

**1.1.6** solicit, induce, entice, instruct, persuade, encourage, facilitate or authorise another party to place, lay or otherwise enter into any Bet, or to participate in any other form of Betting, in relation to the result, progress, outcome, conduct or any other aspect of a Biathlon Competition, in circumstances that risk undermining public confidence in the integrity of a Biathlon Competition or the sport of Biathlon;

**1.1.7** use Inside Information for Betting purposes or otherwise in relation to Betting;

**1.1.8** disclose Inside Information to any party where the Participant knew or should have known that it might be used for Betting purposes or otherwise in relation to Betting, or to exert improper influence over any aspect of a Biathlon Competition, or for any other improper purpose;

**1.1.9** provide, offer, give, request or receive any gift or Benefit in circumstances that risk undermining public confidence in the integrity of a Biathlon Competition or the sport of Biathlon (whether or not such gift or Benefit is in fact given or received); or

**1.1.10** commit any other act that risks undermining public confidence in the integrity of a Biathlon Competition or the sport of Biathlon.

**1.2** The following matters are not relevant to the determination of a violation of Article 1.1:

**1.2.1** whether or not the Participant actually participated, or was assisting someone who participated, in the Biathlon Competition in question;

**1.2.2** the nature or outcome of any Bet in issue;

**1.2.3** the outcome of the Biathlon Competition on which any Bet was made;

**1.2.4** whether or not the Participant's efforts or performance (if any) in any Biathlon Competition were (or might reasonably be expected to have been) affected by the violation in question; and

**1.2.5** whether or not the result or any other aspect of the Biathlon Competition in issue was (or might reasonably be expected to have been) affected by the violation in question.

## 2. Definitions

**2.1** The following words and terms have the following meanings:

**2.1.1 Benefit** means the direct or indirect receipt or provision of any bribe, payment, commission, gift, donation, kick-back, or other inducement or incentive (whether monetary or otherwise), including winnings and or potential winnings as a result of a Bet (but excluding prize money and/or payments to be made under endorsement, sponsorship or other contracts).

**2.1.2 Bet** means a bet, wager, or other form of financial speculation, pursuant to which some amount or object is to change hands according to the occurrence or non-occurrence of some fact.

**2.1.3 Betting** means making, accepting, or laying a Bet, including fixed and running odds, totalisator/toto games, live betting, betting exchanges, spread betting, and other games offered by sports betting operators.

**2.1.4 Inside Information** means any information relating to any aspect of a Biathlon Competition that a Participant possesses by virtue of their position within or in relation to the sport of Biathlon, including factual information regarding the competitors, the conditions, and tactical considerations. Inside Information does not include any information that is already published or a matter of public record, or that is readily accessible by an interested member of the public, or that is disclosed in accordance with the rules of the relevant Biathlon Competition.

## CHAPTER D IBU ANTI-DOPING RULES

### 1. Introduction

**1.1** Implementation of the 2015 World Anti-Doping Code:

**1.1.1** The IBU is a Signatory to the World Anti-Doping Code and cooperates with WADA to apply and implement the World Anti-Doping Code in the sport of Biathlon.

**1.1.2** These IBU Anti-Doping Rules have been adopted and will be implemented to comply with the IBU's obligations as a Signatory to the World Anti-Doping Code, and to further the IBU's continuing efforts to eradicate doping in the sport of Biathlon. They are intended to implement the requirements of the 2015 version of the World Anti-Doping Code in the sport of Biathlon, and will be interpreted and applied in a manner that is consistent with the World Anti-Doping Code and the International Standards, which will prevail over these IBU Anti-Doping Rules in case of conflict. The World Anti-Doping Code shall be interpreted as an independent and autonomous text and not by reference to

the existing law or statutes of any Signatory or government. The comments annotating various provisions of the World Anti-Doping Code and the International Standards will be used as an aid to interpretation of these IBU Anti-Doping Rules.

**1.1.3** In the case of conflict between the provisions of these IBU Anti-Doping Rules and the provisions of any other part of this Integrity Code or of any other Rules, the provisions of these IBU Anti-Doping Rules will prevail.

**1.1.4** Unless otherwise stated, defined words and terms in these IBU Anti-Doping Rules (denoted by italics) bear the meaning given to them in Article 20. If they are not defined in Article 20 or elsewhere in these IBU Anti-Doping Rules, they bear the meaning given to them in the IBU Constitution. Unless otherwise specified, references to Articles are to Articles of these IBU Anti-Doping Rules.

**1.1.5** The Biathlon Integrity Unit (BIU) is an operational unit of the IBU that has been established to help the IBU to (inter alia) comply with its obligations as a Signatory to the World Anti-Doping Code, including by exercising the powers of the IBU under these IBU Anti-Doping Rules. The IBU has delegated the implementation of these IBU Anti-Doping Rules to the BIU, including test distribution planning, Testing, collection of whereabouts information, administration of TUEs, investigations, results management, and pursuit of alleged anti-doping rule violations, including first instance hearings and appeals. As such, references in these IBU Anti-Doping Rules to the BIU will, where applicable, be references to the BIU acting on behalf of the IBU. For the avoidance of doubt, while the BIU may act on the IBU's behalf, the IBU will be considered as the party asserting anti-doping rule violations and for the purposes of any actions taken within the results management process, as the responding party in the appeals, and as the party in any other matter under these IBU Anti-Doping Rules where that role would appropriately fall to a Signatory under the Code.

**1.2** Scope of application:

**1.2.1** These IBU Anti-Doping Rules apply to the IBU and to each of its NF Members. They also apply to the following Athletes, Athlete Support Personnel and other Persons, each of whom is deemed, as a condition of his/her membership, accreditation and/or participation in the sport, to have agreed to be bound by these IBU Anti-Doping Rules, and to have submitted to the authority of the BIU to enforce these IBU Anti-Doping Rules on behalf of the IBU and to the jurisdiction of the hearing panels identified below to hear and determine cases and appeals brought under these IBU Anti-Doping Rules:

**1.2.1.1** all Athletes and Athlete Support Personnel who are members of any NF Member of the IBU, or of any member or affiliate organisation of any NF Member of the IBU (including any clubs, teams, associations or leagues);

**1.2.1.2** all Athletes participating in such capacity in Events, competitions and other activities organised, convened, authorised or recognised by the IBU, or any NF Member of the IBU, or any member or affiliate organisation of any NF Member of the IBU (including any clubs, teams, associations or leagues), wherever held, and all Athlete Support Personnel supporting such Athletes' participation; and

**1.2.1.3** any other Athlete or Athlete Support Personnel or other Person who, whether by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of the IBU, or of any NF Member of the IBU, or of any member or affiliate organisation of any NF Member of the IBU (including any clubs, teams, associations or leagues), for purposes of anti-doping.

**1.2.2** Within the overall pool of Athletes set out in Article 1.2.1 who are bound by and required to comply with these IBU Anti-Doping Rules, all Athletes that participate in an International Competition will be considered to be International-Level Athletes for purposes of these IBU Anti-Doping Rules, and therefore the specific provisions in these IBU Anti-Doping Rules that are applicable to International-Level Athletes (as regards Testing, TUEs, whereabouts information, results management, and appeals) will apply to them.

*[Comment to Article 1.2.2: As per the definition of that term in the Constitution, an International Competition is (a) the Biathlon programme of the Olympic Winter Games; and (b) the Biathlon World Championships, Youth/Junior World Championships, IBU World Cup events, IBU Cup events, continental championships, continental cups, regional cups, and all other competitions (winter or summer) that are now or in the future organised by or on behalf of the IBU between Athletes or teams of Athletes representing different Countries].*

**1.3** Responsibilities of Athletes and other Persons:

**1.3.1** Athletes must:

**1.3.1.1** be knowledgeable of and comply with these IBU Anti-Doping Rules at all times;

**1.3.1.2** know what constitutes an anti-doping rule violation and the substances and methods that have been included on the WADA Prohibited List;

**1.3.1.3** be available for Sample collection at all times;

*[Comment to Article 1.3.1.3: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes use low doses of EPO during these hours so that it will be undetectable in the morning.]*

**1.3.1.4** take responsibility, in the context of anti-doping, for what they ingest and Use;

**1.3.1.5** inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods, and make sure that any medical treatment they receive does not violate these IBU Anti-Doping Rules;

**1.3.1.6** disclose to their National Anti-Doping Organisation and to the BIU any decision finding that they committed an anti-doping rule violation within the previous ten years; and

**1.3.1.7** cooperate with Anti-Doping Organisations investigating anti-doping rule violations. Failure by an Athlete to cooperate in full with the BIU and/or other Anti-Doping Organisations investigating anti-doping rule violations will constitute a violation of Article 8 of Chapter B of this Integrity Code.

**1.3.2** Athlete Support Personnel and other Persons must:

**1.3.2.1** be knowledgeable of and comply with these IBU Anti-Doping Rules at all times;

**1.3.2.2** cooperate with Testing;

**1.3.2.3** use their influence on Athlete values and behaviour to foster anti-doping attitudes;

**1.3.2.4** disclose to their National Anti-Doping Organisation and to the BIU any decision (whether by a Signatory or by a non-Signatory) finding that they committed an anti-doping rule violation within the previous ten years;

**1.3.2.5** cooperate with Anti-Doping Organisations investigating anti-doping rule violations. Failure by any Athlete Support Personnel or other Person to cooperate in full with the BIU and/or other Anti-Doping Organisations investigating anti-doping rule violations will constitute a violation of Article 8 of Chapter B of this Integrity Code; and

**1.3.2.6** not Use or possess any Prohibited Substance or Prohibited Method without valid justification. Use or Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Personnel or other Person without valid justification will constitute a violation of Article 9 of this Integrity Code.

**1.4** Effective Date:

**1.4.1** The first version of these IBU Anti-Doping Rules came into full force and effect on 1 January 2015 (the ADR Effective Date). The amendments set out in this version came into full force and effect on 19 October 2019.

**1.4.2** These IBU Anti-Doping Rules do not apply retroactively to matters pending before the ADR Effective Date, save that:

**1.4.2.1** Anti-doping rule violations taking place prior to the ADR Effective Date count as "first violations" or "second violations" for purposes of determining the Consequences under Article 10.7.5 for anti-doping rule violations taking place after the ADR Effective Date.

