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# **ANTI-DOPING RULES OF NATIONAL ANTIDOPING COMMISSION OF SLOVENIA**

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The National Antidoping Commission of Slovenia (“NAK”), as the National Anti-Doping Organization in the Republic of Slovenia, established by Olympic Committee of Slovenia - Association of Sports Federations (“OCS”) and the Ministry of Education and Sport, has accepted the World Anti-Doping Code (the “Code”) on 5 August 2005 and is therewith obliged to adopt and implement anti-doping rules in conformance with its responsibilities under the Code and under the rules of International Organizations, with the purpose of continuing efforts to eradicate doping in Slovenia. The NAK has the necessary authority and responsibility for:

- Planning, coordinating, implementing, monitoring and advocating improvements in the *Doping Control*;
- Cooperating with other relevant national organizations and other *Anti-Doping Organizations*;
- Encouraging reciprocal *Testing* between *National Anti-Doping Organizations*;
- Promoting anti-doping research;
- Planning, implementing and monitoring information and education programs.

## **I. GENERAL PROVISIONS**

### **Article 1**

1.1 These Anti-Doping Rules regulate the purpose, organization and procedure of doping control at all national events and regulates the result management procedures and hearing procedures at those international events in Slovenia where there is, according to international rules, jurisdiction of national sports organizations.

1.2 These Anti-Doping Rules, like *Competition* rules, are sports governing the conditions under which sport is played. *Participants* accept these rules as a condition of participation in sport. These Anti-Doping Rules are not intended to be subject to, or limited by, the requirements and legal standards applicable to criminal proceedings or employment matters.

### **Article 2**

If there is a male form of terms athlete, competitor, recreational-level competitor, coach or similar used in these Anti-Doping Rules, it is of course meant also the female form of those terms. The reason for that is simplification and not discrimination of the female sex.

## II. APPLICATION OF RULES

### Article 3

- 3.1 These Anti-Doping Rules are applicable to NAK, each National Federation of Slovenia and each *Participant* in the activities of the *National Federations* by virtue of the *Participant's* membership, accreditation, or participation in their *National Federations*, or their activities or *Events*. Any *Person* who is not a member of a *National Federation* of Slovenia and who fulfills the requirements to be part of the NAK *Registered Testing Pool*, must become a member of the *Person's National Federation*, and shall make himself or herself available for *Testing*, at least twelve (12) months before participating in *International Events* or *Events* of his or her *National Federation*.
- 3.2 These Anti-Doping Rules shall apply to all *Doping Controls* over which the NAK has jurisdiction.

### Application to *National Sports Federations*

### Article 4

- 4.1 *National Sports Federations* shall accept these Anti-Doping Rules and incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules and thus as part of the rules of sport and the rights and obligations governing their members and *Participants*.
- 4.2 The application of these Anti-Doping Rules to *Participants* is based on the membership obligations that exist between *National Sports Federations* and their members or *Participants* through those individuals' agreement to participate in sport according to its rules.
- 4.3 As a condition of receiving financial and/or other assistance from the Government of Slovenia and/or the NAK, *National Sports Federations* shall accept and abide by the spirit and terms of the Slovenian Anti-Doping Programme and these Anti-Doping Rules, including the application of its sanctions to individuals, and shall respect the authority of, and co-operate with, the NAK and the hearing bodies in all anti-doping matters which are not governed by the rules of the relevant International Federation in accordance with the *Code*.
- 4.4 By the adoption of these Anti-Doping Rules and their incorporation into their governing documents and rules of sport, *National Sports Federations* recognize the authority and responsibility of the NAK for implementing the Slovenian Anti-Doping Programme and authorize the NAK to carry out *Doping Control* and their members and *Participants* accordingly recognize and accept this authority and responsibility. The International Federation and the NAK respect each other's authority and responsibility as foreseen in the *Code*.

4.5 By the adoption of these Anti-Doping Rules and their incorporation into their governing documents and rules of sport, *National Sports Federations* also formally submit the *National Sports Federation* and all *Athletes* under its jurisdiction or control or subject to its governing documents or rules of sport to these Anti-Doping Rules. They agree to abide by the decisions made pursuant to these Anti-Doping Rules, in particular the decisions of the *Slovenian Anti-Doping Disciplinary Panel* and the *NAK Court of Arbitration*. Their International Federations, members and *Participants* accordingly recognize and accept this submission and agreement subject to the rights of appeal foreseen in these rules.

## **Application to *Persons***

### **Article 5**

5.1 The NAK Anti-Doping Rules apply to all *Persons* who:

- are members of a *National Sports Federation* of Slovenia, regardless of where they reside or are situated;
- are members of a *National Sports Federation's* affiliated members, clubs, teams, associations or leagues;
- participate in any capacity in any activity organized, held, convened or authorized by a *National Sports Federation* of Slovenia or its affiliated members, clubs, teams, associations or leagues; and
- participate in any capacity in any activity organized, held, convened or authorized by a *National Event* organization, or a national league not affiliated with a *National Sports Federation*.

5.2 Participants including Minors are deemed to accept, submit to and abide by these Anti-Doping Rules by virtue of their participation in sport.

5.3 The Roles and Responsibilities of *Athletes* are to:

- be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the *Code*;
- be available for *Sample* collection;
- take responsibility, in the context of anti-doping, for what they ingest and *Use*; and inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the *Code*.

5.4 The Roles and Responsibilities of *Athlete Support Personnel* are to:

- be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* to whom they support;
- cooperate with the *Athlete Testing* program; and
- use their influence on *Athlete* values and behaviour to foster anti-doping attitudes.

5.5 If any *Person* is found to have committed an anti-doping rules violation, the *Consequences of these Anti-Doping Rules* shall apply. A *Person* sanctioned under these Anti-Doping Rules remains subject to it throughout the duration of the *Ineligibility* regardless of that *Person's* membership status in any *National Sports Federation* or sports organization. Unless the *Person* sanctioned retires during the period of *Ineligibility*, this shall include remaining subject to *Doping Control*.

### **III. DOPING**

#### **Article 6**

##### **Purpose of doping control**

- 6.1 Doping control is conducted because of ethical and medical reasons.
- 6.2 Doping control enables equality of Athletes in achieving sport results according to their abilities and motivation, and disables enhancement of sport performance under the influence of prohibited substances or by using the prohibited methods.
- 6.3 Doping control ensures the protection of life and health of the Athletes and prevents diseases, injures and invalidity.

#### **Article 7**

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 8 of these Anti-Doping Rules (Anti-Doping Rule Violations).

#### **Article 8**

The following constitute Anti-Doping Rule Violations:

##### **8.1 The Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Bodily Specimen.**

- 8.1.1 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 bodily Specimens. 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 8.1.
- 8.1.2 Excepting those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List, the detected presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.
- 8.1.3 As an exception to the general rule of Article 8.1, the Prohibited List may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

## **8.2 Use or Attempted Use of a Prohibited Substance or a Prohibited Method.**

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

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

**8.4 Violation of the requirements regarding Athlete availability for Out-of-Competition Testing including failure to provide required whereabouts information and missed tests.**

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

**8.6 Possession of Prohibited Substances and Methods.**

8.6.1 Possession by an Athlete at any time or place of a substance that is prohibited in Out-of-Competition Testing or a Prohibited Method unless the Athlete establishes that the Possession is pursuant to a TUE granted or other acceptable justification.

8.6.2 Possession of a Prohibited Substance that is prohibited in Out-of-Competition Testing or a Prohibited Method by Athlete Support Personnel in connection with an Athlete, Event or training, unless the Athlete Support Personnel establishes that the Possession is pursuant to a TUE granted to an Athlete or other acceptable justification.

**8.7 Trafficking in any Prohibited Substance or Prohibited Method.**

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

## **Proof of doping**

### **Article 9**

9.1. The NAK has the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the NAK has established an anti-doping rule violation to the comfortable satisfaction of the hearing body bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than the mere balance of probability but less than proof beyond a reasonable doubt.

9.2 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.

9.3 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:

9.3.1 WADA-accredited laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete may rebut this presumption by establishing that a departure from the International Standard for laboratory analysis occurred. If the Athlete rebuts the preceding presumption by showing that a departure from the International Standard for laboratory analysis occurred, then NAK shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

9.3.2 Departures from the International Standard for Testing which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such results. If the Athlete establishes that departures from this International Standard occurred during Testing then NAK shall have the burden to establish that such departures did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.

## **The Prohibited List**

### **Article 10**

- 10.1 These Anti-Doping Rules adopt and incorporate the *WADA International Standard for the Prohibited List* as amended from time to time and all *Participants* and *National Sports Federations* shall be deemed to accept the amendments as binding upon them.
- 10.2 The *Prohibited List* shall be revised by *WADA* from time to time. Unless provided for otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under these Anti-Doping Rules three (3) months after publication of the *Prohibited List* by *WADA* without requiring any further action by the NAK.
- 10.3 NAK shall make the Prohibited List as published by *WADA* available to National Sports Federations. It is the responsibility of each *National Sports Federation* to ensure that the current *Prohibited List* is available to its members and *Participants*.
- 10.4 The Prohibited List identifies those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) and those substances and methods which are prohibited In-Competition only.
- 10.5 *WADA's* determination of the *Prohibited Substances* and *Prohibited Methods* that shall be included on the *Prohibited List* shall be final and shall not be subject to challenge by an *Athlete* or other *Person*.



