

*** The authentic text of the following rules is in Japanese.**

Sports Arbitration Rules for Doping Disputes

Chapter I General Provisions

Article 1 Purpose

The purposes of these rules is the speedy resolution of doping disputes through arbitration by a sports arbitration panel made up of fair and impartial arbitrators of independent standing, with the aim of increasing the transparency of the law and rules relating to sport, and contributing to the sound development of sport.

Article 2 Application

(1) These rules shall apply to appeals against decisions made by the following bodies under the *Japan Anti-Doping Code*:

- (i) The Japan Anti-Doping Agency;
- (ii) The Japan Anti-Doping Disciplinary Panel;
- (iii) The Japanese Olympic Committee;
- (iv) The Japan Sports Association;
- (v) The Japanese Para-Sports Association;
- (vi) The Prefectural Amateur Sports Associations;
- (vii) The National Sports Federations.

(2) At least the following persons are included as claimants for arbitration under these rules. Notwithstanding above, the persons which are listed in the following article 2.2 (x) and (xi) can claim for arbitration only 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:

- (i) Athletes and others subject to a decision that is the subject of a request for arbitration;
- (ii) Persons involved in cases in which the decision made is the subject of a request for arbitration (excluding persons listed in Item (i));
- (iii) Persons subject to decisions that are the subject of a request for arbitration or the National Sports Federation and International Sports Federation involved in a matter;
- (iv) The Japanese Olympic Committee;
- (v) The Japan Sports Association;

- (vi) The Japanese Para-Sports Association;
 - (vii) The Japan Anti-Doping Agency;
 - (viii) Japanese anti-doping bodies other than the Japan Anti-Doping Agency to which the athletes and others prescribed in Item (i) submit;
 - (ix) The World Anti-Doping Agency.
 - (x) The International Olympic Committee
 - (xi) The International Paralympic Committee
- (3) The Japan Anti-Doping Disciplinary Panel shall not be a respondent in arbitrations under these rules.

Article 3 Definitions

- (1) Under these rules, "Party" and "Parties" shall mean either of, and both, the claimant and the respondent, respectively. Multiple claimants and respondents with common interests shall respectively be deemed to be single Parties for the selection of arbitrators.
- (2) Under these rules, the "Japan Sports Arbitration Agency" means the body established under the articles of association constituting the Japan Sports Arbitration Agency public incorporated foundation.
- (3) Under these rules, the "Japan Anti-Doping Agency" means the body established on September 16, 2001 under the act of endowment constituting the Japan Anti-Doping Agency incorporated foundation and transformed into a public incorporated foundation on April 1, 2011 under the articles of association constituting the Japan Anti-Doping Agency, public incorporated foundation..
- (4) Under these rules, the "*Japan Anti-Doping Code*" means the *Japan Anti-Doping Code* adopted by the Japan Anti-Doping Agency on December 28, 2004, the *Japan Anti-Doping Code* that came into effect on July 1, 2007 and the *Japan Anti-Doping Code* that came into effect on January 1, 2015 (including subsequent revisions).
- (5) Under these rules, the "Japan Anti-Doping Disciplinary Panel" means the institution prescribed by Article 8 of the *Japan Anti-Doping Code*.
- (6) Under these rules, "Therapeutic Use Exemptions (TUE) for Prohibited Substances" means measures dealt with under Article 4.4 and below of the *Japan Anti-Doping Code* in cases of a medical condition requiring the use of substances or methods prohibited by rules on doping.
- (7) Under these rules, the "World Anti-Doping Agency" means the body established on November 10, 1999 at Lausanne in the Swiss Confederation under the *Swiss Civil Code*.

- (8) Under these rules, the "Court of Arbitration for Sport" means the court of arbitration established on June 30 1984, headquartered in Lausanne, Switzerland and operated by an arbitration council.
- (9) Under these rules, "Requests", "Defenses" and other "Documents" are not limited to paper form, and shall also include communication methods that preserve data, which can be used for later reference. The same also applies to "Powers of Attorney".
- (10) Under these rules, "Hearing Dates" means the "Hearings" prescribed by Article 13 of the *Japan Anti-Doping Code*.
- (11) The terms "National Sports Federations" and "International Sports Federations" and other terms defined in the *Japan Anti-Doping Code* shall be as prescribed by that *Code*.

Article 4 Arbitration Agreements

Arbitration agreements shall be deemed to exist for arbitrations under these rules, limited to appeals under the *Japan Anti-Doping Code*.

Article 5 Interpretation

If doubt arises regarding the interpretation of these rules, the interpretation shall comply with that given by the Japan Sports Arbitration Agency. However, an interpretation given by the Sports arbitration panels shall subsequently take precedence over Japan Sports Arbitration Agency interpretations in that arbitration case.

Article 6 Relationship with *Japan Anti-Doping Code*

In the application of these rules, matters prescribed by Paragraph 13.2.1 and other provisions of the *Japan Anti-Doping Code* shall comply with that *Code*.

Article 7 Partial Changes to Rules

- (1) Sports arbitration panels (before a panel is formed, the Japan Sports Arbitration Agency) may, giving consideration to the circumstances of a case, when it is regarded as necessary, lengthen or shorten periods provided for in these rules (including periods prescribed by the sports arbitration panel). In this event, the Japan Sports Arbitration Agency or sports arbitration panel must notify the Parties to that effect, without delay.
- (2) Parties may not, in the absence of special circumstances, agree to change the details of these rules. If the Parties seek a change in the details of the rules, the Parties may request that the sports arbitration panel (before its formation, the Japan Sports Arbitration Agency) make the change.

Article 8 Place of Arbitration and Arbitration Law applicable to Proceedings

Tokyo shall be the place of arbitration in arbitrations under these rules and the proceedings will be carried out in compliance with Japanese law.

Article 9 Languages and Terminology

(1) The language of arbitral proceedings shall be Japanese. However, the Parties may agree that the language will be Japanese or English, or both. If there is a dispute between the Parties regarding language, the sports arbitration panel must decide on the language to be used without delay. In deciding on the language to be used sports arbitration panels must give weight to the perspective of fairness and consider the burden of interpreting and translation.