**1.4.2.2** With respect to any anti-doping rule violation case that is pending as of the ADR Effective Date and any anti-doping rule violation case brought after the ADR Effective Date based on an anti-doping rule violation that occurred prior to the ADR Effective Date, the substantive aspects of the case will be governed by the anti-doping rules in effect at the time the alleged anti-doping rule violation occurred (unless the panel hearing the case determines that the principle of *lex mitior* appropriately applies under the circumstances of the case), while the procedural aspects of the case will be governed by these IBU Anti-Doping Rules. For this purpose, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set out in Article 17 are procedural rules and should be applied retroactively, provided however that Article 17 will only be applied retroactively if the statute of limitations period has not already expired by the ADR Effective Date.

**1.4.2.3** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the ADR Effective Date, but the Athlete or other Person is still serving the period of Ineligibility as of the ADR Effective Date, the Athlete or other Person may apply to the Anti-Doping Organisation which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of these IBU Anti-Doping Rules. Such application must be made before the period of Ineligibility has expired. The decision rendered may be appealed pursuant to Article 13.2. These

IBU Anti-Doping Rules will have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.

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

**1.4.3** These IBU Anti-Doping Rules may be amended from time to time by the IBU Executive Board on the recommendation of the BIU, subject to the ultimate authority of Congress. However, for the avoidance of doubt, amendments by WADA to the World Anti-Doping Code, the Prohibited List and any International Standard will come into effect automatically in the manner set out in the World Anti-Doping Code, and such amendments will be binding upon all Athletes and other Persons without further formality.

## 2. Anti-doping rule violations

Each of the following constitutes a violation of these IBU Anti-Doping Rules:

### 2.1 The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample.

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

*[Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete's fault. This rule has been referred to in various CAS decisions as "Strict Liability". An Athlete's fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]*

**2.1.2** Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: (i) the presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analysed; (ii) where the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance

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

*[Comment to Article 2.1.2: The Anti-Doping Organisation with results management responsibility, where relevant, may at its discretion choose to have the B Sample analysed even if the Athlete does not request the analysis of the B Sample.]*

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

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

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

*[Comment to Article 2.2: As noted in Article 3, it has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information that does not otherwise satisfy all the requirements to establish the presence of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organisation provides a satisfactory explanation for the lack of confirmation in the other Sample.]*

**2.2.1** It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.

**2.2.2** Demonstrating the Attempted Use of a Prohibited Substance requires proof of intent on the Athlete's part.

*[Comment to Article 2.2.2: The fact that intent may be required to prove Attempted Use does not undermine the strict liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method.]*

**2.2.3** 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.

*[Comment to Article 2.2.3: An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-competition and the Athlete's Use takes place Out-of-competition. However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-competition will be a violation of Article 2.1, regardless of when that substance might have been Administered.]*

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

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

*[Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]*

### **2.4 Whereabouts Failures.**

An Athlete in a Registered Testing Pool failing three times in any twelve-month period (a) to file whereabouts information in accordance with Article 1.3 of the International Standard for Testing and Investigations (a Filing Failure); and/or (b) to be available for Testing at the declared whereabouts in accordance with Article 1.4 of the International Standard for Testing and Investigations (a Missed Test).

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

Conduct which subverts the Doping Control process but that would not other-

wise be included in the definition of Prohibited Methods. Tampering will include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation, or intimidating or attempting to intimidate a potential witness.

*[Comment to Article 2.5: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control that does not otherwise constitute Tampering will be a violation of Article 9 of Chapter B of this Integrity Code.]*

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

**2.6.1** Possession by an Athlete In-competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Out-of-competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-competition, unless the Athlete establishes that the Possession is consistent with a TUE granted in accordance with Article 4.3 or other acceptable justification.

**2.6.2** Possession by Athlete Support Personnel in-competition of any Prohibited Method or any Prohibited Substance, or Possession by Athlete Support Personnel out-of-competition of any Prohibited Method or any Prohibited Substance which is prohibited out-of-competition, in connection with an Athlete, competition or training, unless the Athlete Support Personnel establishes that the Possession is pursuant to a TUE granted to an Athlete in accordance with Article 4.3, or other acceptable justification.

*[Comment to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that person had a physician's prescription, e.g., buying insulin for a diabetic child.]*

*[Comment to Article 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]*

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

### **2.8 Administration or Attempted Administration to any Athlete In-competition of any Prohibited Method or Prohibited Substance, or Administra-**

**tion or Attempted Administration to any Athlete Out-of-competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-competition.**

### **2.9 Complicity.**

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

### **2.10 Prohibited Association.**

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

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

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

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

In order for this provision to apply, (i) the Athlete or other Person must have previously been advised in writing by an Anti-Doping Organisation with jurisdiction over the Athlete or other Person, or by WADA, of the Athlete Support Personnel's disqualifying status and the potential Consequences of prohibited association; and (ii) the Athlete or other Person must be reasonably able to avoid the association. The Anti-Doping Organisation must also use reasonable efforts to advise the Athlete Support Personnel who is the subject of the notice to the Athlete or other Person that the Athlete Support Personnel may, within 15 days, come forward to the Anti-Doping Organisation to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article

17, this Article applies even when the Athlete Support Personnel's disqualifying conduct occurred prior to the ADR Effective Date.)

The burden will be on the Athlete or other Person to establish that any association with Athlete Support Personnel described in Article 2.10.1 and 2.10.2 is not in a professional or sport-related capacity. Anti-Doping Organisations that are aware of Athlete Support Personnel who meet the criteria described in Article 2.10.1, 2.10.2, or 2.10.3 will submit that information to WADA.

*[Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Personnel to serve as an agent or representative. Prohibited association need not involve any form of compensation.]*

## **3. Proof of Doping**

### **3.1 Burdens and Standards of Proof**

The BIU will have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof will be whether the BIU has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation that has been made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these IBU 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 will be by a balance of probability.

*[Comment to Article 3.1: This standard of proof required to be met by the BIU is comparable to the standard that is applied in most countries to cases involving professional misconduct.]*

### **3.2 Methods of Establishing Facts and Presumptions:**

The following rules of proof will be applicable in doping cases:

**3.2.1** Facts related to anti-doping rule violations may be established by any reliable means, including admissions.

*[Comment to Article 3.2.1: For example, the BIU may establish an anti-doping rule violation under Article 2.2 (Use of a Prohibited Substance or Prohibited Method) based on the Athlete's admissions, the credible testimony of third persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete's blood or urine Samples.]*

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

**3.2.3** Compliance with an International Standard (as opposed to an alternative standard, practice or procedure) will be sufficient to conclude that the procedures addressed by the International Standard were performed properly.

**3.2.4** WADA-accredited laboratories and other laboratories approved by WADA are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred that could reasonably have caused the Adverse Analytical Finding, then the BIU will have the burden of establishing that such departure did not cause the Adverse Analytical Finding.

*[Comment to Article 3.2.4: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to the BIU to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]*

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

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

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

## 4. The Prohibited List

### 4.1 Incorporation of the Prohibited List

These IBU Anti-Doping Rules incorporate the Prohibited List, which is published and revised by WADA as described in Article 4.1 of the World Anti-Doping Code.

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

#### 4.2.1 Prohibited Substances and Prohibited Methods

**4.2.1.1** Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions will come into effect under these IBU Anti-Doping Rules three months after publication of the Prohibited List or revision by WADA automatically, i.e., without requiring any further action by the IBU. All Athletes and other Persons will be bound by the Prohibited List and any revisions thereto

from the date they come into effect, without further formality. It is the responsibility of all Athletes and other Persons to familiarise themselves with the most up-to-date version of the Prohibited List and all revisions thereto.

**4.2.1.2** As described in Article 4.2.1 of the World Anti-Doping Code, WADA may expand the Prohibited List for the sport of Biathlon.

**4.2.1.3** WADA may also include additional substances or methods, which have the potential for abuse in the sport of Biathlon, in the monitoring program described in Article 4.5 of the World Anti-Doping Code.

#### **4.2.2** Specified Substances

For purposes of the application of Article 10, all Prohibited Substances will be deemed to be “Specified Substances” except (i) substances in the classes of anabolic agents and hormones and (ii) those stimulants and hormone antagonists and modulators so identified on the Prohibited List. The category of Specified Substances will not include Prohibited Methods.

*[Comment to Article 4.2.2 The Specified Substances identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an Athlete for a purpose other than the enhancement of sport performance.]*

#### **4.2.3** WADA's determination of the Prohibited List

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

### **4.3 TUEs:**

**4.3.1** The presence of a Prohibited Substance or its Metabolites or Markers (Article 2.1), and/or Use or Attempted Use of a Prohibited Substance or a Prohibited Method (Article 2.2), Possession of a Prohibited Substance or a Prohibited Method (Article 2.6), or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method (Article 2.8), will not be considered an

anti-doping rule violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

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

**4.3.2.1** Where the Athlete already has a TUE granted by his or her National Anti-Doping Organisation for the substance or method in question, that TUE is not automatically valid for International Events. Any such Athlete who wants to compete in International Events must apply to the BIU to recognise their TUE in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the BIU will recognise it for purposes of International Events as well. If the BIU considers that the TUE does not meet those criteria and so refuses to recognise it, the BIU will notify the Athlete and his or her National Anti-Doping Organisation promptly, with reasons. The Athlete and the National Anti-Doping Organisation will have 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.3.6.1. If the matter is referred to WADA for review, the TUE granted by the National Anti-Doping Organisation is not valid for International Events but remains valid for National Events and Out-of-competition Testing pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.

*[Comment to Article 4.3.2.1: Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, the BIU may publish notice on its website and/or the IBU website (www.biathlonworld.com) that it will automatically recognise TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by National Anti-Doping Organisations. If an Athlete's TUE falls into a category of automatically recognised TUEs, then the Athlete does not need to apply to the BIU for recognition of that TUE. If the BIU refuses to recognise a TUE granted by a National Anti-Doping Organisation only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the BIU.]*

**4.3.2.2** If the Athlete does not already have a TUE granted by his/her National Anti-Doping Organisation for the substance or method in question, the Athlete must apply directly to the BIU for a TUE in accordance with the process set out

in the International Standard for Therapeutic Use Exemptions using the form posted on the BIU website and/or the IBU's website (www.biathlonworld.com). If the BIU denies the Athlete's application, it must notify the Athlete promptly, with reasons. If the BIU grants the Athlete's application, it must notify not only the Athlete but also his/her National Anti-Doping Organisation. If the National Anti-Doping Organisation considers that the TUE granted by the BIU does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.3.6.1. If the National Anti-Doping Organisation refers the matter to WADA for review, the TUE granted by the BIU remains valid for International Events and Out-of-competition Testing but is not valid for National Events pending WADA's decision. If the National Anti-Doping Organisation does not refer the matter to WADA for review, the TUE granted by the BIU becomes valid for national-level competition as well when the 21-day review deadline expires.

