

PART “D”

DOPING CONTROL RULES

**FINA General Congress
24 July 2009
Rome, Italy**

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RULE N°	SUBMITTING BODY	PROPOSAL
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DOPING CONTROL RULES

DC 2	ANTI-DOPING RULES VIOLATIONS	
DC 2.3	WADA <i>Bureau recommends</i>	Refusing or failing without compelling justification to submit to <i>Sample</i> collection after notification as authorized in applicable these anti-doping rules, or otherwise evading <i>Sample</i> collection.
DC 3	PROOF OF DOPING	
DC 3.1	WADA <i>Bureau recommends</i>	FINA and its <i>Member Federations</i> shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether FINA or the <i>Member Federation</i> has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where the Code these Rules place the burden of proof upon the <i>Competitor</i> or other <i>Person</i> 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, except as provided in DC 10.4 and DC 10.6 where the <i>Competitor</i> must satisfy a higher burden of proof.
DC 4	THE PROHIBITED LIST	
DC 4.4	Therapeutic Use	
DC 4.4.2	NOR & SWE Feds. <i>Bureau does not recommend</i>	<i>Competitors</i> included by FINA in its <i>Registered Testing Pool</i> and other <i>Competitors</i> prior to their participation in any <i>International Competition</i> must obtain a TUE from FINA (regardless of whether the <i>Competitor</i> previously has received a TUE at the national level). <u>FINA shall each year establish and publish a list of those International Competitions for which a TUE from FINA is required.</u> TUE's granted by FINA shall be reported to the <i>Competitor's Member Federation</i> and to WADA. Other <i>Competitors</i> subject to <i>Testing</i> must obtain a TUE from their <i>National Anti-Doping Organization</i> or other body designated by their <i>Member Federation</i> . <i>Member Federations</i> shall promptly report any such TUE to FINA and WADA. Except in emergency situations, a <i>Competitor</i> should apply for a TUE at least 21 days before the <i>Competitor's</i> participation in a <i>Competition</i> .
DC 5	TESTING	
DC 5.2	Responsibility for Doping Control	
DC 5.2.1	WADA <i>Bureau recommends</i>	All <i>Competitors</i> affiliated with a <i>Member Federation</i> shall be subject to <i>In-Competition Testing</i> by FINA, the <i>Competitor's Member Federation</i> , and any other <i>Anti-Doping Organization</i> responsible for <i>Testing</i> at a <i>Competition</i> or <i>Event</i> in which they participate. All <i>Competitors</i> affiliated with a <i>Member Federation</i> <u>including Competitors serving a period of Ineligibility or a Provisional Suspension</u> shall also be subject to <i>Out-of-Competition Testing</i> at any time or place, with or without advance notice, by FINA, WADA, the <i>Competitor's Member Federation</i> , the <i>National Anti-Doping Organization</i> of any country where the <i>Competitor</i> is present, the IOC during the Olympic Games, and the IPC during Paralympic Games. <u>Target Testing will be made a priority.</u>

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DC 5.4.4	<p>NOR Fed. SWE Fed.</p> <p style="color: green;"><i>Bureau recommends as amended:</i></p>	<p>It shall be the obligation of each <i>Competitor</i> in the <i>Registered Testing Pool</i> as well as that <i>Competitor's Member Federation</i>, to keep FINA informed about where the <i>Competitor</i> can be met for unannounced <i>Testing</i> anytime, by utilising the FINA Location Form. <u>in accordance with the World Anti-Doping Code's International Standard for Testing. It is the responsibility of each Competitor in the Registered Testing Pool to report the required whereabouts information to the FINA office no later then the first Monday of the months of January, April, July and October.</u> If the <i>Competitor</i> cannot be found for unannounced <i>Testing</i> due to incorrect or insufficient information provided to FINA, the <i>Member Federation</i> to which the <i>Competitor</i> is affiliated shall be obliged to pay expenses for the unsuccessful <i>Attempt of Testing</i>.</p> <p>.....</p> <p>It shall be the obligation of each <i>Competitor</i> in the <i>Registered Testing Pool</i> as well as that <i>Competitor's Member Federation</i>, to keep FINA informed about where the <i>Competitor</i> can be met for unannounced <i>Testing</i> anytime, by utilising the FINA Location Form. <u>It is the responsibility of each Competitor in the Registered Testing Pool to report the required whereabouts information to the FINA office no later then the first Monday of the months of January, April, July and October.</u> If the <i>Competitor</i> cannot be found for unannounced <i>Testing</i> due to incorrect or insufficient information provided to FINA, the <i>Member Federation</i> to which the <i>Competitor</i> is affiliated shall be obliged to pay expenses for the unsuccessful <i>Attempt of Testing</i>.</p>
DC 5.5	RETIREMENT AND RETURN TO COMPETITION	
DC 5.5.2	<p>WADA</p> <p style="color: green;"><i>Bureau recommends</i></p>	<p>A <i>Competitor</i> who has given notice of retirement to FINA may not resume competing unless he or she notifies FINA in writing at least nine (9) months before he or she expects to return to Competition and is available for unannounced <i>Out-of-Competition Testing</i> at any time during the period before actual return to Competition <u>competition</u>. A <i>Competitor</i> seeking reinstatement is subject to these Anti-Doping Rules in their entirety from the date reinstatement is requested.</p>

