

## ANADO Legal Note # 1 April 25, 2008

### WADC 2009 Article 10 – Explanatory Introduction

Article 10 of the World Anti-Doping Code 2009 deals with sanctions for individuals. It addresses a wide range of circumstances. It is the longest and most complex set of provisions to apply in a particular case. According to Article 23.2.2 of the Code, Article 10 must be implemented by Signatories “without substantive change.”

To promote understanding of the factors to be considered in sanctioning individuals, and to assist users applying Article 10, NADOs should consider adding introductory language to their anti-doping rules implementing Article 10 to offer a summary of the main points covered by the detailed provisions. With reference to the sub-article numbers of the Code itself (which would have to be adjusted to reflect the numbering of the NADO’s own rules), here is a possible model:

#### SANCTIONS ON INDIVIDUALS

ARTICLE 10 DEALS WITH SANCTIONS FOR INDIVIDUALS BASED ON A VARIETY OF FACTORS, INCLUDING

- WHETHER THE SAMPLE COLLECTION TOOK PLACE IN-COMPETITION (10.1),
- THE TYPE OF ANTI-DOPING RULE VIOLATION (10.2 AND 10.3),
- WHETHER IT IS A FIRST ANTI-DOPING RULE VIOLATION (12.0 AND 10.3),
- THE ROLE OF THE INDIVIDUAL COMMITTING THE ANTI-DOPING RULE VIOLATION (10.3),
- THE TYPE OF *PROHIBITED SUBSTANCE* OR *PROHIBITED METHOD* INVOLVED (10.4),
- WHETHER THERE ARE EXCEPTIONAL CIRCUMSTANCES (10.5), INCLUDING NO FAULT OR NEGLIGENCE, NO SIGNIFICANT FAULT OR NEGLIGENCE, SUBSTANTIAL ASSISTANCE, OR AN ADMISSION OF A VIOLATION ABSENT OTHER EVIDENCE, AND
- WHETHER THERE ARE AGGRAVATING CIRCUMSTANCES (10.6).

THE ARTICLE ALSO ADDRESSES

- MULTIPLE INCLUDING SECOND OR THIRD ANTI-DOPING RULE VIOLATIONS (10.7),
- SUBSEQUENT *COMPETITIONS* (10.8),
- THE COMMENCEMENT OF *INELIGIBILITY* (10.9),
- STATUS DURING *INELIGIBILITY* (10.10),
- REINSTATEMENT *TESTING* (10.11), AND

- IMPOSITION OF FINANCIAL SANCTIONS (10.12).

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

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