## TUEs

### Article 11

- 11.1 These Anti-Doping Rules adopt and incorporate the *WADA International Standard for TUEs* as amended from time to time and all *Participants* and *National Sports Federations* shall be deemed to accept the amendments as binding upon them.
- 11.2 *Athletes* subject to these Anti-Doping Rules with a medical condition requiring the *Use of a Prohibited Substance* or a *Prohibited Method*, shall obtain a *TUE* from the NAK or an International Federation as provided for in this Article. The application for a *TUE* from such an *Athlete* shall occur immediately when the *Athlete* becomes aware that the *Use of a Prohibited Substance* or a *Prohibited Method* is required and, subject to an emergency, the *TUE* shall have been obtained prior to that *Athlete's* participation in any *Competition*.
- 11.3 An *Athlete* subject to *Testing* under these Anti-Doping Rules, who is, or has been prior to the adoption of these Anti-Doping Rules, granted a *TUE* by an International Federation, shall immediately report the granting of the *TUE* to the NAK and to the *National Sports Federation* concerned and shall provide to the NAK all relevant information and documentation. *TUEs* granted prior to the adoption of these Anti-Doping Rules shall be recognized by the NAK where the *TUE* was granted in accordance with the *TUE* Standard and the *TUE* has not expired or otherwise been effected by any changes in the *Prohibited List* occurring since the date the *TUE* was granted.

#### ***TUEs for International-Level Athletes and Athletes Participating in International Events***

- 11.4 *International-Level Athletes* or *Athletes* participating in *International Events* shall apply to the International Federation concerned for the *TUE*, except in emergency situations, no later than twenty one (21) days before the *Athlete's* participation in an *International Event*, or as otherwise provided for in the anti-doping rules of that International Federation, and simultaneously provide a copy of that application for information to the NAK.
- 11.5 Where the International Federation has not implemented a process to grant *TUEs*, the *Athlete* shall apply to the NAK for a *TUE*.

#### ***TUEs for National-Level Athletes and Athletes Participating in National Events***

- 11.6 *National-Level Athletes* and *Athletes* participating in *National Events* shall obtain a *TUE* from the NAK, unless the *Athlete* has previously received a *TUE* from an International Federation and such *TUE* is still valid and its granting has been reported to the NAK.

### **NAK Committee for Athletes' Health Protection**

- 11.7 The OCS shall appoint a Committee for Athletes' Health Protection to consider applications for *TUEs*. To avoid potential conflicts of interest, all members of the Committee for Athletes' Health Protection shall be independent from the NAK. Where members of the Committee for Athletes' Health Protection have an interest in individual *National Sports Federations* or International Federations, they are excluded from considering applications for *TUEs* from *Athletes* who are members of the same individual *National Sports Federations* or International Federations.
- 11.8 The Committee for Athletes' Health Protection member(s) so designated shall promptly evaluate such a request in accordance with the *International Standard for TUEs* and render a decision on such request, which shall be the decision of the NAK.
- 11.9 The NAK and the Committee for Athletes' Health Protection shall conduct the administration and determination of applications for *TUEs* in strict confidence.

### **Applications for TUEs**

- 11.10 An application for a *TUE* shall be made in accordance with the *International Standard for TUEs*.
- 11.11 The *Athlete* shall provide written consent for the transmission of all information pertaining to the application to members of the *TUEC* and, as required, other independent medical or scientific experts and to all necessary staff involved in the management, review or appeals of *TUEs*. The *Athlete* shall also provide written consent for the decisions of the *TUEC* to be distributed to other relevant *Anti-Doping Organizations* under the provisions of the *Code* and for data to be stored in and transferred to the *WADA Clearinghouse*.

### **Review of TUEs**

- 11.12 *WADA*, at the request of an *Athlete* or on its own initiative, may review the granting or denial of any *TUE* by the NAK.
- 11.13 Until the review process has been completed, the original decision remains in effect.
- 11.14 If *WADA* determines that the grant or denial of a *TUE* did not comply with the *International Standard for TUEs* in force at the time, then *WADA* may reverse that decision and the *TUE* shall stand cancelled. In the event of a cancellation, *WADA* will advise the *Athlete*, the NAK and to the *National Sports Federation* concerned.
- 11.15 Decisions on *TUEs* are subject to further appeal as provided in Article 54 (Appeals from Decisions Granting or Denying a *TUE*) and pursuant to the rules of *CAS*.

## **IV. INFORMATION AND EDUCATION**

### **Article 12**

- 12.1 The *NAK* encourages physical and psychical training programs and competitions which are scientifically justified.
- 12.2 The *NAK* prepares and conducts, through *National Sport Federations*, educational and informational programs to inform Athletes and the public about the harmful effects of doping as well as about doping control procedures.
- 12.3 With a purpose of information and education of *Athletes* and the public, the *NAK* shall implement official web pages with updated and accurate information on following issues:
- Substances and methods on the *Prohibited List*;
  - *Consequences* of doping, including sanctions and health consequences;
  - Doping Control procedures; and
  - *Athlete's* rights and responsibilities regarding anti-doping.
- 12.3.1 Web pages don't exclude other obligations of the *NAK* with regard to informing and educating of *Athletes* and public regarding anti-doping.

### **Article 13**

- 13.1 The *NAK* adopts and implements the directives for doping-free sport, according to the *Code*.

## **V. DOPING CONTROL – ORGANIZATION AND TESTING**

### **Article 14**

- 14.1 Doping control is directed by the *NAK*.
- 14.2 The president of the *NAK* is responsible for the work of the *NAK* and for contacts with WADA.
- 14.3 The *NAK* shall appoint authorized doping control officers.
- 14.4 Authorized doping control officers prove their identity with a certificate or a written authorization issued by the *NAK*.
- 14.5 Authorized doping control officers are authorized to take samples of bodily specimen both In-Competition and Out-of-Competition.
- 14.6 Authorized doping control officers of the *NAK* are responsible for the regularity of doping control.
- 14.7 The *NAK* organizes license seminars for the *NAK* delegates once a year.
- 14.8 The *NAK* issues a license to a delegate who attends the seminar. The license is valid for a period of one year.

## ***Testing***

### **Article 15**

- 15.1 These Anti-Doping Rules adopt and incorporate the *WADA International Standard for Testing* as amended from time to time and all *Participants* and *National Sports Federations* shall be deemed to accept the amendments as binding upon them. *Testing* conducted by, or on behalf of, the NAK and *National Sports Federations* shall be in substantial conformity with the *International Standard for Testing* in force at the time of *Testing*.
- 15.2 All *Athletes* subject to these Anti-Doping Rules are subject to *In-Competition Testing* by their *National Sports Federation*, its International Federation, the NAK and any *Anti-Doping Organization* responsible for *Testing* at a *Competition* or *Event* in which they participate. All *Athletes* subject to these Anti-Doping Rules shall also be subject to *Out-of-Competition Testing* at any time or place, by their *National Sports Federation*, its International Federation, the NAK, WADA, the *National Anti-Doping Organization* of any country where the *Athlete* is present, the International Olympic Committee in connection with the Olympic Games and the International Paralympic Committee in connection with the Paralympic Games. This *Testing* may include *Target Testing*.

### ***Testing at Events***

- 15.3 At *International Events*, the collection of *Doping Control Samples* shall be initiated and directed by the international organization that is the ruling body for the *Event*. If the international organization decides not to conduct any *Testing* at such an *Event*, the NAK may, in coordination with and with the approval of the international organization or WADA, initiate and conduct such *Testing*. At *National Events*, the collection of *Doping Control Samples* shall be initiated and directed by the NAK.

### **Whereabouts Requirements**

- 15.4 The NAK shall identify a *Registered Testing Pool*, and shall revise its *Registered Testing Pool* from time to time as appropriate. Each *National Sports Federation* shall assist the NAK in identifying and maintaining the NAK *Registered Testing Pool*. *National Sports Federations* shall ensure that *Athletes* who are not their regular members are included in the NAK *Registered Testing Pool* at least for the year prior to the Olympic Games, as a member of a *NOC Team*.
- 15.5 The NAK shall notify each *Athlete* of their inclusion in the *Registered Testing Pool* and advise that *Athlete* of their obligations under these Anti-Doping Rules. Each *Athlete* in the *Registered Testing Pool* shall file quarterly whereabouts information with the NAK on forms provided by the NAK which specify on a daily basis the locations and times where the *Athlete* will be residing, training and/or competing. *Athletes* shall update this information as necessary so that it is current and complete at all times. Where *Athletes* are also required to provide whereabouts information to their International Federation, *Athletes* shall simultaneously provide a copy of that information to the NAK unless it is available through the WADA Clearinghouse.

- 15.6 The NAK shall recommend that the responsible sports organization withhold some or all sport-related financial support from an *Athlete* where the *Athlete's* regular report is not received by the NAK by the due date or is not fully and accurately completed.
- 15.7 Any *Athlete* in the NAK *Registered Testing Pool* who fails to submit a mandatory whereabouts report after three formal written warnings from the NAK to do so in the preceding eighteen (18) months, shall be considered to have committed an anti-doping rule violation pursuant to Article 38.1.3 (Whereabouts Violations).
- 15.8 Any *Athlete* in the NAK *Registered Testing Pool* who is unavailable for *Testing* on three attempts during any period of eighteen (18) consecutive months shall be considered to have committed an anti-doping rule violation pursuant to Article 38.1.3 (Whereabouts Violations). Notification shall be sent to the *Athlete* in respect of each attempt.