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DC 7	RESULTS MANAGEMENT	
DC 7.1.8.1	WADA <i>Bureau recommends</i>	<p>FINA will generally not provide notice of an Atypical Finding until it has completed its investigation and decided whether it will bring the <i>Atypical Finding</i> forward as an <i>Adverse Analytical Finding</i> unless one of the following circumstances exist:</p> <p>(a) If the FINA Executive determines the B Sample should be analyzed prior to the conclusion of its investigation under DC 7.1.8, FINA may conduct the B Sample analysis after notifying the <i>Competitor</i>, with such notice to include a description of the <i>Atypical Finding</i> and the information described in DC 7.1.8 3 (b)-(f).</p> <p>(b) If FINA or a <i>Member Federation</i> with results management responsibility receives a request, either from a <i>Major Event Organization</i> shortly before one of its <i>International Competitions</i> or a request from a sport organization responsible for meeting an imminent deadline for selecting team members for an <i>International Competition</i>, to disclose whether any <i>Competitor</i> identified on a list provided by the <i>Major Event Organization</i> or sport organization has a pending <i>Atypical Finding</i>, FINA or the <i>Member Federation</i> shall so identify any such <i>Competitor</i> after first providing notice of the <i>Atypical Finding</i> to the <i>Competitor</i>.</p>
DC 7.1.11	WADA <i>Bureau does not recommend</i>	<p>The FINA Executive or <i>Member Federation</i> with results management responsibility shall impose a <i>Provisional Suspension</i> promptly after the review and notification described in DC 7.1.2 and 7.1.3 have been completed for an <i>Adverse Analytical Finding</i> involving a <i>Prohibited Substance</i> other than a Specified Substance. The FINA Executive, after consultation with the DCRB, also may Provisionally Suspend a <i>Competitor</i> prior to the opportunity for a full hearing based on an alleged anti-doping rule violation other than an <i>Adverse Analytical Finding</i>, or after the review and notification described in DC 7.1.2. and 7.1.3 for Specified Substances but prior to the analysis of the <i>Competitor's</i> B Sample or a full hearing. The FINA Executive may also provisionally suspend a <i>Competitor</i> in connection with a FINA <i>International Competition</i> where the circumstances satisfy the requirements herein but the <i>Member Federation</i> with results management responsibility has not imposed a <i>Provisional Suspension</i>. If a Provisional Suspension is imposed, the Competitor shall be, <u>No Provisional Suspension shall be imposed unless the competitor is</u> given an opportunity for a Provisional Hearing before imposition of the Provisional Suspension or on a timely basis after imposition of the Provisional Suspension, or an opportunity for an expedited hearing in accordance with DC 8 on a timely basis after imposition of the Provisional Suspension.</p>
DC 7.2.4	BUREAU	<p>If the FINA Executive determines a <i>Member Federation</i> with results management responsibility is not carrying out its results management responsibilities with respect to an apparent anti-doping rule violation in a sufficiently expeditious manner, the FINA Executive may, after conferring with and providing a warning to the <i>Member Federation</i>, transfer results management responsibilities for the apparent anti-doping rule violation to the DCRB. In any case where the FINA Executive transfers such results management responsibilities to the DCRB, the <i>Member Federation</i> shall cooperate fully and shall</p>