(2) Arbitral proceedings that are carried out before a decision is given on language under the preceding paragraph do not lose their validity.

(3) Where both Japanese and English have been prescribed as the languages of arbitral proceedings, either Japanese or English may be used at the Parties' discretion. However, a Japanese original and an English original of the text of the arbitral award will be prepared, and if differences of interpretation arise, the interpretation given will use the Japanese original.

Article 10 Representatives and Advisors

Parties may have persons of their choice represent or advise them at proceedings under these rules. Sports arbitration panels may, when there are reasonable grounds, reject the representation or advice of inappropriate representatives or advisors. Provided however, no person other than an attorney at law may serve as a representative.

Article 11 Administration

The administration of arbitrations under these rules will be carried out by the Japan Sports Arbitration Agency under the separately prescribed *Japan Sports Arbitration Agency Office Rules for Sports Arbitration of Doping Disputes*.

Article 12 Final Day of Time Limits

Where the final day of a period provided for in these rules (including periods prescribed by sports arbitration panels) is a holiday as defined in the Japan Sports Arbitration Agency Office Rules for Sports Arbitration of Doping Disputes, the final day of the period shall be the first weekday following that day.

Article 13 Number of Copies to be Submitted and Recipients

Where the Documents submitted by the Parties to the Japan Sports Arbitration Agency and the sports arbitration panel are in paper form, the number of copies submitted shall be 2 copies in addition to the number of arbitrators (3 persons, limited to if there has been no decision to have a single arbitrator) and the number of respondents. However, where it is otherwise prescribed in these rules, those provisions shall apply.

Article 14 Exemption from Liability

Neither the Japan Sports Arbitration Agency nor any arbitrator, director or administrative employee of the Japan Sports Arbitration Agency, shall be liable for their acts or omissions regarding arbitral proceedings, except where willful or due to gross negligence.

Chapter II Arbitral Proceedings

Section 1 Requests and Defenses

Article 15 Time Limit for Requests for Arbitration

(1) Requests for arbitration must reach the Japan Sports Arbitration Agency within 21 days after the date of receipt of the decision that is the subject of the Request.

However, this shall not apply where there are special circumstances not attributable to the claimant such that a Request cannot be made within this period.

(2) Notwithstanding the provisions of the preceding paragraph, Requests by the World Anti-Doping Agency for arbitration must reach the Japan Sports Arbitration Agency within 21 days after the last day on which any other party in the case, listed in article 2.2 could have appealed, or within 21 days after the World Anti-Doping Agency has received all Documents regarding that decision. However, this shall not apply where there are special circumstances not attributable to the World Anti-Doping Agency such that a Request cannot be made within this period.

Article 16 Requests for Arbitration

(1) Persons who wish to make a Request for arbitration under these rules must submit a Request for arbitration stating the following matters to the Japan Sports Arbitration Agency:

- (i) That the dispute is submitted to arbitration under these rules;

- (ii) The names and addresses of both Parties;
- (iii) Where a representative has been determined, their name and address;
- (iv) The nomination of a person who is to receive notices etc. relating to the arbitral proceedings and that person's contact details (place for sending Documents, telephone number, cellular phone number, facsimile number and email address);
- (v) The particulars of the decision that is the subject of the Request;
- (vi) The objectives of the Request (the details of the relief sought);
- (vii) Where necessary, a demand for a stay of execution the decision that is the subject of the Request or other provisional measures, and the concrete reasons for the demand.

(1)-2 Claimants that are organizations must submit to the Japan Sports Arbitration Agency a copy of the body's organizational rules, as well as materials showing the arbitral proceedings will be carried out by a person qualified to represent that body.

(2) Claimants must submit a statement of the purpose of their Request stating the following matters to the Japan Sports Arbitration Agency within ten days after the expiry of the time limit for making a Request:

- (i) An outline of the dispute;
- (ii) The concrete grounds and method of proof on which the claim is based.

(3) Where a claimant has failed to submit a statement of the purpose of their Request, the Request shall be deemed to have been withdrawn.

(4) Where arbitral proceedings will be conducted by a representative, the representative must submit a letter of attorney to the Japan Sports Arbitration Agency together with the Request for arbitration.

(5) Claimants must, when making a Request for arbitration, pay the request fees prescribed in the *Rules on Sports Arbitration Fees for Doping Disputes* to the Japan Sports Arbitration Agency.

(6) Where the Request for arbitration is lacking requirements prescribed in this article, the Japan Sports Arbitration Agency will prescribe a reasonable period and notify the claimant that they are to correct the defective part within that period, and where the claimant does not comply with this notice the Request shall be deemed to have not been made.

Article 16-2 Cross Appeals and Other Subsequent Appeals

(1) Any respondent named in cases may bring cross appeals and other subsequent appeals to the Japan Sports Arbitration Agency even after the passage of the period of

request stipulated in Article 15.1.

(2) The respondent of the previous section must file a cross appeal or subsequent appeal at the latest by the expiration of the period stipulated in article 18.1.

(3) The provisions of article 16 shall apply mutatis mutandis to the cross appeals and other subsequent appeals

Article 17 Acceptance and Notice of Requests for Arbitration

(1) The Japan Sports Arbitration Agency will, after the submission of a Request for arbitration that conforms to the provisions of Paragraphs 1 of the article 16, confirmation of the existence of an arbitration agreement and confirmation of the payment of the request fees prescribed in the *Rules on Sports Arbitration Fees for Doping Disputes*, accept the Request and notify the claimant and respondent without delay. A copy of the Request for arbitration will be attached to the notice of acceptance given to the respondent.

(2) The Japan Sports Arbitration Agency must, in the notices in the preceding paragraph, explain the matters prescribed in Article 18 in relation to the submission of Defenses, as well as the matters prescribed in Articles 23 through 25 in relation to the selection of arbitrators, and give appropriate directions.

(3) The Japan Sports Arbitration Agency shall notify the Japan Anti-Doping Agency of the fact that proceedings have commenced under these rules and the details of the case (including the Request for arbitration and other Documents), as appropriate during the proceedings.

