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IBU ANTI-DOPING RULES

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PREFACE

The IBU is subject to the World Anti-Doping Code and cooperates with the World Anti-Doping Agency (WADA) concerning its application and implementation.

The IBU will automatically follow any amendments of the World Anti-Doping Code or any WADA Bylaw applicable to the IBU.

The definitions contained in Appendix 1 to the World Anti-Doping Code are integral parts of these Rules.

At the IBU Congress held on 4–7 September 2008 in Prague, the IBU adopted the revised (2009) World Anti-Doping Code (the “Code”). These Anti-Doping Rules have been adopted and implemented in conformity with the IBU’s responsibilities under the Code, and are in furtherance of the IBU’s continuing efforts to eradicate doping in the sport of biathlon.

Anti-Doping Rules, like competition rules, are sport rules governing the conditions under which sport is played. Athletes and other persons accept these rules as a condition of participation and will be bound by them.

FUNDAMENTAL RATIONALE FOR THE CODE AND IBU ANTI-DOPING RULES

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as “the spirit of sport”; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other participants
- Courage
- Community and solidarity
- The conviction that doping is fundamentally contrary to the spirit of sport.

SCOPE

These Anti-Doping Rules will apply to the IBU, each national federation of the IBU, and each participant in the activities of the IBU or any of its national federations by virtue of the participant's membership, accreditation, or participation in IBU, its member federations, or their activities or Events. It is the responsibility of each member federation to ensure that all national-level testing on the member federation's athletes complies with these Anti-Doping Rules. In some countries, the member federation itself will be conducting the doping control described in these Anti-Doping Rules. In other countries, many of the doping control responsibilities of the member federation have been delegated or assigned by statute or agreement to a national anti-doping organization. In those countries, references in these Anti-Doping Rules to the member federation will apply, as appropriate, to the national anti-doping organization.

These Anti-Doping Rules will apply to all doping controls over which the IBU and its member federations have jurisdiction.

ARTICLE 1 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 to Article 2.8 of these Anti-Doping Rules.

ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

Athletes and other persons will be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods that have been included on the WADA Prohibited List.

The following constitute anti-doping rule violations:

[Comment to Article 2: The purpose of Article 2 is to specify the circumstances and conduct which constitute violations of anti-doping rules. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.]

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 sub-

stance 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: for purposes of anti-doping violations involving the presence of a prohibited substance (or its metabolites or markers), the IBU Anti-Doping Rules adopt the rule of strict liability that was found in the Olympic Movement Anti-Doping Code ("OMADC") and the vast majority of pre-Code anti-doping rules. Under the strict liability principle, an athlete is responsible, and an anti-doping rule violation occurs, whenever a prohibited substance is found in an athlete's sample. The violation occurs whether or not the athlete intentionally or unintentionally used a prohibited substance or was negligent or otherwise at fault. If the positive sample came from an in-competition test, then the results of that competition are automatically invalidated (Article 9 (Automatic Disqualification of Individual Results)). However, the athlete then has the possibility to avoid or reduce sanctions if the athlete can demonstrate that he or she was not at fault or significant fault (Article 10.5 (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances)) or in certain circumstances did not intend to enhance his or her sport performance (Article 10.4 (Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances)). The strict liability rule for the finding of a prohibited substance in an athlete's sample, with a possibility that sanctions may be modified based on specified criteria, provides a reasonable balance between effective anti-doping enforcement for the benefit of all 'clean' athletes and fairness in the exceptional circumstance where a prohibited substance entered an athlete's system through no fault or negligence, or no significant fault or negligence, on the athlete's part. It is important to emphasize that, while the determination of whether the anti-doping rule has been violated is based on strict liability, the imposition of a fixed period of ineligibility is not automatic. The strict liability principle set forth in the IBU's Anti-Doping Rules has been consistently upheld in the decisions of the CAS.]

- 2.1.2** Sufficient proof of an anti-doping rule violation under Article 2.1 is established by either of the following: 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 analyzed; or, where the athlete's B sample is analyzed and 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.

[Comment to Article 2.1.2: The IBU may at its discretion choose to have the B sample analyzed 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 specifi-

cally identified in the WADA 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 WADA 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 (Proof of Doping), 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. 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, or other analytical information that does not otherwise satisfy all the requirements to establish "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 IBU 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. 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 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 2.2.2: Demonstrating the "attempted use" of a prohibited substance requires proof of intent on the athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation 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. 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-competi-

tion. (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 (Presence of a Prohibited Substance or its Metabolites or Markers) regardless of when that substance might have been administered.)]

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

[Comment to Article 2.3: Failure or refusal to submit to sample collection after notification was prohibited in almost all pre-Code anti-doping rules. This Article expands the typical pre-Code rule to include “otherwise evading sample collection” as prohibited conduct. Thus, for example, it would be an anti-doping rule violation if it were established that an athlete was hiding from a doping control official to evade notification or testing. A violation of “refusing or failing to submit to sample collection” may be based on either intentional or negligent conduct of the athlete, while “evading” sample collection contemplates intentional conduct by the athlete.]

- 2.4 Violation of applicable requirements regarding athlete availability for out-of-competition testing set out in the WADA International Standard for Testing, including failure to file whereabouts information in accordance with Article 11.3 of the WADA International Standard for Testing (a “filing failure”) and failure to be available for testing at the declared whereabouts in accordance with Article 11.4 of the WADA International Standard for Testing (a “missed test”). Any combination of three missed tests and/or filing failures committed within an eighteen-month period, as declared by the IBU or any other anti-doping organization with jurisdiction over an athlete, will constitute an anti-doping rule violation.**

[Comment to Article 2.4: Separate whereabouts filing failures and missed tests declared under the rules of the IBU or any other anti-doping organization with authority to declare whereabouts filing failures and missed tests in accordance with the WADA International Standard for Testing will be combined in applying this article. In appropriate circumstances, missed tests or filing failures may also constitute an anti-doping rule violation under Article 2.3 or Article 2.5.]

- 2.5 Tampering or Attempted Tampering with any Part of Doping Control.**

[Comment to Article 2.5: This article prohibits conduct which subverts the doping control process but which would not otherwise be included in the definition of prohibited methods: for example, altering identification numbers on a doping control form during testing, breaking the B Bottle at the time of B sample analysis or providing fraudulent information to the IBU.]

2.6 Possession of Prohibited Substances and Methods

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 in out-of-competition testing unless the athlete establishes that the possession is pursuant to a therapeutic use exemption (“TUE”) granted in accordance with Article 4.4 (Therapeutic Use) 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 4.4 (Therapeutic Use) or other acceptable justification.

[Comment to Article 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 administration or attempted administration to any athlete out-of-competition of any prohibited method or any prohibited substance that is prohibited out-of-competition, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted anti-doping rule violation.

[Comment to Article 2: The Code does not make it an anti-doping rule violation for an athlete or other person to work or associate with athlete support personnel who are serving a period of ineligibility. However, the IBU may adopt its own specific policy which prohibits such conduct.]

ARTICLE 3 PROOF OF DOPING**3.1 Burdens and Standards of Proof**

The IBU and its member federations will have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof will be whether the IBU or its member federation have 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 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, except as provided in Articles 10.4 and 10.6, where the athlete must satisfy a higher burden of proof.

[Comment to Article 3.1: This standard of proof required to be met by the IBU or its member federation is comparable to the standard that is applied in most countries to cases involving professional misconduct. It has also been widely applied by courts and hearing panels in doping cases. See, for example, the CAS decision in N., J., Y., W. v. FINA, CAS 98/208, 22 December 1998.]

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof will be applicable in doping cases:

[Comment to Article 3.2: For example, the IBU or its member federation 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.]

- 3.2.1** WADA-accredited laboratories are presumed to have conducted sample analysis and custodial procedures in accordance with the WADA International Standard for Laboratories. The athlete or other person may rebut this presumption by establishing that a departure from the International Standard 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 occurred that could reasonably have caused the adverse analytical finding, then IBU or its member federation will have the burden of establishing that such departure did not cause the adverse analytical finding.

[Comment to Article 3.2.1: The burden is on the athlete or other person to establish, by a balance of probability, a departure from the International Standard that could reasonably have caused the adverse analytical finding. If the athlete or other person does so, the burden shifts to the IBU or its member federation to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the adverse analytical finding.]

3.2.2 Departures from any other International Standard or other anti-doping rule or policy which did not cause an adverse analytical finding or other anti-doping rule violation will not invalidate such 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 the adverse analytical finding or other anti-doping rule violation occurred, then the IBU or its member federation 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.

3.2.3 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction that are 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.

3.2.4 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 tribunal) and to answer questions either from the hearing panel or from the anti-doping organization asserting the anti-doping rule violation.

[Comment to Article 3.2.4: Drawing an adverse inference under these circumstances has been recognized in numerous CAS decisions.]

ARTICLE 4 THE PROHIBITED LIST**4.1 Incorporation of the WADA Prohibited List**

These Anti-Doping Rules incorporate the WADA Prohibited List, which is published and revised by WADA as described in Article 4.1 of the Code. The IBU will make the current Prohibited List available to each member federation, and each member federation will ensure that the current Prohibited List, these Anti-Doping Rules and the WADA Code are available to its members and constituents through the medical section of the IBU web page.

4.2 Prohibited Substances and Prohibited Methods Identified on the WADA Prohibited List**4.2.1 Prohibited Substances and Prohibited Methods**

Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions will go into effect under these Anti-Doping Rules three months after publication of the Prohibited List by WADA without requiring any further action by the IBU. As described in Article 4.2 of the Code, the IBU may upon the recommendation of its Medical Committee request that WADA expand the Prohibited List for the sport of biathlon. The IBU may also upon the recommendation of its Medical Committee request that WADA 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 WADA Code. As provided in the Code, WADA will make the final decision on such requests by IBU.

There will be only one document called the "Prohibited List." WADA may add additional substances or methods to the Prohibited List for particular sports, but this will also be reflected on the single Prohibited List. A particular sport is not permitted to seek exemption from the basic list of prohibited substances. The premise of this decision is that there are certain basic doping agents that anyone who chooses to call himself or herself an athlete should not take.

4.2.2 Specified Substances

For purposes of the application of Article 10 (Sanctions on Individuals), all prohibited substances will be "specified substances" except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so iden-

tified on the Prohibited List. Prohibited methods will not be specified substances.

4.2.3 New Classes of Prohibited Substances

In the event WADA expands the Prohibited List by adding a new class of prohibited substances in accordance with Article 4.1 of the Code, WADA's Executive Committee will determine whether any or all prohibited substances within the new class of prohibited substances will be considered specified substances under Article 4.2.2.

4.3 Criteria for Including Substances and Methods on the WADA Prohibited List

As provided in Article 4.3.3 of the Code, WADA's determination of the prohibited substances and prohibited methods that will be included on the Prohibited List and the classification of substances into categories on the Prohibited List 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.

[Comment to Article 4.3: The question of whether a substance meets the criteria in Article 4.3 (Criteria for Including Substances and Methods on the WADA Prohibited List) in a particular case cannot be raised as a defense to an anti-doping rule violation. For example, it cannot be argued that the prohibited substance detected would not have been performance-enhancing in that particular sport. Rather, doping occurs when a substance on the Prohibited List is found in an athlete's sample. Similarly, it cannot be argued that a substance listed in the class of anabolic agents does not belong in that class.]

4.4 Therapeutic Use

4.4.1 Athletes with a documented medical condition requiring the use of a prohibited substance or a prohibited method must first obtain a TUE.

The presence of a prohibited substance or its metabolites or markers (Article 2.1), use or attempted use of a prohibited substance or a prohibited method (Article 2.2), possession of prohibited substances or prohibited methods (Article 2.6) or administration of a prohibited substance or prohibited method (Article 2.8) consistent with the provisions of an applicable TUE issued pursuant to the WADA International Standard for Therapeutic Use Exemptions will not be considered an anti-doping rule violation.

4.4.2 Subject to Article 4.4.3, athletes included by IBU in its Registered Testing

Pool and other athletes participating in any IBU international event must obtain a TUE from the IBU (regardless of whether the athlete previously has received a TUE at the national level).