### **Retirement and Return to *Competition***

- 15.9 An *Athlete* who has been identified by the NAK for inclusion in the NAK's *Registered Testing Pool* shall continue to be subject to these Anti-Doping Rules, including the obligation to be available for *No Advance Notice Out-of-Competition Testing*, unless and until the *Athlete* gives written notice to the NAK and to their *National Sports Federation* that they have retired for the purposes of these Anti-Doping Rules or until they no longer satisfy the criteria for inclusion in the NAK's *Registered Testing Pool* and have been so informed by the NAK.
- 15.10 An *Athlete* who is not serving a Period of *Ineligibility* who has given notice of retirement may not resume competing unless they notify the NAK at least twelve (12) months before they expect to return to *Competition*. This notification must include the submission to these Anti-Doping Rules, including the provision of whereabouts information and availability for *No Advance Notice Out-of-Competition Testing* during this period.

### **Selection of *Athletes* to be *Tested***

- 15.11 The NAK shall select *Athletes* for *Testing* through a process that substantially complies with the *International Standard* for *Testing* in force at the time of selection. In this regard, *No Advance Notice* shall be the preferred method for *Out-of-Competition Testing*.

### ***Testing of Minors***

- 15.12 *Testing* under these Anti-Doping Rules may only be conducted on a *Minor* where a *Person* with legal responsibility for that *Minor* has given prior consent. The giving of such prior consent shall be a condition precedent to the participation of that *Minor* in sport, unless the rules of the relevant *Natational Sports Federation* provide otherwise.

### ***Independent Observer Program***

- 15.13 The NAK, *National Sports Federations* and the organization committees for *Events* and their employees, contractors, officials and agents shall provide access to *Persons* participating in the *Independent Observers Program* at *Events*.

## **VI. ANALYSIS OF SAMPLES**

### **Article 16**

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

- 16.1 These Anti-Doping Rules adopt and incorporate the *WADA International Standard* for Laboratories as amended from time to time and all *Participants* and *National Sports Federations* shall be deemed to accept the amendments as binding upon them.

#### **Utilization of Approved Laboratories**

- 16.2 NAK shall send Doping Control Samples collected under these Anti-Doping Rules for analysis only in WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other method approved by WADA) used for the Sample analysis shall be determined exclusively by NAK.
- 16.3 Laboratories shall analyze Doping Control Samples and report results in substantial conformity with the *International Standard* for Laboratories.

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

- 16.4 *Doping Control Samples* shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to the Monitoring Program described in Article 4.5 of the *Code*.

#### **Research on Samples**

- 16.5 No *Sample* may be used for any purpose other than the detection of substances (or classes of substances) or methods on the *Prohibited List*, or as otherwise identified by WADA pursuant to its Monitoring Program, without the *Athlete's* written consent.

## **VII. DOPING CONTROL PROCEDURE AND ASSERTION OF AN ANTI-DOPING RULE VIOLATION**

### ***Laboratory Results and Possible Failure to Comply Reports***

### **Article 17**

- 17.1 The NAK shall receive the analytical results from the laboratory by secure fax, hand delivery or electronically through the WADA Clearinghouse.
- 17.2 The NAK shall receive any Doping Control Officer Reports indicating a possible Failure to Comply from the relevant Doping Control Officer along with other documentation from the *Sample* Collection Session, by secure fax, hand delivery or electronically through the WADA Clearinghouse.

### **Negative Analytical Findings**

#### **Article 18**

- 18.1 The NAK shall identify from the Doping Control Form all *Athletes* whose *Samples* have resulted in a Negative Analytical Finding.
- 18.2 The NAK shall notify via the WADA Clearinghouse, relevant stakeholders of Negative Analytical Findings to ratify Records.
- 18.3 The NAK may notify *Athletes* or their representative of Negative Analytical Findings if so required. However, the NAK shall reserve the possibility to conduct further *Testing* on the *Sample* as long as they are stored securely.
- 18.4 All documentation from the *Sample* Collection Session along with the notification of Negative Analytical Findings shall be retained by the NAK for a minimum of eight (8) years.

### **Adverse Analytical Findings**

#### **Article 19**

- 19.1 Upon receipt of an *Adverse Analytical Finding*, the NAK shall review for any irregularity all of the documentation relating to the *Sample* Collection Session (including the Doping Control Form, Doping Control Officer Report and other Records), and the laboratory analysis.
- 19.2 If there are any irregularities in the documentation, the NAK shall determine whether the irregularity can be considered to undermine the validity of the *Adverse Analytical Finding*.
- 19.3 If irregularities are reasonably considered to undermine the validity of the *Adverse Analytical Finding*, the NAK shall declare the test result void.
- 19.4 If a test is declared void due to an irregularity, it is recommended that the NAK schedule an additional test on the *Athlete* at a later time.
- 19.5 If the NAK declares a test result void, it shall immediately inform the *Athlete*, the *Athlete's* International Federation, *National Sporting Federation* and WADA.

## Follow-up Investigations

### Article 20

- 20.1 If the *Sample* shows the presence of a *Prohibited Substance* (for example endogenous substances) where further investigations are required to determine an Anti-Doping Rule Violation, the *NAK* may conduct an investigation before issuing a notice to an *Athlete* asserting that an Anti-Doping Rule Violation has occurred.
- 20.2 In the case where the laboratory has reported the presence of a testosterone/epitestosterone ratio greater than 6 to 1 in the urine, further investigation is obligatory in order to determine whether the ratio is due to a physiological or pathological condition. The investigation will include a review of any previous tests, subsequent tests, results of endocrinological investigations and/or CIRMS analyses. Where previous tests are not available, the *Athlete* shall undergo an endocrine investigation or be tested on a *No Advance Notice* basis at least once per month for three months.
- 20.3 The *NAK* may request the assistance of the laboratory and other scientific and/or medical expertise as necessary to conduct an investigation, not revealing the identity of the *Athlete*.
- 20.4 If the *NAK* determines that the past doping test history of the *Athlete* is relevant to the investigation, and the *NAK* does not already have this information, the *NAK* must notify the *Athlete* in writing that the *Athlete's* past doping test history is required and provide reasoning for such request. The *Athlete* must then forward details of their past doping test history to the *NAK* within seven (7) days of receiving the notice and authorize the *NAK* to request information from other *Anti-Doping Organizations*. The *NAK* may contact other *Anti-Doping Organizations*, other laboratories or *WADA* to verify the *Athlete's* past doping test history.
- 20.5 The *NAK* shall make the final consideration as to whether the follow-up investigation procedures evidence of an Anti-Doping Rule Violation. In making the consideration, the *NAK* must take into account all laboratory analyses and the findings and recommendation of any medical advisory or review committee. The *NAK* may consult the laboratory and any other experts to assist in the interpretation of the follow-up investigation results.
- 20.6 If the *NAK* determines that the investigation indicates that the *Adverse Analytical Finding* is due to a physiological or pathological condition and not due to an Anti-Doping Rule Violation, the *NAK* shall advise the *Athlete* accordingly and no further action shall be taken in relation to the *Adverse Analytical Finding*.
- 20.7 If the *NAK* determines that the investigation establishes evidence of an Anti-Doping Rule Violation, then the *NAK* shall follow these Anti-Doping Rules with respect to the *Adverse Analytical Finding*.



## *TUEs*

### **Article 21**

- 21.1 If the analysis reveals a *Prohibited Substance* or method for which a *TUE* has been granted in accordance with the International Standards for *TUEs*, no further action is required.
- 21.2 If the *Athlete* has been granted a *TUE* in accordance with the *International Standard* for *TUEs*, but the level of the *Prohibited Substance* in the *Sample* is not consistent with the *TUE*, then the *NAK* shall continue to follow these Anti-Doping Rules in respect to the *A Sample Adverse Analytical Finding*.
- 21.3 If the *Athlete* has not been granted a *TUE* in accordance with the *International Standard* for *TUEs*, then the *NAK* shall follow these Anti-Doping Rules in respect to the *A Sample Adverse Analytical Finding*.
- 21.4 Despite the fact that the *Athlete* has produced any other medical information at the time of the *Doping Control* the *NAK* shall follow these Anti-Doping Rules in respect to the *A Sample Adverse Analytical Finding*.

### **Notification After Initial Review**

### **Article 22**

- 22.1 Once the *NAK* has determined that the *Adverse Analytical Finding* is not due to any irregularity that undermines its validity and that there is no applicable *TUE*, then the *NAK* shall ensure that the *Athlete* is notified in writing of the *Adverse Analytical Finding*. The notice shall include the following details:
- a) *Athletes* name, country, sport and discipline;
  - b) *In-Competition* or *Out-of-Competition* control and date of the collection;
  - c) Confirmation that the *A Sample* has returned an *Adverse Analytical Finding* and the details of the *Prohibited Substance* identified in the *A Sample*;
  - d) The anti-doping rule asserted to be violated in accordance with the *NAK*, *International Federation* and/or *National Sports Federation* rules, or, where a further investigation is necessary, a description of the additional investigation that will be conducted as to whether there is an Anti-Doping Rule Violation;
  - e) The possible *Consequences of the Anti-Doping Rule Violation*;
  - f) 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 and the *A Sample* finding used as evidence of the Anti-Doping Rule Violation;
  - g) The right of the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis if such analysis is requested;
  - h) The other parties that will be notified of the *A Sample Adverse Analytical Finding*;
  - i) The *Athlete's* right to request copies of the *A* and *B Sample* laboratory report which includes information as required by the *International Standard* for laboratory analysis;
  - j) The *Athlete's* right to respond to any assertion that an anti-doping rule had been violated;
  - k) In cases where a *Provisional Suspension* is to be imposed, details of that *Provisional Suspension*, the provisional hearing and/or expedited hearing as applicable; and

- l) The *Athlete's* right to waive their right to a hearing by acknowledging the Anti-Doping Rule Violation asserted and the identified *Consequences of the Anti-Doping Rule Violation*.
- 22.2 In an *Event* where a *Provisional Suspension* is to be imposed or other instances where time dictates, the above details may be given to the *Athlete* and other relevant organizations pursuant to *Code* Article 14.1 verbally in the first instance and followed up by notice in writing as soon as possible.

