Suspension* voluntarily pending the resolution of the matter.

7.10 Resolution Without a Hearing

7.10.1 An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by FIBA.

7.10.2 Alternatively, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by FIBA asserting the violation, then he/she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by these Anti-Doping Rules or (where some discretion as to *Consequences* exists under these Anti-Doping Rules) that have been offered by FIBA.

7.10.3 In cases where Article 7.10.1 or Article 7.10.2 applies, a hearing before a hearing panel shall not be required. Instead, FIBA shall promptly issue a written decision confirming the commission of the anti-doping rule violation and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. FIBA shall send copies of that decision to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3, and shall *Publicly Disclose* that decision in accordance with Article 14.3.2.

7.11 Notification of Results Management Decisions

In all cases where FIBA has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a *Provisional Suspension*, or agreed with an *Athlete* or other *Person* on the imposition of *Consequences* without a hearing, FIBA shall give notice thereof in accordance with Article 14.2.1 to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3.

7.12 Retirement from Sport

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

ARTICLE 8 RIGHT TO A FAIR HEARING

8.1 Principles for a Fair Hearing

8.1.1 When FIBA sends a notice to an *Athlete* or other *Person* asserting an anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 7.10.1 or Article 7.10.2, then the case shall be referred to the FIBA Disciplinary Panel for hearing and adjudication.

8.1.2 A FIBA Disciplinary Panel established under the provisions of Book 1, Chapter 6, shall be appointed to hear each case.

8.1.3 Hearings shall be scheduled and completed within a reasonable time.

8.1.3.1 Hearings held in connection with *Events* that are subject to these Anti-Doping Rules may be conducted by an expedited process before the Technical Committee (or other competent disciplinary body, if such is appointed – see Article 11.2). The matter shall be referred to the FIBA Disciplinary Panel in relation to *Consequences* beyond exclusion from the *Event*, *Disqualification* of *Event* results, forfeiture of any medals, points, or prizes from the *Event*, or recovery of costs applicable to the anti-doping rule violation.

8.1.3 The FIBA Disciplinary Panel shall determine the procedure to be followed, in accordance with the provisions of Book 1, Chapter 6.

8.1.4 WADA and the *National Federation* of the *Athlete* (i.e. for whose national team he is eligible to play) / other *Person* (i.e. the national federation of his citizenship) may attend the hearing as observers. In any event, FIBA shall keep WADA fully apprised as to the status of pending cases and the result of all hearings.

8.1.5 The FIBA Disciplinary Panel shall act in a fair and impartial manner towards all parties at all times.

8.2 Decisions

8.2.1 At the end of the hearing, or on a timely basis thereafter, the FIBA Disciplinary Panel shall issue a written decision that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed.

8.2.2 The decision may be appealed to the FIBA Appeals' Panel (or directly to *CAS* by *WADA* as per Article 13.1.3) as provided in Article 13. Copies of the decision shall be provided to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3.

8.2.3 If no appeal is brought against the decision, then

- a. if the decision is that an anti-doping rule violation was committed, the decision shall be *Publicly Disclosed* as provided in Article 14.3.2; but
- b. if the decision is that no anti-doping rule violation was committed, then the decision shall only be *Publicly Disclosed* with the consent of the *Athlete* or other *Person* who is the subject of the decision. FIBA shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

The principles contained at Article 14.3.6 shall be applied in cases involving a *Minor*.

8.3 Single Hearing Before CAS

Cases asserting anti-doping rule violations may be heard directly at *CAS*, with no requirement for a prior hearing, with the consent of the *Athlete*, *FIBA*, *WADA*, and any other *Anti-Doping Organisation* that would have had a right to appeal a first instance hearing decision to *CAS*.

ARTICLE 9 INTENTIONALLY LEFT BLANK

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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 (including without limitation: most valuable player, member of the All-Star five, ranking points in 3x3, winner of skill challenges etc.) obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes.

Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.

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

For all other matters relating to *Disqualification*, refer to Article 11.

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

The period of *Ineligibility* for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:

10.2.1 The period of *Ineligibility* shall be four years where:

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a *Specified Substance* and FIBA can establish that the anti-doping rule violation was intentional.

10.2.2 If Article 10.2.1 does not apply, the period of *Ineligibility* shall be two years.

10.2.3 As used in Articles 10.2 and 10.3, the term “intentional” is meant to identify those *Athletes* who cheat. The term therefore requires that the *Athlete* or other *Person* engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not intentional if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered intentional if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

10.3 *Ineligibility for Other Anti-Doping Rule Violations*

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

10.3.1 For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that

the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall be two years.

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *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.

10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.

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

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

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

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

10.5.1 Reduction of Sanctions for *Specified Substances* or *Contaminated Products* for Violations of Article 2.1, 2.2 or 2.6.

10.5.1.1 *Specified Substances*

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

10.5.1.2 *Contaminated Products*

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

period of *Ineligibility*, and at a maximum, two years *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

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

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

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

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

10.6.1.1 FIBA may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it has results management authority where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to FIBA. After a final appellate decision under Article 13 or the expiration of time to appeal, FIBA may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of WADA. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight years. If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, FIBA shall reinstate the original period of *Ineligibility*. If FIBA decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

10.6.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of FIBA or at the request of the *Athlete* or other *Person* who has (or has been asserted to have) committed

an anti-doping rule violation, *WADA* may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. *WADA's* approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, *WADA's* decisions in the context of this Article may not be appealed by any other *Anti-Doping Organisation*.

10.6.1.3 If FIBA 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 Organisations* with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorise FIBA to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

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

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received 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.

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

An *Athlete* or other *Person* potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by FIBA, and also upon the approval and at the discretion of both *WADA* and FIBA, may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*.

10.6.4 Application of Multiple Grounds for Reduction of a Sanction

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.4, and 10.5. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility*

under Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

10.7 Multiple Violations

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

- a. six months;
- b. one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or
- c. twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

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

10.7.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

10.7.3 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault or Negligence* shall not be considered a prior violation for purposes of this Article.

10.7.4 Additional Rules for Certain Potential Multiple Violations

10.7.4.1 For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if FIBA can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after FIBA made reasonable efforts to give notice of the first anti-doping rule violation. If FIBA 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.

10.7.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, FIBA discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then FIBA shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.8.

10.7.5 Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of Article 10.7, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

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

In addition to the automatic *Disqualification* of the individual results in the *Competition* which produced the positive *Sample* under Article 10.1, 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.

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

The priority for repayment of *CAS* cost awards and forfeited prize money shall be: first, payment of costs awarded by *CAS*; second, reallocation of forfeited prize money to other *Athletes*; and third, reimbursement of the expenses of FIBA.

10.10 Financial Consequences

Where an *Athlete* or other *Person* commits an anti-doping rule violation, FIBA may, in its discretion and subject to the principle of proportionality, elect to a) recover from the *Athlete* or other *Person* costs incurred by FIBA or a *FIBA Event* organiser and which are associated with the anti-doping rule violation, regardless of the period of *Ineligibility* imposed and/or b) fine the *Athlete* or other *Person* in an amount of up to CHF 50,000, only in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed.

The imposition of a financial sanction or FIBA's recovery of costs shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under these Anti-Doping Rules or the *Code*.