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		reimburse FINA for its costs in carrying out results management responsibilities. <u>In any such case where the DCRB has conducted results management, any resulting hearing shall take place before the FINA Doping Panel.</u>
DC 7.2.6	BUREAU	Where a <i>Member Federation</i> has results management responsibility for an <i>Atypical Finding</i> , the FINA Executive may demand that the investigation under DC 7.1.8 be completed prior to a FINA <i>International Competition</i> . If the <i>Member Federation</i> does not comply with such demand, the FINA Executive may declare the <i>Competitor</i> Ineligible for the <i>International Competition</i> as a result of the pending <i>Atypical Finding</i> and/or may transfer results management responsibilities to the DRCB. <u>In any such case where the DCRB has conducted results management, any resulting hearing shall take place before the FINA Doping Panel.</u>
DC 7.3 NEW	BUREAU	<u>FINA reserves the right to exercise jurisdiction over results management and hearings with respect to any apparent anti-doping rule violation by any member of a <i>Member Federation</i> unless the Code specifically gives such jurisdiction to another <i>Signatory</i>.</u>
DC 8	RIGHT TO A FAIR HEARING	
DC 8.1	WADA <i>Bureau recommends</i>	For <i>Doping Controls</i> conducted by FINA or for the consideration of additional sanctions on account of <i>Doping Controls</i> conducted by the IOC, or an organization described in DC 5.2.5, FINA shall give the <i>Competitor</i> or other <i>Person</i> the opportunity for a hearing before the FINA Doping Panel as provided in Rule C 21 which respects the following principles: <ul style="list-style-type: none"> • a timely hearing; • a fair and impartial hearing body; • the right to be represented by counsel at the <i>Person's</i> own expense; • the right to be fairly and timely informed of the asserted anti-doping rule violation; • the right to respond to the asserted anti-doping rule violation and resulting Consequences; • the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing body's discretion to accept testimony by telephone or written submission); • the <i>Person's</i> right to an interpreter at the hearing with the Doping Panel to determine the identity, and responsibility for the cost of the interpreter; and • a timely, written, reasoned decision; <u>specifically including an explanation of the reason(s) for any period of Ineligibility.</u> Hearings held in connection with <i>Competitions</i> may be conducted by an expedited process.

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DC 8.2.3	BUREAU	<i>Member Federations</i> shall keep FINA fully apprised as to the status of pending cases and the results of all hearings. Where FINA assumes responsibility for results management under DC 7.1.8.1(c) or DC 7.2 or the hearing under DC 8.2.2, the <i>Member Federation</i> shall provide all requested documentation and shall be responsible for FINA's costs relating to the results management process or hearing. If the documentation exists in any language other than English or French, the <i>Member Federation</i> shall have such documentation translated to English.
DC 9	AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS	
DC 9	WADA <i>Bureau recommends</i>	An anti-doping rule violation <u>A violation of these Anti-Doping Rules in Individual Sports</u> in connection with an <i>In-Competition</i> test automatically leads to <i>Disqualification</i> of the individual result obtained in that Event with all resulting consequences, including forfeiture of any medals, points and prizes.
DC 10	SANCTIONS ON INDIVIDUALS	
DC 10.10	Prohibition Against Participation During Ineligibility.	
DC 10.10.1	WADA <i>Bureau does not recommend</i>	[<i>Comment to DC 10.10.1: For example, an ineligible Competitor cannot participate in a training camp, exhibition or practice organized by his or her Member Federation or a club which is a member of that Member Federation. Further, an ineligible Competitor may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), competitions organized by a non-signatory International Competition organization or a non-signatory national-level Competition organization without triggering the consequences set forth in Rule DC 10.10.2. FINA shall also recognize sanctions imposed by other sports (see DC 15 Mutual Recognition).</i>]
DC 10.11	Reinstatement Testing	
DC 10.11	WADA <i>Bureau recommends</i>	As a condition to regaining eligibility at the end of a specified period of <i>Ineligibility</i> , a <i>Competitor</i> must, during any period of <i>Provisional Suspension</i> or <i>Ineligibility</i> , make him or herself available for <i>Out-of-Competition Testing</i> by FINA, the applicable <i>Member Federation</i> , and any other <i>Anti-Doping Organization</i> having <i>Testing</i> jurisdiction, and must, if requested, provide current and accurate whereabouts information. If a <i>Competitor</i> subject to a period of <i>Ineligibility</i> retires from sport and is removed from <i>Out-of-Competition Testing</i> pools and later seeks reinstatement, the <i>Competitor</i> shall not be eligible for reinstatement until the <i>Competitor</i> has notified FINA and the applicable <i>Member Federation</i> and has been subject to <i>Out-of-Competition Testing</i> for a period of time equal to the longer of nine (9) months as provided in DC 5.5.2 or the period of <i>Ineligibility</i> remaining as of the date the <i>Competitor</i> had retired. During such remaining period of <i>Ineligibility</i> , a minimum of three tests must be conducted by the <i>Competitor's Member Federation</i> with at least three months between each test. The results of such tests shall be reported to FINA. In addition, immediately prior to the end of the suspension period <u>period of Ineligibility</u> , a <i>Competitor</i> must undergo <i>Testing</i> by FINA for the