Article 18 Defenses

(1) The respondent must, as soon as possible after the date on which the notice of acceptance of a Request for arbitration prescribed by Article 17(1) is issued, and within 20 days at the latest, submit a Defense stating the following matters to the Japan Sports Arbitration Agency:

- (i) The names or titles and addresses of both Parties;
- (ii) Where a representative has been determined, their name and address;
- (iii) The nomination of a person who is to receive notices etc. relating to the arbitral proceedings and that person's contact details (place for sending Documents, telephone number, cellular phone number, facsimile number and email address);
- (iv) The objectives of the Defense;
- (v) An outline of the dispute;

- (vi) The concrete grounds and method of proof for the Defense.
- (2) Respondents that are organizations must submit to the Japan Sports Arbitration Agency a copy of the body's organizational rules, as well as materials showing the arbitral proceedings will be carried out by a person qualified to represent that body.
- (3) Where arbitral proceedings will be carried out by a representative, the representative must submit a letter of attorney to the Japan Sports Arbitration Agency together with the Defense.
- (4) Where a Defense has been submitted, the Japan Sports Arbitration Agency will send a copy without delay to the Parties, and if arbitrators have been selected, to the arbitrators.

Article 19 Amendments to Requests for Arbitration

- (1) Claimants may submit requests for amendment to the Japan Sports Arbitration Agency and amend their Requests for arbitration, limited to amendments included under the same arbitration agreement. However, after the sports arbitration panel is formed claimants must submit an application for approval of the amendment of their Request for arbitration to the sports arbitration panel and obtain the approval of the sports arbitration panel.
- (2) Sports arbitration panels must, before granting the approval in the preceding paragraph, provide an opportunity to hear the opinion of the respondent.
- (3) Sports arbitration panels will not grant the approval in Paragraph 1 where the amendment of the Request for arbitration would significantly delay the arbitral proceedings, where it would be detrimental to the interest of the respondent, or where other circumstances are found such that the panel considers it inappropriate to approve the amendment of the Request for arbitration.
- (4) The provisions of Article 18 will apply, with the necessary changes, to Defenses to amended Requests for arbitration. However, the period will be calculated from the date on which the Japan Sports Arbitration Agency issues the notice of amendment of the Request for arbitration to the respondent.

Article 20 Withdrawal of Requests for Arbitration

- (1) Claimants may independently withdraw their Requests for arbitration, limited to within 10 days after the date on which the notice of acceptance of the Request for arbitration prescribed in Article 17(1) was issued.
- (2) In cases other than those in the preceding paragraph, claimants may withdraw their Requests for arbitration, limited to if they have obtained the consent of the

respondent.

(3) Withdrawals of Requests for arbitration will become effective when the notice of withdrawal of the Request for arbitration, or where the preceding paragraph applies, the notice of the respondent's consent to the withdrawal, reaches the Japan Sports Arbitration Association.

Article 21 Prohibitions on Filing of Legal Actions and Duplicate Requests for Arbitration

(1) In disputes to which these rules apply, appeals may be made solely under these rules, and no petition may be made to a court or other institution.

(2) Persons who have already made a Request for arbitration under these rules may not make a Request for arbitration in relation to the same case. However, in order to protect the rights of these persons, this shall not apply where there are special circumstances in favor of making a duplicate Request for arbitration under these rules.

Article 22 Pursuit of Arbitral Proceedings before Sports Arbitration Panel is Formed

The Japan Sports Arbitration Agency may, before a sports arbitration panel is formed, progress proceedings to constitute the sports arbitration panel, even where the respondent has objected to the establishment or validity of the arbitration agreement. In this event, the sports arbitration panel will determine the appropriateness of the objection to the establishment or validity of the arbitration agreement in compliance with Article 31 after the sports arbitration panel is formed.

Section 2 Arbitrators and Constitution of Sports Arbitration Panels

Article 23 Arbitrators

(1) Arbitrators must handle cases independently, fairly and speedily. An arbitrator may not directly obtain remuneration or other benefits from the Parties, even if the arbitrator was selected by the Parties.

(2) Persons who have considered an application from an athlete Party regarding a Therapeutic Use Exemption (TUE) for Prohibited Substances or an appeal from a decision on an application from an athlete Party regarding a Therapeutic Use Exemption (TUE) for Prohibited Substances, persons who have had some other kind of involvement in an arbitration case, and persons who have an interest in an arbitration case, may not be arbitrators.

(3) Where it is possible that an arbitrator's circumstances may affect the impartiality

an arbitrator properly holds towards the Parties to an arbitration case, the arbitrator must promptly disclose the circumstances to the Japan Sports Arbitration Agency, the president of the arbitration panel and the Parties.

(4) The Japan Sports Arbitration Agency shall prepare a sports arbitrator candidate list, listing candidate sports arbitrators, and shall review the list as necessary.

(5) Arbitrators must be selected from the sports arbitrator candidate list prescribed in the preceding paragraph. However, this shall not apply where the Japan Sports Arbitration Agency finds that the Parties' selections of arbitrators are particularly reasonable.

(6) Arbitrators and Parties may not, after the arbitrators are selected, have direct contact with each other in relation to the case. However, this shall not apply where there are special circumstances if the method is such that impartiality is not prejudiced.

Article 24 Number of Arbitrators and Sports Arbitration Panel

(1) Sports arbitration panels will, in principle, be constituted by 3 arbitrators. However, if the Japan Sports Arbitration Agency finds it appropriate, a sports arbitration panel will be constituted by a single arbitrator.

(2) A sports arbitration panel will be formed when all arbitrators have been selected.

(3) Where a sports arbitration panel is constituted by multiple arbitrators, the decisions of the panel, including arbitral awards, will be made by a majority of the arbitrators.

Article 25 Arbitrator Selection Procedures

(1) Where 3 arbitrators are to be selected under the provisions of Article 24, the Parties will each select one arbitrator, within one week from the date on which the notice of acceptance of the Request for arbitration prescribed by Article 17(1) is issued. If the Parties do not select arbitrators within that period, the Japan Sports Arbitration Agency will select arbitrators. The 2 selected arbitrators will select a further arbitrator by agreement within the period designated by the Japan Sports Arbitration Agency. If the 2 selected arbitrators do not select a further arbitrator within that period, the Japan Sports Arbitration Agency will select that arbitrator. The final arbitrator selected in this manner shall be the president of the panel.