The application for a TUE must be made as soon as possible (in the case of an athlete in the Registered Testing Pool, this would be when he/she is first notified of his/her inclusion in the pool) and in any event (save in emergency situations) no later than 21 days before the athlete's participation in the IBU event.

The applications must be submitted via ADAMS by the member federation's doctors, typewritten with documentation in English language and without any abbreviations.

- 4.4.3** As an exception to Article 4.4.2, in accordance with Article 7.13 of the International Standard for Therapeutic Use Exemptions, athletes not in the IBU Registered Testing Pool who inhale formoterol, salbutamol, salmeterol or terbutaline to treat asthma or one of its clinical variants do not need a TUE in advance of participating in an international event unless so specified by IBU.

Instead, any such athlete should declare this use through ADAMS when reasonably feasible at the same time as the use starts and must be declared on the DCF at the time of testing. Any such athlete may apply for a retroactive TUE after the event in accordance with Article 7.13 of the International Standard for Therapeutic Use Exemptions and Article 7.1.3 of these Anti-Doping Rules. As a further exception, athletes using glucocorticosteroids by non-systemic administration – namely intra-articular, periarticular, peritendinous, epidural, intradermal injections and/or inhalation – will be required to file a declaration of use at the same time the use starts.

- 4.4.4** TUEs granted by the IBU will be reported to the athlete's member federation and to WADA via ADAMS.

Other athletes subject to testing (i.e. non-RTP athletes) who need to use a prohibited substance or a prohibited method for therapeutic reasons must obtain a TUE from their national anti-doping organization or other body designated by their national federation, as required under the rules of the national anti-doping organization/other body. National federations must promptly report any such TUEs to the IBU and WADA.

- 4.4.5** The IBU Therapeutic Use Exemption Committee (TUE Committee) will

consist of three members of the IBU MC, all of them appointed by the chairperson of the IBU MC.

The chairperson of the IBU Therapeutic use Exemption Committee will be authorized to deal with TUE Applications and must report on them to the IBU TUE Committee. The chairperson of the TUE Committee must promptly evaluate such request in accordance with the International Standard for Therapeutic Use Exemptions and render a decision on such request, which will be the final decision of the IBU. The TUE must be granted or denied no later than seven (7) days prior to the competition that the athlete aims to attend, when the application is made at least 21 days prior to the competition.

The IBU TUE Committee may approve TUEs issued by other authorized anti-doping bodies (NADOs etc.) They must be reviewed and approved by the chair of the IBU TUE Committee prior to the acceptance. All TUEs granted by the IBU must be reported to the respective athlete, member federation and WADA via ADAMS.

TUEs granted by NFs must be promptly reported to IBU and to WADA.

4.4.6 The athlete may appeal against this decision to the IBU Anti – Doping Panel.

WADA, at the request of an athlete or on its own initiation, may review the granting or denial of any TUE by IBU. If WADA determines that the granting or denial of a TUE did not comply with the International Standard for Therapeutic Use Exemptions in force at the time, WADA may reverse that decision. Decisions on TUEs are subject to further appeal as provided in Article 13.

ARTICLE 5 TESTING

5.1 Authority to Test

All athletes under the jurisdiction of a member federation will be subject to in-competition testing and out-of-competition testing by

- the IBU,
- the athlete's member federation,
- and any other anti-doping organization responsible for testing at an IBU competition or event in which they participate.

[Comment to Article 5.1: Target testing is specified because random testing, or even

weighted random testing, does not ensure that all of the appropriate athletes will be tested (e.g., world-class athletes, athletes whose performances have dramatically improved over a short period of time, athletes whose coaches have had other athletes test positive, etc.). Obviously, target testing must not be used for any purposes other than legitimate doping control. The Code makes it clear that athletes have no right to expect that they will be tested only on a random basis. Similarly, it does not impose any reasonable suspicion or probable cause requirement for target testing]

5.1.1 In-Competition-Testing

In-competition testing is defined as the period of 3 hours before an IBU competition until 5 hours after an IBU competition. The athletes to be tested have to be notified within this time period.

5.1.2 Out-of-Competition Testing

All other tests are defined as out-of-competition tests.

5.1.3 Subject to Testing

All athletes under the jurisdiction of a member federation, including athletes serving a period of ineligibility or a provisional suspension, will also be subject to out-of-competition testing at any time or place, with or without advance notice, by

- a. the IBU,
- b. WADA,
- c. the athlete's member federation,
- d. the national anti-doping organization of any country where the athlete is present,
- e. the IOC during the Olympic Games, and the
- f. IPC during the Paralympic Games.

Target testing will be made a priority.

5.2 Responsibility for IBU Testing

The IBU Medical Committee will be responsible for drawing up a test distribution plan for the sport of biathlon in accordance with Article 4 of the International Standard for Testing, and for the implementation of that plan, including overseeing all testing conducted by or on behalf of the IBU. Testing is conducted by members of the IBU Medical Committee, IBU medical assistants or by other qualified persons so authorized by the IBU. All the above listed authorized persons act as doping control officers (DCOs) and blood collection officials (BCOs).

5.2.1 Without any advanced notice, the IBU has the right to carry out doping

controls, with and without the assistance of WADA or other organizations specialized in carrying out doping controls as agreed with them. IBU member federations are obliged to support the work of the IBU, especially by securing that the selected athletes are available for testing at the announced place or providing all necessary information, including information on their training schedules, giving dates and locations.

5.2.2 IBU doping controls can be conducted at all IBU events as decided by the IBU Executive board, based on a recommendation by the IBU Medical Committee. Tests must be conducted at, WCH, SB WCHs, Y/J WCH, OECH, WC and IBU Cups. Tests may be conducted at any other IBU or IBU authorized event.

5.2.3 In addition, the NFs are entitled to carry out further doping controls applying these Rules. If there is an anti-doping rule violation, this must be immediately reported to the IBU SG and Medical Committee chairperson. This report must include the facts of the case, the substance or method that caused the infraction and all other respective decisions.

5.2.4 Out-of-Competition Doping Controls

Out-of-competition doping controls are subject to these Rules and will be conducted by agents of WADA or persons or entities (hereafter “authorized agents”) authorized by the IBU. Such doping controls may also be conducted by IBU MDs who in such case act as DCOs or BCOs.

Out-of-competition tests by WADA will be carried out on the basis of the respective agreement signed with WADA. After the necessary coordination arrangements have been made between the organization and the IBU regarding the selected member federation, sample collection personnel from the organization, who are equipped with a letter of appointment of the IBU, must be granted the desired access to the training area for the purpose of performing a doping control on the selected athlete(s). The same goes for WADA sample collection personnel, who must be equipped with a letter of appointment from WADA. The letters of appointment carrying the IBU or WADA letterhead must be shown to the selected athlete(s); a copy must be left with the athlete(s). All sample collection personnel must also show the selected athlete(s) proof of identity. The athlete needs to sign the doping control form.

5.2.4.1 Selection procedure for OOCT

The chairperson of the IBU MC will select the nationality and the names of the athletes to be tested. Names and location of all athletes belonging to the IBU RTP have to be provided according to Art. 11.3 of the International Standard for Testing.

5.2.4.2 Independent Sampling Officers (ISOs)

- a. Sample collection personnel who are sent by the IBU will be called independent sampling officers. They will either be members of IBU committees with appropriate training, or employees specialized in doping controls. They will be appointed by the IBU EB, as far as possible based on the advice of the IBU MC.
- b. ISO or WADA sampling officers need a letter of authorization to conduct out-of-competition testing.
- c. ISOs must be available to travel on short notice.

5.2.4.3 Collection of samples

The International Standard for Testing applies.

- a. The sample collection personnel will require proof of the identity of the athlete. This will involve photographic proof of identity (passport, ID card, etc.). The sample collection personnel may also require a photograph of the athlete to be taken.
- b. The same procedures as listed for collection, storage and transport of the respective samples (urine or blood) during in-competition testing must be followed as far as applicable.
- c. The sampling officer will continually make every effort to act as discreetly as possible during sample collection for analysis for prohibited substances or methods and with respect for the athletes' privacy. Every effort will be made by the controller to collect the sample as speedily and efficiently as possible and with the minimum of interruption to the athlete's training plans and his/her social and professional life. However, if there is a disruption then no athlete may take action to gain compensation for any inconvenience caused.
- d. If the athlete refuses to provide a sample, the sampling officer must explain to the athlete that by refusing to provide a sample, he will be deemed to have violated the Anti-Doping Rules, Art.2.3.
- e. As for the transport of samples to the laboratory, if at all possible, the outer container should not be opened during transit.

The respective sampling officer will provide identification labels in the event that they are required for customs formalities. However, the opening of the outer container will not, of itself, invalidate the doping control.

5.2.5 All samples provided by athletes for the purpose of doping control will become the property of the IBU. The IBU reserves the right to store any and all samples (blood or urine) for future anti-doping analysis under whatever provisions might be afforded this measure by the WADA Code.

5.2.6 All communications and correspondence intended for the IBU MC must be sent to the IBU SG at the IBU Headquarters.

5.2.7 In connection with doping controls the official IBU representative, in the presence of a medical person, will be entitled to enter and inspect rooms used by athletes and their team officials and check their personal belongings with or without assistance of the respective national police authorities during IBU events, starting with the first official training and ending with the end of the last competition.

5.3 Testing Standards

Testing conducted by the IBU and its member federations must be in substantial conformity with the International Standard for Testing in force at the time of testing.

5.3.1 Blood (or other non-urine) samples may be used to detect prohibited substances or prohibited Methods, for screening procedure purposes, or for longitudinal haematological profiling ("the passport"). If the sample is collected for screening only, it will have no consequences for the athlete other than to identify him/her for a urine test under these anti-doping rules. In these circumstances, the IBU may decide at its own discretion which blood parameters are to be measured in the screening sample and what levels of those parameters will be used to indicate that an athlete should be selected for a urine test. If, however, the sample is collected for longitudinal haematological profiling ("the passport"), it may be used for anti-doping purposes in accordance with Article 2.2 of the Code.

5.4 Coordination of Testing

IBU and member federations will promptly report completed tests through the WADA clearinghouse to avoid unnecessary duplication in testing.

5.5 Athlete Whereabouts Requirements

5.5.1 Registered Testing Pool

A minimum of 30 male and 30 female athletes will comprise the IBU Registered Testing Pool (IBU RTP). These athletes are required to comply with the whereabouts requirements of the International Standard for Testing. They are selected based on the prior year's World Cup Final Score. Athletes may be added to the IBU RTP under the following circumstances:

- by virtue of their placing in the top twenty of any IBU World Cup ranking competition.
- when a change in performance or haematological profile is deemed significant when evaluated by the MC.
- athletes who are serving periods of ineligibility as consequences of anti-doping rule violations are to be part of the IBURTP.
- athletes who apply for haemoglobin exemption will be added automatically to the IBU RTP.

Each athlete in the Registered Testing Pool

- must advise the IBU of his/her whereabouts on a quarterly basis by the 25th of December, March, June and September respectively) in the manner set out in Article 11.3 of the International Standard for Testing via ADAMS;
- must update that information as necessary, in accordance with Article 11 of the International Standard for Testing, so that it remains accurate and complete at all times. They must enter specifically one hour per day where they can be located.
- must make him/herself available for testing at such whereabouts, in accordance with Article 11.4 of the International Standard for Testing.

[Comment to Article 5.5.1: The purpose of the IBU Registered Testing Pool is to identify top-level international athletes who the IBU requires to provide whereabouts information to facilitate out-of-competition testing by the IBU and other anti-doping organizations with jurisdiction over the athletes. The IBU will identify such athletes in accordance with the requirements of Articles 4 and 11.2 of the International Standard for Testing.]

- ### 5.5.2 Athletes who have been identified by the IBU for inclusion in the IBURTP will continue to be available for no advance notice out-of-competition testing, unless and until those athletes give written notice to the IBU that they have retired or until they no longer satisfy the criteria for inclusion in the IBU RTP and have been so informed by the IBU. Athletes who

have given notice of retirement to the IBU may not resume competing unless they notify the IBU at least 6 months before they expect to return to competition and are available for unannounced out-of-competition testing at any time during the period before actual return to competition.