10.11 Commencement of *Ineligibility* Period

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

10.11.1 Delays Not Attributable to the *Athlete* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, FIBA 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 by the *Athlete* alone during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.

10.11.2 Timely Admission

Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of *Ineligibility* has already been reduced under Article 10.6.3.

10.11.3 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

10.11.3.1 If a *Provisional Suspension* is imposed and respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

10.11.3.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person*'s voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.

10.11.3.3 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 his or her team.

10.11.3.4 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.

10.12 Status During *Ineligibility*

10.12.1 Prohibition Against Participation During *Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorised anti-doping education or rehabilitation programs) authorised, endorsed or organised by any

Signatory, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation, or in *Competitions* authorised or organised by any professional league (whether recognised by FIBA or not etc.), an academic institution (e.g. NCAA) or any international or national level *Event* organisation (including without limitation the competitions mentioned in Articles 2-2 and 2-3) or any elite or national-level sporting activity funded by a governmental agency.

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the jurisdiction of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Minors*.

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

10.12.2 Return to Training

As an exception to Article 10.12.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of FIBA, of a *Regional Office* or of a *National Federation* during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

10.12.3 Violation of the Prohibition of Participation During *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length up to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organisation* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, FIBA shall impose sanctions for a violation of Article 2.9 for such assistance.

10.12.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by FIBA and its *National Federations*.

10.13 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 *Target Testing*

Where more than one member of a team has been notified of a possible anti-doping rule violation under Article 7 in connection with an *Event*, the team shall be subject to *Target Testing* during the *Event Period*.

11.2 *Consequences*

If a member of a team is found to have committed an anti-doping rule violation during an *Event Period*, the result of the game shall remain valid. Subject to Article 11.3, if more than one *Athlete* is found to have committed an anti-doping rule violation during an *Event Period*, the team may be subject to *Disqualification* or other disciplinary action, in addition to any *Consequences* imposed upon the individual *Athlete(s)* committing the anti-doping rule violation. Only the Secretary General of FIBA may take a decision based on this Article in relation to – and for the purposes of – a main official competition of FIBA (as defined in Article 2-2). In case of a *Disqualification*, the team shall not be allowed to finish the *Event* and shall lose the game by forfeit, as well as the games that have already been played.

11.3 *No Fault or Negligence*

If the *Athlete* establishes that he or she bears *No Fault or Negligence* for the violation, the *Athlete's* team shall not be *Disqualified* from the *Event*, unless a) the number of *Athletes* found to have committed an anti-doping rule violation during the *Event Period* and who do not fall under the provisions of this Article 11.3 is still more than one; or b) the team's results in the *Event* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

ARTICLE 12 *SANCTIONS AND COSTS ASSESSED AGAINST SPORTING BODIES*

12.1 The FIBA Central Board has the authority to withhold some or all funding or other non-financial support to *National Federations* that are not in compliance with these Anti-Doping Rules.

12.2 A *National Federation* shall be obligated to reimburse FIBA, upon FIBA's request, for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to a violation of these Anti-Doping Rules committed by an *Athlete* or other *Person* in connection with a *FIBA Event*.

12.3 FIBA may elect to take additional disciplinary action against *National Federations* with respect to recognition, the eligibility of its officials and *Athletes* to participate in *International Events* and fines based on the following:

12.3.1 If more than three but less than eight violations of these Anti-Doping Rules (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with a *National Federation* within a 12-month period. In such event, FIBA may, in its

discretion, elect to: (a) ban all officials from that *National Federation* for participation in any FIBA activities for a period of up to two years and/or (b) fine the *National Federation* in an amount of up to CHF 200,000 (For purposes of this Rule, any fine paid pursuant to Rule 12.3.2 shall be credited against any fine assessed.)

12.3.1.1 If eight or more violations of these Anti-Doping Rules (other than violations involving Articles 2.4) are committed in addition to the violations described in Article 12.3.1 by *Athletes* or other *Persons* affiliated with a *National Federation* within a 12-month period, then FIBA may suspend that *National Federation's* membership and/or participation in *FIBA Events* for a period of up to 4 years.

12.3.2 More than one *Athlete* or other *Person* from a *National Federation* commits an *Anti-Doping Rule* violation during an *International Event*. In such event, FIBA may fine that *National Federation* in an amount of up to CHF 100,000.

12.3.3 A *National Federation* has failed to make diligent efforts to keep FIBA informed about an *Athlete's* whereabouts after receiving a request for that information from FIBA. In such event, FIBA may fine the *National Federation* in an amount of up to CHF 25,000 per *Athlete* in addition to all of FIBA's costs incurred in *Testing* that *National Federation's Athletes*.

ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 through 13.8 or as otherwise provided in these Anti-Doping Rules, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organisation's* rules must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

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 (or any subsequent) decision maker.

13.1.2 CAS Shall Not Defer to the Findings Being Appealed

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

13.1.3 WADA Not Required to Exhaust Internal Remedies

Where *WADA* has a right to appeal under Article 13 and no other party has appealed a final decision before the FIBA Appeals' Panel, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies (if any) in FIBA's process.

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

Subject to Article 13.1.3:

- a decision by FIBA that an anti-doping rule violation was committed;
- a decision by FIBA imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or that no anti-doping rule violation was committed;
- a decision by FIBA that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);
- a decision by WADA not to grant an exception to the six months' notice requirement for a retired *Athlete* to return to *Competition* under Article 5.8.1;
- a decision by WADA assigning results management under Article 7.1 of the *Code*;
- a decision by FIBA not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7;
- a decision by FIBA to impose a *Provisional Suspension* as a result of a *Provisional Hearing*;
- FIBA's failure to comply with Article 7.9;
- a decision by FIBA that it lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*;
- a decision by FIBA to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.6.1;
- a decision by FIBA under Article 10.12.3; and
- a decision by FIBA not to recognise another *Anti-Doping Organisation's* decision as per Article 13.8.2.a

may be appealed exclusively before the FIBA Appeals' Panel.

13.2.1 Appeals against decisions of the FIBA Appeals' Panel

Appeals against decisions of the FIBA Appeals Panel may be lodged exclusively with CAS in accordance with the provisions applicable before such court. Recourse to a state court is not permitted.

13.2.2 Persons Entitled to Appeal

The following parties shall have the right to appeal a decision before the FIBA Appeals' Panel and then to appeal a decision of the FIBA Appeals' Panel to CAS: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FIBA; (d) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee, where the decision may

have an effect in relation to the Olympic Games, including decisions affecting eligibility for the Olympic Games; and (f) *WADA*.

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

13.2.4 Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to *CAS* under the *Code* are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

13.3 Failure to Render a Timely Decision

13.3.1 Where, in a particular case, FIBA fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to *CAS* as if FIBA had rendered a decision finding no anti-doping rule violation. If the *CAS* hearing panel determines that an anti-doping rule violation was committed and that *WADA* acted reasonably in electing to appeal directly to *CAS*, then *WADA*'s costs and attorney fees in prosecuting the appeal shall be reimbursed to *WADA* by FIBA.