(2) Where it is proper for the Japan Sports Arbitration Agency to select one arbitrator, the Japan Sports Arbitration Agency will select that arbitrator.

(3) Where the Japan Anti-Doping Agency joins in arbitration proceedings as an independent interested Party under the provisions of Article 41(2), arbitrators will be

selected by the agreement of all Parties. Where this selection of arbitrators by agreement has not been carried out by the date on which two weeks has passed from the date on which the third party joined in the arbitration proceedings, the Japan Sports Arbitration Agency shall decide on the number of arbitrators and select the arbitrators, giving consideration to the scale and complexity of the dispute.

(4) The Japan Sports Arbitration Agency must liaise with persons selected as arbitrators and obtain their acceptance of their appointment as arbitrators. Where an arbitrator declines an appointment, an alternative arbitrator will be selected in compliance with this article.

Article 26 Notice of Selection of Arbitrators

(1) When Parties or Arbitrators have selected a person listed on the sports arbitrator candidate list as an arbitrator, they must submit a notice of arbitrator selection stating the name of that person to the Japan Sports Arbitration Agency without delay. The Japan Sports Arbitration Agency will send copies of the notice to the counterparty and the arbitrators already selected, without delay.

(2) When Parties or arbitrators have selected a person who is not listed on the sports arbitrator candidate list as an arbitrator, they must submit a notice of arbitrator selection stating that person's name, address and occupation, as well as valid contact details, including their telephone number and email address, attaching the person's written acceptance of their appointment, to the Japan Sports Arbitration Agency, without delay.

(3) In cases under the preceding paragraph, where the Japan Sports Arbitration Agency has approved the selection of the arbitrator after determining the reasonableness of the selection in compliance with Article 23(5), the Japan Sports Arbitration Agency will notify the parties and the arbitrators already selected of that person's name and occupation, without delay. Where the selection of the arbitrator is not approved, the Japan Sports Arbitration Agency will send a Document giving notice to that effect to the Party who submitted the notice of arbitrator selection.

(4) When the Japan Sports Arbitration Agency has selected an arbitrator, the Japan Sports Arbitration Agency will notify the Parties and the arbitrators already selected of that person's name, without delay.

Article 27 Burden of Non-resident Arbitrators' Costs

(1) Where a person who does not reside in Japan is selected as an arbitrator, the Party who selected the arbitrator will bear the costs made necessary by the fact that the arbitrator does not reside in Japan. However, the sports arbitration panel may prescribe

a different apportionment of the burden of costs in the arbitral award.

(2) Where the Japan Sports Arbitration Agency or arbitrators have selected a person who does not reside in Japan as an arbitrator, the sports arbitration panel will decide the apportionment of the burden of costs in the arbitral award.

Article 28 Challenges to Arbitrators

(1) The Parties may, by agreement, challenge an arbitrator they regard as inappropriate.

(2) Requests by one Party to challenge an arbitrator will be determined by the Japan Sports Arbitration Agency after giving the Party and the arbitrator in question an opportunity to state their opinions.

Article 29 Resignation and Dismissal of Arbitrators

(1) Arbitrators may not resign without reasonable grounds.

(2) Where an arbitrator does not perform their duties or is unduly delayed in the performance of their duties, or where the arbitrator cannot legally or practically perform their duties, the Japan Sports Arbitration Agency may dismiss that arbitrator.

Article 30 Replacement Arbitrators

Where it has become necessary to replace an arbitrator due to death, challenge, resignation or dismissal, a replacement arbitrator shall be selected in compliance with the procedures for selecting that arbitrator.

Section 3 Hearing Procedures

Article 31 Competence of Sports Arbitration Panel as to Jurisdiction

Sports arbitration panels may decide whether or not they are competent to make arbitral awards in cases submitted to the panel.

Article 32 General Principles

(1) Sports arbitration panels must treat the Parties fairly, and allow the Parties ample opportunity to make claims, adduce evidence and mount Defenses.

(2) Hearings and other deliberative proceedings will be carried out under the direction of the sports arbitration panel (where there are 3 arbitrators, the president of the panel).

(3) **The scope of review on the sports arbitration panels is expressly not limited to**

the scope of review before the decision made by the bodies listed in the provision of article 2.1.

Article 33 Hearing Dates

(1) The Japan Sports Arbitration Agency will decide the dates and places of hearings after providing an opportunity to hear the Parties' opinions. Where the Hearing Dates extend across 2 or more days, the hearings must be held on consecutive days, so far as is possible.

(2) The Japan Sports Arbitration Agency must, when the Hearing Dates and places have been decided, notify the Parties of the Hearing Dates, without delay.

(3) On the Hearing Dates, the law and facts will be discussed, and evidence will be presented and examined.

(4) If there is a request from both Parties for a change in the Hearing Dates, the Hearing Dates must be changed. If there is a request from one Party for a change in the Hearing Dates, the sports arbitration panel may change the dates, limited to where the Panel finds that the circumstances are unavoidable.

(5) The requests in the preceding paragraph must be by Document, except where they are made on a Hearing Date.

Article 34 Submission of Written Claims

(1) Parties may submit claim Documents to the sports arbitration panel on Hearing Dates or on days other than Hearing Dates. The sports arbitration panel may encourage the submission of claims Documents.

(2) The Japan Sports Arbitration Agency shall, under the direction of the sports arbitration panel, promptly deliver or send the claim Documents to the counterparty.

Article 35 Clarification of Facts

Sports arbitration panels may, in order to facilitate understanding of a case, seek explanations of the Parties' claims or attend on site to conduct inspections or investigations, having given the Parties the opportunity to be present.