*[Comment to Article 4.3.2.2: The IBU/BIU may agree with a National Anti-Doping Organisation that the National Anti-Doping Organisation will consider TUE applications on behalf of the IBU/BIU.]*

**4.3.3** If the BIU chooses to test an Athlete who is not an International-Level Athlete, the BIU will recognise a TUE granted to that Athlete by his or her National Anti-Doping Organisation. If the BIU chooses to test an Athlete who is not an International-Level Athlete or a national-level Athlete, the BIU may permit that Athlete to apply for a retroactive TUE for any Prohibited Substance or Prohibited Method that the Athlete is using for therapeutic reasons.

**4.3.4** An application to the BIU for grant or recognition of a TUE must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the Athlete's next Competition. The BIU will appoint a panel to consider applications for the grant or recognition of TUEs (the TUE Committee). The TUE Committee will promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and any specific BIU protocols posted on the BIU and/or IBU website. Subject to Article 4.3.6, its decision will be the final decision of the BIU, and will be reported to WADA and other relevant Anti-Doping Organisations, including the Athlete's National Anti-Doping Organisation, through ADAMS, in accordance with the International Standard for Therapeutic Use Exemptions.

*[Comment to Article 4.3.4: The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) may result in a charge of Tampering or Attempted Tampering under Article 2.5. In addition, an Athlete should not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.]*

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

**4.3.5.1** A TUE granted pursuant to these IBU Anti-Doping Rules:

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

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

**4.3.6** Reviews and Appeals of TUE Decisions

**4.3.6.1** WADA will review any decision by the BIU not to recognise a TUE granted by the National Anti-Doping Organisation that is referred to WADA by the Athlete or the Athlete's National Anti-Doping Organisation. In addition, WADA will review any decision by the BIU to grant a TUE that is referred to WADA by the Athlete's National Anti-Doping Organisation. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the

International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

**4.3.6.2** Any TUE decision by the BIU (or by a National Anti-Doping Organisation where it has agreed to consider the application on behalf of the IBU/BIU) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete and/or the Athlete's National Anti-Doping Organisation exclusively to CAS, in accordance with Article 13.

*[Comment to Article 4.3.6.2: In such cases, the decision being appealed is the BIU's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the deadline to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA will be given notice of the appeal so that it may participate if it sees fit.]*

**4.3.6.3** A decision by WADA to reverse a TUE decision may be appealed by the Athlete, the National Anti-Doping Organisation and/or the BIU on behalf of the IBU exclusively to CAS, in accordance with Article 13.

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

## 5. Testing and Investigations

### 5.1 Purpose of Testing and Investigations

**5.1.1** Testing and investigations will only be undertaken under these IBU Anti-Doping Rules for anti-doping purposes. They will be conducted in conformity with the provisions of the International Standard for Testing and Investigations and any specific protocols of the IBU / BIU supplementing that International Standard.

**5.1.2** Testing will be undertaken to obtain analytical evidence as to the Athlete's compliance (or non-compliance) with the strict prohibition on the presence/Use of a Prohibited Substance or Prohibited Method. Test distribution planning, Testing, post-Testing activity and all related activities will be conducted by the BIU in conformity with the International Standard for Testing and Investigations. The BIU will determine the number of tests, including random tests and target tests, to be performed in accordance with the criteria established by the International

Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations will apply automatically in respect of all such Testing.

**5.1.3** The BIU will undertake investigations:

**5.1.3.1** in relation to Atypical Findings, Atypical Passport Findings and Adverse Passport Findings, in accordance with Articles 7.3 and 7.4, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and

**5.1.3.2** in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.5 and 7.6, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.

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

### 5.2 Authority to Conduct Testing

**5.2.1** Subject to the jurisdictional limitations for Event Testing set out in Article 5.3 of the World Anti-Doping Code, the BIU on behalf of the IBU will have In-competition and Out-of-competition Testing authority over all of the Athletes specified in Article 1.2 of these IBU Anti-Doping Rules.

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

*[Comment to Article 5.2.2: Unless the Athlete has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, the BIU will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether the BIU had sufficient suspicion for Testing in that period will not be a defence to an anti-doping rule violation based on such test or Attempted test.]*

**5.2.3** WADA will have In-competition and Out-of-competition Testing authority as set out in Article 20.7.8 of the World Anti-Doping Code.

**5.2.4** If the IBU/BIU delegates or contracts any part of Testing to a National Anti-Doping Organisation (whether directly or through an NF Member), that National Anti-Doping Organisation may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organisation's expense. If additional Samples are collected or additional types of analysis are performed, the BIU will be notified.

### 5.3 Event Testing

**5.3.1** Except as provided in Article 5.3 of the World Anti-Doping Code, only a single organisation should be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events, the collection of Samples will be initiated and directed by the BIU on behalf of the IBU (or any other international organisation which is the ruling body for the Event). At the request of the BIU (or any other international organisation which is the ruling body for an Event), any Testing during the Event Period outside of the Event Venues will be coordinated with the BIU on behalf of the IBU (or the relevant ruling body of the Event).

**5.3.2** If an Anti-Doping Organisation which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Athletes at the Event Venue(s) during the Event Period, the Anti-Doping Organisation will first confer with the BIU on behalf of the IBU (or any other international organisation which is the ruling body of the Event) to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organisation is not satisfied with the response from the BIU (or any other international organisation which is the ruling body of the Event), the Anti-Doping Organisation may ask WADA for permission to conduct Testing and to determine how to coordinate such Testing, in accordance with the procedures set out in the International Standard for Testing and Investigations. WADA will not grant approval for such Testing before consulting with and informing the BIU on behalf of the IBU (or any other international organisation which is the ruling body for the Event). WADA's decision will be final and not subject to appeal. Unless otherwise provided in the authorization to conduct Testing, such tests will be considered out-of-competition tests. Results management for any such test will be the responsibility of the Anti-Doping Organisation initiating the test unless provided otherwise in the rules of the ruling body of the Event.

### 5.4 Test Distribution Planning

Consistent with the International Standard for Testing and Investigations, and in coordination with other Anti-Doping Organisations conducting Testing on the same Athletes, the BIU will develop and implement an effective, intelligent and proportionate test distribution plan for the sport of Biathlon that prioritises appropriately between disciplines, categories of Athletes, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. The BIU will provide WADA upon request with a copy of its current test distribution plan.

### 5.5 Coordination of Testing

Where reasonably feasible, Testing will be coordinated by the BIU and other Anti-Doping Organisations through ADAMS or another system approved by WADA in order to maximise the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.

### 5.6 Athlete Whereabouts Requirements

#### 5.6.1 IBU Registered Testing Pool

A minimum of 30 male and 30 female Athletes designated by the BIU will comprise the IBU Registered Testing Pool (IBU RTP). Athletes in the IBU RTP are required to comply with the whereabouts requirements of Annex I of the International Standard for Testing and Investigations, including:

**5.6.1.1** advising the BIU of their whereabouts on a quarterly basis by 15 December, March, June and September respectively;

**5.6.1.2** updating that information as necessary, so that it remains accurate and complete at all times; and

**5.6.1.3** making themselves available for Testing at such whereabouts.

**5.6.2** For purposes of Article 2.4, an Athlete's failure to comply with the requirements of the International Standard for Testing and Investigations will be deemed a Filing Failure or a Missed Test where the conditions set out in the International Standard for Testing and Investigations for declaring a Filing Failure or Missed Test are met.

**5.6.3** The BIU will review and update as necessary its criteria for including Athletes in the IBU RTP, and will revise the membership of the IBU RTP from time to time as appropriate in accordance with the set criteria. In particular, Athletes may be added to the IBU RTP in the following circumstances:

**5.6.3.1** by virtue of their placing in the top twenty of any IBU World Cup ranking competition;

**5.6.3.2** when they have a significant change in performance or haematological and/or steroidal profile;

**5.6.3.3** when they are serving a period of Ineligibility;

**5.6.3.4** if they are transferring into Biathlon from other sports; and/or

**5.6.3.5** for any other valid reason.

**5.6.4** Athletes will be notified before they are included in the IBU RTP and when they are removed from that pool.

**5.6.5** An Athlete in the IBU RTP will continue to be subject to the obligation to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations unless and until (a) the Athlete gives written notice to the IBU/BIU of their retirement; or (b) the BIU has informed the Athlete that they are no longer in the IBU RTP.

**5.6.6** Whereabouts information relating to an Athlete will be shared (through ADAMS) with WADA and other Anti-Doping Organisations having authority to test that Athlete, will be maintained in strict confidence at all times, will be used exclusively for the purposes set out in Article 5.6 of the World Anti-Doping Code, and will be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

## **5.7 Retired Athletes Returning to Competition**

**5.7.1** Athletes in the IBU RTP who have given notice of retirement to the IBU/BIU may not resume competing in International Events or National Events until they have given the IBU written notice of their intent to resume competing and have made themselves available for Testing for a period of six (6) months before returning to competition, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. WADA, in consultation with the IBU and the Athlete's National Anti-Doping Organisation, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to an Athlete. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.7.1 will be Disqualified.

**5.7.2** If an Athlete retires from sport while subject to a period of Ineligibility, the Athlete will not resume competing in International Events or National Events until the Athlete has given six (6) months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Athlete retired, if that period was longer than six months) to the IBU and to the Athlete's National Anti-Doping Organisation of his/her intent to resume competing and has made him/herself available for Testing for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

**5.7.3** An Athlete who is not in the IBU RTP who has given notice of retirement to the IBU/BIU may not resume competing unless he/she notifies the IBU and his/her National Anti-Doping Organisation at least six (6) months before he/she wishes to return to Competition and makes him/herself available for unannounced Out-of-competition Testing, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, during the period before actual return to Competition.

## **5.8 Independent Observer Program**

The IBU and the organising committees for International Events, as well as the national federations and the organising committees for National Events, will authorise and facilitate the Independent Observer Program at such events where so requested by WADA.