13.3.2 Where, in a particular case, a *National Federation* or *National Anti-Doping Organisation* fails to render a decision with respect to whether an anti-doping rule violation was committed by an *International-Level Athlete* within a reasonable deadline communicated by FIBA and which can be no less than two (2) months, FIBA may elect to either apply Article 13.8.5 or appeal directly to *CAS* as if the *National Federation* or *National Anti-Doping Organisation* had rendered a decision finding no anti-doping rule violation. If the competent hearing panel determines finally that an anti-doping rule violation was committed and that FIBA acted reasonably in electing to appeal directly to *CAS*, then FIBA's costs and attorney fees in prosecuting the appeal shall be reimbursed to FIBA by the *National Federation* or *National Anti-Doping Organisation*.

13.4 Appeals Relating to *TUEs*

TUE decisions may be appealed exclusively as provided in Article 4.4.

13.5 Notification of Appeal Decisions

Any *Anti-Doping Organisation* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organisations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

13.6 Appeal from Decisions Pursuant to Article 12

Decisions by FIBA pursuant to Article 12 may be appealed exclusively to the FIBA Appeals' Panel by the *National Federation*.

13.7 Time for Filing Appeals

13.7.1 Appeals to the FIBA Appeals' Panel

The appeal to the FIBA Appeals' Panel must be made in accordance with Articles 1-181 et seq. and must be received by FIBA within fourteen (14) days following the day of receipt by the appealing party of the decision being appealed against.

The above notwithstanding, the filing deadline for an appeal filed by *WADA* before the FIBA Appeals Panel shall be the later of:

- a) Twenty-one (21) days after the last day on which any other party in the case could have appealed; or
- b) Twenty-one (21) days after *WADA's* receipt of the complete file relating to the decision.

13.7.2 Appeals to CAS

The time to file an appeal to *CAS* shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- a) Within fifteen (15) days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- b) If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to *CAS*.

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

- a) Twenty-one (21) days after the last day on which any other party in the case could have appealed; or
- b) Twenty-one (21) days after *WADA's* receipt of the complete file relating to the decision.

13.8 Decisions taken by national member federations or organisations outside FIBA and the application of FIBA sanctions by national member federations

13.8.1 *National Federations* shall immediately inform and shall cause organisations outside FIBA to immediately inform the Secretariat of FIBA and *WADA* of any sanction that is imposed within their country. This information must be accompanied by a copy of the complete file on the *Doping Control* test and/or the anti-doping rule violation. Failure to abide by this rule may be sanctioned by FIBA with a fine of up to CHF 25,000.

13.8.2 In accordance with Article 15.1 of the *Code* and in order to ensure that decisions adopted by organisations other than FIBA are in line with the *Code* and the regulations of FIBA, the Secretary General of FIBA may, upon request or *ex officio*:

- a) either decide that a decision taken by a *National Federation* or by organisations outside FIBA and its *National Federations* (e.g. state bodies, the IOC, national anti-doping organisations or other national or international sports organisations inside or outside the Olympic movement) be adopted for the purposes of *FIBA Events*, if the following requirements are cumulatively met:
 - i. the accused *Person* has been cited properly;
 - ii. he has been given an opportunity to be heard;
 - iii. the decision has been properly communicated;
 - iv. the decision is not in conflict with the regulations of FIBA;
 - v. extending the sanction does not conflict with *ordre public*.

In deciding whether the above-mentioned requirements are fulfilled, the Secretary General of FIBA, the FIBA Appeals' Panel or the *CAS* shall not review the merits of the decision in question.

Under exceptional circumstances, the Secretary General of FIBA may request the parties involved to state their position only as regards the fulfilment of the above-mentioned requirements. No *Person* shall be entitled to challenge the substance of the decision in question.

- b) or submit
 - i. an appeal in accordance with Article 13 of the *Code*, if the decision was taken by an *Anti-Doping Organisation*;
 - ii. the case to the FIBA Disciplinary Panel mentioned in Article 8.1, if the decision was taken by an organisation other than an *Anti-Doping Organisation*.

13.8.3 When a case is submitted to the FIBA Disciplinary Panel in accordance with Article 13.8.2.b above, it shall decide whether and to what extent *Consequences* shall be imposed for the purposes of *FIBA Events* on an *Athlete* or other *Person*. The implicated *Athlete* or other *Person* has the right to be heard. He/she may be *Provisionally Suspended* in accordance with Article 7.9 of these Rules before the hearing.

13.8.4 If any *Consequences* are imposed by FIBA under these Anti-Doping Rules or a decision is adopted for the purposes of *FIBA Events*, all *National Federations* and persons affiliated, licensed or recognised by them (clubs, leagues, players, coaches, agents, referees etc.) shall apply this decision, and shall take all necessary action to render such decision effective. To this end, FIBA shall publish such decision on its website. The *National Federations* shall access the FIBA website on a regular basis.

13.8.5 In the event of an anti-doping rule violation within the territory of a *National Federation* where the competent results management authority is an organisation other

than an *Anti-Doping Organisation*, the FIBA Disciplinary Panel is authorised to impose *Consequences* on an *Athlete* or other *Person* according to these Anti-Doping Regulations if the results management authority has failed to do so. The implicated *Athlete* or other *Person* has the right to be heard. He/she may be *Provisionally Suspended* in accordance with Article 7.9 of these Rules before the hearing.

ARTICLE 14 CONFIDENTIALITY AND REPORTING

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

14.1.1 Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons*

Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules. Notice to an *Athlete* or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organisations* and *WADA*

Notice of the assertion of an anti-doping rule violation to *WADA* and the *National Anti-Doping Organisation* having jurisdiction over the *Athlete* or other *Person* shall occur as provided under Articles 7 and 14 of these Anti-Doping Rules, simultaneously with the notice to the *Athlete* or other *Person*.

14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification of an anti-doping rule violation under Article 2.1 shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

Notice of anti-doping rule violations other than under Article 2.1 shall include the rule violated and the basis of the asserted violation.

14.1.4 Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, *WADA* and the *National Anti-Doping Organisation* having jurisdiction over the *Athlete* or other *Person* 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 written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 Confidentiality

The recipient organisations 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) until FIBA has made **Public Disclosure** or has failed to make **Public Disclosure** as required in Article 14.3.*

14.1.6 FIBA shall take all reasonable measures to ensure that information concerning *Adverse Analytical Findings, Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3.

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

14.2.1 Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.2, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English or French, FIBA shall provide a short English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organisation* 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.

14.3 Public Disclosure

14.3.1 The identity of any *Athlete* or other *Person* who is asserted by FIBA to have committed an anti-doping rule violation may be *Publicly Disclosed* by FIBA only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to WADA and the *National Anti-Doping Organisation* of the *Athlete* or other *Person* in accordance with Article 14.1.2.

14.3.2 No later than twenty (20) days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, FIBA must *Publicly Report* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any), and the *Consequences* imposed. FIBA must also *Publicly Report* within twenty (20) days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

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, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. FIBA shall use reasonable efforts to obtain such consent. If consent is obtained, FIBA shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

14.3.4 Publication shall be accomplished at a minimum by placing the required information on FIBA's website www.fiba.basketball or publishing it through other means

and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

14.3.5 Neither FIBA, nor its *Regional Offices* or *National Federations*, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.