Article 36 Presenting of Evidence

(1) Parties may submit the following items to the sports arbitration panel in order to present evidence:

- (i) To present documentary evidence, an explanation of the evidence with the Documents in evidence attached;

- (ii) To present the questioning of witnesses, an application to question a witness specifically listing the witnesses and questions;
 - (iii) To present expert opinion or tests, an application to present expert opinion or testing stating the expert opinions or tests and methods.
- (2) Evidence may be presented even on days other than Hearing Dates.
 - (3) The Japan Sports Arbitration Agency shall, under the direction of the sports arbitration panel, promptly delivery or send evidence presented on days other than Hearing Dates to the Parties (excluding the Party who submitted the evidence).
 - (4) Parties other than the Party who presented the evidence may submit a written opinion on the evidence presented to the sports arbitration panel, limited to within 3 days after the date on which the Parties received the evidence delivered or sent. The provisions of the preceding 2 paragraphs will apply where this paragraph applies, with the necessary changes.
 - (5) Sports arbitration panels will decide whether to accept or reject the presentation of evidence promptly after the period in the preceding paragraph has expired. In this event, the Japan Sports Arbitration Agency will notify the Parties of the result without delay.

Article 37 Examination of Evidence

- (1) Parties are responsible for adducing evidence of the facts on which their claim or Defense is based.
- (2) Sports arbitration panels may, when the panel finds it is necessary, request that Parties submit evidence, or examine evidence not submitted by the Parties.
- (3) The examination of evidence may be carried out even on days other than Hearing Dates. In this event, the Parties must be given the opportunity to be present.
- (4) Sports arbitration panels may, when the panel finds that it is necessary, or when a Party has made an application, make inquiries of and request answers from public and private institutions. The panel must disclose the answers obtained to the Parties.

Article 38 Burden of Costs, including of Investigations

The costs of the examination of evidence, inquiries and inspections or investigations under the provisions of Article 35, when due to the directions of the sports arbitration panel, will be borne by the Parties in equal amounts, and when due to the request of one Party, will be borne by the Party who made that request. However, the sports arbitration panel may change the apportionment of the burden of costs according to the circumstances.

Article 39 General Principle of Appearance of Parties

- (1) Where one or both Parties fails to appear without reasonable grounds, the hearing may be held in their absence. However, where both Parties have failed to appear, the hearing may not be concluded on that date.
- (2) Where one Party has failed to appear without reasonable grounds, the hearing may proceed based on that Party's claims and adduced evidence.

Article 40 Inquiries by Sub-Panels

Sports arbitration panels may, when the panel finds that it is necessary, have one or more arbitrators who are part of the sports arbitration panel question witnesses, carry out verification, or conduct the inspections or investigations prescribed in Article 35.

Article 41 Participation in Proceedings

- (1) Persons subject to a decision that is the subject of an appeal, or the National Sports Federation and International Sports Federation, the Japanese Olympic Committee, the Japan Sports Association, the Japanese Para-Sports Association and the World Anti-Doping Agency may join arbitral proceedings as an observer at any time up to the conclusion of the hearing. Observers are not entitled to make their own demands or claims etc., and may only make statements and submit materials, etc., with the permission or at the request of the sports arbitration panel.
- (2) The Japan Anti-Doping Agency is entitled to join in arbitral proceedings as a Party or observer at any time up to the conclusion of the hearing.
- (3) Where the Japan Anti-Doping Agency joins arbitral proceedings under the provisions of the preceding paragraph as a Party before the sports arbitration panel is formed, if the Japan Anti-Doping Agency has an independent interest in the proceedings, the selection of arbitrators will be carried out under the provisions of Article 25(3) and in cases other than these, the Japan Anti-Doping Agency will not influence the constitution of the panel.
- (4) The provisions of Articles 16 through 22 will apply, with the necessary changes, to claims etc. made by the Japan Anti-Doping Agency under the provisions of Paragraph 2.

Article 42 Joint Proceedings for Multiple Requests for Arbitration

- (1) The Japan Sports Arbitration Agency may, when the Agency finds it necessary, join multiple Requests for arbitration in the same proceedings where the objectives of

the claims are mutually related.

(2) Where multiple Requests for arbitration have been joined in the same proceedings under the provisions of the preceding paragraph, the provisions of Paragraph 3 of the preceding article will apply to the selection of arbitrators, with the necessary changes.

Article 43 Closed Proceedings, Release of Arbitral Awards, Duty of Confidentiality

(1) Arbitral proceedings and records of proceedings shall be closed.

(2) Notwithstanding the preceding paragraph, hearings will be open where all Parties agree to the proceedings being open.

(2)-2 The Japan Sports Arbitration Agency will release the fact that there is an appeal (including case number and date of appeal) after the submission of a request for arbitration under these rules and the request fees.

(3) In any case where the Japan Sports Arbitration Agency determines that anti-doping rule violation was committed, it will release arbitral awards by an appropriate method. However, where there are special circumstances, the Agency will withhold some or all of an arbitral award from publication.

(3)-2 In any case where the Japan Sports Arbitration Agency determines that the anti-doping rule violation was not committed, it may release arbitral awards only with the consent of the athlete or other person who is the subject of the decision.

(3)-3 In any case where the claimant withdrawal of the request, the Japan Sports Arbitration Agency will release the fact that there has been a withdrawal of the request for arbitration under these rules.

(4) Except for the scope provided for in the preceding paragraph, arbitrators, Parties, Parties' representatives and advisors, and observers and the Japan Anti-Doping Agency, as well as persons connected with the Japan Sports Arbitration Agency, may not divulge secrets, knowledge of which was acquired through arbitration cases, to others.

Article 44 Audiovisual Recording of Hearings, Written Records of Hearings, Preparation of Stenographic Transcripts, and Burden of Costs

(1) The Japan Sports Arbitration Agency may make audio or audiovisual recordings of hearings.

(2) The Japan Sports Arbitration Agency will prepare written records of hearings if the sports arbitration panel directs. Written records of hearings will state the dates, place, names of attendees and an outline of the hearing.

(3) The Japan Sports Arbitration Agency will arrange for the preparation of

stenographic transcripts if the sports arbitration panel directs or a Party makes a request. Directions or requests for stenographic transcripts must, in principle, be made by 3 days before the Hearing Date.

(4) The costs of preparing stenographic records, when due to the directions of the sports arbitration panel, will be borne by each Party in equal amounts, and when due to a request by a Party, will be borne by the Party who made that request. However, the sports arbitration panel may change the apportionment of the burden of costs according to the circumstances.