## **6. Analysis of Samples**

Samples will be analysed in accordance with the following principles:

### **6.1 Use of Accredited and Approved Laboratories**

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

*[Comment to Article 6.1: Violations of Article 2.1 may be established only by Sample analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]*

## 6.2 Purpose of Analysis of Samples

**6.2.1** Samples will be analysed to detect Prohibited Substances and Prohibited Methods and other substances as may be directed by WADA pursuant to the monitoring program described in Article 4.5 of the World Anti-Doping Code, or to assist the BIU in profiling relevant parameters in an Athlete's urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purposes. Samples may be collected and stored for future analysis.

*[Comment to Article 6.2.1: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2 (Use of a Prohibited Substance), or both.]*

**6.2.2** The BIU will ask laboratories to analyse Samples in conformity with Article 6.4 of the World Anti-Doping Code and Article 4.7 of the International Standard for Testing and Investigations.

## 6.3 Research on Samples

No Sample may be used for research without the Athlete's written consent. Samples used (with the Athlete's consent) for purposes other than those set out in Article 6.2 will have any means of identification removed so that they cannot be traced back to a particular Athlete.

## 6.4 Standards for Sample Analysis and Reporting:

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

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

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

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

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

*[Comment to Article 6.4: The objective of this Article is to extend the principle of "intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analysed.]*

## 6.5 Further Analysis of Samples

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

## 7. Results Management

### 7.1 Responsibility for Conducting Results Management

The circumstances in which the BIU will take responsibility for conducting results management in respect of anti-doping rule violations involving Athletes and other Persons will be determined by reference to and in accordance with Article 7 of the World Anti-Doping Code.

### 7.2 Review of Adverse Analytical Findings from tests initiated by the BIU and (where required under Article 7.1.1 of the World Anti-Doping Code) from tests initiated by a National Anti-Doping Organisation in respect of an Athlete from another Country

Results management in respect of the results of tests initiated by the BIU (including tests performed by WADA pursuant to agreement with the IBU/BIU) and (where required under Article 7.1.1 of the World Anti-Doping Code) in respect of the results of tests initiated by a National Anti-Doping Organisation in respect of an Athlete from another Country will proceed as follows:

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

**7.2.2** Upon receipt of an Adverse Analytical Finding in respect of an A Sample, the BIU will proceed in accordance with the following provisions of this Article 7.2.

**7.2.3** Notwithstanding any other provision of these IBU Anti-Doping Rules, at any point in the results management process (including after any further analysis of the Sample conducted in accordance with Article 6.4, and/or any further Testing, and/or any further investigation conducted in accordance with Article 6.5), the BIU may decide not to bring the Adverse Analytical Finding forward as an anti-doping rule violation (either at all, or at that stage). The BIU will notify the Athlete and WADA and the Athlete's National Anti-Doping Organisation of that decision, also giving the reasons for the decision.

**7.2.4** Subject always to Article 7.2.3, upon receipt of an Adverse Analytical Finding in relation to an A Sample, the BIU will conduct a review to determine whether:

**7.2.4.1** an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions; or

**7.2.4.2** there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.

**7.2.5** Notification After Review Regarding Adverse Analytical Findings:

If the review of an Adverse Analytical Finding under Article 7.2.4 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standards for TUEs, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, the BIU will promptly notify the Athlete, and simultaneously the IBU, the Athlete's National Anti-Doping Organisation and WADA, in the manner set out in Article 14.1, of:

**7.2.5.1** the Adverse Analytical Finding;

**7.2.5.2** the anti-doping rule(s) violated;

**7.2.5.3** the Athlete's right to promptly request the analysis of the B Sample and that, failing such request, that right will be deemed waived;

**7.2.5.4** the scheduled date, time and place for the B Sample analysis if the Athlete or the BIU chooses to request an analysis of the B Sample;

**7.2.5.5** the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and

**7.2.5.6** the Athlete's right to request copies of the A and B Sample laboratory documentation package, which includes information as required by the International Standard for Laboratories.

**7.2.6** Where requested by the Athlete or the BIU, arrangements will be made to analyse the B Sample in accordance with the International Standard for Laboratories. An Athlete may accept the A Sample analytical results by waiving the requirement for B Sample analysis. The BIU may nonetheless elect to proceed with the B Sample analysis. The Athlete and/or his representative will be allowed to be present at the analysis of the B Sample. A representative of the Athlete's NF Member and a representative of the BIU will also be allowed to be present. If the B Sample analysis does not confirm the A Sample analysis, then (unless the BIU takes the case forward as an anti-doping rule violation under Article 2.2) the entire test will be considered negative, and the Athlete, the IBU, the Athlete's National Anti-Doping Organisation, and WADA, will be so informed. If the B Sample analysis confirms the A Sample analysis, the findings will be reported to the Athlete, the IBU, the Athlete's National Anti-Doping Organisation, and WADA.

### **7.3 Review of Atypical Findings**

**7.3.1** Where a laboratory reports the presence in a Sample of a Prohibited Substance or its Marker or Metabolite as an Atypical Finding, the BIU will conduct a review to determine whether:

**7.3.1.1** an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions; or

**7.3.1.2** there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Atypical Finding.

**7.3.2** If the review of an Atypical Finding under Article 7.3.1 reveals an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, the entire test will be considered negative and the Athlete, the IBU, the Athlete's National Anti-Doping Organisation, and WADA will be so informed.

**7.3.3** If the initial review of an Atypical Finding does not reveal an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, the BIU will conduct the required investigation or cause it to be conducted.

**7.3.4** After the investigation is completed, either the Atypical Finding will be brought forward as an Adverse Analytical Finding, in accordance with Article 7.2.5, or else the Athlete, the IBU, the Athlete's National Anti-Doping Organisation and WADA will be notified that the Atypical Finding will not be brought forward as an Adverse Analytical Finding.

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

**7.3.5.1** If the BIU determines the B Sample should be analysed prior to the conclusion of its investigation, it may conduct the B Sample analysis after notifying the Athlete, with such notice to include a description of the Atypical Finding and the information described in Article 7.2.5.4 to 7.2.5.6.

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

#### **7.4 Review of Atypical Passport Findings and Adverse Passport Findings**

The BIU will review of Atypical Passport Findings and Adverse Passport Findings as provided in the International Standard for Testing and Investigations and in the International Standard for Laboratories. At such time as the BIU is satisfied that an anti-doping rule violation has occurred, it will promptly give the Athlete (and simultaneously the IBU, the Athlete's National Anti-Doping Organisation and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

#### **7.5 Review of Whereabouts Failures**

The BIU will review potential Filing Failures and Missed Tests by Athletes in the

IBU RTP in accordance with Annex I to the International Standard for Testing and Investigations. At such time as the BIU is satisfied that an Article 2.4 anti-doping rule violation has occurred, it will promptly give the Athlete (and simultaneously the IBU, the Athlete's National Anti-Doping Organisation and WADA) notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

#### **7.6 Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.2-7.5**

The BIU will conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2-7.5. At such time as the BIU is satisfied that an anti-doping rule violation has occurred, it will promptly give the Athlete or other Person (and simultaneously the IBU, the Athlete's or other Person's National Anti-Doping Organisation, and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

#### **7.7 Identification of Prior Anti-Doping Rule Violations**

Before giving an Athlete or other Person notice of an asserted anti-doping rule violation as provided above, the BIU will refer to ADAMS and contact WADA and other relevant Anti-Doping Organisations to determine whether any prior anti-doping rule violation exists.

#### **7.8 Results Management in respect of other International Events**

Results management by the International Olympic Committee or a Major Event Organisation in connection with their respective events will be managed by the BIU insofar as it relates to Consequences beyond exclusion from the event or Disqualification of the Athlete's results at the event.

#### **7.9 Results Management by or on behalf of NF Members**

Each NF Member must ensure that results management by that NF Member or by its National Anti-Doping Organisation is conducted consistently with the general principles for effective and fair results management that underlie this Article 7. The results of all Testing must be reported to the BIU and to WADA within 14 days of the conclusion of the NF Member's or National Anti-Doping Organisation's results management process. Any apparent anti-doping rule violation by an Athlete who is affiliated to that NF Member must be promptly referred to an appropriate hearing panel established pursuant to the rules of the NF Member or National Anti-Doping Organisation or national law. Where required under Article 7.1.1 of the World Anti-Doping Code, apparent anti-doping rule violations

by Athletes who are affiliated to another NF Member shall be referred to the BIU for investigation and prosecution in accordance with these IBU Anti-Doping Rules.

## 7.10 Provisional Suspensions

### 7.10.1 Mandatory Provisional Suspension

If analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, or for a Prohibited Method, and a review in accordance with Article 7.2.4 does not reveal an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, the BIU will impose a Provisional Suspension upon, or promptly after, the notification described in Article 7.2.5.

### 7.10.2 Optional Provisional Suspension

In case of an Adverse Analytical Finding for a Specified Substance, or in the case of any other anti-doping rule violations not covered by Article 7.10.1, the BIU may impose a Provisional Suspension on the Athlete or other Person against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2-7.6 and prior to the final hearing as described in Article 8.

**7.10.3** Where a Provisional Suspension is imposed, whether pursuant to Article 7.10.1 or Article 7.10.2, in addition to having a right of appeal against the Provisional Suspension in accordance with Article 13.2 (but subject to Article 7.10.4.3), the Athlete or other Person will be given either:

**7.10.3.1** an opportunity for a Provisional Hearing either before or on a timely basis after imposition of the Provisional Suspension; or

**7.10.3.2** an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of a Provisional Suspension.

**7.10.4** The Provisional Suspension may be lifted if the Athlete demonstrates to the satisfaction of the hearing panel that:

**7.10.4.1** the anti-doping rule violation(s) asserted has/have no reasonable prospect of being upheld, e.g., because of a material defect in the evidence on which the case is based; or

**7.10.4.2** the Athlete or other Person has a strong arguable case that he/she bears No Fault or Negligence for the anti-doping rule violation(s) asserted; or

**7.10.4.3** the violation is likely to have involved a Contaminated Product. A hearing panel's decision not to lift a mandatory Provisional Suspension on account of the Athlete's assertion regarding a Contaminated Product will not be appealable; or

**7.10.4.4** other facts exist that make it clearly unfair, in all of the circumstances of the case, to make the Athlete or other Person serve a Provisional Suspension prior to a final hearing in accordance with Article 8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. The fact that the Provisional Suspension would prevent the Athlete or other Person from participating in a particular Competition or Event will not qualify as exceptional circumstances for these purposes.