### ***B Sample Analysis***

#### **Article 23**

- 23.1 Should the Athlete and/or the NAK decide to have the B Sample analysed the NAK shall contact the laboratory and confirm the date and time for analysis of the B Sample.
- 23.2 The NAK shall notify the Athlete of the time for the B Sample analysis, which should be no later than 5 working days after the Athlete requests that it be analysed.
- 23.3 The time for analysis of the B Sample may be extended by mutual agreement between the Athlete, the NAK and the laboratory.
- 23.4 The Athlete or the Athlete's representative has the right to attend the identification, opening and analysis of the B Sample.
- 23.5 Where neither the Athlete nor his/her representative attends the identification, opening and analysis of the B Sample, the NAK or the laboratory shall appoint an independent Person.
- 23.6 The B Sample must be performed at the same laboratory and shall be tested by a different analyst than the A Sample.
- 23.7 If the B Sample analysis does not confirm the A Sample analysis, the NAK shall notify the Athlete that the Sample has been declared negative and that no further action will occur.
- 23.8 If the B Sample analysis does confirm the A Sample Adverse Analytical Finding, the NAK shall continue to follow these Anti-Doping Rules with respect to the Adverse Analytical Finding.

### **Other Anti-Doping Rule Violations**

#### **Article 24**

- 24.1 Upon receipt of a Doping Control Officer Report and/or other related documents showing a possible Anti-doping Rule Violation, the NAK shall review for any irregularity all of the documentation relating to the case.

- 24.2 If there are any irregularities in the documentation the NAK shall determine whether the irregularity can reasonably be considered to undermine the possibility of an Anti-Doping Rule Violation.
- 24.3 If irregularities are reasonably considered to undermine the possibility of an Anti-Doping Rule Violation, the NAK shall not pursue the Doping Control Officer Report further.
- 24.4 If the NAK decides not to pursue the Doping Control Officer Report further, it shall immediately inform the Athlete's International Federation, National Sports Federation and WADA.
- 24.5 The Athlete and/or Support Personnel may make a submission in relation to a possible Anti-Doping Rule Violation. The NAK shall consider this submission in suggesting whether to issue notice to the Athlete and/or Support Personnel that there has been a possible Anti-Doping Rule Violation.

### **Notification After Initial Review**

#### **Article 25**

- 25.1 Once the NAK has determined that the Doping Control Officer Report and/or other related documentation showing a possible Anti-Doping Rule Violation is not due to an irregularity that undermines the possibility of an Anti-Doping Rule Violation, then the NAK shall ensure that the Athlete is notified in writing of the possible Anti-Doping Rule Violation.
- 25.2 The notice shall include the following details:
- a) The *Athlete* and/or *Support Personnel* name, country, sport and discipline.
  - b) An outline of the Doping Control Officer Report and/or other related documentation indicating the specific Anti-Doping Rule Violation;
  - c) The anti-doping rule asserted to be violated in accordance with the *NAK* or applicable International Federation or *National Sports Federation's* rules, or, where a further investigation is necessary, a description of the additional investigation that will be conducted as to whether there is an Anti-Doping Rule Violation;
  - d) The possible *Consequences of the Anti-Doping Rule Violation*;
  - e) The *Athlete's* and/or *Support Personnel* right to present submissions relating to the possible Anti-Doping Rule Violation;
  - f) The other parties that will be notified about the Anti-Doping Rule Violation; and
  - g) In cases where a *Provisional Suspension* is to be imposed, details of that *Provisional Suspension*, the provisional hearing and/or expedited hearing as applicable.
- 25.3 In an *Event* where a *Provisional Suspension* is to be imposed or other instances where time dictates, the above details may be given to *Athlete* and/or *Support Personnel* and other relevant organizations verbally in first instance and followed up with notice in writing as soon as possible.

## **Identity of Athletes**

### **Article 26**

- 26.1 The *NAK* shall identify from the *Doping Control* Form and/or other relevant documentation all *Athletes* whose *Samples* have resulted in an *Adverse Analytical Finding*/or possible Anti-Doping Rule Violation.
- 26.2 The *Athlete's* and/or *Athlete Support Personnel's* identity shall be kept confidential throughout the results management process. Only the *Athlete* or other *Person* who may have breached an Anti-Doping Rule Violation shall be notified. The *Athlete's* National *Anti-Doping Organization*, *National Sports Federation*, *International Federation* and *WADA* shall be notified following the completion of the *Notification After Initial Review* process.

## **Provisional Hearings and Suspensions**

### **Article 27**

- 27.1 Once the *Athlete* has received notification following the initial review as set out in Article 17.38 above, the *NAK* and/or applicable *International Federation* may impose a *Provisional Suspension* on the *Athlete*.
- 27.2 Where a *Provisional Suspension* is imposed on an *Athlete*, the *Athlete* must be given either:
- a) A provisional hearing prior to the imposition of the *Provisional Suspension*;
  - b) A provisional hearing as soon as possible (within 10 days) after the imposition of the *Provisional Suspension*. Extensions can be granted upon written notification; or
  - c) An expedited hearing as soon as possible after the imposition of the *Provisional Suspension*.
- 27.3 Provisional hearings or expedited hearings must be conducted in accordance with Articles 7.5 and 8 of the *Code*. Separate guidelines for hearings may also be applicable.
- 27.4 Where a *Provisional Suspension* has been imposed in relation to an *A Sample Adverse Analytical Finding*, the *Athlete* has requested that the *B Sample* analysis be conducted and the *B Sample* analysis does not confirm the *A Sample* analysis, then the *Provisional Suspension* shall be rescinded immediately.
- 27.5 Where a *Provisional Suspension* has been imposed in relation to a *Doping Control Officer Report* and/or related documentation showing a possible Anti-Doping Rule Violation and the *NAK* determines, following the *Athlete's* submission, that there has been no Anti-Doping Rule Violation, then the *Provisional Suspension* shall be rescinded immediately.

- 27.6 Where the *Athlete* or the *Athlete's* team has been removed from a *Competition* or *Event* following a *Provisional Suspension* and the *Provisional Suspension* is then rescinded in accordance with Article 27.4 or 27.5 above, and it is still possible for the *Athlete* or team to be reinserted without otherwise affecting the *Competition* or *Event*, the *Athlete* or team shall be allowed to continue to take part in the *Competition* or *Event*.
- 27.7 If the *NAK* declares that there has been no Anti-Doping Rule Violation, it shall immediately inform the *Athlete's* International Federation, *National Sports Federation*, National Anti-Doping Organization and *WADA*.

### **Assertion of an Anti-Doping Rule Violation**

#### **Article 28**

- 28.1 Where there has been an *Adverse Analytical Finding* and:
- a) The test has not been declared void due to an irregularity in accordance with Article 19.3;
  - b) The presence of the *Prohibited Substance* is not consistent with a *TUE* that has been granted in accordance with Article 11;
  - c) The *Athlete* has not requested that the *B Sample* be analysed, or the *B Sample Analysis* has been conducted and confirms the *A Sample Adverse Analytical Finding* in accordance with Article 23.8;
  - d) Any follow-up investigation conducted that has led to the conclusion of a possible Anti-Doping Rule Violation and
  - e) The *Athlete* has not provided any information or evidence on the validity of the test that requires further investigation,
- then the *NAK* shall assert that there has been an Anti-Doping Rule Violation.
- 28.2 Where the *NAK* asserts that there has been an Anti-Doping Rule Violation, the *NAK* shall notify the *Person*, the *Person's* National Anti-Doping Agency, International Federation, *National Sports Federation* and *WADA* in writing of this assertion.
- 28.3 Where the *NAK* asserts that there has been an Anti-Doping Rule Violation, the *NAK* shall notify the *Slovenian Anti-Doping Disciplinary Panel* of the assertion, for a hearing to be conducted in accordance with Articles 31 and 32 and any applicable guidelines. The *NAK* shall provide the *Slovenian Anti-Doping Disciplinary Panel* with all of the documentation relevant to the assertion.
- 28.4 The *Person* is also entitled to copies of all of the documentation relevant to the assertion that there has been an Anti-Doping Rule Violation, and the *NAK* shall provide this to the *Person* or his/her representative upon request.