(5) All records and other information regarding hearings will be held in the possession and safekeeping of the Japan Sports Arbitration Agency. The same shall apply to information acquired by the Japan Anti-Doping Agency.

Article 45 Interpreting and Translation

(1) The Japan Sports Arbitration Agency will arrange for interpreting and translation if the sports arbitration panel directs or a Party makes a request. Directions or requests for interpreting must, in principle, be made by 3 days before the Hearing Date.

(2) The Japan Sports Arbitration Agency will verify the identity of interpreters and translators.

(3) The costs of interpreting and translation, when due to the directions of the sports arbitration panel, will be borne by each Party in equal amounts, and when due to a request by a Party, will be borne by the Party who made that request. However, the sports arbitration panel may change the apportionment of the burden of costs according to the circumstances.

Article 46 Conclusion and Resumption of Hearings

(1) Sports arbitration panels may decide to conclude hearings when the panel finds that the proceedings are ready for an arbitral award, or that it is not possible to continue the proceedings and they should be discontinued. When this decision is made on a day other than a Hearing Date, an appropriate period of notice must be given.

(2) When sports arbitration panels have concluded hearings that the panel has found should be discontinued, the panel must announce the close of the proceedings. The provisions on arbitral awards will apply in this event, with the necessary changes.

(3) Sports arbitration panels may, when the panel finds that it is necessary, resume hearings. Sports arbitration panels that have decided to resume a hearing must promptly notify the Parties in writing to that effect, together with the reasons for the resumption.

(4) The resumption of hearings shall not, in principle, take place later than the date on which 1 week has passed after the decision to conclude the hearing.

Article 47 Forfeiting of Right to Object

Where a Party knew or could have known of a violation of the arbitral proceedings, and has failed to object without delay, the Party will lose the right to object. However, this will not apply to rights that cannot be forfeited.

Section 4 Arbitral Awards

Article 48 Timing of Arbitral Awards

Sports arbitration panels must, if the panel has found that the proceedings are ready for an arbitral award and has concluded hearings, in principle, hand down the arbitral award within 2 weeks after that date. Arbitral awards shall, in principle, be handed down within 3 months after the date of the decision by the Japan Anti-Doping Disciplinary Panel, save where exceptional circumstances (including the cases where there is any circumstance which may justify the application of article 10.6 of the Japan Anti-Doping Code) apply.

(2) The sports arbitration panel must notify the Parties, when concluding hearings under the preceding paragraph, of the timing of the handing down of the arbitral award.

Article 49 Standards for Arbitral Awards

(1) Sports arbitration panels shall make arbitral awards in compliance with the *Japan Anti-Doping Code*, rules from the realm of sport including the rules of sports bodies, and general legal principles, in addition to the applicable law.

(1)-2 The *World Anti-Doping Code* and the *Japan Anti-Doping Code* shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

(1)-3 The *World Anti-Doping Code* and the International Standards, the standard adopted by WADA in support of the *World Anti-Doping Code*, shall be considered integral parts of the *Japan Anti-Doping Code* and shall prevail in case of conflict

(1)-4 The comments annotating various provisions of the *World Anti-Doping Code* and the *Japan Anti-Doping Code* shall be used to interpret the *Japan Anti-Doping Code*.

(2) Factual findings concerning violations of the *Japan Anti-Doping Code* must be based on evidence obtained by reliable means, including confessions. Sports arbitration panels may accept evidence the panel regards as fitting, including hearsay evidence

(including deciding, at the panel's discretion, whether or not to accept telephone testimony, or written statements or expressions of opinion sent by facsimile, email or other means) and use this evidence as the basis of findings of fact.

Article 50 Arbitral Awards

- (1) Sports arbitration panels must state the following matters in arbitral awards, which must be signed by the arbitrators:
 - (i) The names or titles and addresses of the Parties;
 - (ii) Where there are representatives, their names and addresses;
 - (iii) The text of the award;
 - (iv) The course of the proceedings;
 - (v) The reasons for the award;
 - (vi) The place of arbitration;
 - (vii) The date of the award.
- (2) Sports arbitration panels must, where there are minority or dissenting opinions, state these in the arbitral award.
- (3) Sports arbitration panels must state in the text of arbitral awards the total amount of costs, including the necessary costs of the proceedings and the apportionment of the burden of costs between the Parties, as well as, if there is a Party for whom the amount of the burden calculated in this way exceeds the amount already paid to the Japan Sports Arbitration Agency, an order to the effect that the Party is to pay that difference. It is not necessary to state reasons for the awarding of costs.
- (4) Sports arbitration panels may, giving consideration to the circumstances of the case and the result of the arbitral award, order that the respondent is to pay some or all of the costs borne by the claimant.
- (5) Where there are 3 arbitrators, if an arbitrator does not sign the arbitral award, the reasons must be appended to the arbitral award.
- (6) Sports arbitration panels must lodge the original arbitral award with the Japan Sports Arbitration Agency. The Japan Sports Arbitration Agency shall keep the original arbitral award from the date of its preparation until the day on which 10 years has passed.
- (7) The Japan Sports Arbitration Agency may correct arbitral awards if the Japan Sports Arbitration Agency judges that there is a clear omission or error in the arbitral award.
- (8) The signing by the arbitrators to the arbitral award stipulated in paragraph 1 of this article may be by way of sending the electromagnetic record converted from the

real autograph of the arbitrators and restoring as the autograph of them on the arbitral awards.

Article 51 Sending of Arbitral Awards and Payment of Arbitrators' Remuneration

- (1) The Japan Sports Arbitration Agency must promptly hand deliver or send original arbitral awards to the Parties by means permitting proof of receipt.
- (2) The sending of the arbitral award in the preceding paragraph will be carried out after the full amount of the necessary costs of the proceedings etc. is paid to the Japan Sports Arbitration Agency.
- (3) The Japan Sports Arbitration Agency shall pay the arbitrators' remuneration under the *Rules on Sports Arbitrators Remuneration* to the arbitrators promptly after the completion of the hand delivery or sending of the arbitral award.
- (4) The Japan Sports Arbitration Agency shall also send the arbitral award to the Japan Anti-Doping Agency.