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

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

**7.10.7** During any period of Provisional Suspension, the Athlete or other Person may not participate in any capacity in a Competition or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation, or in Competitions authorised or organised by any professional league or any international-level or national-level event organisation or any elite or national-level sporting activity funded by a governmental agency.

*[Comment to Article 7.10: Athletes and other Persons will receive credit for any Provisional Suspension served against any period of Ineligibility that is ultimately imposed. See Articles 10.11.3 and 10.11.4.]*

### 7.11 Resolution Without a Hearing

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

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

**7.11.3** In cases where Article 7.11.1 or Article 7.11.2 applies, a hearing before a hearing panel will not be required. Instead the BIU will promptly issue a written decision confirming the commission of the anti-doping rule violation and the Consequences imposed as a result, and setting out the full reasons for any period of Ineligibility imposed, including (if applicable) a justification for why the maximum potential period of Ineligibility was not imposed. The BIU will send copies of that decision to other Anti-Doping Organisations with a right to appeal under Article 13.2, and will Publicly Disclose that decision in accordance with Article 14.3.

### 7.12 Notification of Results Management Decisions

In all cases where the BIU has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a Provisional Suspension, or agreed with an Athlete or other Person on the imposition of Consequences without a hearing, the BIU will give notice thereof in accordance with Article 14.2.1 to other Anti-Doping Organisations with a right to appeal under Article 13.2.

### 7.13 Retirement from Sport

If an Athlete or other Person retires while the BIU is conducting the results management process, the IBU retains jurisdiction in order for the BIU to complete its results management process. If an Athlete or other Person retires before any results management process has begun and the IBU/BIU would have had results management authority over the Athlete or other Person at the time the Athlete

or other Person committed an anti-doping rule violation, the BIU has authority to conduct results management in respect of that anti-doping rule violation.

*[Comment to Article 7.13: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation, but could be a legitimate basis for denying the Athlete or other Person membership in a sports organisation.]*

## 8. Hearing and determination of alleged anti-doping rule violations

**8.1** When the BIU sends a notice to an Athlete or other Person asserting an anti-doping rule violation, and the Athlete or other Person does not waive a hearing in accordance with Article 7.11, the BIU will refer the case to the CAS Anti-Doping Division, which will appoint one or more CAS arbitrators to sit as the Disciplinary Tribunal that will hear and determine the case in accordance with these IBU Anti-Doping Rules, the CAS Code of Sports-related Arbitration, and the Arbitration Rules for the CAS Anti-Doping Division.

**8.2** Each of WADA and the NF Member to which the Athlete or other Person alleged to have violated these IBU Anti-Doping Rules is affiliated may send a representative to attend the hearing as an observer. In any event, the BIU will keep WADA fully apprised as to the status of pending cases and the result of all hearings.

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

**8.4** The decision may be appealed to the CAS as provided in Article 13. Copies of the decision will be provided to the Athlete or other Person and to other Anti-Doping Organisations with a right to appeal under Article 13.

**8.5** If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision will be Publicly Disclosed as provided in Article 14.3.2; but (b) if the decision is that no anti-doping rule violation was committed, then the decision will only be Publicly Disclosed with the consent of the Athlete or other Person who is the subject of the decision. The BIU will use reasonable efforts to obtain such consent, and if consent is obtained, will Publicly Disclose the decision in its entirety or in such redacted form as the

Athlete or other Person may approve. The principles set out at Article 14.3.5 will be applied in cases involving a Minor.

**8.6** Cases asserting anti-doping rule violations may be heard and finally determined by a CAS panel appointed by the CAS Anti-Doping Division, with no requirement for a further hearing before a panel appointed by the CAS Appeals Division, with the consent of the Athlete, the BIU, WADA, and any other Anti-Doping Organisation that would have had a right to appeal a first instance hearing decision to the CAS Appeals Division.

*[Comment to Article 8.6: Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organisation that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.]*

## 9. Automatic Disqualification of Individual Results

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

## 10. Further Sanctions on Individuals

### 10.1 Disqualification of Results in the Event during or in connection with which an Anti-Doping Rule Violation Occurs

**10.1.1** An anti-doping rule violation occurring during or in connection with an International Event may (upon the decision of the ruling body of the Event, or, in relation to an International Competition, upon the decision of the BIU on behalf of the IBU), 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, except as provided in Article 10.1.2. Factors to be included in considering whether to Disqualify other results in the Event might include, for example, the seriousness of the Athlete's anti-doping rule violation and whether the Athlete tested negative in the other competitions.

*[Comment to Article 10.1.1: Whereas Article 9 disqualifies the result in a single Competition in which the Athlete tested positive, this Article may lead to Disqualification of all results in all Competitions during the Event.]*

**10.1.2** If the Athlete establishes that he or she bears No Fault or Negligence for the violation, the Athlete's individual results in the other Competition will not be

Disqualified unless the Athlete's results in the Competition 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.

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

The period of Ineligibility for a violation of Article 2.1, Article 2.2 or Article 2.6 will be as follows, subject to potential elimination, reduction or suspension pursuant to Articles 10.4, 10.5 and/or 10.6:

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

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

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

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

**10.2.3** As used in Articles 10.2 and 10.3.1, the term "intentional" is meant to identify those Athletes and other Persons who cheat. The term therefore requires that the Athlete or other Person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-competition will be rebuttably presumed to be not intentional if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-competition will not be considered intentional if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-competition in a context unrelated to sport performance.

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

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

**10.3.1** For violations of Article 2.3 or Article 2.5, the period of Ineligibility will be four years unless, in the case of failing to submit to Sample collection, the Ath-

lete can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of Ineligibility will be two years.

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

**10.3.3** For violations of Article 2.7 or Article 2.8, the period of Ineligibility will be a minimum of four (4) years up to lifetime Ineligibility, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a Minor will be considered a particularly serious violation and, if committed by Athlete Support Personnel for violations other than those involving Specified Substances, will result in lifetime Ineligibility for the Athlete Support Personnel. In addition, significant violations of Article 2.7 or Article 2.8 which may also violate non-sporting laws and regulations will be reported to the competent administrative, professional or judicial authorities.

*[Comment to Article 10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organisations is generally limited to Ineligibility for credentials, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]*

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

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

*[Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.]*

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

If an Athlete or other Person establishes in an individual case that he or she bears No Fault or Negligence for the anti-doping rule violation(s) alleged against him or her, the otherwise applicable period of Ineligibility will be eliminated.

*[Comment to Article 10.4: This Article and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where an Athlete can prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence.]*

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

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

##### **10.5.1.1** Specified Substances

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

##### **10.5.1.2** Contaminated Products

In cases where the Athlete or other Person can establish No Significant Fault or Negligence and that the Prohibited Substance came from a Contaminated Product, then the period of Ineligibility will be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the Athlete's or other Person's degree of Fault.

*[Comment to Article 10.5.1.2: In assessing the Athlete's degree of Fault, it would, for example, be favourable for the Athlete if the Athlete had declared the product which was subsequently determined to be contaminated on his or her Doping Control form.]*

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

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

*[Comment to Article 10.5.2: Article 10.5.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (e.g., Article 10.2.1) or a range of Ineligibility is already provided for in an Article based on the Athlete or other Person's degree of Fault.]*

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

**10.6.1** Substantial Assistance in discovering or establishing anti-doping rule violations

**10.6.1.1** Prior to a final appellate decision under Article 13 or the expiration of the time to appeal, the BIU may suspend a part of the period of Ineligibility imposed in an individual case in which the IBU has results management authority where the Athlete or other Person has provided Substantial Assistance to an Anti-Doping Organisation, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person, or (ii) which results in a criminal

or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to the BIU. After a final appellate decision under Article 13 or the expiration of time to appeal, the BIU may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA. The extent to which the otherwise applicable period of Ineligibility may be suspended will be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than 8 years. If the Athlete or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, the BIU will reinstate the original period of Ineligibility. If the BIU decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Article 13.

**10.6.1.2** To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of the BIU or at the request of the Athlete or other Person who has (or has been asserted to have) committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval will be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organisation.

**10.6.1.3** If the BIU suspends any part of an otherwise applicable sanction because of Substantial Assistance, notice providing justification for the decision will be provided to the other Anti-Doping Organisations with a right to appeal under

Article 13.2.3 (as provided in Article 14.2). In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise the IBU/BIU to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.

*[Comment to Article 10.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the World Anti-Doping Code where the suspension of an otherwise applicable period of Ineligibility is authorised.]*

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

Where an Athlete or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection that could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.

*[Comment to Article 10.6.2: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which the otherwise applicable period of Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily.]*

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

An Athlete or other Person potentially subject to a four-year sanction under Article 10.2.1 or under Article 10.3.1 (for evading or refusing Sample collection or tampering with Sample collection) may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Athlete or other Person's degree of Fault, by promptly ad-

mitting the asserted anti-doping rule violation after being confronted with it, and also upon the approval and at the discretion of both WADA and the BIU.

#### **10.6.4** Application of Multiple Grounds for Reduction of a Sanction

Where an Athlete or other Person establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6 the otherwise applicable period of Ineligibility will be determined in accordance with Articles 10.2, 10.3, 10.4, and 10.5. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.6, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.

*[Comment to Article 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Articles 10.2, 10.3, 10.4, or 10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.11. Several examples of how Article 10 is to be applied are found in Appendix 2 of the World Anti-Doping Code.]*

### **10.7 Multiple Violations**

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

**10.7.1.1** six months;

**10.7.1.2** one-half of the period of Ineligibility imposed for the first anti-doping rule violation, without taking into account any reduction under Article 10.6; or

**10.7.1.3** twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation, treated as if it were a first violation, without taking into account any reduction under Article 10.6.

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

### 10.7.2 Third Anti-Doping Rule Violation

A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfils the condition for elimination or reduction of the period of Ineligibility under Article 10.4 or 10.5, or involves a violation of Article 2.4 (Filing Failures and/or and Missed Tests). In these particular cases, the period of Ineligibility will be from eight (8) years to lifetime Ineligibility.

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

### 10.7.4 Additional Rules for Certain Potential Multiple Violations

**10.7.4.1** For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the BIU can establish that the Athlete or other Person committed the second anti-doping rule violation after the Athlete or other Person received notice pursuant to Article 7, or after the BIU made reasonable efforts to give notice, of the first anti-doping rule violation. If the BIU cannot establish this, the violations will be considered together as one single first violation, and the sanction imposed will be based on the violation that carries the more severe sanction.