14.3.6 The mandatory *Public Reporting* 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 is a *Minor*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

14.4 Statistical Reporting

14.4.1 *Regional Offices* and *National Federations* shall report all results of all *Testing* within their jurisdiction to FIBA at the end of every year sorted by *Athlete* and identifying each date on which the *Athlete* was tested, the entity conducting the test, and whether the test was *In-Competition* or *Out-of-Competition*. Non-compliance with this rule may be sanctioned by FIBA in accordance with Book 1, Chapter VI. FIBA may periodically publish *Testing* data received from the *National Federations* as well as comparable data from *Testing* under FIBA jurisdiction.

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

14.5 Doping Control Information Clearinghouse

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

14.5.2 When a *National Federation* has received an *Adverse Analytical Finding* in relation to an *Athlete*, it shall report the following information to FIBA and WADA within fourteen (14) days of the process described in Articles 7.2.2 and 7.2.3: the *Athlete's* name, country, sport and discipline within the sport, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory. The *National Federation* shall also regularly update FIBA and WADA on the status and findings of any review or proceedings conducted pursuant to Article 7, Article 8 or Article 13 of the *Code*, and comparable information shall be provided to FIBA and WADA within fourteen (14) days of the notification described in Article 7, with respect to other

violations of these Anti-Doping Rules. In any case in which the period of *Ineligibility* is eliminated or reduced under Article 10, FIBA and *WADA* shall be provided with a written reasoned decision explaining the basis for the elimination or reduction. Failure to abide by this rule may be sanctioned by FIBA with a fine of up to CHF 25,000.

14.5.2.1 Neither FIBA nor *WADA* shall disclose this information beyond those persons within their organisations with a need to know until the *National Federation* has made public disclosure or has failed to make public disclosure as required in Article 14.3 above.

14.6 Data Privacy

14.6.1 FIBA may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the *Code*, the *International Standards* (including specifically the International Standard for the Protection of Privacy and Personal Information) and these Anti-Doping Rules.

14.6.2 Any *Participant* who submits information including personal data to any *Person* in accordance with these Anti-Doping Rules shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, that such information may be collected, processed, disclosed and used by such *Person* for the purposes of the implementation of these Anti-Doping Rules, in accordance with the International Standard for the Protection of Privacy and Personal Information and otherwise as required to implement these Anti-Doping Rules.

14.7 Delivery of Notice to *Athletes* or other *Persons*

Notice to an *Athlete* or other *Person* who is a member of a *National Federation* may be accomplished by delivery of the notice to the *National Federation*.

ARTICLE 15 APPLICATION AND RECOGNITION OF DECISIONS

15.1 Subject to Article 13, *Testing*, hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority shall be applicable worldwide and shall be recognised and respected by FIBA and all its *National Federations*.

15.2 Subject to Article 13, FIBA and its *National Federations* shall recognise the measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

15.3 Subject to Article 13, any decision of FIBA regarding a violation of these Anti-Doping Rules (or regarding a *National Federation's* – which is not a *Signatory* – decision being consistent with the *Code*) shall be recognised by all *National Federations*, which shall take all necessary action to render such decision effective.

ARTICLE 16 INCORPORATION OF FIBA ANTI-DOPING RULES AND OBLIGATIONS OF NATIONAL FEDERATIONS

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

16.2 All *National Federations* shall establish rules requiring all *Athletes* and each *Athlete Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorised or organised by a *National Federation* or one of its member organisations to agree to be bound by these Anti-Doping Rules and to submit to the results management authority of the *Anti-Doping Organisation* responsible under the *Code* as a condition of such participation. Notwithstanding whether or not the required agreement has been signed, the Rules of each *National Federation* shall specifically provide that all *Athletes*, *Athlete Support Personnel* and other *Persons* under the jurisdiction of the *National Federation* shall be bound by these Anti-Doping Rules.

16.3 All *National Federations* shall report any information suggesting or relating to an anti-doping rule violation to FIBA and to their *National Anti-Doping Organisations*, and shall cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.

16.4 All *National Federations* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the jurisdiction of FIBA or the *National Federation*.

16.5 All *National Federations* shall be required to conduct anti-doping education in coordination with their *National Anti-Doping Organisations*.

ARTICLE 17 STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

ARTICLE 18 FIBA COMPLIANCE REPORTS TO WADA

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

ARTICLE 19 EDUCATION

FIBA shall plan, implement, evaluate and monitor information, education and prevention programs for doping-free sport on at least the issues listed at Article 18.2 of the *Code*, and shall support active participation by *Athletes* and *Athlete Support Personnel* in such programs.

ARTICLE 20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

20.1 These Anti-Doping Rules may be amended from time to time by the FIBA Central Board.

20.2 Except as provided in Article 20.5 below, these Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

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

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

20.5 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*.

20.6 The Introduction and all Appendices hereto shall be considered an integral part of these Anti-Doping Rules.

20.7 The comments annotating various provisions of the *Code* are incorporated by reference into these Anti-Doping Rules, shall be treated as if set out in full herein, and shall be used to interpret these Anti-Doping Rules.

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

20.8.1 Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.

20.8.2 The retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 17 are procedural rules and should be applied retroactively; provided, however, that Article 17

shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the panel hearing the case determines the principle of “*lex mitior*” appropriately applies under the circumstances of the case.

20.8.3 Any Article 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for Testing and Investigations) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Testing and Investigation, but it shall be deemed to have expired twelve months after it occurred.

20.8.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organisation* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these Anti-Doping Rules. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These Anti-Doping Rules shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

20.8.5 For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had these Anti-Doping Rules been applicable, shall be applied.

ARTICLE 21 INTERPRETATION OF THE *CODE*

21.1 The official text of the *Code* shall be maintained by *WADA* and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

21.2 The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.

21.3 The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.

21.4 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.

21.5 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

21.6 The Purpose, Scope and Organisation of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions, and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the *Code*.

ARTICLE 22 ADDITIONAL ROLES AND RESPONSIBILITIES OF *ATHLETES* AND OTHER *PERSONS*

22.1 Roles and Responsibilities of *Athletes*

22.1.1 To be knowledgeable of and comply with these Anti-Doping Rules.

22.1.2 To be available for *Sample* collection at all times.

22.1.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.

22.1.4 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 these Anti-Doping Rules.

22.1.5 To disclose to their *National Anti-Doping Organisation* and to FIBA any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.

22.1.6 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

22.1.7 Failure by any *Athlete* to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may be sanctioned in accordance with Book 1, Chapter VI, unless such conduct falls within the scope of Article 2 herein.