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		<i>Prohibited Substances and Prohibited Methods for Out-of-Competition Testing.</i> Once the period of a <i>Competitor's suspension Ineligibility</i> has expired, and the <i>Competitor</i> has fulfilled the conditions of reinstatement, he/she will then become automatically re-eligible. No application by a <i>Competitor</i> or by his or her <i>Member Federation</i> will then be necessary.
DC 12	SANCTIONS AND COSTS ASSESSED AGAINST MEMBER FEDERATIONS AND OTHER PERSONS	
DC 12.6	WADA <i>Bureau recommends</i>	<p>DC 12.6 Any Person convicted of, or found to have engaged in, Trafficking or Administration by any criminal or other adjudicatory body while such Person was not subject to the jurisdiction of FINA or its Member Federations shall not be eligible to become a member of FINA or any Member Federation for a period of eight years after such conviction or adjudicatory finding.</p> <p>DC 12.7 Any coach or other Competitor Support Personnel who is the personal coach or personal Competitor Support Personnel to three or more Competitors found to have committed anti-doping rule violations sanctioned according to DC 10.2 (other than anti-doping rule violations involving a Specified Substance) or DC 10.3.2 shall not be eligible to participate in any Competition or activity of FINA or any Member Federation or any of their member organizations for a period of up to eight years from the date of the most recent anti-doping rule violation.</p> <p>DC 12.8 A Competitor or other Person who continues to receive or accept support services from a Competitor Support Personnel who is serving a period of Ineligibility may be fined or sanctioned by FINA in accordance with a Member Federation's Code of Conduct or other disciplinary rules.</p> <p>DC 12.9 Failure by a government to ratify, accept, approve or accede to the UNESCO Convention by 1 January 2010 or to comply with the UNESCO Convention thereafter may, on the decision of the FINA Executive, result in Ineligibility to bid for any FINA International Competition.</p>
DC 12.11 NEW	BUREAU	<u>The FINA Executive may fine or sanction a Member Federation which fails to substantially comply with the reporting requirements of DC 14.</u>

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DC 13	APPEALS	
DC 13.2.3	WADA <i>Bureau recommends</i>	<p>In cases under DC 13.2.1, the following parties shall have the right to appeal to CAS: (a) the <i>Competitor</i> or other <i>Person</i> who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FINA and any other <i>Anti-Doping Organization</i> under whose rules a sanction could have been imposed; (d) the International Olympic Committee <u>or International Paralympic Committee</u>, as applicable, where the decision may have an effect in relation to the Olympic Games, including decisions affecting eligibility for the Olympic Games <u>or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games</u>; and (e) WADA. In cases under DC 13.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the <i>Member Federation's</i> rules but, at a minimum, shall include the following parties: (a) the <i>Competitor</i> or other <i>Person</i> who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FINA; and (d) WADA. For cases under Article 13.2.2, WADA and FINA shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body.</p>
DC 13.2.3	BUREAU	<p>In cases under DC 13.2.1, the following parties shall have the right to appeal to CAS: (a) the <i>Competitor</i> or other <i>Person</i> who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FINA and any other <i>Anti-Doping Organization</i> under whose rules a sanction could have been imposed; (d) the International Olympic Committee <u>or International Paralympic Committee</u>, as applicable, where the decision may have an effect in relation to the Olympic Games, including decisions affecting eligibility for the Olympic Games <u>or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games</u>; and (e) WADA. In cases under DC 13.2.2, <u>and without prejudice to WADA's and FINA's right to appeal directly to the CAS in accordance with DC 13.1.1 and DC 13.1.2,</u> the parties having the right to appeal to the national-level reviewing body shall be as provided in the <i>Member Federation's</i> rules but, at a minimum, shall include the following parties: (a) the <i>Competitor</i> or other <i>Person</i> who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) FINA; and (d) WADA. For cases under Article 13.2.2, WADA and FINA shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body.</p>