Article 52 Interim Awards

Sports arbitration panels may hand down interim awards if a sports arbitration panel finds it appropriate to rule on a dispute that has arisen during arbitral proceedings. In this event, the provisions of Articles 50(1) and 51(1) will apply, with the necessary changes.

Article 53 Effectiveness of Arbitral Awards

Arbitral awards are final in nature and bind the Parties. However, this does not apply to cases where it is possible to petition the Court of Arbitration for Sport ("CAS") in compliance with the *Japan Anti-Doping Code*, until the period during which it is possible to petition the CAS has passed, or in the event that a petition has actually been made to the CAS.

Chapter III Temporary Measures

Article 54 Temporary Measures

- (1) Sports arbitration panels may, at the request of the claimant, order temporary measures when the panel finds it is particularly necessary for the purpose of arbitration.
- (2) Sports arbitration panels must provide an opportunity to hear the opinion of the respondent before ordering temporary measures. However, panels may order temporary measures without hearing the opinion of the respondent, in urgent cases. In this event,

the panel may provide an opportunity to hear the opinion of the respondent at a later date and retract or amend the order for temporary measures already made.

(3) Sports arbitration panels may, where the order in the preceding paragraph is issued, when the panel finds it necessary, order the claimant to provide appropriate security or take other suitable measures.

Chapter IV Emergency Arbitral Proceedings

Article 55 Emergency Arbitral Proceedings

(1) Proceedings held in regard to sports competitions will be by means of emergency arbitral proceedings.

(2) In addition to what is provided in the preceding paragraph, emergency arbitral proceedings will be used when the Japan Sports Arbitration Agency judges, in light of the urgency of the situation or the nature of the case, that it is necessary to resolve the dispute with extreme speed.

(3) The Japan Sports Arbitration Agency and the sports arbitration panel must, in particular in emergency arbitral proceedings, endeavor to progress the proceedings speedily. However, there may be no loss of procedural fairness.

(4) There will be a single arbitrator in emergency arbitral proceedings, and the Japan Sports Arbitration Agency will select that arbitrator, irrespective of the provisions of Article 24. However, the Japan Sports Arbitration Agency may, if the Agency finds that there are special circumstances, decide to have 3 arbitrators and select those 3 arbitrators, while referring to the opinions of the Parties as necessary.

(5) The respondent must, in emergency arbitral proceedings, submit a Defense as soon as possible in compliance with the directions of the sports arbitration panel, irrespective of the provisions of Article 18(1). Sports arbitration panels shall decide the submission deadline considering fairness as between the Parties and the propriety and speed of the proceedings.

(6) Sports arbitration panels must, in emergency arbitral proceedings, hand down arbitral awards promptly, at the earliest possible opportunity, irrespective of the provisions of Article 48.

(7) Sports arbitration panels may, in emergency arbitral proceedings, hand down oral arbitral award and prepare an arbitral award signed by the arbitrators subsequently, within a reasonable period, irrespective of the provisions of Article 50

(8) Each of the provisions of these rules applies to emergency arbitral proceedings, with the addition of the modifications in this article.

Chapter V Costs and Arbitrators' Remuneration

Article 56 Duty to Pay Fees and other Charges

- (1) Claimants (including persons who join the proceedings of their own motion) will not be required to bear any of the costs of proceedings or arbitrators' remuneration whatsoever, except for the request fee and amounts it is specially prescribed for claimants to bear.
- (2) The request fees shall be governed by the separately prescribed *Rules on Sports Arbitration Fees*.
- (3) Parties will be jointly and severally liable for the payment of fees, except for the request fees to the Japan Sports Arbitration Agency, including the fees prescribed by the *Rules on Sports Arbitration Fees for Doping Disputes* and the necessary costs of the proceedings.
- (4) Disputes between the Japan Sports Arbitration Agency and the Parties concerning the payment in the preceding paragraph shall abide by the judgment of the sports arbitration panel for the dispute between the Parties.

Article 57 Burden of Fees and Costs

Parties will bear the necessary costs of the proceedings under the provisions of Article 27(1) and (2), Article 38, Article 44(4) and Article 45(3), and in addition, will bear the costs in compliance with the proportions prescribed by the sports arbitration panel.

Article 58 Arbitrators' Remuneration

Arbitrators' remuneration will be governed by the separately prescribed *Rules on Sports Arbitrator's Remuneration for Anti-Doping Disputes*.

Article 59 Payments to Japan Sports Arbitration Agency

- (1) Parties must, in order for payments to be appropriated to the necessary costs of proceedings etc., pay the Japan Sports Arbitration Agency the amount prescribed by the sports arbitration panel, by the method prescribed by the sports arbitration panel, within the period prescribed by the sports arbitration panel.
- (2) Sports arbitration panels may, if a Party does not make the payment in the preceding paragraph, suspend or close arbitral proceedings. However, this shall not apply when another Party has also paid that portion.

(3) Where arbitral proceedings have closed, if the total amount paid under the provisions of Paragraph 1 exceeds the total amount of fees etc. the sports arbitration panel has prescribed under the provisions of Article 50(3), the Japan Sports Arbitration Agency must refund the difference to the Parties.

Article 60 Advance Payments to Japan Sports Arbitration Agency and Payment Adjustments

(1) The Japan Sports Arbitration Agency may, in preparation for where necessary costs of proceedings will be collected from the respondent under an arbitral award prescribed in Article 50(3), have the respondent pay the appropriate amount in advance, having obtained the consent of the sports arbitration panel.

(2) The Japan Sports Arbitration Agency must, where the amount a respondent is ordered to pay the Japan Sports Arbitration Agency under an arbitral award prescribed in Article 50(3) exceeds the advance payment in the preceding paragraph, invoice the respondent for the difference, and where the amount is less than the advance payment, must refund the difference to the respondent.

Supplementary Provisions 1

- (1) These rules will come into force retrospectively from July 1, 2007.
- (2) Where Parties submit a case to arbitration under these rules, proceedings will be carried out under these rules, even if the dispute arose before these rules came into force.
- (3) The official text of these rules shall be in Japanese.