- 5.5.3** In addition to athletes included in the IBU RTP, the chairperson of the IBU MC may select athletes for IBU Target testing based on the following criteria:
- Withdrawal or absence from expected competition;
 - Retirement;
 - Behavior indicating doping;
 - Changes in performance;
 - Changes in athlete whereabouts information that may indicate a potential increase in the risk of doping.
 - Changes in haematological profile;
 - Details of past doping controls;
 - Athlete reinstatement after a period of ineligibility; and
 - Injury;
 - haemoglobin scores exceeding 17.5 g/dl (males) or 16 g/dl (females) at anytime or the off model score exceeding 133.2 (males) or 121.4 (females), or off-model scores less than 80 (males) or 65 (females).
- 5.5.4** An athlete's failure to advise IBU of his/her whereabouts will be deemed a filing failure for purposes of Article 2.4 where the conditions of Article 11.3.5 of the International Standard for Testing are met.
- 5.5.5** An athlete's failure to be available for testing at his/her declared whereabouts will be deemed a missed test for purposes of Article 2.4 where the conditions of Article 11.4.3 of the International Standard for Testing are met.
- 5.5.6** Each member federation must also assist its national anti-doping organization in establishing a national-level registered testing pool of top-level national athletes to whom the whereabouts requirements of the International Standard for Testing will also apply. Where those athletes are also in the IBU Registered Testing Pool, the IBU and the national anti-doping organization will agree (with the assistance of WADA if required) on which of them will take responsibility for receiving whereabouts filings from the athlete and sharing it with the other (and with other anti-doping organizations) in accordance with Article 5.5.7.

- 5.5.7** Whereabouts information provided pursuant to Articles 5.5.1 and 5.5.6 must be shared with WADA and other anti-doping organizations having jurisdiction to test an athlete in accordance with Articles 11.7.1(d) and 11.7.3(d) of the International Standard for Testing, including the strict condition that it be used only for doping control purposes.
- 5.6 Retirement and Return to Competition**
- 5.6.1** An athlete who has been identified by IBU for inclusion in IBU's Registered Testing Pool will continue to be subject to these Anti-Doping Rules, including the obligation to comply with the whereabouts requirements of the International Standard for Testing unless and until the athlete gives written notice to IBU that he or she has retired or until he or she no longer satisfies the criteria for inclusion in the IBU's Registered Testing Pool and has been so informed by the IBU.
- 5.6.2** An athlete who has given notice of retirement to the IBU may not resume competing unless he or she notifies the IBU at least six months before he or she expects to return to competition and makes him/herself available for unannounced out-of-competition testing, including (if requested) complying with the whereabouts requirements of the International Standard for Testing, at any time during the period before actual return to competition.
- 5.6.3** Member federations/national anti-doping organizations may establish similar requirements for retirement and returning to competition for athletes in the national registered testing pool.
- 5.7 Member federations and the organizing committees for** member federation events must provide access to independent observers at events as directed by the IBU.

ARTICLE 6 ANALYSIS OF SAMPLES

Doping control samples collected under these Anti-Doping Rules will be analyzed in accordance with the following principles:

6.1 Use of Approved Laboratories

The IBU must send doping control samples for analysis only to WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory (or other laboratory or method ap-

proved by WADA) used for the sample analysis will be determined exclusively by the IBU.

6.2 Purpose of Collection and Analysis of Samples

Samples will be analyzed to detect prohibited substances and prohibited methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to the monitoring program described in Article 4.5 of the Code, or to assist the IBU in profiling relevant parameters in an athlete's urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.

[Comment to Article 6.2: 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.]

6.3 Research on Samples

No sample may be used for any purpose other than as described in Article 6.2 without the athlete's written consent. Samples used (with the athlete's consent) for purposes other than Article 6.2 must 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 must analyze doping control samples and report results in conformity with the WADA International Standard for Laboratories.

6.5 Retesting Samples

A sample may be reanalyzed for the purposes described in Article 6.2 at any time exclusively at the direction of the IBU or WADA, starting from January 1, 2009.

The circumstances and conditions for retesting samples will conform with the requirements of the International Standard for Laboratories.

[Comment to Article 6.5: Although this article is new, anti-doping organizations have always had the authority to reanalyze samples. The International Standard for Laboratories or a new technical document which is made a part of the International Standard will harmonize the protocol for such retesting.]

6.6 Sampling Procedure

6.6.1 General procedure and organization

6.6.1.1 It is the responsibility of the MD and other authorized agents and per-

sons, as mentioned above under Article 4 (Doping Control Officers – DCOs) to ensure that the doping controls are conducted correctly.

- 6.6.1.2** At each event a doping control committee (DCC) must be established. It must consist of:
- the IBU MD as chairperson;
 - a person appointed by the organizing committee of the event and who is responsible for the doping control station;
 - a representative of a national doping control institution and/or IBU approved by the IBU Executive Board;
 - additional members such as assistants, interpreters, couriers, etc., to carry out the duties and functions of the DCC.
- 6.6.1.3** The main tasks of the DCOs will be:
- inspection of the doping control station where the samples are to be taken;
 - ensuring that the necessary material for collecting the samples is available;
 - technical guidance of the doping control station personnel;
 - cooperation with the IBU TD with regard to the selection of the athletes for examination;
 - verification of the identity of the athletes to be tested;
 - collection of samples, their coding and sealing, recording and packing as well as dispatching or surveillance of the whole process;
 - writing a report to be addressed to the chairperson of the IBU MC.
- 6.6.1.4** The organizing committee will establish a secure doping control station with adequate hygienic and ergogenic conditions that must consist of the following:
- a clean, warm control room with good light (table, chairs, wash stand);
 - an adjacent room with toilet, sink, paper tissues and good light;
 - a waiting room for athletes and their accompanying officials;
 - a bicycle ergometer
 - sealed drinks including water, beer, pop, etc.
 - two fridges and freezers for sample storage which need to work properly already 2 days prior to the official arrival day.
- 6.6.1.5** The doping control station must be situated near the arena and clearly marked on the outside. Refreshment drinks in sealed containers must

be available in the waiting area. It must have secure locked access with key access only by the venue anti – doping supervisor and the IBU MD/ Med Asst.

6.6.1.6 Only the following persons will be permitted to enter the doping control station:

- a. The Members of the DCC and DCOs;
- b. the athlete to be tested and his or her accompanying official;
- c. the IBU President and Executive Board Members and members of the IBU MC
- d. The IBU Anti-Doping Administrator;
- e. the IBU TD;
- f. the IBU Race Director;
- g. international observers under the independent observer program according to the World Anti-Doping Code.

6.6.2. Urine Testing

6.6.2.1 Mode of Selection of Athletes for Urine Testing

- a. As a matter of principle, the best placed athlete plus one additional athlete whose name has been determined by a random draw must undergo urine testing.

The draw will be made immediately after the start of the first athlete. The DCO will be responsible for holding the draw.

Therefore, all athletes who at the moment of the draw have not officially withdrawn from the competition, and whose names are drawn for testing, must undergo urine testing.

- b. In Senior and Junior World Championships, as a minimum the athletes placed 1-4 and one other athlete drawn by lot will be tested after each competition. The same goes for one member of each team placed 1-4 and for one athlete drawn by lot from another team.
- c. In Youth World Championships, as a minimum the best placed athlete and one additional athlete chosen by random draw will be tested.
- d. In World Cups and Continental Championships at least the winner of each competition plus one other athlete, in each competition, drawn by lot will undergo testing. The same goes for one member of the winning team and for one athlete drawn by lot from another team. At each World Cup event, doping controls will take place.

- e. In IBU Cups as a minimum the athletes placed 1-3 and two randomly drawn start numbers.

The IBU EB or the Medical Delegate may choose more athletes for any type of urine testing without previous notice.

WADA is given authorization to conduct its own tests as agreed upon with the IBU. Immediately after the competition or after the lots have been drawn, all athletes selected for urine testing will be handed a request to attend doping control by a doping control escort (chaperone) appointed by the DCC. From then on the chaperone must be physically beside the athlete and keep the athlete under observation at all times and accompany him or her to the waiting room at the doping control station. When initial contact is made, the DCO must ensure that the athlete is informed of his or her rights and responsibilities and of the location of the doping control station.

Athletes must report to the doping control station with their accreditation card or national identification document immediately and no later than one hour after receipt of the request to attend doping control. It is the athletes' responsibility to remain within the sight of the DCO and chaperone at all times from the first moment of in-person notification by the DCO until the completion of the sample collection procedure.

6.6.2.2 Collection of Urine Samples

- a. A person (a team coach, a doctor or a team-mate from the athlete's team) and an interpreter may accompany the competitor to the doping control station and may watch all procedures except urination. This accompanying person must possess proper accreditation and must be a member of the same team as the athlete; in exceptional circumstances, the athlete may choose a member of another team.
- b. Should the athlete report to the doping control station later than one hour after the time of notification, this fact must be noted in the record and the IBU RD must be informed of this directly.
The sampling procedure will nevertheless be carried out as in all other cases. Athletes who have reported too late are also entitled to be accompanied by an official from their team.
- c. A member of the DCC will prepare a record of doping control, in duplicate, which must include the name of the athletes, the country they represent, their start number, the time of notification and their time

- of arrival at the doping control station.
- d. The athlete and the accompanying person must remain in the waiting room of the doping control station under supervision until the athlete is called into the consulting area. Athletes and any personal belongings they or the accompanying person bring with them (clothing, bags, etc.) may be searched for evidence of manipulation, upon entering and leaving the doping control station.
 - e. No photographs, video or tape recordings may be taken inside the doping control station during the doping control procedure.
 - f. Only one athlete at a time will be called into the control room.
 - g. The athletes must select a collection vessel, visually check that it is empty and clean, and that all seals on the selected vessel are intact. If the athletes are not satisfied with the selected vessel, they may select another. If the athletes are not satisfied with any of the equipment available for the selection, this will be recorded by the DCO. If the DCO does not agree with the athlete's opinion that all the collection vessels available for the selection are unsatisfactory, the DCO will instruct the athlete to proceed with the sample collection session. If the DCO agrees with the reasons put forward by the athlete that all the collection vessels available for the selection are unsatisfactory, the DCO will terminate the collection of the athlete's urine sample and this will be recorded by the DCO.
 - h. Prior to collecting the sample, athletes will be made to wash their hands.
 - i. The athlete will proceed to the toilet and urinate a minimum of 90 ml into the collection vessel under the observation of a person appointed by the DCC who must be of the same gender as the athlete. Any clothing preventing the direct observation of the urination must be removed. Then the athlete must return to the control room with the collection vessel containing the urine and must retain control of the collection vessel and any sample provided until the sample is sealed. The DCO or chaperone must witness the sample leaving the athlete's body and record the witnessing in writing.
 - j. The DCO must use the relevant laboratory's specifications to verify, in full view of the athlete, that the volume of the urine sample satisfies the laboratory's requirements for analysis. If insufficient urine has been provided by the athlete, the partial sample must be placed

in a box and locked. The athlete will hold the box personally until he or she is able to urinate again. The DCO will keep the key until the athlete is ready to urinate again. The athlete will remain under observation until further urine has been provided and sample taking procedures are complete.

- k. If the requested urine volume of 90 ml has been provided, the athlete will select another sealed plastic bag (sample collection kit) containing two bottles (for A and B samples). The bottles may already have a code number engraved on them. Once a sample collection kit has been selected, the DCO and the athlete will check that all code numbers match and that this code number is recorded accurately by the DCO. If the athlete or DCO finds that the numbers are not the same, the DCO will instruct the athlete to choose another kit in accordance with the above procedure and record the matter. The athlete himself will pour the urine into the bottles, that is to say first the relevant laboratory's prescribed minimum volume of urine into the B bottle, and then fill the A bottle as much as possible. The athlete will then fill the B bottle as much as possible with the remaining urine. A few drops of urine must remain in the collection vessel. Next, the athlete must seal the two bottles hermetically and check that no leak occurs. The athlete must seal the bottles as directed by the DCO. The DCO will check, in full view of the athlete, that the bottles have been properly sealed.
- l. Using the residual volume of urine in the collection vessel, the specific gravity and pH of the urine must be measured by the DCO as guided by the laboratory. These values will be recorded in the record of doping control. If the specific gravity is lower than 1005, the entire sampling procedure as described above must be repeated until the specific gravity of the demanded volume is 1005 or above. The DCO will inform the athlete that he or she is required to provide a further sample. While waiting to provide an additional sample, the athlete will remain under continuous observation. The DCO will record that the samples collected belong to a single athlete, and the order in which the samples were provided. If it is determined by the relevant laboratory that none of the athlete's samples meet the laboratory's pH and specific gravity requirements for analysis and this is not related to natural causes, the chairperson of the IBU Medical Committee

must schedule another sample collection session for the athlete as target testing as soon as possible. If the target testing sample collection session also results in samples that do not meet the laboratory's pH and/or specific gravity requirements for analysis, the IBU EB will investigate a possible anti-doping rule violation.