## VIII. DISCIPLINARY PROCEDURE

### *Appointment of the Slovenian Anti-Doping Disciplinary Panel*

#### **Article 29**

- 29.1 The Slovenian Ministry of Education and Sport and the OCS Executive Board shall appoint the independent *Slovenian Anti-Doping Disciplinary Panel* which will comprise of the following:
- a) A Chair and two (2) Vice-Chairs, each of whom shall be legal practitioners of not less than five (5) years standing; and
  - b) Three (3) medical practitioners of not less than five (5) years standing; and
  - c) Three (3) additional members; each of whom shall be, or has previously been, a sports administrator or an *Athlete*,
- all of whom will be appointed on the basis that they are in a position to hear the cases fairly, impartially and independently.
- 29.2 Each panel member shall be appointed for a term of four (4) years.
- 29.3 If a panel member dies or resigns, the Slovenian Ministry of Education and Sport and the the OCS Executive Board may appoint an independent *Person* to be a panel member to fill the resultant vacancy. The *Person* so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy.
- 29.4 A panel member may be re-appointed by Slovenian Ministry of Education and Sport and the OCS Executive Board.

### *Jurisdiction of the Slovenian Anti-Doping Disciplinary Panel*

#### **Article 30**

- 30.1 The *Slovenian Anti-Doping Disciplinary Panel* has the power to hear and determine all issues arising from any matter which is referred to it pursuant to these Anti-Doping Rules. In particular, the *Slovenian Anti-Doping Disciplinary Panel* has the power to determine the *Consequences* of Anti-Doping Rule Violations to be imposed pursuant to these Anti-Doping Rules.
- 30.2 The *Slovenian Anti-Doping Disciplinary Panel* shall be fair and impartial in the performance of its functions.
- 30.3 The *Slovenian Anti-Doping Disciplinary Panel* has all powers necessary for, and incidental to, the exercise of its functions.
- 30.4 No final decision of, or *Consequences* of Anti-Doping Rule Violations imposed by, the *Slovenian Anti-Doping Disciplinary Panel* shall be quashed, varied or held invalid, by any court, arbitrator, tribunal or other hearing body other than the *NAK Court of Arbitration* or *CAS* for any reason, including for reason of any defect, irregularity, omission or departure from the procedures set out in these Anti-Doping Rules, provided there has been no miscarriage of justice.

## Hearings Before the *Slovenian Anti-Doping Disciplinary Panel*

### Article 31

- 31.1 When it appears, following the results management process described in Article 17 through 28, that these Anti-Doping Rules may have been violated, the NAK shall refer the matter to the *Slovenian Anti-Doping Disciplinary Panel* for adjudication as to whether a violation of these Anti-Doping rules has occurred and if so what *Consequences* should be imposed.
- 31.2 The Chair of the *Slovenian Anti-Doping Disciplinary Panel*, or in his/her absence, a Vice-Chair, shall appoint three (3) members from the panel to hear and determine each case. Each such hearing panel shall comprise the Chair or a Vice-Chair as chair of the hearing panel, one medical practitioner member and one sports administrator or *Athlete* member.
- 31.3 The appointed members shall have had no prior involvement with the case. Each member, upon appointment, shall disclose to the Chair any circumstances likely to affect impartiality with respect to any of the parties.
- 31.4 An *Athlete* or other *Person* may forego a hearing by waiving the right to a hearing in writing and acknowledging the violation of these Anti-Doping Rules and accepting the *Consequences* consistent with *Code* Article 9 (Automatic *Disqualification* of Individual Results) and *Code* Article 10 (Sanctions on Individuals) as notified by the NAK.
- 31.5 The *Slovenian Anti-Doping Disciplinary Panel* shall have the power, at its absolute discretion, to appoint an expert to assist or advise the panel as required by the panel.
- 31.6 The International Federation, and/or the *National Sports Federation* concerned, if not a party to the proceedings, the *National Olympic Committee*, if not a party to the proceedings, and WADA shall each have the right to attend hearings of the *Slovenian Anti-Doping Disciplinary Panel* as an observer.
- 31.7 Hearings pursuant to this Article should be completed expeditiously and in all cases within three (3) months of the completion of the results management process described in Article 17 through 28, save where exceptional circumstances apply.
- 31.8 Unless otherwise agreed between the parties, the *Slovenian Anti-Doping Disciplinary Panel* shall;
- commence the hearing within fourteen (14) days of the notification date;
  - issue a written decision within twenty (20) days of the notification date; and
  - issue written reasons for the decision within thirty (30) days of the notification date.
- 31.9 Hearings held in connection with Events may be conducted on an expedited basis.

## Proceedings of the Slovenian Anti-Doping Disciplinary Panel

### Article 32

- 32.1 Subject to the provisions of these Anti-Doping Rules, the *Slovenian Anti-Doping Disciplinary Panel* and its hearing panels shall have the power to regulate their procedures.
- 32.2 Hearings of the *Slovenian Anti-Doping Disciplinary Panel* shall be open to the public, unless the *Slovenian Anti-Doping Disciplinary Panel* determines that there are special circumstances warranting otherwise.
- 32.3 The NAK shall present the case against the *Person* before the *Slovenian Anti-Doping Disciplinary Panel* and, where requested by the NAK, the *National Sports Federation* of the *Person* concerned shall assist the NAK.
- 32.4 The *Person*, against whom the case is brought, has the right to respond to the asserted anti-doping rule violation and resulting *Consequences*.
- 32.5 A failure by any party or their representative to attend a hearing after notification will be deemed to be an abandonment of their right to a hearing. This right may be reinstated on reasonable grounds.
- 32.6 Each party shall have the right to be represented at a hearing, at that party's own expense.
- 32.7 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the hearing panel. The hearing panel shall determine the identity and responsibility for the cost of any interpreter.
- 32.8 Each party to the proceedings has the right to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means).
- 32.9 Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The hearing panel may receive evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.
- 32.10 The hearing panel may postpone or adjourn a hearing.
- 32.11 The hearing panel, at the request of one of the parties to the proceedings or on its own initiative, may require one or more parties to the proceedings, prior to the hearing, to supply it and/or the other parties to the proceedings with further particulars of the case to be presented by that party at the hearing, including what witnesses they intend to call and that party shall comply with that direction.



- 32.12 Any failure by the *Person* concerned to comply with any requirement or direction of the hearing panel shall not prevent the hearing panel from proceeding and such failure may be taken into consideration by the hearing panel when making its decision.
- 32.13 Hearings may be recorded and the NAK shall own and retain any recording.

### **Decisions of the Slovenian Anti-Doping Disciplinary Panel**

#### **Article 33**

- 33.1 The deliberations of the hearing panel on its decision shall be private.
- 33.2 Any minority or dissenting decisions shall be noted in the written reasons. In the event of a majority decision, this shall be the decision of the hearing panel.
- 33.3 The decision of the hearing panel shall be written, dated and signed. In order to expedite the finalization of the hearing, the decision may be handed down without written reasons in accordance with the time schedule outlined in Article 31.8. In any case in which the period of *Ineligibility* is eliminated under Articles 39.1 and 39.2 (*No Fault or Negligence*) or reduced under Article 39.3 (*No Significant Fault or Negligence*) the decision shall explain the basis for the elimination or reduction.
- 33.4 The decision of the hearing panel shall be advised to the parties to the proceedings, WADA, the relevant International Federation (and to the *National Olympic Committee* and *National Sports Federation* if not a party to the proceedings) as soon as practicable after the conclusion of the hearing.
- 33.5 Decisions of the *Slovenian Anti-Doping Hearing Panel* may be appealed as provided in Article 47 (Appeals).

## **IX. SANCTIONS**

### **Automatic Disqualification of Individual Results**

#### **Article 34**

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

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

#### **Article 35**

- 35.1 An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and prizes.

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

### **Imposition of *Ineligibility for Prohibited Substances and Prohibited Methods***

#### **Article 36**

36.1 Except for the specified substances identified in Article 37, the period of *Ineligibility* imposed for a violation of *Code Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers)*, *Code Article 2.2 (Use or Attempted Use of Prohibited Substance or Prohibited Method)* and *Code Article 2.6 (Possession of Prohibited Substances and Prohibited Methods)* shall be:

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

Second violation: Lifetime *Ineligibility*.

36.2 However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing this sanction as provided in Article 39 (Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances).

### **Specified Substances**

#### **Article 37**

37.1 The *Prohibited List* may identify specified substances which are particularly susceptible to unintentional anti-doping rule violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents. Where an *Athlete* can establish that the *Use* of such a specified substance was not intended to enhance sport performance, the period of *Ineligibility* found in Article 36 (Imposition of *Ineligibility for Prohibited Substances and Prohibited Methods*) shall be replaced with the following:

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

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

Third violation: Lifetime *Ineligibility*.

37.2 However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) this sanction as provided in Article 39 (Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances).

### ***Ineligibility for Other Anti-Doping Rule Violations***

## Article 38

- 38.1 The period of *Ineligibility* for other anti-doping rule violations shall be:
- 38.1.1 For violations of *Code* Article 2.3 (Refusing or Failing to Submit to *Sample Collection*) or *Code* Article 2.5 (*Tampering with Doping Control*), the *Ineligibility* periods set forth in Article 36 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) shall apply.
- 38.1.2 For violations of *Code* Article 2.7 (*Trafficking*) or *Code* Article 2.8 (Administration of *Prohibited Substance* or *Prohibited Method*) the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility*. An anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than specified substances referenced in Article 37 (Specified Substances), shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, violations of such Articles that also violate non-sporting laws and regulations, may be reported to the competent administrative, professional or judicial authorities.
- 38.1.3 For violations of *Code* Article 2.4 (Whereabouts Violation or Missed Test), the period of *Ineligibility* shall be:
- First Violation: A minimum of three (3) months to a maximum of two (2) years *Ineligibility*.
- Second and Subsequent Violations: *Ineligibility* for a period of two (2) years.

## Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances

### Article 39

#### *No Fault or Negligence*

- 39.1 If the *Athlete* establishes in an individual case involving an anti-doping rule violation under *Code* Article 2.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*) or under *Code* Article 2.2 (*Use of a Prohibited Substance* or *Prohibited Method*) that they bear *No Fault or Negligence* for the violation, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Markers* or its *Metabolites* is detected in an *Athlete's Specimen* in violation of *Code* Article 2.1 (Presence of *Prohibited Substance*), the *Athlete* shall also establish how the *Prohibited Substance* entered their system in order to have the period of *Ineligibility* eliminated.
- 39.2 In the event that this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation only for the limited purpose of determining the period of *Ineligibility* for multiple violations under Articles 36 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*), 37 (Specified Substances) and 40 (Rules for Certain Multiple Violations).

### ***No Significant Fault or Negligence***

39.3 This Article 39.3 applies only to anti-doping rule violations involving *Code* Article 2.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Use of a Prohibited Substance* or *Prohibited Method* under *Code* Article 2.2, failing to submit to *Sample* collection under *Code* Article 2.3 and administration of a *Prohibited Substance* or *Prohibited Method* under *Code* Article 2.8. If an *Athlete* establishes in an individual case involving such violations that they bear *No Significant Fault or Negligence*, then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of *Code* Article 2.1 (Presence of *Prohibited Substance*), the *Athlete* shall also establish how the *Prohibited Substance* entered their system in order to have the period of *Ineligibility* reduced.

### ***Athlete's Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations by Athlete Support Personnel and Others***

39.4 The *Slovenian Anti-Doping Disciplinary Panel* or *NAK Court of Arbitration* may also reduce the period of *Ineligibility* in an individual case where the *Athlete* has provided substantial assistance to an *Anti-Doping Organization* which results in the *Anti-Doping Organization* discovering or establishing an anti-doping rule violation by another *Person* involving *Possession* under Article 8.6.2 (*Possession by Athlete Support Personnel*), Article 8.7 (*Trafficking*), or Article 8.8 (Administration to an *Athlete*). The reduced period of *Ineligibility* may not, however, be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years.

### **Rules for Certain Potential Multiple Violations**

#### **Article 40**

40.1 For purposes of imposing sanctions under Articles 36 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*), 37 (Specified Substances) and 38 (*Ineligibility* for Other Anti-Doping Rule Violations), a second anti-doping rule violation may be considered for purposes of imposing sanctions only if the NAK can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice, or after the NAK made a reasonable *Attempt* to give notice, of the first anti-doping rule violation. If the NAK can not establish this, the violations shall be considered as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

- 40.2 Where an *Athlete*, based on the same *Doping Control*, is found to have committed an anti-doping rule violation involving both a specified substance under Article 37 (Specified Substances) and another *Prohibited Substance* or *Prohibited Method*, the *Athlete* shall be considered to have committed a single anti-doping rule violation, but the sanction imposed shall be based on the *Prohibited Substance* or *Prohibited Method* that carries the most severe sanction.
- 40.3 Where an *Athlete* is found to have committed two separate anti-doping rule violations, one involving a specified substance governed by the sanctions set forth in Article 37 (Specified Substances) and the other involving a *Prohibited Substance* or *Prohibited Method* governed by the sanctions set forth in Article 36 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) or a violation governed by the sanctions in Article 38.1.1, the period of *Ineligibility* imposed for the second offence shall be at a minimum two years' *Ineligibility* and at a maximum three years' *Ineligibility*. Any *Athlete* found to have committed a third anti-doping rule violation involving any combination of specified substances under Article 37 (Specified Substances) and any other anti-doping rule violation under Article 36 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) or Article 38.1.1 shall receive a sanction of lifetime *Ineligibility*.

### ***Disqualification of Results in Competitions Subsequent to Sample Collection***

#### **Article 41**

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 34 (Automatic *Disqualification* of Individual Results), all other competitive results obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other 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.

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

#### **Article 42**

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

## **Status During *Ineligibility***

### **Article 43**

- 43.1 No *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in an *NOC or National Federation Team, Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by any *Signatory* or *Signatory's* member organizations, including a *National Sports Federation*. In addition, for any anti-doping rule violation not involving specified substances described in Article 37 (Specified Substances), some or all sport-related financial support or other sport-related benefits received by such *Person* shall be withheld by the *Signatories, Signatory's* member organizations, including the *National Sports Federations* and the Slovenian government.
- 43.2 A *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport *Events* in a sport other than the sport in which the *Person* committed the anti-doping rule violation, but only so long as the local sport *Event* is not at a level that could otherwise qualify such *Person* directly or indirectly to compete in (or accumulate points toward) a *National Event* or *International Event*.

## **Reinstatement Testing**

### **Article 44**

- 44.1 As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* shall, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by the NAK, the applicable *National Sports Federation* and/or any *Anti-Doping Organization* having *Testing* jurisdiction, and shall, if requested, provide current and accurate whereabouts information as provided in Article 15.4 through 15.8 (Whereabouts Requirements).
- 44.2 If an *Athlete*, subject to a period of *Ineligibility*, retires from sport and is removed from *Out-of-Competition Registered Testing Pools* and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified the NAK, *National Olympic Committee*, the applicable *National Sports Federation* and relevant *Anti-Doping Organizations* and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of the period set forth in Article 15.10 or the period of *Ineligibility* remaining as of the date the *Athlete* had retired.

## **Consequences to Team Sports**

### **Article 45**

- 45.1 Where more than one team member in a *Team Sport* has been notified of a possible anti-doping rule violation in connection with an *Event*, the team shall be subject to *Target Testing* for the *Event*.

- 45.2 If more than one team member in a *Team Sport* is found to have committed an anti-doping rule violation during the *Event*, the team may be subject to *Disqualification* or other disciplinary action.
- 45.3 In sports which are not *Team Sports* but where awards are given to teams, *Disqualification* or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided for in these rules or the applicable rules of the International Federation.

### **Sanctions Against National Sports Federations**

#### **Article 46**

- 46.1 Financial and/or other non-financial support from the *NAK* may be withheld in whole or in part from *National Sports Federations* which are not in compliance with, or fail in the implementation of, these Anti-Doping Rules.
- 46.2 Where *National Sports Federations* are members of or recognized by the *NAK*, Membership or recognition of *National Sports Federations* by the *NAK* may be withdrawn or withheld until the *National Sports Federation* anti-doping rules are in compliance with these Anti-Doping Rules and the *Code*.
- 46.3 Decisions of the *NAK* pursuant to this Article 46 (Sanctions against *National Sports Federations*) may be appealed as provided for in Article 47.

## **X. APPEALS**

#### **Article 47**

- 47.1 Decisions made under these Anti-Doping Rules may be appealed as set forth in this Article 47. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

#### **Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions**

- 47.2 A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* for an anti-doping rule violation, a decision that no anti-doping rule violation was committed, a decision that an *Anti-Doping Organization* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*, and a decision to impose a *Provisional Suspension* as a result of a Provisional hearing or in violation of Articles 26.1 and 26.2 may be appealed exclusively as provided in this Article 47.2.
- a) In cases arising from *Competition* in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to the Court of Arbitration for Sport (“*CAS*”) in accordance with the provisions applicable before such court.

- b) In cases involving national-level *Athletes*, as defined by each *National Anti-Doping Organization*, that do not have a right to appeal under Article 47.2(a), the decision may be appealed to the NAK Court of Arbitration.

### **Persons Entitled to Appeal**

#### **Article 48**

- 48.1 In cases under Article 47.2(a), the following parties shall have the right to appeal to CAS:
- a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
  - b) the other party to the case in which the decision was rendered;
  - c) the relevant International Federation and any other *Anti-Doping Organization* under whose rules a sanction could have been imposed;
  - d) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
  - e) WADA.
- 48.2 In cases under Article 47.2(b), the parties having the right to appeal to the the NAK Court of Arbitration shall at a minimum include the:
- a) *Athlete* or other *Person* who is the subject of the decision being appealed;
  - b) NAK involved;
  - c) relevant International Federation;
  - d) *National Olympic Committee*;
  - e) *Athlete's* National Anti-Doping Organization; and
  - f) WADA.
- 47.3 For cases under Article 47.2(b), WADA and the International Federation shall also have the right to appeal to CAS with respect to the decision of the the NAK Court of Arbitration.
- 47.4 Notwithstanding any other provision herein, the only *Person* that may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

### **The NAK Court of Arbitration**

#### **Article 49**

- 49.1 The Slovenian Ministry of Education and Sport and the OCS Executive Board shall appoint the independent NAK Court of Arbitration.
- 49.2 Arbiters shall be appointed for a term of 6 years.
- 49.3 If an arbiter dies or resigns, the Slovenian Ministry of Education and Sport and the OCS Executive Board may appoint an independent *Person* to be an arbiter to fill the resultant vacancy. The *Person* so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy.