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

### 10.7.5 Multiple Anti-Doping Rule Violations During Ten-Year Period

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

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

In addition to the automatic Disqualification of the results in the Competition that produced the positive Sample under Article 9, all other competitive results obtained by the Athlete from the date a positive Sample was collected (whether In-competition or Out-of-competition) or other anti-doping rule violation oc-

curred through the commencement of any Provisional Suspension or Ineligibility period, will, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.

*[Comment to Article 10.8.: Nothing in these IBU Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]*

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

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

### 10.10 Financial Consequences and other consequences

**10.10.1** Where an Athlete or other Person is found to have committed an anti-doping rule violation, the hearing panel (or, in cases where Article 7.11 applies, the BIU), taking into account the proportionality principle, will require the Athlete or other Person to reimburse the BIU for the costs that it has incurred in bringing the case, irrespective of any other Consequences that may or may not be imposed.

**10.10.2** Where an Athlete or other Person is found to have committed an anti-doping rule violation and the maximum period of Ineligibility applicable for that violation under these IBU Anti-Doping Rules has been imposed, the hearing panel (or, in cases where Article 7.11 applies, the BIU) may also fine the Athlete or other Person up to €200,000, where it considers the violation to be serious and to jeopardise or damage the interests or the reputation of the IBU, provided that the principle of proportionality is satisfied. The BIU will apply the fine to fund anti-doping education activities.

**10.10.3** Any costs order or imposition of a fine pursuant to this Article will not be considered a basis for reducing the Ineligibility or other Consequences which would otherwise be applicable under these IBU Anti-Doping Rules.

**10.10.4** Where fairness requires, the hearing panel (or, in cases where Article 7.11 applies, the BIU) may establish an instalment plan for repayment of any prize money forfeited pursuant to Article 9 or 10 and/or for the payment of any costs awarded pursuant to Article 10.10.1 and/or for the payment of any fine imposed pursuant to Article 10.10.2. The schedule of payments pursuant to such

plan may extend beyond any period of Ineligibility imposed on the Athlete or other Person.

### 10.11 Commencement of Ineligibility Period

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

*[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]*

#### 10.11.1 Delays not Attributable to the Athlete or Other Person

Where there have been substantial delays in the hearing process or other aspects of Doping Control that are not attributable to the Athlete or other Person, the body imposing the sanction may start the period of Ineligibility at an earlier date, commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, will be Disqualified.

*[Comment to Article 10.11.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]*

#### 10.11.2 Timely Admission

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

#### 10.11.3 Credit for Provisional Suspension or Period of Ineligibility Served:

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

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

*[Comment to Article 10.11.3.2: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and may not be used in any way as to draw an adverse inference against the Athlete.]*

**10.11.3.3** No credit against a period of Ineligibility will be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension, regardless of whether the Athlete elected not to compete or was suspended by his or her team.

### 10.12 Status During Ineligibility

#### 10.12.1 Prohibition against Participation during Ineligibility:

**10.12.1.1** No Athlete or other Person who has been declared ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by any Signatory, Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation, or in Competitions authorised or organised by any professional league or any international- or national-level event organisation or any elite or national-level sporting activity funded by a governmental agency.

**10.12.1.2** An Athlete or other Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility,

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

**10.12.1.3** An Athlete or other Person will remain subject to Testing while subject to a period of Ineligibility.

*[Comment to Article 10.12.1: For example, subject to Article 10.12.2, an ineligible Athlete cannot participate in a training camp, exhibition or practice organised by his or her national federation or a club that is a member of that national federation or which is funded by a governmental agency. Further, an ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), events organised by a non-Signatory international event organisation or a non-Signatory national-level event organisation without triggering the Consequences set forth in Article 10.12.3. The term “activity” also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Article. Ineligibility imposed in one sport will also be recognised by other sports (see Article 15.1, Mutual Recognition).]*

**10.12.2** Return to Training

As an exception to Article 10.12.1, an Athlete may return to train with a team or to use the facilities of a club or other member organisation of an NF Member during the shorter of (i) the last two months and (ii) the last quarter of the period of Ineligibility imposed.

*[Comment to Article 10.12.2: During the training period described in this Article, an ineligible Athlete may not compete or engage in any activity described in Article 10.12.1 other than training].*

**10.12.3** Violation of the Prohibition of Participation during Ineligibility

Where an Athlete or other Person who has been declared ineligible violates the prohibition against participation during Ineligibility described in Article 10.12.1, the results of such participation will be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility will be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Athlete or other Person’s degree of Fault and other cir-

cumstances of the case. The determination of whether an Athlete or other Person has violated the prohibition against participation, and whether an adjustment is appropriate, will be made by the Anti-Doping Organisation whose results management led to the imposition of the initial period of Ineligibility. This decision may be appealed under Article 13. Where an Athlete Support Personnel or other Person assists a Person in violating the prohibition against participation during Ineligibility, the BIU will impose sanctions for a violation of Article 2.9 for such assistance.

**10.12.4** Withholding of Financial Support during Ineligibility

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

**10.13** Automatic Publication of Sanction

A mandatory part of each sanction will include automatic publication, as provided in Article 14.3.

**11. Consequences to Teams**

**11.1** If a member of a relay team is found to have committed an anti-doping rule violation during or in connection with a Competition, the relay team will be Disqualified from that competition with all Consequences, including forfeiture of all medals, points and prizes, in addition to any Consequences imposed upon the individual Athlete(s) committing the anti-doping rule violation(s).

**11.2** Where more than one member of a relay team has been notified of an anti-doping rule violation under Article 7 in connection with an Event, the ruling body for the Event will conduct appropriate Target Testing of the team during the Event Period.

**12. Sanctions and Costs Assessed Against NF Members**

**12.1** An NF Member must reimburse the IBU/BIU for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to an anti-doping rule violation committed by an Athlete or other Person affiliated with that NF Member that the BIU does not recover from the Athlete or other Person pursuant to Article 10.10.

**12.2** In the event that an NF Member fails to make diligent efforts to keep the BIU informed about the whereabouts of one or more Athletes affiliated to that

NF Member for a particular period after receiving a request for that information from the BIU, the BIU may fine the NF Member an amount up to 1,000 euros per Athlete. The NF Member will also be required to pay all of the costs incurred by the BIU in Testing that NF Member's Athletes in that period.

**12.3** If three or more International-Level Athletes affiliated to the same NF Member commit intentional anti-doping rule violations within any rolling four-year period (excluding any violations that are uncovered by Testing conducted by the National Anti-Doping Organisation on its own behalf of that Athlete's Country, unless the Athlete is in the IBU RTP):

**12.3.1** Subject to Articles 12.3.1.4 and 12.3.1.5, the IBU will reduce the applicable start quota (including wild cards) of that NF Member by the number of such offending Athletes, as follows:

**12.3.1.1** One start quota will be removed for each offending Athlete for a period of 12 months, starting from the date of the final decision (i.e., following the expiry or exhaustion of any appeal rights) finding that the Athlete committed an intentional anti-doping rule violation, or else starting from such other date as the BIU deems appropriate in order for the reduction to be effective.

**12.3.1.2** In each case, the start quota removed will match the gender of the offending Athlete, and will apply to the highest competition series (World Championships/Olympic Winter Games - World Cup series and Summer Biathlon World Championships; IBU Cup - Open European Championships - Summer Biathlon World Championships series; Junior Cup - Junior Open European Championships - Youth/Junior World Championships/Youth Olympic Games series and Summer Biathlon World Championships) for which that Athlete was registered in the season closest to when the violation occurred.

**12.3.1.3** The start quotas will be removed in the same order as the relevant anti-doping rule violations occurred. Once this Article has been applied once, if further violations during the same rolling four-year period are discovered later, then the corresponding reduction in start quotas will be applied in order of discovery.

*[Comment to Article 12.3.1.3: For example, if it is determined in June 2023 that three International-Level Athletes affiliated to the same NF Member committed intentional anti-doping rule violations in the period 2019 to 2022, and then it is discovered in June 2026 (whether as result of re-analysis of stored Samples, or receipt of new intelligence, or otherwise) that another International-Level Athlete affiliated to that NF Member committed an intentional anti-doping rule violation*

*in the period 2019 to 2022, this Article 12.3.1 will be applied in June 2023 to reduce the NF Member's start quotas as of that date by three (subject to Article 12.3.1.4) and it will be applied again in June 2026 to reduce the NF Member's start quota as of that date by one (again, subject to Article 12.3.1.4).]*

**12.3.1.4** Where the NF Member only has one start quota for a particular competition series (whether as a result of one or more reductions pursuant to this Article or otherwise), then provided the NF Member can establish in respect of at least one of the intentional anti-doping rule violations that it did not know or suspect and could not reasonably have known or suspected even with the exercise of utmost caution that the violation was being committed, that one start quota will not be removed. Instead the (remaining) reduction(s) (or further reduction(s)) will apply to reduce start quotas in the subsequent twelve month period(s).

**12.3.1.5** The start quota reductions do not apply to relay competitions.

**12.3.2** In addition, depending on its view of the culpability of the NF Member in question, the BIU may fine that NF Member up to €200,000 and/or ban officials from that NF Member from participation in any International Competitions or other IBU activities for a period of up to four years. For the avoidance of doubt, this clause does not apply to Executive Board members, who hold such office in their personal capacity and not as representatives of any NF Member.

**12.4** If six or more Athletes and/or other Persons affiliated with the same NF Member commit intentional anti-doping rule violations within any rolling four-year period (excluding any violations that are uncovered by Testing conducted by the National Anti-Doping Organisation of that Athlete's Country on its own behalf, unless the Athlete is in the IBU RTP), that NF Member's membership of the IBU will be suspended for a period of between two and four years, depending on the BIU's view of the culpability of that NF Member.

**12.5** When the BIU sends notice that it is applying this Article to an NF Member, if the NF Member disputes its liability under this Article and/or challenges the consequences imposed on it under this Article within any deadline specified in that notice, the BIU will refer the case to the CAS, which will appoint one or more CAS arbitrators to sit as the Disciplinary Tribunal that will hear and determine the case in accordance with these IBU Anti-Doping Rules and the CAS Code of Sports-related Arbitration. In such proceedings, it will be the NF Member's burden to prove that it is not liable under this Article or that the consequences imposed on it under this Article are unlawful.

**12.6** On the recommendation of the BIU, the IBU may withhold some or all funding and/or other support to NF Members that do not comply with their obligations under these IBU Anti-Doping Rules.