The non-performance of a second or further test cannot invalidate a positive doping result having been revealed by a sample with gravity below 1005.

- m. The DCO will ensure any residual urine that will not be sent for analysis is discarded in full view of the athlete.
- n. Athletes must declare to the DCO any medication and/or dietary supplements that they may have taken in the preceding three days. The DCO will record this statement on the record of doping control.
- o. Any behavior by the athletes and/or persons accompanying them or anomalies with potential to compromise the sample collection will be recorded. If there are doubts as to the origin or authenticity of the sample, the athlete will be asked to provide an additional sample. In the case of an anomaly or if the athlete refuses to provide an additional sample, the DCO is responsible for ensuring that any matters in this case are assessed to determine if a possible failure to comply has occurred. The DCO is responsible for ensuring that all relevant information, including information from the immediate surroundings when applicable, is obtained as soon as possible or when practicable to ensure that all knowledge of the matter can be reported and be presented as possible evidence, and that appropriate documentation is completed to report any possible failure to comply. Sample collection personnel are responsible for reporting to the DCO any matter with the potential to compromise a test, and the DCO is responsible for reporting such matters to the chairperson of the IBU MC. The athlete will be notified of the possible consequences and that a possible failure to comply will be investigated by the IBU EB and appropriate follow-up action will be taken. If possible, the athlete's sample collection session will be completed. The president of the IBU and the chairperson of the IBU MC will ensure that the outcomes of its investigation are considered for results management action and, if applicable, for further planning and testing.

- p. In conducting the sample collection session the following information must be recorded as a minimum:
 - aa. Date, time and type of notification (no advance notice, advance notice, in-competition or out-of-competition);
 - bb. Date and time of sample provision;
 - cc. The name, date of birth, gender of the athlete;
 - dd. The athlete's home address and telephone number;
 - ee. The athlete's sport and discipline;
 - ff. The sample code number;
 - gg. The name and signature of the chaperone who witnessed the urine sample provision;
 - hh. The name and signature of the blood collection official who collected the blood sample, where applicable and as specified below;
 - ii. Required laboratory information on the sample;
 - jj. Medications and supplements taken and recent blood transfusion details if applicable, as declared by the athlete, within the time-frame specified by the lab;
 - kk. Any irregularities in procedures;
 - ll. Athlete comments or concerns regarding the conduct of the session, if provided;
- mm. The name and signature of the athlete;
- nn. The name and signature of the athlete's representative, if required; and
- oo. The name and signature of the DCO.
- q. The code number will be entered into the record of doping control. The athlete and his or her accompanying official will check whether the numbers on the two bottles are identical with those in the record of doping control.
- r. The persons listed above will sign the record of doping control thus confirming that the sampling has been conducted correctly. Any irregularities identified by the athlete, accompanying official or the DCO must be recorded on the record of doping control before signing it. The original and one copy of the record of doping control will be placed in two separate envelopes, which must be closed and sealed with the IBU seal.
- s. The sealed envelope containing the original of the record of doping control will be delivered to the chairperson of the IBU MC.

The sealed envelope with a copy of the original will be delivered to the IBU SG. One other copy will be given to the athlete. Two other copies (one for the A and one for the B sample) will be sent to the doping control laboratory that is to conduct the analysis. The copies sent to the laboratory must not contain any information about the name or any identifying details of the athlete or accompanying official.

- t. All the bottles with the A and B samples must be placed in suitable transport containers, which are to be closed immediately after the samples have been collected at the end of the competition, for transport.
- u. The bottles must be sent together with a customs declaration by the organizing committee to the WADA accredited doping control laboratory which has been selected by the IBU MC to carry out the analysis. The transport must take place in accordance with the directions stipulated by the laboratory. The receipt of the samples must be confirmed in writing by the laboratory director, or a person appointed by him or her, to the IBU SG.
- v. Chain of custody will be checked by the chairperson of the IBU MC if receipt of either the samples with accompanying documentation or sample collection documentation is not confirmed at their intended destination or a sample's integrity or identity may have been compromised during transport. In this instance, the chairperson of the IBU MC will consider whether the sample should be voided.

6.6.2.3 The IBU reserves the right to store any and all samples (blood or urine) for future anti-doping analysis under whatever provisions might be afforded to the measure by the WADA code.

6.6.3 Blood and Gene Testing

6.6.3.1 Purpose

Blood tests will be organized to determine haematological parameters. Blood tests may also be used to detect doping substances.

Gene tests will be organized to detect whether gene or cell doping, i.e. the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance, has taken place.

6.6.3.2 Mode of selection of athletes for blood testing

- 6.6.3.2.1 a) Before each competition in a World Cup and a World Championship and before other competitions according to Executive Board ruling following recommendation by the Medical Committee, at least six athletes, chosen by drawing lots, must undergo a blood test. All athletes who are to be found on the start list at the time of the draw will be included in the draw.

The lots will be drawn according to the contingencies of the venue between three (3) and two (2) hours before the start of zeroing. The draw will take place under the direction of the Medical Delegate.

- b) The Chairperson of the OC, the Medical Delegate and the Race Director will agree upon a system of collecting the drawn athletes for each venue. The system must be announced for each venue at the first team captains meeting.
- c) The procedure for implementing the agreed system must follow the directions of the Medical Delegate and RD.
- d) Depending on the chosen system, athletes should either stay at their lodgings until an hour before the start of zeroing, or must assemble at the athlete compound at the latest 45 minutes before zeroing. The athletes will identify themselves to the chaperones by presenting their accreditation card. Athletes selected for blood testing will sign the doping control form and remain with the chaperone until they arrive at the doping control station. The athletes will be considered having been informed as soon as the notification has been given to their team.
- e) As long as athletes have not been officially withdrawn from the start list by the start of the draw, they must undergo a blood test. Also, all those athletes who have officially withdrawn after the draw will be subject to blood testing, should their lot be drawn. Upon doping control notification, the athletes in question must sign a declaration of notification and make their way promptly to the doping control station with their chaperone. The chaperones must remain with their athlete from this time on, the entire time until the start of their athlete's blood test.
- f) WADA is given authorization for a given number of tests as agreed upon with the IBU following the procedure above.

- 6.6.3.2.1** The chairperson of the Medical Committee will have the authority to select additional athletes for blood and gene testing.
- 6.6.3.2.2** The Medical Committee under the direction of the chairperson reserves the right to do blood testing the day before the competition for each IBU event on as many athletes as is deemed necessary.
- 6.6.3.2.2** All blood samples must only be taken by qualified personnel (blood collection officials), appointed by the IBU MC with the supervision of a Medical Doctor or other DCO.
- 6.6.3.3 Collection of blood samples**
- 6.6.3.3.1** Article 6.6.2.2 above will apply accordingly, as far as not otherwise specified below.
- 6.6.3.3.2** At the time indicated, the selected athletes must come to blood testing. Should problems occur and the athlete is not capable of undergoing blood testing at the scheduled time, the time of sampling can in exceptional cases be delayed until five minutes before the start of the first competitor.
- 6.6.3.3.3** Athletes must declare to the DCO and/or blood collection official any blood transfusions they have received in the preceding months, giving the date, the reasons for the blood transfusion and the name of the physician or hospital that administered the transfusion. The official receiving the declaration must record these statements in the record of doping control.
- 6.6.3.3.4** If athletes want to refuse to permit blood sampling, the possible consequences of their refusal must be explained to them by the DCO. If the athletes continue refusing, this fact will be noted in the record of doping control and will be signed by the official. The athletes and the person accompanying them are requested to sign as well. The respective official will inform the chairperson of the IBU MC of the blood sampling refusal.
- 6.6.3.3.5** The DCO will ensure the athletes are offered comfortable conditions including being in a relaxed position for at least 10 minutes prior to providing a sample. The DCO will instruct the athletes to select the sample collection kit/s required for collecting the sample and to check that the selected equipment has not been tampered with and the seals are in-

tact. Article 6.6.2.2. g. above will apply accordingly.

- 6.6.3.3.6** The blood collection official will clean the athletes' skin with a sterile disinfectant wipe or swab it in a location unlikely to adversely affect the athletes or their performance and, if required, apply a tourniquet. The blood collection official will take the blood sample of such quantity that reliable retesting will be possible if required in accordance to the WADA Rules.
- 6.6.3.3.7** Should it not be possible to take the blood sample within three attempts, the blood collection official will inform the DCO. The DCO will terminate the collection of the blood sample and record this and the reasons for terminating the collection. The blood testing will be considered passed if the failure depended only on the incapacity of the operator and not on the behavior of the athlete.
- 6.6.3.3.8** The blood collection official will apply a dressing to the puncture site(s) and will dispose of used blood sampling equipment not required for completing the sample collection session.
- 6.6.3.3.9** Should more athletes be waiting for blood sampling, the sequence will be conducted in the expected sampling order. An athlete arriving late at the doping control station will be shifted to the end of the list.
- 6.6.3.3.10** If the blood is drawn for analysis in a laboratory then a sealed and numbered container kit certified by WADA will be used. Athletes must seal their sample into the sample collection kit as directed by the DCO. In full view of the athlete, the DCO will check that the sealing is satisfactory.
- 6.6.3.3.11** If the blood is drawn for analysis in a laboratory then the sealed sample will be kept at a cool, but not freezing, temperature prior to dispatch for analysis at the WADA accredited laboratory or as otherwise approved by WADA.
- 6.6.3.4 Immediate analysis of blood samples**
If blood is drawn for immediate analysis of haematological parameters then a single syringe will be used without use of a sealed blood collection kit. The blood samples collected will be analyzed with regard to the value of reticulocytes and haemoglobin using an appropriate measuring instrument, approved by the IBU MC, in the presence of the athlete and, if he

or she agrees, of one accompanying person, and within a maximum of two days after the collection.

6.6.3.4.1 Determination of Results with Regard to Haemoglobin

- a. When the results of the analysis show a value of haemoglobin that exceeds 17.5 g/dl in males and 16 g/dl in females, the same sample will be re-tested two times more, and the average of the three tests will be the final result.
- b. Immediately after this, a report of the results will be printed and given to the athlete. Should a result exceed the limits as described above, the athlete, the official accompanying him or her and the DCO will sign a form declaring the temporary inability of the athlete to compete. On the same form, the athlete will have the opportunity to give an explanation. A copy of the form will be given to the athlete.
- c. The remaining blood will be kept anonymously and subsequently destroyed. The numerical results of haematological parameter analyses will become the property of the IBU and become part of the IBU haematological data base. This data may be used for anti-doping purposes in any appropriate way.

6.6.3.4.2 Consequences of exceeded haemoglobin values and off-model scores

- a. If the final result exceeds 17.5 g/dl (males) or 16 g/dl (females), or if the off-model score exceeds 133.2 (males) or 121.4 (females), the respective athlete will be subject to a suspension for health reasons as a matter of precaution. The suspension will take immediate effect from the respective competition until blood re-testing shows haemoglobin values below 17.5 g/dl for male and 16 g/dl for female athletes.
- b. Only blood re-tests performed using appropriate measuring instruments approved by the IBU MC, and under IBU supervision, will be accepted. A blood re-test cannot be performed earlier than five days after the initial blood test showing exceeded haemoglobin values. A blood re-test must take place at the latest before the next event, if the period between the initial blood test showing exceeded haemoglobin values and the next event exceeds five days.
- c. The blood re-test necessary to become eligible for competition again can be performed by appropriate haematological departments designated by the IBU MC, upon proposal of the respective athlete or his

or her federation in addition to at the international events in which blood testing is conducted and supported by the IBU. The costs for this testing will be charged to the athlete's federation.