22.2 Roles and Responsibilities of *Athlete Support Personnel*

22.2.1 To be knowledgeable of and comply with these Anti-Doping Rules.

22.2.2 To cooperate with the *Athlete Testing* program.

22.2.3 To use his or her influence on *Athlete* values and behaviour to foster anti-doping attitudes.

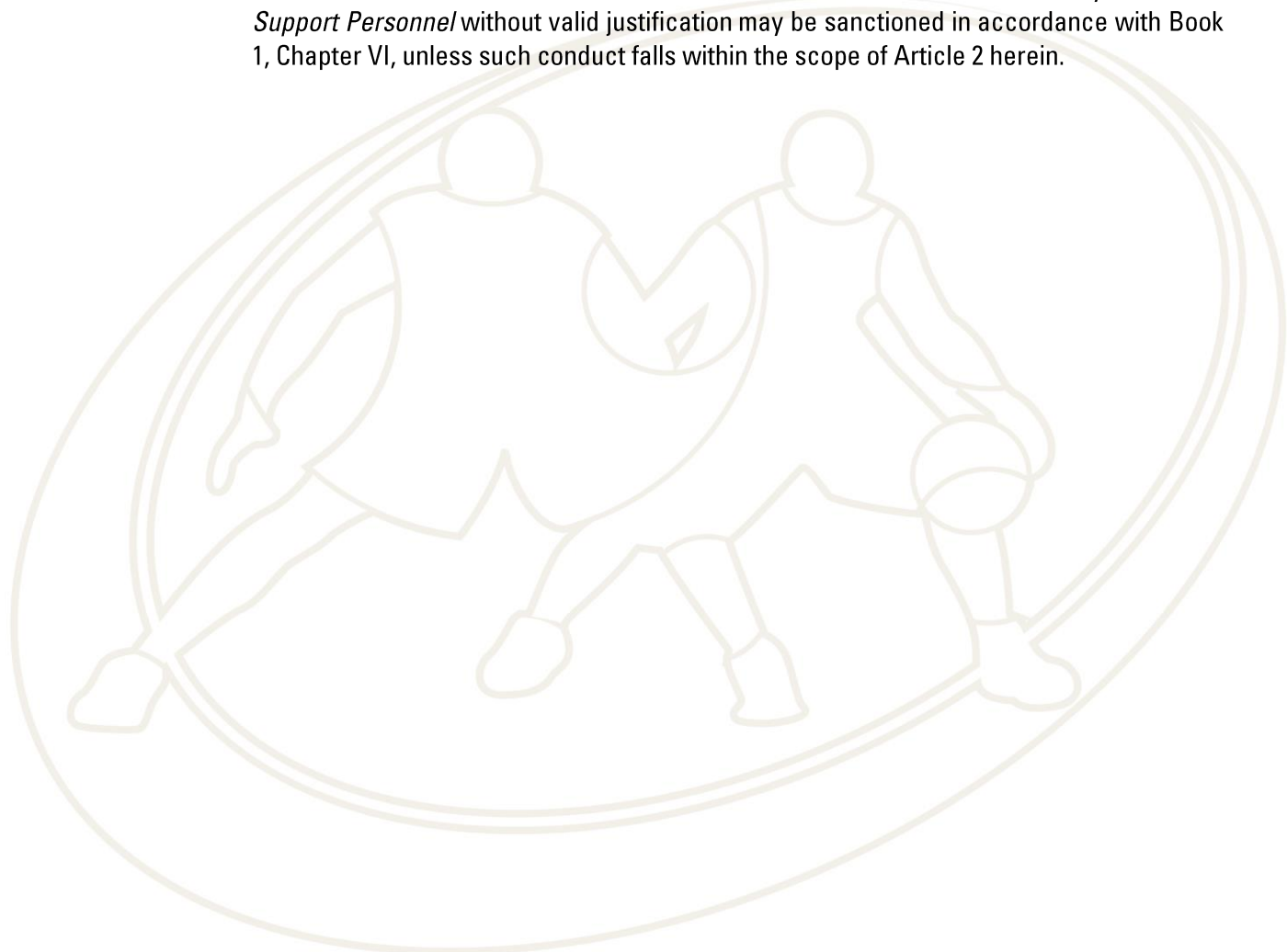
22.2.4 To disclose to his or her *National Anti-Doping Organisation* and to FIBA any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.

22.2.5 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

22.2.6 Failure by any *Athlete Support Personnel* to cooperate in full with *Anti-Doping Organisations* investigating anti-doping rule violations may be sanctioned in accordance with Book 1, Chapter VI.

22.2.7 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.

22.2.8 *Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Personnel* without valid justification may be sanctioned in accordance with Book 1, Chapter VI, unless such conduct falls within the scope of Article 2 herein.



APPENDIX 1: DEFINITIONS

The Definitions included in Book 1, Article 1 of the FIBA Internal Regulations apply to this Book 4 (Anti-Doping) as well. In the event of discrepancy or conflict, the Definitions below shall prevail.

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 and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

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

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

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 Organisation*). An *Anti-Doping Organisation* 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 Organisation* may elect to: conduct limited *Testing* or no *Testing* at all; analyse *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. 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 Organisation* has authority who competes below the international or national level, then the *Consequences* set forth in the *Code* (except Article 14.3.2) must 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 organisation accepting the *Code* is an *Athlete*.

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

Athlete Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.

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

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

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

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

Competition: A single game or singular sport contest. For example, a game at the FIBA Basketball World Cup; a tournament of the FIBA 3x3 World Tour etc.

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* individual 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 10.12.1; (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8; (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) *Public Disclosure or Public Reporting* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams may also be subject to *Consequences* as provided in Article 11 of the *Code*.

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

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 including all steps and processes in between such as provision of whereabouts information, *Sample* collection and handling, laboratory analysis, *TUEs*, results management and hearings.

Event: A series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, FIBA U-19 World Championships, or Pan American Games), including *FIBA Events*.

FIBA Events:

- all main official *Competitions* of FIBA and other official *Competitions* defined in the FIBA Internal Regulations (currently Article 2-2 and 2-3) applicable at the time of the respective *Event*;
- all international club *Competitions*, whether recognised by FIBA or not;
- all 3x3 *Competitions* organised by FIBA.

Event Venues: Those venues so designated by the ruling body for the *Event*.

For *FIBA Events*: the official hotels, training venues and game venues.

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

For *FIBA Events*: considering the change to the FIBA Calendar as of the 2016/2017 season, such period will be defined on an annual basis by the Secretary General of FIBA and published on FIBA's official website www.fiba.basketball.

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

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

In-Competition: "*In-Competition*" means the period so defined by the ruling body of the *Event*.

For *FIBA Events*: considering the change to the FIBA Calendar as of the 2016/17 season, such period will be defined on an annual basis by the Secretary General of FIBA and published on FIBA's official website www.fiba.basketball.

If the ruling body of an *Event* does not define "*In-Competition*", the definition of "*In-Competition*" applicable to *FIBA Events* shall apply.

Independent Observer Program: A team of observers, under the supervision of WADA, who observe and provide guidance on the *Doping Control* process at certain *Events* and report on their observations.

Individual Sport: Any sport that is not a *Team Sport*.

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

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

International-Level Athlete: *Athletes* who compete in sport at the international level, as defined by each International Federation, consistent with the International Standard for Testing and Investigations. For the sport of basketball, *International-Level Athletes* are defined as set out in the Scope section of the Introduction to these Anti-Doping Rules.

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

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

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

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural *Person* who has not reached the age of eighteen (18) years.

National Anti-Doping Organisation: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings 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 Event: A sport *Event* or *Competition* involving *International-* or *National-Level Athletes* that is not an *International Event*.

National Federation: A national or regional entity which is a member of or is recognised by FIBA as the entity governing the sport of basketball (in all its forms) in that geographical region.