**12.7** This Article does not limit or prejudice in any way any right arising under the Constitution or this Integrity Code or other Rules to sanction an NF Member for breach of the obligations that it owes to the IBU.

### 13. Appeals

#### 13.1 Decisions Subject to Appeal

Decisions made under these IBU Anti-Doping Rules may be appealed as set out in Articles 13.2 through 13.7 or as otherwise provided in these Anti-Doping Rule, the World Anti-Doping Code, or the International Standards. Such decisions will remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organisation's rules must be exhausted (except as provided in Article 13.1.3), provided that such review respects the principles set forth in Article 13.2.2.

##### 13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.

##### 13.1.2 CAS Shall Not Defer to the Findings Being Appealed

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

*[Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]*

##### 13.1.3 WADA not required to exhaust internal remedies

Where WADA has a right to appeal under this Article 13 and no other party has appealed a final decision within the IBU/BIU process, WADA may appeal such decision directly to CAS without having to exhaust any other remedies within the IBU/BIU process.

*[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organisation's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Or-*

*ganisation's process (e.g., the Management Board), then WADA may bypass the remaining steps in the Anti-Doping Organisation's internal process and appeal directly to CAS.]*

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

The following decisions may be appealed exclusively as provided in Articles 13.2 to 13.7: a decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six-months' notice requirement for a retired Athlete to return to Competition under Article 5.7.1; a decision by WADA assigning results management under Article 7.1 of the World Anti-Doping Code; a decision by the BIU not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a Provisional Suspension as a result of a provisional hearing; the BIU's failure to comply with Article 7.9; a decision that the IBU/BIU lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, a period of Ineligibility or to reinstate, or not reinstate, a suspended period of Ineligibility under Article 10.6.1; a decision under Article 10.12.3; and a decision by the IBU not to recognise another Anti-Doping Organisation's decision under Article 15.

##### 13.2.1 Appeals Involving International-Level Athletes or International Events

In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS.

*[Comment to Article 13.2.1: CAS decisions are final and binding, except for any review required by law applicable to the annulment or enforcement of arbitral awards.]*

##### 13.2.2 Appeals Involving other Athletes or other Persons

In cases where Article 13.2.1 is not applicable, the decision may be appealed to a national-level appeal body, being an independent and impartial body established in accordance with rules adopted by the National Anti-Doping Organi-

sation having jurisdiction over the Athlete or other Person. The rules for such appeal will respect the following principles: a timely hearing; a fair and impartial hearing panel; the right to be represented by counsel at the person's own expense; and a timely, written, reasoned decision. If the National Anti-Doping Organisation has not established such a body, the decision may be appealed to the CAS Anti-Doping Division, which will appoint one or more CAS arbitrators to sit as the Disciplinary Tribunal that will hear and determine the case in accordance with the Code-compliant anti-doping rules of the National Anti-Doping Organisation, the CAS Code of Sports-related Arbitration, and the Arbitration Rules for the CAS Anti-Doping Division.

**13.2.3** In cases under Article 13.2.1, the following parties will have the right to appeal to CAS:

**13.2.3.1** the Athlete or other Person who is the subject of the decision being appealed;

**13.2.3.2** the other party to the case in which the decision was rendered;

**13.2.3.3** the BIU on behalf of the IBU;

**13.2.3.4** the National Anti-Doping Organisation of the person's country of residence or countries where the person is a national or license holder;

**13.2.3.5** 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

**13.2.3.6** WADA.

**13.2.4** In cases under Article 13.2.2, the parties having the right to appeal will be as provided in the National Anti-Doping Organisation's rules but, at a minimum, will include the following parties:

**13.2.4.1** the Athlete or other Person who is the subject of the decision being appealed;

**13.2.4.2** the other party to the case in which the decision was rendered;

**13.2.4.3** the BIU on behalf of the IBU;

**13.2.4.4** the National Anti-Doping Organisation of the person's country of residence;

**13.2.4.5** 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

**13.2.4.6** WADA.

**13.2.5** For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee and the BIU will also have the right to appeal to the CAS Appeals Division with respect to the decision of the national-level appeal body (or CAS Anti-Doping Division, as applicable). Any party filing an appeal will be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organisation whose decision is being appealed and the information will be provided if CAS so directs.

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

**13.2.7** Cross-Appeals and other Subsequent Appeals Allowed

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

*[Comment to Article 13.2.7: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross-appeal when an Anti-Doping Organisation appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]*

### **13.3 Failure to Render a Timely Decision**

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

*[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for the BIU to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the BIU and give the BIU an opportunity to explain why it has not yet rendered a decision.]*

### 13.4 Appeals Relating to TUEs

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

### 13.5 Notification of Appeal Decisions

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

### 13.6 Appeal against Decisions Pursuant to Article 12

Decisions applying Article 12 may be appealed exclusively to the CAS by the NF Member or (where the Disciplinary Tribunal has made the decision) by the BIU in accordance with Article 31.2 of the Constitution.

### 13.7 Time for Filing Appeals:

#### 13.7.1 Appeals to CAS

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

**13.7.1.1** Within fifteen days from notice of the decision, such party/ies will have the right to request a copy of the case file from the body that issued the decision.

**13.7.1.2** If such a request is made within the fifteen-day period, then the party making such request will have twenty-one (21) days from receipt of the file to file an appeal to the CAS.

#### 13.7.2 Appeals Under Article 13.2.2

The time to file an appeal to an independent and impartial body in accordance with rules established by the National Anti-Doping Organisation will be indicated by the same rules of the National Anti-Doping Organisation.

#### 13.7.3 Appeals by WADA

The above notwithstanding, the filing deadline for an appeal or intervention filed by WADA will be the later of:

**13.7.3.1** Twenty-one (21) days after the last day on which any other party in the case could have appealed; or

**13.7.3.2** Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

### 14. Confidentiality and Reporting

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

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

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

##### 14.1.2 Notice of Anti-Doping Rule Violations to the IBU, National Anti-Doping Organisations and WADA

Notice of the assertion of an anti-doping rule violation to the IBU, National Anti-Doping Organisations and WADA will occur as provided under Articles 7 and 14 of these IBU Anti-Doping Rules, simultaneously with the notice to the Athlete or other Person.

##### 14.1.3 Content of an Anti-Doping Rule Violation Notice

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

##### 14.1.4 Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, National Anti-Doping Organisations and WADA will be regularly updated on the status and findings of any

review or proceedings conducted by the BIU pursuant to Article 7, Article 8 or Article 13 and will be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### 14.1.5 Confidentiality

The recipient organisations will not disclose this information beyond those persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee and NF Member) until the BIU has made public disclosure or has failed to make public disclosure as required in Article 14.3.

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

**14.2.1** Anti-doping rule violation decisions rendered pursuant to Articles 7.11, 8.3, 10.4, 10.5, 10.6, 10.12.3 or 13.5 will include the full reasons for the decision, including, if applicable, a justification for why the greatest possible Consequences were not imposed. Where the decision is not in English, the BIU will provide a short English summary of the decision and the supporting reasons.

**14.2.2** An Anti-Doping Organisation having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen days of receipt, request a copy of the full case file pertaining to the decision.

### 14.3 Public Disclosure:

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

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

of final appeal decisions concerning anti-doping rule violations, including the information described above.

**14.3.3** In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be publicly disclosed only with the consent of the Athlete or other Person who is the subject of the decision. The BIU will use reasonable efforts to obtain such consent. If consent is obtained, the BIU will publicly disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve. Publication will be accomplished at a minimum by placing the required information on the IBU's and/or the BIU's website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of Ineligibility.

**14.3.4** Neither the IBU/BIU, nor any NF Member, nor any official of either body, will publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete or other Person against whom an anti-doping rule violation is asserted, or their representatives.

**14.3.5** The mandatory public reporting required in Article 14.3.2 will not be required where the Athlete or other Person who has been found to have committed an anti-doping rule violation is a Minor. Any optional public reporting in a case involving a Minor will be proportionate to the facts and circumstances of the case.

### 14.4 Statistical Reporting

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

### 14.5 Doping Control Information Clearinghouse

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

#### 14.6 Data Privacy:

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

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

#### 15. Application and Recognition of Decisions

**15.1** Subject to the right to appeal provided in Article 13, the Testing, hearing results or other final adjudications of any Signatory which are consistent with the World Anti-Doping Code and are within the Signatory's authority, will be applicable worldwide and will be recognised and respected by the IBU and its NF Members.

*[Comment to Article 15.1: The extent of recognition of TUE decisions of other Anti-Doping Organisations will be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]*

**15.2** The IBU and its NF Members will recognise the measures taken by other bodies which have not accepted the World Anti-Doping Code if the rules of those bodies are otherwise consistent with the World Anti-Doping Code.

*[Comment to Article 15.2: Where the decision of a body that has not accepted the World Anti-Doping Code is in some respects Code compliant and in other respects not Code compliant, the IBU and its NF Members will attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the World Anti-Doping Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in these IBU Anti-Doping Rules, then the IBU/BIU will recognise the finding of an anti-doping rule violation and*

*the BIU may conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in these IBU Anti-Doping Rules should be imposed.]*

#### 16. Obligations of NF Members and their members

**16.1** NF Members and their members and affiliates must comply with these IBU Anti-Doping Rules.

**16.2** NF Members must include in their rules the provisions necessary to ensure that the BIU may enforce these IBU Anti-Doping Rules directly against Athletes coming under their anti-doping jurisdiction (including National-Level Athletes). NF Members must also incorporate these IBU Anti-Doping Rules either directly or by reference into their rules so that they and/or their respective National Anti-Doping Organisations may enforce them against Athletes coming under their jurisdiction (including National-Level Athletes).

**16.3** NF Members must establish rules requiring all Athletes under their jurisdiction and each Athlete Support Personnel who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a competition or activity authorised or organised by the NF Member or by one of its members or affiliates to agree as a condition of participation to be bound by these IBU Anti-Doping Rules and to submit to the results management authority of the Anti-Doping Organisation responsible under the World Anti-Doping Code.

**16.4** All Athletes coming under the jurisdiction of an NF Member or its National Anti-Doping Organisation may be subjected to Testing by or on behalf of the NF Member, or the National Anti-Doping Organisation. Where such Testing results in an Adverse Analytical Finding, or other evidence of an anti-doping rule violation is uncovered (whether as a result of such Testing or otherwise), results management in respect thereof will be exercised by the NF Member or its National Anti-Doping Organisation, save as set out in Article 7.