- d. If a blood re-test does not exceed the limits, the athlete will be able to resume the competitions.
- e. Any modification of the procedure for blood testing and re-testing must be authorized by the IBU MC to be considered valid.
- f. If the off-model score is less than 80 (males) or 65 (females), the athlete must undergo an EPO Test, but will not be suspended.
- g. Athletes with naturally high haemoglobin levels – exceeding the limits described above under Article 6.6.3.4.2.a – have the option of sending medical certificates to the IBU, stating that they have naturally high levels.

The certificates must include the medical diagnosis supporting the elevated haemoglobin, including historical and haematological data. The statement by the evaluating haematologist must certify that the athletes are safe to compete with their medical condition within the spectrum of biathlon training and competition. These certificates have to be submitted to the IBU HQ to the attention of the chairperson of the IBU Medical Committee for approval. The chairperson must receive this documentation 14 days at the latest before the first competition of the season in which the athlete wants to start. Athletes submitting applications described above will become members of the IBU Registered Testing Pool with immediate effect. Athletes must submit an application annually.

The IBU MC will have the right to re-test these athletes at each competition where blood testing is intended.

- h. The blood re-testing performed or supervised by the IBU MC will be conducted immediately before the normal blood testing.
- i. The athletes will immediately undergo a urine test.

6.6.3.4.3 Determination of results with regard to reticulocytes and consequences of exceeded values.

If a blood test shows a higher value of reticulocytes than 2.0%, the athlete must undergo a urine test combined with an additional blood test and will be subject to the same sanctions.

6.6.3.4.4 Questions to Resolve

- a. If at any stage in the proceedings a question or issue to be clarified arises concerning testing or interpretation of results, the person in the laboratory responsible for conducting testing may consult the DCO or the chairperson of the IBU MC.
- b. If at any stage in the proceedings a question or issue to be clarified arises in relation to the sample, the laboratory may conduct any further tests necessary to clarify the facts or issue so raised, and such tests may be relied upon by the IBU when deciding whether a sample has tested positive for a prohibited substance or method.
- c. The IBU reserves the right to store any and all samples (blood and urine) for future anti-doping analysis under whatever provisions might be afforded this measure by the WADA Code.

6.6.3.4.5 Statistics

At the end of a competition season, the chairperson of the IBU MC will compile statistics on the names of athletes and number of times they were invited for blood testing.

ARTICLE 7 RESULTS MANAGEMENT**7.1 Results Management for Tests Initiated by the IBU**

Results management for tests initiated by the IBU (including tests performed by WADA pursuant to agreement with the IBU) will proceed as set forth below:

- 7.1.1** The results from all analyses must be sent to the IBU in encoded form, in a report signed by an authorized representative of the laboratory. All communication must be conducted in confidentiality and in conformity with ADAMS, a database management tool developed by WADA. ADAMS is consistent with data privacy statutes and norms applicable to WADA and other organizations using it.
- 7.1.2** Upon receipt of an A sample adverse analytical finding, the IBU Anti-Doping Administrator will conduct a review to determine whether:
 - a. the adverse analytical finding is consistent with an applicable TUE, or
 - b. there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the

adverse analytical finding.

- 7.1.3** When the adverse analytical finding is for formoterol, salbutamol, salmeterol or terbutaline and the athlete is not in the IBU Registered Testing Pool, or where the IBU rules do not require regular TUEs for such substances, then, before the IBU completes its review under Article 7.1.2, the athlete must be given an opportunity to apply to the TUE Committee for a retroactive TUE in accordance with Article 7.13 of the International Standard for Therapeutic Use Exemptions. When the adverse analytical finding is for a glucocorticosteroid, the IBU Anti-Doping Administrator must confirm that a declaration of use is in place for the non-systemic use of glucocorticosteroids.
- 7.1.4** If the initial review of an adverse analytical finding under Article 7.1.2 does not reveal an applicable TUE, or departure from the International Standard for Testing or the International Standard for Laboratories that caused the adverse analytical finding, the IBU will promptly notify the athlete of :
- the adverse analytical finding;
 - the anti-doping rule violated;
 - the athlete's right to promptly request the analysis of the B sample or, failing such request, that the B sample analysis may be deemed waived;
 - the scheduled date, time and place for the B sample analysis (which must be within the time period specified in the International Standard for Laboratories) if the athlete or the IBU chooses to request an analysis of the B sample;
 - the opportunity for the athlete and/or the athlete's representative to attend the B sample opening and analysis at the scheduled date, time and place if such analysis is requested; and
 - 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.

The IBU will also notify the athlete's national anti-doping organization and WADA. If the IBU decides not to bring forward the adverse analytical finding as an anti-doping rule violation, it will so notify the athlete, the

athlete's national anti-doping organization and WADA.

Notification of the athlete means that the IBU notifies the member federation of the athlete, which is responsible to inform the athlete.

- 7.1.5** Where requested by the athlete or the IBU, arrangements will be made for testing the B sample within the time period specified in Art. 5.2.4.3.2.1. of the International Standard for Laboratories. An athlete may accept the A sample analytical results by waiving the requirement for B sample analysis. The IBU may nonetheless elect to proceed with the B sample analysis.
- 7.1.6** The athlete and/or his representative will be allowed to be present at the analysis of the B sample within the time period specified in the International Standard for Laboratories. A representative of the athlete's national federation and a representative of the IBU will also be allowed to be present.
- 7.1.7** If the B sample proves negative, the entire test will be considered negative and the athlete, his or her national federation, and the IBU will be so informed (unless the IBU takes the case forward as an anti-doping rule violation under Article 2.2).
- 7.1.8** If a prohibited substance or the use of a prohibited method is identified, the findings will be reported to the athlete, his member federation, the IBU, and to WADA.
- 7.1.9** For apparent anti-doping rule violations that do not involve adverse analytical findings, the IBU will conduct any necessary follow-up investigation and, at such time as it is satisfied that an anti-doping rule violation has occurred, it will then promptly notify the athlete of the anti-doping rule that appears to have been violated, and the basis of the violation.

7.2 Results Management for Atypical Findings

- 7.2.1** As provided in the WADA International Standards, in certain circumstances laboratories are directed to report the presence of prohibited substances that may also be produced endogenously as atypical findings that should be investigated further.
- 7.2.2** If a laboratory reports an atypical finding in respect of a sample collected from an athlete by or on behalf of the IBU, the IBU Anti-Doping Administrator will conduct a review to determine whether:

- a. the atypical finding is consistent with an applicable TUE that has been granted as provided in the International Standard for Therapeutic Use Exemptions, or
- b. there is any apparent departure from the International Standard for Testing or International Standard for Laboratories that caused the atypical analytical finding.

7.2.3 If the initial review of an atypical finding under Article 7.2.2 reveals an applicable TUE or departure from the International Standard for Testing or the International Standard for Laboratories that caused the atypical finding, the entire test will be considered negative and the athlete, his national federation, and the IBU will be so informed.

7.2.4 If the initial review of an atypical finding under Article 7.2.2 does not reveal an applicable TUE or departure from the International Standard for Testing or the International Standard for Laboratories that caused the atypical finding, the IBU will conduct the follow-up investigation required by the International Standards. If, once that investigation is completed, it is concluded that the atypical finding should be considered an adverse analytical finding, the IBU will pursue the matter in accordance with Article 7.1.3.

7.2.5 The IBU 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:

- (a) If the IBU determines the B sample should be analyzed prior to the conclusion of its follow-up 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 7.1.4 (c) to (f).
- (b) If the IBU receives a request, either from a major event organization shortly before one of its international events, or from a sports organization 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 organization or sports organization has a pending atypical finding, the IBU will so identify any such athlete after first providing notice of the atypical finding to the athlete.

7.3 Results Management for Tests Initiated During Other International Events

Results management and the conduct of hearings from a test by the International Olympic Committee or a major event organization, will be managed, as far as sanctions beyond disqualification from the event or the results of the event, by the IBU.

7.4 Results Management for Tests initiated by Member Federations

Results management conducted by member federations must be consistent with the general principles for effective and fair results management that underlie the detailed provisions set forth in Article 7. Results of all doping controls must be reported to the IBU and to WADA within 14 days of the conclusion of the member federation's results management process. Any apparent anti-doping rule violation by an athlete who is a member of that member federation must be promptly referred to an appropriate hearing panel established pursuant to the rules of the member federation or national law. Apparent anti-doping rule violations by athletes who are members of another member federation will be referred to the athlete's national federation for hearing.

7.5 Results Management for Whereabouts Violations

7.5.1 Results management in respect of an apparent filing failure by an athlete in the IBU Registered Testing Pool will be conducted by the IBU in accordance with Article 11.6.2 of the WADA International Standard for Testing.

7.5.2 Results management in respect of an apparent missed test by an athlete in the IBU's Registered Testing Pool as a result of an attempt to test the athlete by or on behalf of the IBU must be conducted by the IBU in accordance with Article 11.6.3 of the International Standard for Testing. Results management in respect of an apparent missed test by such athlete as a result of an attempt to test the athlete by or on behalf of another anti-doping organization must be conducted by that other anti-doping organization in accordance with Article 11.7.6(c) of the International Standard for Testing.

7.5.3 Where, in any eighteen-month period, an athlete in the IBU's Registered Testing Pool is declared to have three filing failures, or three missed tests, or any combination of filing failures or missed tests adding up to

three in total, whether under these Anti-Doping Rules or under the rules of any other anti-doping organization, IBU will bring them forward as an apparent anti-doping rule violation.

7.6 Provisional Suspensions

- 7.6.1** If analysis of an A sample has resulted in an adverse analytical finding for a prohibited substance that is not a specified substance, and a review in accordance with Article 7.1.2 does not reveal an applicable TUE or departure from the International Standard for Testing or the International Standard for Laboratories that caused the adverse analytical finding, the IBU must provisionally suspend the athlete pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.
- 7.6.2** In any case not covered by Article 7.6.1 where the IBU decides to take the matter forward as an apparent anti-doping rule violation in accordance with the foregoing provisions of this Article 7, the IBU SG, after consultation with the IBU Medical Committee, may provisionally suspend the athlete pending the hearing panel's determination of whether he/she has committed an anti-doping rule violation.
- 7.6.3** Where a provisional suspension is imposed, whether pursuant to Article 7.6.1 or Article 7.6.2, the athlete will be given either:
- (a) an opportunity for a provisional hearing within seven days before the Anti-Doping Administrator before imposition of the provisional suspension, or on a timely basis after imposition of the provisional suspension; or
 - (b) an opportunity for an expedited hearing in accordance with Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a provisional suspension. National federations must impose provisional suspensions in accordance with the principles set forth in this Article 7.6.
- 7.6.4** If a provisional suspension is imposed based on an adverse analytical finding in respect of an A sample, and any subsequent analysis of the B sample analysis does not confirm the A sample analysis, then the athlete will not be subject to any further provisional suspension on account of a violation of Article 2.1 of the Code (Presence of a Prohibited Substance or its Metabolites or Markers). In circumstances where the athlete has

been removed from a competition based on a violation of Article 2.1 and the subsequent B sample analysis does not confirm the A sample finding, if, without otherwise affecting the competition, it is still possible for the athlete or team to be reinserted, the athlete or team may continue to take part in the competition.

[Comment to Article 7.6: Before a provisional suspension can be unilaterally imposed by an anti-doping organization, the internal review specified in the Code must first be completed. In addition, a signatory imposing a provisional suspension is required to give the athlete an opportunity for a provisional hearing either before or promptly after the imposition of the provisional suspension, or an expedited final hearing under Article 8 promptly after imposition of the provisional suspension. The athlete has a right to appeal under Article 13.2.]

In the rare circumstance where the B sample analysis does not confirm the A sample finding, the athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent competitions during the event. Similarly, depending upon the relevant rules of the international federation in a team sport, if the team is still in competition, the athlete may be able to take part in future competitions.