National-Level Athlete: *Athletes who compete in sport at the national level, as defined by each National Anti-Doping Organisation, consistent with the International Standard for Testing and Investigations.*

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

No Fault or Negligence: *The Athlete or other Person's establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.*

No Significant Fault or Negligence: *The Athlete or other Person's establishing that his or her Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Minor, for any violation of Article 2.1, the Athlete must also establish how the Prohibited Substance entered his or her system.*

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

Participant: *Any Athlete or Athlete Support Person.*

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

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

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

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

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

Provisional Hearing: For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

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

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

Regional Offices: Non-profit making legal entities owned by FIBA. The Zones of FIBA (i.e., FIBA in Africa, FIBA in the Americas, FIBA in Asia, FIBA in Europe and FIBA in Oceania) act only through the Regional Offices.

Registered Testing Pool: The pool of highest-priority *Athletes* established separately at the international level by FIBA and at the national level by *National Anti-Doping Organisations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of FIBA's or *National Anti-Doping Organisation's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the *Code* and the International Standard for Testing and Investigations.

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

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

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 Organisation* in order to establish an anti-doping rule violation.

Substantial Assistance: For purposes of Article 10.6.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

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

Team Sport: A sport in which the substitution of players is permitted during a *Competition*.

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

Testing Pool(s): One or more *Testing* pools, other than the *Registered Testing Pool*, established by FIBA and including *Athletes* who have to submit specific whereabouts information requested by FIBA in accordance with the International Standard for Testing and Investigations.

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the jurisdiction of an *Anti-Doping Organisation* to any third party; provided, however, this definition shall not include the actions of "bona fide" medical personnel involving a *Prohibited Substance* 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 such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

TUE: Therapeutic Use Exemption, as described in Article 4.4.

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.

APPENDIX 2: TESTING GUIDELINES

1. Procedure for Doping Controls

Testing shall be conducted in accordance with the procedure set out in this Appendix. In the event of discrepancies between this document and the International Standard for Testing and Investigations, the latter shall apply. FIBA may also conduct targeted or random controls as soon as the teams arrive at the site of the *Events*. In such case, the procedure set out below may be adapted in accordance with the circumstances.

1.1 Selection of *Athletes*

1.1.1 During *Events*, each team shall be included in the *Doping Control* program.

1.1.2 The *Athletes* shall be chosen by draw at the end of the half-time period. The number of *Athletes* to be tested is generally two (2) from each team, but may be increased or decreased. During *Events*, an *Athlete* may be selected for several *Doping Control* tests. For 3x3 competitions, the procedure described herein, to the extent applicable, will be implemented after the end of the game.

1.1.3 The draw shall be carried out at the site of the *Event*. The team doctors will be advised that a *Doping Control* is to take place by the FIBA supervisory doctor and/or *Doping Control* officer before the beginning of the game or, at the latest, at half-time. At the end of the half-time period, the FIBA supervisory doctor or the *Doping Control* officer will present the team doctors of the respective teams (or team officials) with two sets of detachable tokens, each corresponding to an *Athlete* number, at the *Doping Control* station. The team doctors (or team officials) will draw a number of tokens (face down) equal to the number of *Athletes* to be tested from their respective teams, plus one additional reserve *Athlete* per team to replace each *Athlete* drawn in case of injury (see 1.1.4 of Appendix 2). The FIBA supervisory doctor or the *Doping Control* officer will then put the drawn tokens (face down) in two envelopes for each team and seal them. Only the *Athletes* indicated on the official score sheet may be selected, except for those that were not in uniform at the beginning of the game.

1.1.4 If, during the game, an *Athlete* sustains a serious injury necessitating immediate hospitalization, his number shall not be taken into consideration in the draw. If such a situation occurs the reserve *Athlete* drawn according to 1.1.3 of Appendix 2 above shall replace the *Athlete* in question. If there are any doubts regarding the seriousness of the injury, the FIBA supervisory doctor shall rule on the matter.

1.1.5 Five minutes before the end of the game, the FIBA supervisory doctor or the *Doping Control* officer shall open the sealed envelopes at the respective team benches in front of the team doctors (or team officials) and shall give the team doctors the "Notification of a *Doping Control*" Form.

- 1.1.6 At the end of the game, the *Doping Control* officer (or a person delegated by him) shall hand the "Notification of a *Doping Control*" Form to the selected *Athletes*.
- 1.1.7 The team doctors will be shown the way to the *Doping Control* station. The selected *Athletes* shall be accompanied by an escort directly to the *Doping Control* station.
- 1.1.8 The FIBA supervisory doctor or the *Doping Control* officer shall make a note of the names and numbers of the selected *Athletes* and inform the persons responsible for escorting them to the *Doping Control* station.
- 1.1.9 The "Notification of a *Doping Control*" Form shall include:
 - a. The *Athlete's* name, his shirt number, the date and time;
 - b. The summons to report immediately and directly to the *Doping Control* station with a document proving his identity (e.g. accreditation, FIBA Identity Card, *Athlete* License, or other papers with a photograph proving identity) at the end of the game;
 - c. Exceptions to the rule under b. above will be announced (e.g. awarding ceremony);
 - d. The consequences of refusing to submit to the *Doping Control* test by the deadline.
- 1.1.10 The "Notification of a *Doping Control*" Form shall be signed by:
 - a. The FIBA supervisory doctor;
 - b. The *Doping Control* officer (sample-taking person);
 - c. The *Athlete* confirming that he agrees to the test and to submit any appeal exclusively and to the exclusion of any state court to the Court of Arbitration for Sport in Lausanne, Switzerland, which rules in the last instance after FIBA internal remedies have been exhausted. Once signed, this form shall be given to the FIBA supervisory doctor or to the *Doping Control* officer.
- 1.1.11 As of the moment of notification and until arrival at the *Doping Control* station, the *Athlete* shall remain under the direct supervision of at least one chaperone.
- 1.1.12 One or more *Doping Control* tests may be required by the FIBA official representative should one or more *Athletes* behave in an odd manner during the game. This decision shall be announced to the *Doping Control* officer and to the FIBA supervisory doctor by the FIBA Secretary General. The FIBA Secretary General shall decide upon the criteria for the selection of *Athletes* (in the event of suspected doping in Olympic *Competitions*, the Medical Commission of the International Olympic Committee equally reserves the right to select other *Athletes* for *Testing*).
- 1.1.13 Each *Athlete* summoned for a *Doping Control* test, either after being selected at the draw or being suspected of doping by the official FIBA representative, shall undergo

any medical examination deemed to be necessary by the FIBA supervisory doctor, which shall be conducted by the FIBA supervisory doctor.

- 1.1.14 At the *Doping Control* station, the *Athlete* shall write on the “*Doping Control Form*” all medications and supplements taken within the past seven (7) days and all blood transfusions performed within the past three (3) months. Any medication administered by injection (corticosteroids and local anaesthetics) shall be mentioned on the “*Declaration of Medicines taken prior to the Doping Control*” (pink form). Doctors prescribing medications shall be familiar with the list of *Prohibited Substances*.
- 1.1.15 The collection of urine *Samples* (or any other bodily fluids, e.g. blood, saliva, sweat) shall be obligatory in all cases and shall be fully completed.
- 1.1.16 If the *Athlete* does not appear at the *Doping Control* station immediately and directly after the end of the game (save for the exception under 1.1.9.c of Appendix 2 above) or if he is not chaperoned at all times (see 1.1.11 above), this fact shall be recorded on the “*Notification of a Doping Control*” Form, and he shall be subject to sanctions by FIBA. If this occurs, the reserve *Athlete* drawn according to 1.1.3 of Appendix 2 shall replace the *Athlete* in question.