Supplementary Provision 2

These rules will come into force retrospectively from April 1, 2009.

Supplementary Provision 3

These rules will come into force from April 1, 2010.

Supplementary Provision 4

These rules will come into force from June 19, 2012.

Supplementary Provision 5

These rules will come into force from May 21, 2013.

Supplementary Provision 6

These rules will come into force from June 5, 2013.

Supplementary Provision 7

These rules will come into force from April 1, 2014.

Supplementary Provision 8

These rules will come into force from January 1, 2015.

Supplementary Provision 9

These rules will come into force from March 6, 2015.

Rules on Sports Arbitration Fees for Doping Disputes

Article 1 Purpose

The purpose of these rules is to prescribe the request fees to be paid by claimants when making a Request for arbitration under the Japan Sports Arbitration Agency's *Sports Arbitration Rules for Doping Disputes*.

Article 2 Definitions

- (1) "Request Fees" means the fees paid by claimants to the Japan Sports Arbitration Agency when making a Request for arbitration.
- (2) "Request Fees" will not be appropriated against the various costs expended by claimants and respondents under the *Sports Arbitration Rules for Doping Disputes* or the necessary costs of proceedings prescribed by sports arbitration panels in arbitral awards.

Article 3 Request Fees

The Request Fees to be paid by claimants when making a Request for arbitration shall be 50,000 yen (not including consumption tax).

Article 4 Withdrawal of Requests for Arbitration and Request Fees

The Japan Sports Arbitration Agency will refund the half amount of the Request Fees where a claimant has withdrawn a Request for arbitration within 10 days of the commencement of arbitration proceedings, and when no arbitrators have been selected.

Article 5 Payment Method

Payments of monies to the Japan Sports Arbitration Agency shall be made solely by bank transfer to the bank account designated by the Agency.

Supplementary Provision 1

These rules will come into effect retrospectively from July 1, 2007.

Supplementary Provision 2

These rules will come into effect from April 1, 2015.

Rules on Sports Arbitrators' Remuneration for Doping Disputes

Article 1 Application

These rules apply to arbitrators' remuneration, etc., for arbitrations under the Japan Sports Arbitration Agency's *Sports Arbitration Rules for Doping Disputes*.

Article 2 Arbitrator' Remuneration

The Japan Sports Arbitration Agency will decide the remuneration for each arbitrator under these rules, giving consideration to circumstances including the difficulty of the case, the speed of the hearing, the circumstances of each arbitrator and the functions of the third arbitrator, with the basic amount of remuneration being 50,000 yen (not including consumption tax) and the maximum remuneration 100,000 yen (not including consumption tax).

Article 3 Reduction of Arbitrators' Remuneration

The Japan Sports Arbitration Agency may reduce the amount of arbitrators' remuneration, giving consideration to the circumstances where an arbitrator has resigned during arbitral proceedings or ceased to be an arbitrator for other reasons.

Article 4 Payment of Arbitrators' Remuneration

- (1) The Japan Sports Arbitration Agency will pay the arbitrators' remuneration without delay where arbitrators have handed down an arbitral award or the Request for arbitration has been withdrawn.
- (2) The Japan Sports Arbitration Agency will pay the arbitrators' remuneration for an arbitrator without delay when the arbitrator has ceased to be an arbitrator due to resignation or other reasons.

Article 5 Arbitrators' Costs

- (1) Arbitrators may, to the extent necessary for the performance of arbitral proceedings, receive payment from the Japan Sports Arbitration Agency of travel, accommodation, meals and other out-of-pocket costs as the "necessary costs of proceedings" provided for in Article 57 of the *Sports Arbitration Rules for Doping Disputes*.
- (2) Travel costs will include airfares, train fares and taxi fares.
- (3) The costs in Paragraph 1 will be paid by the Japan Sports Arbitration Agency

when arbitrators have submitted evidentiary materials to the Japan Sports Arbitration Agency.

Article 6 Payment Method

Payments of monies by the Japan Sports Arbitration Agency prescribed by these rules shall be made promptly after the close of arbitral proceedings by bank transfer to the bank account designated by the arbitrator.

Supplementary Provision 1

These rules will come into effect retrospectively from July 1, 2007.

Supplementary Provision 2

These rules will come into effect from April 1, 2014.

Japan Sports Arbitration Agency Office Rules for Sports Arbitration of Doping Disputes

Article 1 Purpose

The purpose of these rules is to prescribe the necessary matters concerning sports arbitration of doping disputes carried out by the Japan Sports Arbitration Agency prescribed by Article 11 of the Japan Sports Arbitration Agency's *Sports Arbitration Rules for Doping Disputes* (hereinafter, the "Rules").

Article 2 Office Hours

(1) The office hours for the Japan Sports Arbitration Agency for sports arbitration of doping disputes shall, in principle, be from 10:00 to 17:00 on weekdays (Monday to Friday) and the office will be closed on Saturday, Sunday and public holidays. However, the following will be special holiday periods:

- (i) Summer holidays (13 August through 17 August);
- (ii) Winter holidays (28 December through 4 January).

(2) Notwithstanding the provisions of the preceding paragraph, where it is particularly necessary for the administration of sports arbitration for doping disputes, the office will open even on the days on which the office is closed and holidays prescribed in the preceding paragraph, according to the judgment of the secretary-general.

Article 3 Office Location

(1) The business of the Japan Sports Arbitration Agency will be carried out at the location of the Japan Sports Arbitration Agency office in the National Yoyogi Stadium Building, 2-1-2 Jinnan, Shibuya-ku Tokyo, Tel: +81-3-5465-1415 Fax: +81-3-3466-0741 Email: info@jsaa.jp.

(2) Notwithstanding the provisions of the preceding paragraph, where it is particularly necessary for the administration of sports arbitration for doping disputes, business will be carried out at locations other than the office location prescribed in the preceding paragraph, according to the judgment of the secretary-general.

Supplementary Provision

These rules will come into effect retrospectively from July 1, 2007.

Supplementary Provision 2

These rules will come into effect retrospectively from July 1, 2009.

Supplementary Provision 3

These rules will come into force from June 28, 2011.