Athletes will receive credit for a provisional suspension against any period of Ineligibility that is ultimately imposed as provided in Article 10.9.3.]

7.7 Retirement from Sport

If an athlete or other person retires while a results management process is underway, the IBU retains jurisdiction to complete its results management process. If an athlete or other person retires before any results management process has begun and the IBU would have had results management jurisdiction over the athlete or other person at the time the athlete or other person committed an anti-doping rule violation, the IBU has jurisdiction to conduct results management.

[Comment to Article 7.7: Conduct by an athlete or other person before the athlete or other person was subject to the jurisdiction of any anti-doping organization 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 organization.]

7.8 The IBU must send all notification or communication to athletes to their respective member federation. The member federation is solely responsible to forward the documents to the athlete.

ARTICLE 8 RIGHT TO A FAIR HEARING (IBU Anti-Doping Hearing Panel)**8.1 Hearings arising out of IBU Testing or Tests at International Events**

- 8.1.1** The IBU Executive Board will appoint a standing panel consisting of a chairperson and at least four other experts with experience in anti-doping ("IBU Anti-Doping Hearing Panel (ADHP)"). The Chair will be a lawyer. Each panel member will be otherwise independent of IBU. Each panel member will serve a term of four years.
- 8.1.2** When it appears, following the results management process described in Article 7, that these Anti-Doping Rules have been violated in connection with IBU testing or testing at an international event, the case will be assigned to the IBU Anti-Doping Hearing Panel for adjudication.
- 8.1.3** The chairperson of the IBU ADHP will appoint three members from the panel (which may include the chairperson) to hear each case. At least one appointed member must also be a lawyer. The appointed members must have had no prior involvement with the case and must not have the same nationality as the athlete or other person alleged to have violated these Anti-Doping Rules.
- 8.1.4** Hearings will be held in Salzburg as soon as possible and at the absolute latest 30 days after the IBU has sent the complete documentation to the federation of the athlete regarding the positive A sample, if the B sample is waived, or regarding the positive B sample from the laboratory. The member federation is responsible to inform the athlete upon the receipt of the complete documentation and to forward this complete documentation to the athlete.
- The hearing may in exceptional cases be at any other location if so proposed by the chairperson and if both parties agree in writing. In this case, the agreement must name the place for the hearing, which must be confirmed by the IBU.
- 8.1.5** The NF of the athlete or other person alleged to have violated these Anti-Doping Rules may attend the hearing as an observer.
- 8.1.6** IBU will keep WADA fully informed as to the status of pending cases and the result of all hearings.
- 8.1.7** An athlete or other person may forego a hearing by acknowledging the Anti-Doping Rule violation and accepting consequences consistent with

Articles 9 and 10 as proposed by the IBU. The right to a hearing may be waived either expressly or by the athlete's or other person's failure to challenge within 2 weeks the IBU's assertion that an anti-doping rule violation has occurred. Where no hearing occurs, the IBU will submit to the persons described in Article 13.2.3 a reasoned decision explaining the action taken.

8.1.8 Decisions of the IBU Doping Hearing Panel may be appealed to the CAS.

8.2 Hearings Arising Out of National Testing

8.2.1 When it appears, following the results management process described in Article 7, that these Anti-Doping Rules have been violated in connection with testing other than in connection with IBU testing or testing at an international event, the athlete or other person involved will be brought before a disciplinary panel of the athlete or other person's national federation for a hearing to adjudicate whether a violation of these Anti-Doping Rules occurred and if so what consequences should be imposed.

8.2.2 Hearings pursuant to this Article 8.2 will be completed expeditiously and in all cases within three months of the completion of the results management process described in Article 7. Hearings held in connection with events may be conducted by an expedited process. If the completion of the hearing is delayed beyond three months, IBU may elect to bring the case directly before the IBU Anti-Doping Hearing Panel at the responsibility and at the expense of the member federation.

8.2.3 Member federations must keep the IBU and WADA fully informed as to the status of pending cases and the results of all hearings.

8.2.4 The IBU and WADA will have the right to attend hearings as an observer.

8.2.5 The athlete or other person may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting consequences consistent with Articles 9 and 10 as proposed by the national federation. The right to a hearing may be waived either expressly or by the athlete's or other person's failure to challenge the member federation's assertion that an anti-doping rule violation has occurred within two (2) weeks. Where no hearing occurs, the member federation must submit to the persons described in Article 13.2.3 a reasoned decision explaining the action taken.

- 8.2.6** Decisions by member federations, whether as the result of a hearing or the athlete or other person's acceptance of consequences, may be appealed as provided in Article 13.
- 8.2.7** Hearing decisions by the member federation will not be subject to further administrative review at the national level except as provided in Article 13 or required by applicable national law.
- 8.3 Principles for a Fair Hearing**
All hearings pursuant to either Article 8.1 or 8.2 must respect the following principles:
- a timely hearing;
 - fair and impartial hearing panel;
 - the right to be represented by counsel at the person's own expense;
 - the right to be informed in a fair and timely manner of the asserted anti-doping rule violation;
 - the right to respond to the asserted anti-doping rule violation and resulting consequences;
 - the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone or written submission);
 - the person's right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for the cost of the interpreter; and
 - a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of ineligibility.
- 8.4.** Rule 5.2.4.3.2.6. of the International Standard for Laboratories will be applied *mutatis mutandis*.

ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of these Anti-Doping Rules in connection with an 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. The same applies to a relay team of which a member, or members, have violated these Anti-Doping Rules in connection with an in-competition test. Athletes are automatically disqualified when evading a doping control when ordered to attend.

[Comment to Article 9: When an athlete wins a gold medal with a prohibited substance in his or her system, that is unfair to the other athletes in that competition regardless of whether the gold medalist was at fault in any way. Only a 'clean' athlete should be allowed to benefit from his or her competitive results. For team sports, see Article 11 (Consequences to Teams). In sports which are not team sports but where awards are given to teams, disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation will be as provided in the applicable rules of the IBU.]

ARTICLE 10 SANCTIONS ON INDIVIDUALS

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

An Anti-Doping Rule violation occurring during or in connection with an event may 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 10.1.1.

[Comment to Article 10.1: Whereas Article 9 (Automatic Disqualification of Individual Results) disqualifies the result in a single competition in which the athlete tested positive, this article may lead to disqualification of all results in all races during the event. Factors to be included in considering whether to disqualify other results in an event might include, for example, the severity of the athlete's anti-doping rule violation and whether the athlete has tested negative in the other competitions.]

- 10.1.1** 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 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 Prohibited Substances and Prohibited Methods

The period of ineligibility imposed for a violation of Article 2.1 (Presence of Prohibited Substances or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of Prohibited Substances and Methods) will be as follows, unless the conditions for eliminating or reducing the period of ineligibility, as provided in Articles 10.4 and 10.5, or the conditions for increasing the period of Ineligibility, as provided in Article 10.6, are met: First violation: two (2) years' ineligibility.

[Comment to Article 10.2: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the athletes are professionals making a sizable income from the sport and in others the athletes are true amateurs; in those sports where an athlete's career is short (e.g., artistic gymnastics) a two year Disqualification has a much more significant effect on the athlete than in sports where careers are traditionally much longer (e.g., equestrian and shooting); in Individual Sports, the athlete is better able to maintain competitive skills through solitary practice during disqualification than in other sports where practice as part of a team is more important. A primary argument in favor of harmonization is that it is simply not right that two athletes from the same country who test positive for the same prohibited substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting bodies to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between international federations and national anti-doping organizations.]

10.3 Ineligibility for Other Anti-Doping Rule Violations

The period of ineligibility for violations of these Anti-Doping Rules other than as provided in Article 10.2 will be as follows:

- 10.3.1** For violations of Article 2.3 (refusing or failing to submit to sample collection) or Article 2.5 (Tampering with Doping Control), the ineligibility period will be two (2) years unless the conditions provided in Article 10.5, or the conditions provided in Article 10.6, are met.
- 10.3.2** For violations of Article 2.7 (Trafficking) or Article 2.8 (Administration of Prohibited Substance or Prohibited Method), the period of ineligibility imposed will be a minimum of four (4) years up to lifetime ineligibility unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a minor will be considered a particularly serious violation, and, if committed by athlete support personnel for violations other than specified substances will result in lifetime ineligibility for such athlete support personnel. In addition, significant violations of such articles which also violate non-sporting laws and regulations, will be reported to the competent administrative, professional or judicial authorities.

[Comment to Article 10.3.2: 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 organizations is generally limited to ineligi-

bility for credentials, membership and other sport benefits, reporting athlete support personnel to competent authorities is an important step in the deterrence of doping.]

- 10.3.3** Athletes belonging to the IBU Registered Testing Pool that infringe their duty under the Art. 2.4. Alt. 1 and/or 2 for the first time within an 18 month period, they and their national federation will be warned in writing; for the second time within an 18 month period, they will be fined 300 €; for the third time within an 18 month period they will be deemed to have committed an Anti-Doping Rule violation. For violations the period of ineligibility will be at a minimum one (1) year and at a maximum two (2) years based on the athlete's degree of fault.

[Comment to Article 10.3.3: The sanction under Article 10.3.3 will be two years where all three filing failures or missed tests are inexcusable. Otherwise, the sanction will be assessed in the range of two years to one year, based on the circumstances of the case.]

10.4 Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances

Where an athlete or other person can establish how a specified substance entered his or her body or came into his or her possession and that such specified substance was not intended to enhance the athlete's sport performance or mask the use of a performance-enhancing substance, the period of ineligibility found in Article 10.2 will be replaced with the following:

First violation: At a minimum, a reprimand and no period of ineligibility from future events, and at a maximum, two (2) years of Ineligibility.

To justify any elimination or reduction, the athlete or other person must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the use of a performance enhancing substance. The athlete or other person's degree of fault will be the criterion considered in assessing any reduction of the period of ineligibility.

[Comment to Article 10.4: Specified substances as now defined in Article 4.2.2 are not necessarily less serious agents for purposes of sports doping than other prohibited substances (for example, a stimulant that is listed as a specified substance could be very effective to an athlete in competition); for that reason, an athlete who does not meet the criteria under this article would receive a two-year period of ineligibility and could receive up to a four-year period of ineligibility under Article 10.6. However, there is a greater likelihood that specified substances, as opposed to other prohibited sub-

stances, could be susceptible to a credible, non-doping explanation.

This article applies only in those cases where the hearing panel is comfortably satisfied by the objective circumstances of the case that the athlete in taking a prohibited substance did not intend to enhance his or her sport performance. Examples of the type of objective circumstances which in combination might lead a hearing panel to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the specified substance or the timing of its ingestion would not have been beneficial to the athlete; the athlete's open use or disclosure of his or her use of the specified substance; and a contemporaneous medical records file substantiating the non-sport-related prescription for the specified substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the athlete to prove lack of an intent to enhance sport performance.

While the absence of intent to enhance sport performance must be established to the comfortable satisfaction of the hearing panel, the athlete may establish how the specified substance entered the body by a balance of probability.

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 behavior. 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 this Article. It is anticipated that the period of ineligibility will be eliminated entirely in only the most exceptional cases.]

10.5 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances

10.5.1 No Fault or Negligence

If an athlete establishes in an individual case that he or she bears no fault or negligence, the otherwise applicable period of ineligibility will be eliminated. When a prohibited substance or its markers or metabolites is detected in an athlete's sample in violation of Article 2.1 (Presence of Prohibited Substance), the athlete must also establish how the prohibited substance entered his or her system in order to have the period of ineligibility eliminated. In the event this article is applied and the period of ineligibility otherwise applicable is eliminated, the anti-doping rule violation will not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Article 10.7.

10.5.2 No Significant Fault or Negligence

If an athlete or other person establishes in an individual case that he or

she bears no significant fault or negligence, then the period of ineligibility may be reduced, but the reduced period of ineligibility may not be less than one-half of the period of ineligibility otherwise applicable. If the otherwise applicable period of ineligibility is a lifetime, the reduced period under this section may be no less than eight (8) years. When a prohibited substance or its markers or metabolites is detected in an athlete's sample in violation of Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers), the athlete must also establish how the prohibited substance entered his or her system in order to have the period of ineligibility reduced.