49.4 An arbiter may be re-appointed.

## **Jurisdiction of the NAK Court of Arbitration**

### **Article 50**

- 50.1 The NAK Court of Arbitration only has the power to hear and determine all issues arising from any matter which is appealed to it pursuant to these Anti-Doping Rules. In particular, the NAK Court of Arbitration has the power to determine the *Consequences* of Anti-Doping Rule to be imposed pursuant to these Anti-Doping Rules.
- 50.2 The NAK Court of Arbitration shall be independent and impartial in the performance of its functions.
- 50.3 The NAK Court of Arbitration has all powers necessary for, and incidental to, the exercise of its functions.
- 50.4 No final decision of, or *Consequences* of Anti-Doping Rule Violations imposed by, the NAK Court of Arbitration may be quashed, varied or held invalid, by any court, arbitrator, tribunal or other hearing body other than CAS for any reason including for reason of any defect, irregularity, omission or departure from the procedures set out in these Anti-Doping Rules provided there has been no miscarriage of justice.

## **Hearings Before the NAK Court of Arbitration**

### **Article 51**

- 51.1 A *Person* entitled to appeal a decision of the NAK Court of Arbitration who wishes to do so shall lodge notice of the appeal with the NAK Court of Arbitration within fourteen (14) days of the date of the decision of the NAK Court of Arbitration.
- 51.2 The NAK Court of Arbitration shall comprise of fifteen (15) permanent arbiters, as follows: five (5) arbiters – legal experts for anti-doping, five (5) arbiters – medical experts and five (5) arbiters - Top Level Athletes (including former Top Level Athletes).
- 51.3 The Panel of NAK Court of Arbitration shall comprise of five (5) members. The Panel shall be formed by each party choosing two members from the permanent list of arbiters, and these arbiters choose the Chair of the Panel from the permanent list of arbiters by majority of votes. The Chair of the Panel may only be the legal expert for anti-doping.
- 51.4 The appointed members shall have had no prior involvement with the case, or any aspect of the case. In particular, no member may have previously considered any *TUE* application or appeal involving the same *Athlete* as is a party in the current case. Each member, upon appointment, shall disclose to the Chair any circumstances likely to affect impartiality with respect to any of the parties.

- 51.5 If a member, appointed by the Chair to hear a case, is unwilling or unable, for whatever reason, to hear the case, the Chair may appoint a replacement or appoint a new hearing panel from the pool.
- 51.6 The NAK Court of Arbitration has the power, at its absolute discretion, to appoint an expert to assist or advise the panel as required by the panel.
- 51.7 The NAK has the right to join proceedings and attend hearings of the NAK Court of Arbitration as a party.
- 51.8 The International Federation and/or the *National Sports Federation* concerned, if not a party to the proceedings, the *National Olympic Committee*, if not a party to the proceedings, and *WADA* each have the right to attend hearings of the NAK Court of Arbitration as an observer.
- 51.9 Hearings pursuant to this Article should be completed expeditiously and in all cases within three (3) months of the date of the decision of the *Slovenian Anti-Doping Disciplinary Panel*, save where exceptional circumstances apply.
- 51.10 Hearings held in connection with *Events* may be conducted on an expedited basis.

### **Proceedings of the NAK Court of Arbitration**

#### **Article 52**

- 52.1 Subject to the provisions of these Anti-Doping Rules, the NAK Court of Arbitration shall have the power to regulate their procedures.
- 52.2 Hearings of the NAK Court of Arbitration shall be open to the public, unless the *Slovenian Anti-Doping Disciplinary Panel* determines that there are special circumstances warranting otherwise.
- 52.3 The appellant shall present their case and the respondent party or parties shall present their cases in reply.
- 52.4 A failure by any party or their representative to attend a hearing after notification will be deemed to be an abandonment of their right to a hearing. This right may be reinstated on reasonable grounds.
- 52.5 Each party shall have the right to be represented at a hearing, at that party's own expense.
- 52.6 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the hearing panel. The hearing panel shall determine the identity and responsibility for the cost of any interpreter.
- 52.7 Each party to the proceedings has the right to present evidence, including the right to call and question witnesses (subject to the hearing *Panel's* discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means).

- 52.8 Facts relating to anti-doping rule violations may be established by any reliable means, including admissions. The NAK Court of Arbitration may receive evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.
- 52.9 The NAK Court of Arbitration may postpone or adjourn a hearing.
- 52.10 The NAK Court of Arbitration, at the request of one of the parties to the proceedings or on its own initiative, may require one or more parties to the proceedings, prior to the hearing, to supply it and/or the other or other parties to the proceedings with further particulars of the case to be presented by that party at the hearing, including what witnesses they intend to call and that party shall comply with that direction.
- 52.11 Any failure by any party to comply with any requirement or direction of the NAK Court of Arbitration shall not prevent the NAK Court of Arbitration from proceeding and such failure may be taken into consideration by the NAK Court of Arbitration when making its decision.
- 52.12 Hearings may be recorded and any recording is owned and shall be retained by the NAK.

### **Decisions of the NAK Court of Arbitration**

#### **Article 53**

- 53.1 The deliberations of the NAK Court of Arbitration on its decision shall be private.
- 53.2 Any minority or dissenting decisions shall be noted in the written reasons. In the *Event* of a majority decision, this shall be the decision of the NAK Court of Arbitration.
- 53.3 The decision of the NAK Court of Arbitration shall be written, dated and signed and shall state brief reasons. In any case in which the period of *Ineligibility* is eliminated under Articles 39.1 and 39.2 (*No Fault or Negligence*) or reduced under Article 39.3 (*No Significant Fault or Negligence*) the decision shall explain the basis for the elimination or reduction. The signature of the Chair or Vice-Chair as applicable shall suffice.
- 53.4 The decision of the NAK Court of Arbitration shall be advised to the parties to the proceedings and to the NAK if not a party to the proceedings as soon as practicable after the conclusion of the hearing.

## **Appeals from Decisions Granting or Denying a TUE**

### **Article 54**

- 54.1 Decisions by the NAK denying *TUEs*, which are not reversed by *WADA*, may be appealed exclusively to *CAS* by the *International-Level Athlete* or to the NAK Court of Arbitration where the *Athlete* is not an *International-Level Athlete*. If the NAK Court of Arbitration reverses the decision to deny a *TUE*, that decision may be appealed to *CAS* by *WADA*. The NAK Court of Arbitration considering an appeal under this Article will not include members of the *TUEC*.
- 54.2 Decisions by *WADA* reversing the grant or denial of a *TUE* may, subject to the rules of *CAS*, be appealed exclusively to *CAS* by the *Athlete* or the NAK.

## **Appeals from Decisions Pursuant to Article 46**

### **Article 55**

Decisions of the *NAK* pursuant to Article 46 (Sanctions Against *National Sporting Federations*) may be appealed exclusively to *CAS* by the *National Sports Federation* concerned.

## **XI. REPORTING**

### **Article 56**

#### **Reporting of TUEs**

- 56.1 The *NAK* shall promptly report any *TUE* granted to an *Athlete* (except those *Athletes* not in the *NAK's Registered Testing Pool*), to the applicable International Federation, to the *Athlete's National Sports Federation* and to *WADA*.

#### **Reporting of Testing**

- 56.2 The *NAK* shall submit to *WADA* current *Athlete* whereabouts information. *WADA* shall make this information accessible to other *Anti-Doping Organizations* having authority to test the *Athlete*.
- 56.3 The *NAK* shall report all *In-Competition* and *Out-of-Competition* tests to *WADA* as soon as possible after such tests have been conducted.
- 56.4 This information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, co-ordinating or conducting *Testing* and shall be destroyed after it is no longer relevant for these purposes.

## **Reporting Regarding Results Management**

- 56.5 When a *National Sports Federation* has received an *Adverse Analytical Finding* on one of its *Athletes*, the NAK, on its behalf, shall report the following information to its International Federation and WADA not later than the end of the process described in Article 19 (Initial Review Regarding *Adverse Analytical Findings*): 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 same parties shall be regularly updated on the statutes and findings, including results management, hearings and appeals.
- 56.6 Where the *Athlete* requests the analysis of the B *Sample* the NAK shall report the result of such analysis to the International Federation and to WADA.
- 56.7 In any case in which the period of *Ineligibility* is eliminated under Articles 39.1 and 39.2 (*No Fault or Negligence*) or reduced under Article 39.3 (*No Significant Fault or Negligence*) the NAK shall provide the International Federation and WADA with a copy of the written reasoned decision.

## **Reporting Under the Code**

- 56.8 The NAK shall publish annually, a general statistical report of its *Doping Control* activities during the calendar year with a copy provided to WADA.

## **XII. PUBLIC DISCLOSURE**

### **Article 57**

The NAK, the *Athlete's* National Anti-Doping Organization, any *National Sports Federation*, the *Slovenian Anti-Doping Disciplinary Panel* or any other *Person* shall not *Publicly Disclose* or *Publicly Report* the identity of *Athletes* whose *Samples* have resulted in *Adverse Analytical Findings*, or of *Persons* who are alleged to have committed an anti-doping rule violation pursuant to these Anti-Doping Rules until the administrative review described in Articles 19.1 and 24.1 has been completed. No later than twenty (20) days after it has been determined in a hearing in accordance with Articles 31 and 32 (Disciplinary Procedure) that an anti-doping rule violation has occurred or such hearing has been waived, the NAK shall *Publicly Report* the disposition of the anti-doping matter. This disposition shall include the name of the *Person* concerned and the reasons for decisions.