1.2 Collection of urine *Samples*

- 1.2.1 The *Doping Control* officer takes full responsibility for carrying out the test. He verifies the identity of the *Athlete*.
- 1.2.2 The selected *Athletes* shall remain in the waiting room of the *Doping Control* station until the *Samples* are taken. The organisers shall provide a comfortable, well lit room with a table, chairs and armchairs for relaxation, cool drinks, a shower and closed toilets.
- 1.2.3 In addition to the *Athletes* and the accompanying team doctor (or team official), the following persons shall be admitted to the *Doping Control* station:
 - a. The FIBA supervisory doctor;
 - b. The *Doping Control* officer, if possible a doctor;
 - c. The chaperones;
 - d. One or two assistants to fill in the forms;
 - e. The FIBA commissioner (optional);
 - f. An interpreter (if necessary);
 - g. An independent Observer, accredited by FIBA;
 - h. Authorised personnel of FIBA.

The *Doping Control* officer is in charge of taking the urine *Samples*. Taking photographs inside the *Doping Control* station is not allowed.

- 1.2.4 The containers used for collecting the *Samples* and the two bottles facilitating their transport shall be in sealed packages, in compliance with the *WADA International Standard for Testing and Investigations*.
- 1.2.5 Each *Athlete* shall choose a container for the collection of the urine and two (2) bottles bearing a code number which shall be used to identify the *Samples*. This code number shall be noted on the "*Doping Control Form*".
- 1.2.6 Each *Athlete* shall urinate into the container in a private room, under the supervision of the *Doping Control* officer or delegated alternate. The amount of urine to be collected will be 90 ml minimum.
- 1.2.7 During each attempt, the *Athlete* shall remain under the strict supervision of the *Doping Control* officer until the total amount of urine required has been collected. He shall be allowed to have cool, non-alcoholic drinks, carbonated or non- carbonated, that contain no *Prohibited Substances*. These drinks shall be available to the *Athletes* in unlimited amounts in the waiting room of the *Doping Control* station. They should be provided in sealed cans or glass bottles. The *Athlete* should not accept any drinks presented in open containers.
- 1.2.8 In front of the *Doping Control* officer, the *Athlete* shall pour the collected urine from the container into two (2) bottles chosen by the *Athlete*, 60 ml into the bottle A and 30 ml into the bottle B,
- 1.2.9 The "*Doping Control Form*" shall include the minimum information provided for in Article 7.4.5 of the *International Standard for Testing and Investigations*.
- 1.2.10 Once the collected *Sample* has been divided between the two bottles, the *Athlete* shall close the bottles and seal them in a tamperproof and tamper-evident manner. The *Athlete* and the *Doping Control* officer shall then ensure that the code number on the bottles and the code number noted on the "*Doping Control Form*" are identical.
- 1.2.11 The *Athlete* (and, upon his request, also the team doctor or team official) shall verify that the bottles are properly sealed and that the code number on the two bottles corresponds with the number noted on the "*Doping Control Form*". The *Athlete* shall confirm on the "*Doping Control Form*" that the *Doping Control* has been properly carried out and shall be invited to note any comments.
- 1.2.12 The bottles shall be marked to distinguish between the *Samples* for analysis (A) and (B).
- 1.2.13 The *Doping Control* officer shall put the Forms "*Notification of a Doping Control*", "*Doping Control Form*", and "*Chain of Custody Form*" (in accordance with 1.2.16 below), in an envelope which he shall send to the FIBA Secretariat within seven (7) days of the *Doping Control* or hand directly to the FIBA supervisory doctor. He shall keep the blue duplicate in a sealed envelope.

- 1.2.14 The *Samples A* and *B* taken from each *Athlete* shall be duly kept until transportation to the laboratory.
- 1.2.15 In order to ensure the chain of custody of the transportation of the *Samples*, the *Doping Control* officer shall verify that the shipment packaging (e.g. box, bag, and case) to be sent to the laboratory has seals, codes or adhesive tapes for security purposes. He shall complete the "Chain of Custody Form", indicating the security method used on the packaging (code number of the seals or adhesive security tapes used). The *Doping Control* officer shall hand the shipment packaging to the person authorised to transport the *Sample* to the laboratory, or send it to the laboratory by transportation company, or take it to the laboratory personally. The shipment packaging shall include a copy of the "Chain of Custody Form" and the copy of the "*Doping Control* Form" for the laboratory with all details concerning the *Samples* to be analysed. The *Samples* shall be identified by their code number only because the *Athlete's* name is not written on the pink copy of the "*Doping Control* Form". The laboratory must confirm that the shipment packaging has not been opened upon receipt of the *Samples*. They must return the "Chain of Custody Form" to the FIBA Secretariat, stamped, dated and duly signed acknowledging receipt of the sample undamaged and intact, and noting if the packaging has been tampered with, should the case arise.

2. Supervisory Doctor for Doping Control

2.1 General

- 2.1.1. For the *Doping Control* tests foreseen in the present Regulations (*In-Competition Testing* and *Out-of-Competition Testing*), FIBA or the appropriate *Regional Office* shall appoint a supervisory doctor if this is possible. The FIBA supervisory doctor shall supervise the work of the *Doping Control* officer and assist him/her as necessary.
- 2.1.2. Doctors nominated by FIBA who will be delegated supervisory doctors for *Doping Controls* will receive an official assignment from FIBA or the appropriate *Regional Office* for a given *Competition*.
- 2.1.3. Travel and staying expenses, as well as allowances due to the supervisory doctor, will be paid as provided in Appendices 2 and 4.

2.2 In-Competition Doping Controls

2.2.1 Allowances

Allowances payable are stipulated in Appendix 4 and covered by:

- a. For main official *Competitions* - Organisers
- b. For other official *Competitions* - As per the regulations for the *Competition* in question

2.2.2 Travel expenses covered by:

- a. For main official *Competitions* - Organisers
 - b. For other official *Competitions* - As per the regulations for the *Competition* in question
- 2.2.3 Accommodation (full board and lodging) expenses covered by:
- a. For main official *Competitions* - Organisers
 - b. For other official *Competitions* - As per the regulations for the *Competition* in question
- 2.2.4 Medical Equipment, Shipment and Laboratory Costs
All costs covered by the organisers.
- 2.3 *Out-of-Competition Doping Controls* (initiated by FIBA)
- 2.3.1 Allowances:
See Appendix 4.
- 2.3.2 Travel and accommodation (full board and lodging) expenses are covered:
On presentation of receipts - Reimbursed
Meals and other per diem expenses - *See Appendix 4.*
Allowance, travel and staying expenses covered by: FIBA.
- 2.3.3 Medical Equipment, Shipment and Laboratory Costs are covered:
All costs covered by FIBA/its *Regional Offices*.