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DC 13.3	BUREAU	<p>Where, in a particular case, FINA or its Member Federations fail to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if FINA or its Member Federations had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorneys fees in prosecuting the appeal shall be reimbursed to WADA by FINA or its Member Federations. <u>FINA shall have the same right to file an appeal to CAS in cases in relation with proceedings conducted by Members Federations.</u></p>
DC 13.6	BUREAU	<p>The deadline to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party and FINA. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having lead to a decision subject to appeal:</p> <ul style="list-style-type: none"> - Within a deadline of ten (10) days from receipt of the decision, <u>the party/ies entitled to appeal can request a copy of the full file on which such body relied, including the motivation of the decision and, if the proceedings took place in another language, a translation in one of FINA's official languages (English or French) of the decision and of the motivation, as well as of any document which is necessary to understand the content of the decision.</u> <p><u>- Twenty-one days . from the day of receipt of the full file including translations to the extent applicable.</u></p> <p>If such request is raised within the above deadline, then a new appeal deadline will run for the concerned party from the day the copy of the file is received.</p> <p>The above notwithstanding, the filing deadline for an appeal or intervention filed by WADA shall be the later of:</p> <ul style="list-style-type: none"> (a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision. <p><u>Similarly, the filing deadline for an appeal by FINA shall be in any event the later of:</u></p> <ul style="list-style-type: none"> - <u>Twenty-one days after the last day on which any other party (except WADA) could have appealed before a national reviewing body or the CAS; or</u> -<u>Twenty-one days from the day of receipt of the full file as mentioned above.</u>

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DC 14	MEMBER FEDERATIONS: INCORPORATION OF FINA RULES, REPORTING AND RECOGNITION	
DC 14.4	<p>NOR & SWE Feds.</p> <p style="color: green;"><i>Bureau recommends</i></p>	<p>Every <i>Member Federation</i> shall report to FINA the times of all swimming performances, which fall within the top 50 FINA World Ranking lists of the previous year and the present year. The report shall be made to FINA within 60 days of the performance. The top 50 FINA World Ranking List shall be the ranking published by FINA dated May 31 for the Short Course Swimming performances and December 31 for the Long Course Swimming performances.</p> <p><u>Any Member Federation not reporting performances in accordance with this rule can be found to be in violation of rule DC 5.4.2 and therefore liable to sanctions according to Rule C 12.</u></p>
DC 14.5	<p>NOR & SWE Feds.</p> <p style="color: magenta;"><i>Bureau does not recommend</i></p>	<p>Every <i>Member Federation</i> shall report to FINA the scores of all diving performances, which fall within the top 20 FINA World Ranking lists of the previous year and the present year. The report shall be made to FINA within 60 days of the performance. <u>Any Member Federation not reporting performances in accordance with this rule can be found to be in violation of rule DC 5.4.2 and therefore liable to sanctions according to Rule C 12.</u></p>
DC 15	RECOGNITION OF DECISIONS BY OTHER ORGANIZATION	
DC 15.2	<p>WADA</p> <p style="color: green;"><i>Bureau recommends</i></p>	<p>DC 15.2 Signatories shall 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.</p>
DC 17	INTERPRETATION OF ANTI-DOPING RULES	
DC 17.9	<p>WADA</p> <p style="color: green;"><i>Bureau recommends</i></p>	<p>For purposes of applying DC 10.7.1, a pre-Effective Date anti-doping rule violation where the violation involved a substance which is categorized as a Specified Substance under prior these Anti-Doping Rules and the period of Ineligibility imposed was less than two (2) years, the pre-Effective Date violation shall be considered a Reduced Sanction (RS).</p>

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APPENDIX 1	DEFINITIONS	
	<p>WADA <i>Bureau recommends</i></p>	<p><u>DCRB: Doping Control Review Board.</u></p> <p><i>In-Competition:</i> For purposes of differentiating between <i>In-Competition</i> and <i>Out-of-Competition Testing</i>, an <i>In-Competition</i> test is a test where a <i>Competitor</i> is selected for <i>Testing</i> in connection with a specific <i>Competition</i>, which shall start with the beginning of opening ceremonies and conclude with the end of the closing ceremonies.</p> <p><u>Where a Competitor is not competing in the context of a Competition, In-Competition means the period commencing twelve hours before an Event in which the athlete is scheduled to participate through the end of such Event and the sample collection process related to such Event.</u></p> <p><u>Independent Observer Program: A team of observers, under the supervision of WADA, who observe and may provide guidance on the Doping Control process at certain competitions and report on their observations.</u></p> <p><i>International Competition:</i> A Competition where the International Olympic Committee, <u>the International Paralympic Committee</u>, FINA, a Major Event Organization, or another international sport organization is the ruling body for the Competition or appoints the technical officials for the Competition.</p> <p><u>National Competition: A sport Competition involving international or national-level Competitors that is not an International Competition.</u></p> <p><u>National Olympic Committee: The organization recognized by the International Olympic Committee. The term National Olympic Committee shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical National Olympic Committee responsibilities in the anti-doping area.</u></p> <p><u>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 DC 14.</u></p> <p><i>Use:</i> The initialization <u>utilisation</u>, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.</p>