**16.5** NF Members must report any information suggesting or relating to an anti-doping rule violation to the BIU and to their National Anti-Doping Organisations, and must cooperate with investigations conducted by the BIU and/or by any Anti-Doping Organisation with authority to conduct the investigation.

**16.6** NF Members must have disciplinary rules in place to prevent Athlete Support Personnel who are using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes.

**16.7** NF Members must conduct anti-doping education in coordination with the BIU and their National Anti-Doping Organisations and otherwise as required under the Rules.

## 17. Statute of Limitations

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

## 18. Compliance Reports

The BIU will report to WADA on the IBU's compliance with the World Anti-Doping Code in accordance with Article 23 of the World Anti-Doping Code and the International Standard for Code Compliance by Signatories.

## 19. Education

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

## 20. Interpretation of the World Anti-Doping Code

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

**20.2** The comments annotating various provisions of the World Anti-Doping Code shall be used to interpret the World Anti-Doping Code.

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

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

**20.5** The World Anti-Doping Code shall not apply retroactively to matters pending before the date the World Anti-Doping Code is accepted by a Signatory and implemented in its rules. However, pre- World Anti-Doping Code anti-doping

rule violations would continue to count as 'First violations' or 'Second violations' for purposes of determining sanctions under Article 10 for subsequent post-World Anti-Doping Code violations.

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

## 21. Definitions

When used in these IBU Anti-Doping Rules, the following words or terms have the following meanings:

**ADAMS:** The Anti-Doping Administration and Management System is a web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

**ADR Effective Date:** As defined in Article 1.8.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition will not include the actions of bona fide medical personnel involving a Prohibited Substance or Prohibited Method Used for genuine and legal therapeutic purposes or other acceptable justification and will not include actions involving Prohibited Substances which are not prohibited in out-of-competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories and the related Technical documents, identifies in a Sample the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

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

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

**Athlete:** Any person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-Doping Organisation). An Anti-Doping Organisation has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a national-level Athlete, and thus to bring them within the definition of "Athlete." In relation to Athletes who are neither International-Level Athletes nor National-Level Athletes, an Anti-Doping Organisation may elect to conduct limited Testing or no Testing at all; analyse Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organisation has authority who competes below the international or national level, then the Consequences set forth in these IBU Anti-Doping Rules (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any person who participates in sport under the authority of any Signatory, government, or other sports organisation accepting the Code is an Athlete.

*[Comment: This definition makes it clear that all international- and national-level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organisations, respectively. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping program beyond international- or national-level Athletes to competitors at lower levels of competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organisation could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness*

*activities but never compete is left to the National Anti-Doping Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse Samples for the full menu of Prohibited Substances. Competitors at all levels of competition should receive the benefit of anti-doping information and education.]*

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

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

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

**Atypical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation prior to the determination of an Adverse Analytical Finding, as provided in the Prohibited List or the International Standard for Laboratories or related technical documents, or as otherwise specified by WADA.

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

**BIU:** As defined in Article 1.1.5.

**CAS:** The Court of Arbitration for Sport.

**Code:** The World Anti-Doping Code.

**Competition:** A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport 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 applicable international federation.

**Consequences of anti-doping rule violations (“Consequences”):** An Athlete’s or other Person’s anti-doping rule violation 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 10.12.1;
- (c) **Provisional Suspension** means the Athlete or other Person is barred temporarily from participating in any competition or activity prior to the final decision at a hearing conducted under Article 8.
- (d) **Financial Consequences** means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and
- (e) **public disclosure or public reporting** means the dissemination or distribution of information to the general public or persons beyond those persons entitled to earlier notification in accordance with Article 14. Teams in team sports may also be subject to Consequences as provided in Article 11 of the World Anti-Doping Code.

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

**Disqualification:** See Consequences of anti-doping rule violations, above.

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, Sample collection and handling, laboratory analysis, TUEs, results management and hearings.

**Event:** A series of individual competitions conducted together under one ruling body (e.g., the Olympic Games or the IBU World Championships).

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

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

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

*[Comment: The criteria for assessing an Athlete’s degree of fault are the same under all Articles where fault is to be considered. However, under Article 10.5.2, no reduction of sanction is appropriate unless, when the degree of fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]*

**Filing Failure:** As defined in Article 2.4.

**Financial Consequences:** see Consequences of anti-doping rule violations, above.

**IBU RTP:** As defined in Article 5.6.1.

**In-competition:** The In-competition Testing period for International Events is defined as the period commencing six (6) hours before an Event starts and ending five (5) hours after the Event (including any Testing at the Event) ends.

**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 Events and report on their observations.

**Individual Sport:** Any sport that is not a team sport, i.e. individual, pursuit, sprint, super sprint and mass start competitions.

**Ineligibility:** See Consequences of anti-doping rule violations, above.

**International Event:** An Event where the International Olympic Committee, the International Paralympic Committee, the IBU, a Major Event Organization,

or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event. In respect of the IBU, an event is an International Event if it is an International Competition (as that term is defined in the Constitution). Also see Article 1.2.2.

**International-level Athlete:** Athletes who compete in sport at the international level, as defined by each international federation, consistent with the International Standard for Testing and Investigations. For the sport of Biathlon, International-Level Athletes are defined as set out in Article 1.2.2.

*[Comment: Consistent with the International Standard for Testing and Investigations, the international federation is free to determine the criteria it will use to classify Athletes as International-Level Athletes, e.g., by ranking, by participation in particular international Events, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as International-Level Athletes. For example, if the criteria include participation in certain international events, the international federation must publish a list of those international events.]*

**International Standard:** A standard adopted by WADA in support of the Code, and any technical documents issued pursuant to the international Standard.

**Major Event Organisations:** 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 parameter(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

**Metabolite:** Any substance produced by a biotransformation process.

**Minor:** A natural person who has not reached the age of eighteen years.

**Missed Test:** As defined in Article 2.4.

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

**National Event:** A sport event involving international or national-level Athletes that is not an international event.

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

**National Olympic Committee:** The organisation recognised by the International Olympic Committee. The term National Olympic Committee will 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.

**NF Member:** as defined in the Constitution.

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

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

*[Comment: For cannabinoids, an Athlete may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance.]*

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

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

**Possession:** The actual, physical Possession, or the constructive Possession (which will be found only if the person has exclusive control or intends to exercise control over the Prohibited Substance/method or the premises 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 will 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 will be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the person has committed an anti-doping rule violation, the person has taken concrete action demonstrating that the person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the person who makes the purchase.

*[Comment: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organisation must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organisation must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.]*

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

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

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

**Provisional Hearing:** For purposes of Article 7.10, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the Athlete or other Person with notice and an opportunity to be heard in either written or oral form.

*[Comment: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete or other Person remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 7.10.3(b), is a full hearing on the merits conducted on an expedited time schedule.]*

**Provisional Suspension:** See Consequences of anti-doping rule violations, above.

**Publicly disclose or publicly report:** See Consequences of anti-doping rule violations, above.

**Regional Anti-Doping Organisation:** A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of Samples, the management of results, the review of TUEs, the conduct of hearings, and the conduct of educational programs at a regional level.

**Registered Testing Pool:** The pool of highest-priority Athletes established separately at the international level by the BIU, and at the national level by National Anti-Doping Organisations, who are subject to focused in-competition and out-of-competition Testing as part of that international federation's or National Anti-Doping Organisation's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the Code and in the International Standard for Testing and Investigations. See also definition of IBU RTP.

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

*[Comment: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]*

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

**Specified Substance:** As defined in Article 4.2.2.

**Substantial Assistance:** For purposes of Article 10.6.1, a person providing Substantial Assistance must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an Anti-Doping Organisation or hearing panel. Further, the information provided must be credible and must comprise an important part of

any case that is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

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

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

**Team sport:** A sport in which the substitution of players is permitted during a competition, i.e. relay and mixed relay.

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

**Trafficking:** Selling, giving, transporting, sending, delivering or distributing (or possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by an Athlete, Athlete Support Personnel or any other Person subject to the jurisdiction of an Anti-Doping Organisation to any third party; provided, however, this definition will not include the actions of “bona fide” medical personnel involving a Prohibited Substance Used for genuine and legal therapeutic purposes or other acceptable justification, and will not include actions involving Prohibited Substances which are not prohibited in out-of-competition Testing unless the circumstances as a whole demonstrate such Prohibited Substances are not intended for genuine and legal therapeutic purposes.

**TUE:** A Therapeutic Use Exemption.

**TUE Committee:** As defined in Article 4.3.4.

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

**WADA:** The World Anti-Doping Agency.

## CHAPTER E PROCEDURES FOR THE INVESTIGATION AND PROSECUTION OF VIOLATIONS OF THE IBU INTEGRITY CODE

### 1. Introduction

**1.1** This Chapter E sets out the procedures for investigating and prosecuting violations of Chapter B of this Integrity Code.

**1.2** The procedures for investigating and prosecuting violations of Chapter D of the IBU Integrity Code (the IBU Anti-Doping Rules) are set out in that chapter. However, the provisions of this Chapter E will also apply in respect of such violations, to the extent they do not contradict or prejudice in any way any part of Chapter D.

**1.3** The BIU will be responsible for the costs incurred in exercising its functions under this Integrity Code, subject to the right to seek an order from the hearing panel shifting some or all of the costs of a particular investigation and/or prosecution to the Participant that is the subject of that investigation and/or prosecution.

### 2. Gathering and sharing intelligence

**2.1** The BIU will receive reports that are filed by Participants in accordance with Article 8.1 of Chapter B. If the Head of the BIU considers it appropriate to do so, the Participant filing a report may be asked to provide further information in respect of the report, and/or the BIU may make other enquiries into the matters set out in the report.

**2.2** In addition to receiving reports in accordance with Article 8.1 of Chapter B, the BIU will put in place mechanisms to gather intelligence that may assist in assessing the compliance (or otherwise) of Participants with this Integrity Code from all available sources, including law enforcement, other regulatory and disciplinary bodies, investigative journalists, members of the public, and third parties. In particular, the BIU may facilitate anonymous reporting by third parties where it considers it appropriate. It will also establish a policy and procedure for obtaining substantial assistance from a Participant in accordance with Article 10.6.1 of Chapter D and/or Article 9.4.5 of this Chapter.

**2.3** The BIU may share intelligence that it holds about any Participant with other appropriate authorities, including law enforcement and other regulatory and