APPENDIX 3: STATUTORY OBLIGATIONS FOR ORGANISERS IN DOPING CONTROL MATTERS

At *FIBA Events* during which *Doping Controls* are carried out, the following are necessary:

- Special “*Doping Control* / contrôle de dopage” badges for general distribution to *Athletes*, doctors, staff and accompanying persons;
- Accreditation with access to the field of play for the FIBA supervisory doctor and the *Doping Control* officer;
- Details of the procedure to follow for taking *Samples* which can be found in Appendix 2 of these Regulations. Should local *Doping Control* officers insist on using their own forms, they should be asked to complete both sets of forms;
- Transport to the hotel/guesthouse for the *Athletes* and doctors (team doctor and FIBA supervisory doctor) after the *Samples* have been taken. It can sometimes take hours to obtain the amount of urine necessary under the present Regulations;
- Transport of the *Samples* to the laboratory, in accordance with the statutory conditions (chain of custody);

The following staff must be available:

- A *Doping Control* officer (if possible, a doctor from the organisation or agency conducting the *Doping Control* in the host country) of the same sex as the *Athletes* selected for the *Testing*. The FIBA supervisory doctor (if present) will monitor the correct procedure;
- An assistant for administrative work (completing the forms), although the *Doping Control* officer can also do this;
- A sufficient number of chaperones, preferably of the same gender as the *Athletes*, to escort the *Athletes* to the *Doping Control* station;
- A security officer to screen the entrance to the *Doping Control* station.

THE DOPING CONTROL STATION

The *Doping Control* station must be in the hall where the *Competition* is being held and should not be used for any other purpose (storage, sick room, office, toilets, etc.).

A “*Doping Control* / contrôle de dopage” sign must be hung on the door.

“*Doping Control* / contrôle de dopage” signs must be posted in the corridors leading to the *Doping Control* station.

The room must be able to accommodate at least ten (10) people (*Athletes*, team doctor, FIBA supervisory doctor, *Doping Control* staff, and, occasionally, an interpreter).

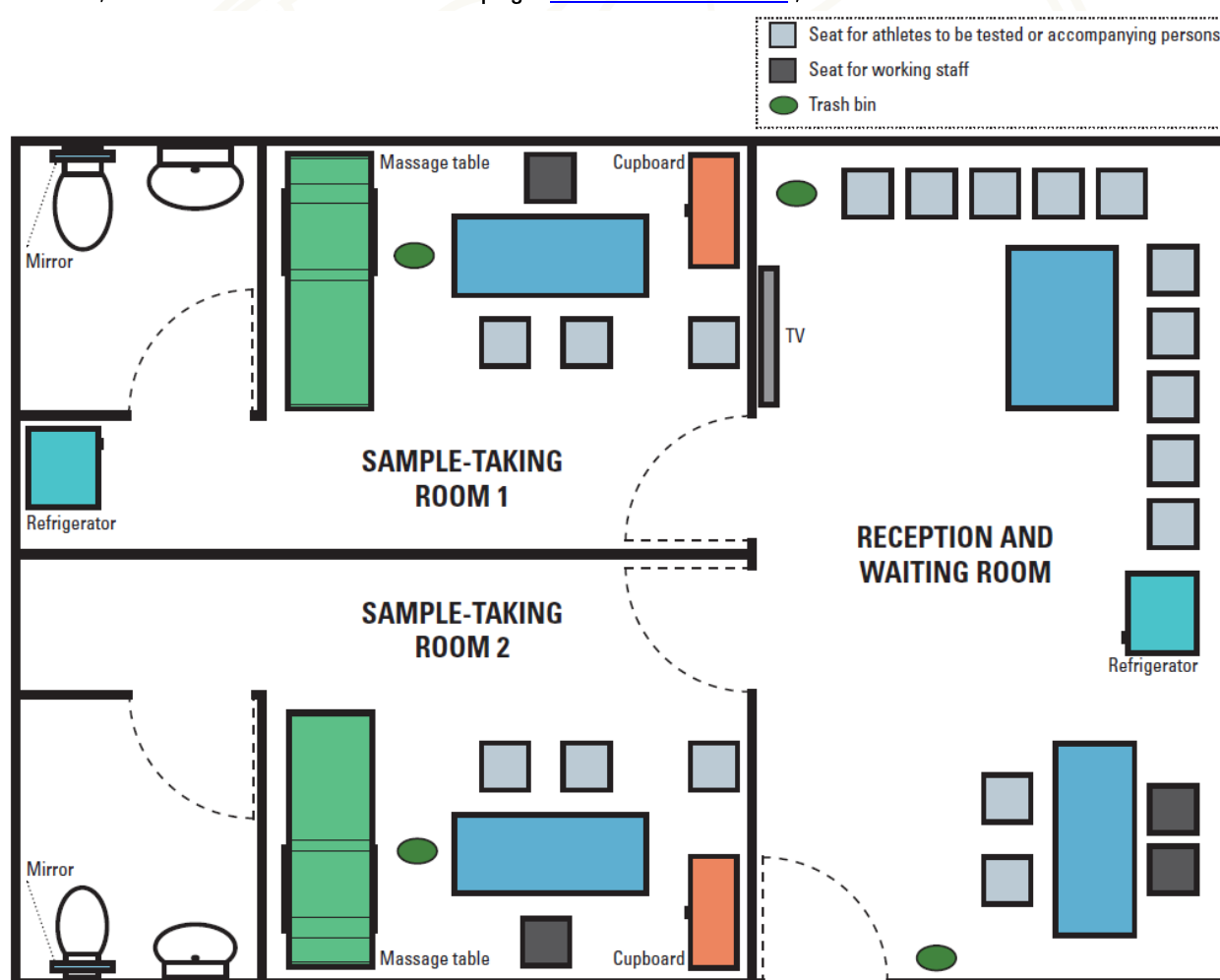
The *Doping Control* station must have:

- A waiting area with comfortable chairs, a refrigerator containing drinks in cans or sealed glass bottles (mineral water, fizzy drinks, fruit juice);

- One (or two) *Sample-taking area(s)* with a writing desk and seats for the Doping Control officer, the assistant, the selected *Athlete*, and his escort;
- A cupboard and/or a refrigerator for the *Samples*, both preferably lockable;
- A table upon which to place the *Sample* containers and the bottles marked A and B;
- A large garbage bin;
- A sanitary area with a shower with hot and cold running water;
- Toilets with a front-facing mirror or a 3/4 reflection at seat-level; and
- Toilet paper and soap.

Standard Doping Control Station

(More detailed information regarding the requirements for the Doping Control station (and first-aid facilities) is to be found on the FIBA homepage: www.fiba.basketball.)



APPENDIX 4: ALLOWANCES / FEES PAYABLE

Article number	Item		Amount
Appendix 2	Allowances payable to FIBA Supervisory Doctor for doping controls	Single game	CHF 150
		Competition with controls over more than three days	CHF 375
		Per diem for each additional day (for controls and travel)	CHF 100
Appendix 2	Allowances payable to Supervisory Doctor for out-of-competition testing		CHF 150 (considered same as for single game)
Appendix 2	Allowances payable to Supervisory Doctor for meals and other per diem expenses		CHF 100
Article 13	Non-reimbursable fee payable for an appeal lodged with the FIBA Appeals' Panel as per the FIBA Internal Regulations governing Anti-Doping		CHF 6,000



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