[Comment to Articles 10.5.1 and 10.5.2: the IBU Anti-Doping Rules provide for the possible reduction or elimination of the period of ineligibility in the unique circumstance where the athlete can establish that he or she had no fault or negligence, or no significant fault or negligence, in connection with the violation. This approach is consistent with basic principles of human rights and provides a balance between those anti-doping organizations that argue for a much narrower exception, or none at all, and those that would reduce a two year suspension based on a range of other factors even when the athlete was admittedly at fault. These articles apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. Article 10.5.2 may be applied to any anti-doping violation even though it will be especially difficult to meet the criteria for a reduction for those anti-doping rule violations where knowledge is an element of the violation. Articles 10.5.1 and 10.5.2 are meant to have an impact only in cases where the circumstances are truly exceptional and not in the vast majority of cases.]

To illustrate the operation of Article 10.5.1, an example where no fault or negligence would result in the total elimination of a sanction is where an athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of no fault or negligence in the following circumstances: (a) a positive test resulting from a mislabeled 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 based on no significant fault or negligence. [For example, reduction may well be appropriate

in illustration (a) if the athlete clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to prohibited substances and the athlete exercised care in not taking other nutritional supplements.) For purposes of assessing the athlete or other person's fault under Articles 10.5.1 and 10.5.2, the evidence considered must be specific and relevant to explain the athlete or other person's departure from the expected standard of behavior. 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 this article. While minors are not given special treatment per se in determining the applicable sanction, certainly youth and lack of experience are relevant factors to be assessed in determining the athlete or other person's fault under Article 10.5.2, as well as Articles 10.4 and 10.5.1. Article 10.5.2 should not be applied in cases where Articles 10.3.3 or 10.4 apply, as those articles already take into consideration the athlete or other person's degree of fault for purposes of establishing the applicable period of ineligibility.]

10.5.3 Substantial assistance in discovering or establishing anti-doping rule violations

The IBU Anti-Doping Hearing Panel may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of ineligibility imposed in an individual case where the athlete or other person has provided substantial assistance to an anti-doping organization, criminal authority or professional disciplinary body which results in the anti-doping organization discovering or establishing an anti-doping rule violation by another person, or which results in a criminal or disciplinary body discovering or establishing a criminal offense or the breach of professional rules by another person. After a final appellate decision under Article 13 or the expiration of time to appeal, the IBU may only suspend a part of the 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 IBU suspends any part of the period of ineligibil-

ity under this article, it must promptly provide a written justification for its decision to each anti-doping organization having a right to appeal the decision. If the IBU subsequently reinstates any part of the suspended period of ineligibility because the athlete or other person has failed to provide the substantial assistance which was anticipated, the athlete or other person may appeal the reinstatement pursuant to Article 13.2.

[Comment to Article 10.5.3: 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.]

Factors to be considered in assessing the importance of the substantial assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving trafficking under Article 2.7 or administration under Article 2.8 is involved and whether the violation involved a substance or method which is not readily detectible in testing. The maximum suspension of the ineligibility period will only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the anti-doping rule violation is any performance-enhancing benefit which the person providing substantial assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the substantial assistance is provided, the greater the percentage of the period of ineligibility may be suspended. If the athlete or other person who is asserted to have committed an anti-doping rule violation claims entitlement to a suspended period of ineligibility under this article in connection with the athlete or other person's waiver of a hearing under Article 8.3 (Waiver of Hearing), the IBU will determine whether a suspension of a portion of the period of ineligibility is appropriate under this article. If the athlete or other person claims entitlement to a suspended period of ineligibility before the conclusion of a hearing under Article 8 on the anti-doping rule violation, the hearing panel will determine whether a suspension of a portion of the period of ineligibility is appropriate under this article at the same time the hearing panel decides whether the athlete or other person has committed an anti-doping rule violation. If a portion of the period of ineligibility is suspended, the decision will explain the basis for concluding the information provided was credible and was important to discovering or proving the anti-doping rule violation or other offense. If the athlete or other person claims entitlement to a suspended period of ineligibility after a final decision finding an anti-doping rule violation has been rendered and is not subject to appeal under Article 13, but the athlete or other person is still serving the period of ineligibility, the athlete or other person may apply to the IBU to consider a suspension in the period of ineligibility under this article. Any such suspension of the period of ineligibility will require the approval of WADA. If any condition upon which the suspension of a period of ineligibility is based is not fulfilled, the IBU will reinstate the period of ineligibility that would otherwise be applicable. Decisions rendered by the IBU under this article may be appealed pursuant Article 13.2.

This is the only circumstance under the IBU Anti-Doping Rules where the suspension of an otherwise applicable period of ineligibility is authorized.]

- 10.5.4** 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 10.5.4: 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 organization 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 knows he or she is about to be caught.]

- 10.5.5** Where an athlete or other person establishes entitlement to reduction in sanction under more than one provision of this article before applying any reductions under Articles 10.5.2, 10.5.3 or 10.5.4, the otherwise applicable period of ineligibility will be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.6. If the athlete or other person establishes entitlement to a reduction or suspension of the period of ineligibility under two or more of Articles 10.5.2, 10.5.3 or 10.5.4, then the period of ineligibility may be reduced or suspended, but not below one-quarter of the otherwise applicable period of ineligibility.

[Comment to Article 10.5.5: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Article 10.2, Article 10.3, Article 10.4 or Article 10.6) applies to the particular anti-doping rule violation. In a second step, the hearing panel establishes whether there is a basis for elimination or reduction of the sanction (Articles 10.5.1 through 10.5.4). Note, however, not all grounds for elimination or reduction may be combined with the provisions on basic sanctions. For example, Article 10.5.2 does not apply in cases involving Articles 10.3.3 or 10.4, since the hearing panel, under Articles 10.3.3 and 10.4, will already have determined the period of ineligibility based on the athlete or other person's degree of fault. In a third step, the hearing panel determines under Article 10.5.5 whether the athlete or other person is entitled to a reduction under more than one provision of Article 10.5. Finally, the hearing panel decides on the commencement of the period

of ineligibility under Article 10.9. The following four examples demonstrate the proper sequence of analysis:

Example 1.

Facts: An adverse analytical finding involves the presence of an anabolic steroid; the athlete promptly admits the anti-doping rule violation as alleged; the athlete establishes no significant fault (Article 10.5.2); and the athlete provides important substantial assistance (Article 10.5.3).

Application of Article 10:

- 1. The basic sanction would be two years under Article 10.2. (aggravating circumstances (Article 10.6) would not be considered because the athlete promptly admitted the violation. Article 10.4 would not apply because a steroid is not a specified substance.)*
- 2. Based on no significant fault alone, the sanction could be reduced up to one-half of the two years. Based on substantial assistance alone, the sanction could be reduced up to three-quarters of the two years.*
- 3. Under Article 10.5.5, in considering the possible reduction for no significant fault and substantial assistance together, the most the sanction could be reduced is up to three-quarters of the two years. Thus, the minimum sanction would be a six-month period of ineligibility.*
- 4. Under Article 10.9.2, because the athlete promptly admitted the anti-doping rule violation, the period of ineligibility could start as early as the date of sample collection, but in any event the athlete would have to serve at least one-half of the ineligibility period (minimum three months) after the date of the hearing decision.*

Example 2.

Facts: An adverse analytical finding involves the presence of an anabolic steroid; aggravating circumstances exist and the athlete is unable to establish that she did not knowingly commit the anti-doping rule violation; the athlete does not promptly admit the anti-doping rule violation as alleged; but the athlete does provide important substantial assistance (Article 10.5.3).

Application of Article 10:

- 1. The basic sanction would be between two and four years ineligibility as provided in Article 10.6.*
- 2. Based on substantial assistance, the sanction could be reduced up to three-quarters of the maximum four years.*
- 3. Article 10.5.5 does not apply.*
- 4. Under Article 10.9.2, the period of ineligibility would start on the date of the hearing decision.*

Example 3.

Facts: An adverse analytical finding involves the presence of a specified substance; the

athlete establishes how the specified substance entered his body and that he had no intent to enhance his sport performance; the athlete establishes that he had very little fault; and the athlete provides important substantial assistance (Article 10.5.3).

Application of Article 10:

- 1. Because the adverse analytical finding involved a specified substance and the athlete has satisfied the other conditions of Article 10.4, the basic sanction would fall in the range between a reprimand and two years' ineligibility. The hearing panel would assess the athlete's fault in imposing a sanction within that range. (Assume for illustration in this example that the panel would otherwise impose a period of ineligibility of eight months.)*
- 2. Based on substantial assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) [No significant fault (Article 10.2) would not be applicable because the athlete's degree of fault was already taken into consideration in establishing the eight-month period of ineligibility in step 1.]*
- 3. Article 10.5.5 does not apply.*
- 4. Under Article 9.2, because the athlete promptly admitted the anti-doping rule violation, the period of ineligibility could start as early as the date of sample collection, but in any event, the athlete would have to serve at least half of the ineligibility period after the date of the hearing decision. (Minimum one month.)*

Example 4.

Facts: An athlete who has never had an adverse analytical finding or been confronted with an anti-doping rule violation spontaneously admits that she intentionally used multiple prohibited substances to enhance her performance. The athlete also provides important substantial assistance (Article 10.5.3).

Application of Article 10:

- 1. While the intentional use of multiple prohibited substances to enhance performance would normally warrant consideration of aggravating circumstances (Article 10.6), the athlete's spontaneous admission means that Article 10.6 would not apply. The fact that the athlete's use of prohibited substances was intended to enhance performance would also eliminate the application of Article 10.4, regardless of whether the prohibited substances used were specified substances. Thus, Article 10.2 would be applicable and the basic period of ineligibility imposed would be two years.*
- 2. Based on the athlete's spontaneous admissions (Article 10.5.4) alone, the period of ineligibility could be reduced up to one-half of the two years. Based on the athlete's substantial assistance (Article 10.5.3) alone, the period of ineligibility could be reduced up to three-quarters of the two years.*
- 3. Under Article 10.5.5, in considering the spontaneous admission and substantial assistance together, the most the sanction could be reduced would be up to three-quarters of the two years. (The minimum period of ineligibility would be six months.)*

- If Article 10.5.4 was considered by the hearing panel in arriving at the minimum six month period of ineligibility at step 3, the period of ineligibility would start on the date the hearing panel imposed the sanction. If, however, the hearing panel did not consider the application of Article 10.5.4 in reducing the period of ineligibility in step 3, then under Article 10.9.2, the commencement of the period of ineligibility could be started as early as the date the anti-doping rule violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.]*

10.6 Aggravating Circumstances Which May Increase the Period of Ineligibility

If the IBU establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (Trafficking) and 2.8 (Administration) that aggravating circumstances are present that justify the imposition of a period of ineligibility greater than the standard sanction, then the period of ineligibility otherwise applicable will be increased up to a maximum of four years unless the athlete or other person can prove to the comfortable satisfaction of the hearing panel that he or she did not knowingly violate the anti-doping rule. An athlete or other person can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by the IBU.

[Comment to Article 10.6: Examples of aggravating circumstances that may justify the imposition of a period of ineligibility greater than the standard sanction are: the athlete or other person committed the anti-doping rule violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit anti-doping rule violations; the athlete or other person used or possessed multiple prohibited substances or prohibited methods or used or possessed a prohibited substance or prohibited method on multiple occasions; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of ineligibility; or the athlete or person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation.

For the avoidance of doubt, the examples of aggravating circumstances described in this comment to Article 10.6 are not exclusive and other aggravating factors may also justify the imposition of a longer period of ineligibility. Violations under Article 2.7 (Trafficking or Attempted Trafficking) and 2.8 (Administration or Attempted Administration) are not included in the application of Article 10.6 because the sanctions for these violations (from four years to lifetime ineligibility) already build in sufficient discretion to allow consideration of any aggravating circumstance.]

10.7 Multiple Violations

10.7.1 Second Anti-Doping Rule Violation

For an athlete's or other person's first anti-doping rule violation, the period of ineligibility is set forth in Articles 10.2 and 10.3 (subject to elimination, reduction or suspension under Articles 10.4 or 10.5, or to an increase under Article 10.6). For a second anti-doping rule violation, the period of ineligibility will be within the range set forth in the table below.