### **XIII. MUTUAL RECOGNITION OF DECISION**

#### **Article 58**

##### **Recognition of Decisions Pursuant to these Rules**

58.1 Subject to the right to appeal any decision of the *Slovenian Anti-Doping Disciplinary Panel* or *CAS*, or the NAK Court of Arbitration, regarding a violation of these Anti-Doping Rules within the authority of the NAK shall be recognized by all *Anti-Doping Organizations* and each of their affiliated Organizations, each of which shall take all necessary action to render such results effective.

##### **Recognition of Decisions of Other Organizations**

58.2 Subject to any applicable right to appeal, the *Testing, TUEs* and hearing results or other final adjudications of any *Signatory* to the *Code* which are consistent with the *Code* and are within the *Signatory's* authority, shall be recognized and respected by the NAK, the *National Sports Federations*, the *Slovenian Anti-Doping Disciplinary Panel* and the NAK Court of Arbitration.

58.3 The NAK and *National Sports Federations* may recognize the same actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

### **XIV. STATUTE OF LIMITATION**

#### **Article 59**

No action may be commenced under these Anti-Doping Rules against an *Athlete* or other *Person* for a violation of an anti-doping rule contained in these Anti-Doping Rules unless such action is commenced within eight years from the date the violation occurred.

### **XV. FUNDING**

#### **Article 60**

60.1 The financial means for the functioning of the NAK are assured by the founders.

60.2 The financial means for the doping control out of the NAK Programme are assured by the organizer of the event.

## **XVI. AMENDMENT & INTERPRETATION OF THE RULES**

### **Article 61**

#### **Amendment**

- 61.1 The NAK shall be responsible for overseeing the evolution and improvement of these Anti-Doping Rules, including implementing any amendments to the *Code*. *Participants* and *National Sports Federations* shall be invited to participate in such process.
- 61.2 Amendments to these Anti-Doping Rules initiated by the NAK shall, after appropriate consultation, be approved by the OCS Executive Board and the Ministry of Education and Sport. The NAK shall notify *National Sports Federations* promptly of all such amendments.
- 61.3 Amendments shall, unless provided otherwise in the amendment, go into effect and shall be implemented by *National Sports Federations* three months after such approval.

#### **Interpretation**

- 61.4 The headings used in 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.
- 61.5 The DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.
- 61.6 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*. The comments annotating various provisions of the *Code* shall be referred to, where applicable, to assist in the understanding and interpretation of these Anti-Doping Rules.

## **XVII. INFORMATION AND NOTICES**

### **Article 62**

#### **Information**

- 62.1 Any *Person* who submits information including data or medical information to any organization or *Person* in accordance with these Anti-Doping Rules shall be deemed to have agreed that such information may be utilised by such organization or *Person* for the purposes of the implementation of these Anti-Doping Rules.

#### **Notices**

- 62.2 All notices referred to in these Anti-Doping Rules shall be governed by the provisions of this Article 62.2 to 62.6 (Notices).

- 62.3 Each *Athlete* in the NAK *Registered Testing Pool* shall provide the NAK with an address to which notice may be delivered and in the event of a change of address it is the responsibility of the *Athlete* to provide the NAK with such amended details.
- 62.4 Notice to an *Athlete* in the NAK *Registered Testing Pool* shall be delivered by means of registered post to the address provided to the NAK by that *Athlete*. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.
- 62.5 Notice to any other *Athlete* or other *Person* shall be accomplished by posting the notice by registered post to the address furnished by that *Athlete* or *Person*. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.
- 62.6 The NAK may, with the prior agreement of the intended recipient, as an alternative to, or in conjunction with, notice by registered post, use any other method of communication available, including, but not limited to, facsimile, email, and telephone.

## **XVIII. COMMENCEMENT, VALIDITY AND GOVERNING LAW**

### **Article 63**

#### **Commencement**

- 63.1 These Anti-Doping Rules shall come into full force and effect when confirmed by the two founders of the NAK, and shall be adopted and incorporated by *National Sports Federations* by 1 November, 2008. By the effective date of these Anti-Doping Rules, the Anti-Doping Rules dated 23. 4. 1996 shall cease to be in force.
- 63.2 These Anti-Doping Rules shall not apply retrospectively to matters pending before the date these Anti-Doping Rules come into effect. Outstanding protests, appeals and applications for reinstatement initiated under any prior NAK, *National Olympic Committee* or *National Sports Federation* anti-doping policy may be completed under that policy and, to the extent relevant, their results shall be recognized for the purposes of these Anti-Doping Rules. The term of outstanding suspensions under any prior NAK, *National Olympic Committee* or *National Sports Federation* anti-doping policy shall also be recognized under these Anti-Doping Rules.

#### **Validity**

- 63.3 Any deviation from these Anti-Doping Rules or the procedures referred to herein shall not invalidate any finding, decision or result unless it was such as to cast material doubt on that finding, decision or result.
- 63.4 If any Article of these Anti-Doping Rules is held invalid, unenforceable or illegal for any reason, these Anti-Doping Rules shall remain otherwise in full force apart from such Article which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.



63.5 All acts *bona fide* done by any *Person* in the implementation of these Anti-Doping Rules, notwithstanding that it be afterwards discovered that there was some defect in the appointment, qualification or authority of such *Person* so acting, shall be as valid as if every such *Person* had been duly appointed, qualified or authorized.

#### **Governing Law**

63.6 Slovenian law governs these Anti-Doping Rules.

## APPENDIX 1: DEFINITIONS

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

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

Athlete: For purposes of *Doping Control*, any *Person* who participates in sport at the international level (as defined by each International Federation) or national level (as defined by each *National Anti-Doping Organization*) and any additional *Person* who participates in sport at a lower level if designated by the *Person's National Anti-Doping Organization*. For purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code*.

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

Attempt: Engaging in conduct that constitutes a substantial step in a course of conduct which could or did culminate in the commission of an anti-doping rule violation. Provided, however, there must 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*.

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping *Code* first adopted by WADA on 5 March 2003, and any subsequent amendments.

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

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

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

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

Event: A series of individual *Competitions* conducted together under one ruling body (eg., the Olympic Games, FINA World Championships, or Pan American Games).

In-Competition: For purposes of differentiating between *In-Competition* and *Out-of-Competition Testing*, unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organization*, an *In-Competition* test is a test where an *Athlete* is selected for *Testing* in connection with a specific *Competition*.

Independent Observer Program: A team of observers, under the supervision of WADA, who observe the *Doping Control* process at certain *Events* and report on observations. If WADA is *Testing In-Competition* at an *Event*, the observers must be supervised by an independent organization.

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

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

International-Level Athlete: An *Athlete* designated by one or more International Federations as being within the *Registered Testing Pool* for an International Federation.

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) must be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly.

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

Marker: A compound, group of compounds or biological parameters 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 majority as established by the applicable laws of their country of residence.

NAK: The National Antidoping Commission of Slovenia.

NAK Court of Arbitration: The panel appointed by the Slovenian Ministry of Education and Sport and the OCS Executive Board to adjudicate on appeals from decisions of the *Slovenian Anti-Doping Disciplinary Panel*.

Slovenian Anti-Doping Disciplinary Panel: The panel appointed by the Slovenian Ministry of Education and Sport and the OCS Executive Board to adjudicate on alleged violations of these Anti-Doping Rules.

National Anti-Doping Organization: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement Anti-Doping Rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings, all at the national level. If this designation has not been made by the competent public authority(ies), the entity must be the country's *National Olympic Committee* or its designee. For the purposes of these Anti-Doping Rules, the NAK will be the designated entity.

National Event: A sport *Event* involving *International-Level Athletes* or *National-Level Athletes* that is not an *International Event*.

National-Level Athlete: An *Athlete*, other than an *International-Level Athlete*, who is designated by the NAK as being within the *NAK Registered Testing Pool*.

National Olympic Committee (OCS): The organization recognized by the International Olympic Committee. The term *National Olympic Committee* must also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

National Sports Federation: Any national, provincial or territorial *Person* governing sport in Slovenia or part thereof and its affiliated members, clubs, teams, associations and leagues.

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

NOC Team: any Slovenian Olympic Team or other team selected by the OCS.

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

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

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

Participant: Any *Athlete* or *Athlete Support Personnel*.

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

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

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

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

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

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

Publicly Disclose or Publicly Report: To disseminate or distribute information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14 of the *Code* (Confidentiality and Reporting).

Registered Testing Pool: The pool of top level *Athletes* established separately by each International Federation and *National Anti-Doping Organization* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan.

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

Signatories: Those entities signing the *Code* and agreeing to comply with the *Code*,

including the International Olympic Committee, International Federations, International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organizations*, *National Anti-Doping Organizations*, and WADA.

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

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

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

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

*Trafficking*: To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to an *Athlete* either directly or indirectly or through one or more third parties, but excluding the prescription, dispensing, sale or distribution of a *Prohibited Substance* for genuine and legal therapeutic purposes.

*TUE*: Therapeutic use exemption.

*TUEC (Committee for Athletes' Health Protection)*: *TUE* Committee established by the NAK.

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

*WADA*: The World Anti-Doping Agency, being a Foundation constituted under the Swiss Civil Code in Lausanne on 10 November 1999 and any *National Anti-Doping Organization* contracted by WADA.

**ZADEVA: Slovenian Antidoping Rules 15.10.2008**

sekretar odbora za VŠ  
Janko Dvoršak