Second Violation	RS	FFMT	NSF	St	AS	TRA
First Violation						
RS	1-4	2-4	2-4	4-6	8-10	10-life
FFMT	1-4	4-8	4-8	6-8	10-life	life
NSF	1-4	4-8	4-8	6-8	10-life	life
St	2-4	6-8	6-8	8-life	life	life
AS	4-5	10-life	10-life	life	life	life
TRA	8-life	life	Life	life	life	life

Definitions for purposes of the second anti-doping rule violation table:

RS (reduced sanction for specified substance under Article 10.4): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.4 because it involved a specified substance and the other conditions under Article 10.4 were met.

FFMT (filing failures and/or missed tests): The anti-doping rule violation was or should be sanctioned under Article 10.3.3 (Filing Failures and/or Missed Tests).

NSF (reduced sanction for no significant fault or negligence): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 10.5.2 because no significant fault or negligence under Article 10.5.2 was proved by the athlete.

St (standard sanction under Articles 10.2 or 10.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two years under Article 10.2 or 10.3.1.

AS (aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Article 10.6 because the anti-doping organization established the conditions set forth under Article 10.6.

TRA (trafficking or attempted trafficking and administration or attempted administration): The anti-doping rule violation was or should be sanctioned by a sanction under Article 10.3.2.

[Comment to Article 10.7.1: The table is applied by locating the athlete or other person's first anti-doping rule violation in the left-hand column and then moving across the table to the right to the column representing the second violation. By way of example, assume an athlete receives the standard period of ineligibility for a first violation under Article 10.2 and then commits a second violation for which he or she receives a reduced sanction for a specified substance under Article 10.4. The table is used to determine the period of ineligibility for the second violation. The table is applied to this example by starting in the left-hand column and going down to the fourth row which is "St" for standard sanction, then moving across the table to the first column which is "RS" for reduced sanction for a specified substance, thus resulting in a 2-4 year range for the period of ineligibility for the second violation. The athlete or other person's degree of fault will be the criterion considered in assessing a period of ineligibility within the applicable range.]

[Comment to Article 10.7.1 RS definition: See Article 25.4 WADA CODE with respect to application of Article 10.7.1 to pre-Code anti-doping rule violations.]

10.7.2 Application of Articles 10.5.3 and 10.5.4 to second anti-doping rule violation

Where an athlete or other person who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of ineligibility under Article 10.5.3 or Article 10.5.4, the hearing panel will first determine the otherwise applicable period of ineligibility within the range established in the table in Article 10.7.1, and then apply the appropriate suspension or reduction of the period of ineligibility. The remaining period of ineligibility, after applying any suspension or reduction under Articles 10.5.3 and 10.5.4, must be at least one-fourth of the otherwise applicable period of ineligibility.

10.7.3 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 fulfills the condition for elimination or reduction of the period of ineligibility under Article 10.4 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 a life ban.

10.7.4 Additional rules for certain potential multiple violations

- For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the IBU (or its member federation) 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 (Results Management), or after the IBU (or its member federation) made reasonable efforts to give notice, of the first anti-doping rule violation; if the IBU (or its member federation) 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; however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 10.6).
- If, after the resolution of a first anti-doping rule violation, the IBU discovers facts involving an anti-doping rule violation by the athlete or other person that occurred prior to notification regarding the first violation, then the IBU 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. To avoid the possibility of a finding of aggravating circumstances (Article 10.6) on account of the earlier-in-time but later-discovered violation, the athlete or other person must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule will also apply when the IBU discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.

[Comment to Article 10.7.4: In a hypothetical situation, an athlete commits an anti-doping rule violation on January 1, 2008, which the IBU does not discover until December 1, 2008. In the meantime, the athlete commits another anti-doping rule violation on March 1, 2008 and the athlete is notified of this violation by the IBU on March 30, 2008

and a hearing panel rules on June 30, 2008 that the athlete committed the March 1, 2008 anti-doping rule violation. The later-discovered violation that occurred on January 1, 2008 will provide the basis for aggravating circumstances because the athlete did not voluntarily admit the violation in a timely basis after the athlete received notification of the later violation on March 30, 2008.]

10.7.5 Multiple anti-doping rule violations during an eight-year period

For purposes of Article 10.7, each anti-doping rule violation must take place within the same eight (8)-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 (Automatic Disqualification of Individual Results), all other competitive results obtained from the date a positive sample was collected (whether in-competition or out-of-competition), or other anti-doping rule violation occurred, through the commencement of any provisional suspension or ineligibility period, will, unless fairness requires otherwise, be disqualified with all of the resulting consequences including forfeiture of any medals, points and prizes.

10.8.1 As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the athlete must first repay all prize money forfeited under this article as well as any costs and/or fines imposed by the ADHP, the CAS or its appeal court.

10.8.2 Allocation of Forfeited Prize Money.

Forfeited prize money will be reallocated to other athletes.

[Comment to Article 10.8.2: Nothing in the 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 Commencement of Ineligibility Period

Except as provided below, the period of ineligibility will start on the date of the hearing decision providing for ineligibility or, if the hearing is waived, on the date ineligibility is accepted or otherwise imposed.

10.9.1 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 not attributable to the athlete or other person, the IBU or anti-doping organization 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.

10.9.2 Timely Admission

Where the athlete promptly (which, in all events, means before the athlete competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the IBU, 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 will 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.

[Comment to Article 10.9.2: This article will not apply where the period of ineligibility already has been reduced under Article 10.5.4 (Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).]

10.9.3 If a provisional suspension is imposed and respected by the athlete, the athlete will receive a credit for such period of provisional suspension against any period of ineligibility that may ultimately be imposed.

10.9.4 If an athlete voluntarily accepts a provisional suspension in writing from the IBU and thereafter refrains from competing, the athlete will receive a credit for such period of voluntary provisional suspension against any period of ineligibility that may ultimately be imposed. A copy of the athlete's voluntary acceptance of a provisional suspension will be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under Article 14.1.

[Comment to Article 10.9.4: An athlete's voluntary acceptance of a provisional suspension is not an admission by the athlete and will not be used in any way as to draw an adverse inference against the athlete.]

10.9.5 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.

[Comment to Article 10.9: The text of Article 10.9 has been revised to make 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 hearing decision. This amendment corrects inconsistent interpretation and application of the previous text.]

10.10 Status During Ineligibility

10.10.1 Prohibition against participation during ineligibility

No athlete or other person who has been declared ineligible may, during the period of ineligibility, participate in any capacity in an event or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized by the IBU or any national federation, or a club or other member organization of the IBU or any national federation, or in competitions authorized or organized by any professional league or any international- or national-level event organization. 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 in local sport events in a discipline other than disciplines subject to the jurisdictions of the IBU and its member federations, but only so long as the local sport event is not at a level that could otherwise qualify such person directly or indirectly to compete in (or accumulate points toward) a national championship or international event. An athlete or other person subject to a period of ineligibility will remain subject to testing.

[Comment to Article 10.10.1: For example, an ineligible athlete cannot participate in a training camp, exhibition or practice organized by his or her national federation or a club that is a member of that national federation. 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 organized by a non-signatory international event organization or a non-signatory national-level event organization without triggering the consequences set forth in Article 10.10.2. Sanctions in biathlon will also be recognized by other sports (see Article 15).]

10.10.2 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 10.10.1, the results of such participation will be disqualified and the period of ineligibility that was originally imposed will start over again as of the date of the violation. The new period of ineligibility may

be reduced under Article 10.5.2 if the athlete or other person establishes he or she bears no significant fault or negligence for violating the prohibition against participation. The determination of whether an athlete or other person has violated the prohibition against participation, and whether a reduction under Article 10.5.2 is appropriate, will be made by the IBU.

[Comment to Article 10.10.2: If an athlete or other person is alleged to have violated the prohibition against participation during a period of ineligibility, the IBU will determine whether the athlete violated the prohibition and, if so, whether the athlete or other person has established grounds for a reduction in the restarted period of ineligibility under Article 10.5.2. Decisions rendered by the IBU under this article may be appealed pursuant to Article 13.2.]

Where an athlete support personnel or other person substantially assists an athlete in violating the prohibition against participation during ineligibility, the IBU may appropriately impose sanctions under its own disciplinary rules for such assistance.]

10.10.3 Withholding of financial support during ineligibility

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

10.11 Reinstatement Testing

As a condition to regaining eligibility at the end of a specified period of ineligibility, an athlete must, during any period of provisional suspension or ineligibility, make him or herself available for out-of-competition testing by the IBU, the applicable national federation, and any other anti-doping organization having testing jurisdiction, and must comply with the whereabouts requirements of Article 11 of the International Standard for Testing. If an athlete subject to a period of ineligibility retires from sport and is removed from out-of-competition testing pools and later seeks reinstatement, the athlete will not be eligible for reinstatement until the athlete has notified the IBU and the applicable national federation and has been subject to out-of-competition testing for a period of time equal to the Article 5.6 and period of ineligibility remaining as of the date the athlete had retired. During such remaining period of ineligibility, a minimum of two (2) tests must be conducted on the athlete with at least three months between each test. The national federation

will be responsible for conducting the necessary tests, but tests by any anti-doping organization may be used to satisfy the requirement. The results of such tests will be reported to the IBU. In addition, immediately prior to the end of the period of ineligibility, an athlete must undergo testing by the IBU for the prohibited substances and methods that are prohibited in out-of-competition testing. Once the period of an athlete's ineligibility has expired, and the athlete has fulfilled the conditions of reinstatement, the athlete will become automatically re-eligible and no application by the athlete or by the athlete's national federation will then be necessary.

10.12 Any person hired to organize IBU events found to have

violated or cooperated in violating Articles 2.5 (Tampering with Doping Control) or 2.6 (Possession of Prohibited Substances and Methods) of the IBU Anti-Doping Rules by athletes – with or without the knowledge of the athlete – in or out of competition will be banned from IBU competitions for two years for the first violation and for life for the second violation. The respective person will lose all sport-related financial support or other sport related benefits from the IBU and the respective member federations.

No ban may be imposed for a violation of the IBU Anti-Doping Rules unless the respective procedure is commenced within eight (8) years from the date the violation occurred.

10.13 Any person under Article 3.2 above and/or persons hired to

organize IBU events found having violated Articles 2.1 (Presence of a Prohibited Substance), 2.2 (Use or Attempted Use), 2.7 (Trafficking or Attempted Trafficking in any Prohibited Substance) or 2.8 (Administration of a Prohibited Substance or Prohibited Method) of the IBU Anti-Doping Rules will be banned for a minimum of four years up to life time from participation in any IBU sports organization, IBU body, IBU activity or IBU event in any capacity whatsoever. Any attempt at such a violation will be penalized in the same manner as the act itself. For persons found having committed such a violation, ignorance of the nature or composition of the prohibited substances or the nature and effects of the methods in question will not constitute any attenuating circumstances or grounds for exemption from punishment. Any such violation involving a minor will be considered a particularly serious violation, and, if

committed by athlete support personnel, will result in a ban for lifetime. In addition, any such violation which also violates non-sporting laws or regulations may be reported to the competent administrative authorities, professional associations/directorate or judicial authorities. No ban may be imposed for a violation of the IBU Anti-Doping Rules unless the respective procedure is commenced within eight (8) years from the date the violation occurred.

ARTICLE 11 CONSEQUENCES TO TEAMS

- 11.1** If a member of a relay team is found to have committed a violation of these Anti-Doping Rules during a competition, the relay team will be disqualified from the competition with all consequences, including forfeiture of all medals, points and prizes.

ARTICLE 12 SANCTIONS AND COSTS ASSESSED AGAINST NATIONAL FEDERATIONS

- 12.1** The IBU may impose a fine either by requesting payment or by withholding financial support from a member federation if more than one athlete or more than one person from such member federation commits a violation of the IBU Anti-Doping Rules during a 12-month period. The imposed fine will be imposed by withholding some or all funding or other non-financial support to the respective member federation.

ARTICLE 13 APPEALS TO THE CAS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth below in Article 13.2 to 13.4 or as otherwise provided in these Anti-Doping Rules. Such decisions will remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorized in these rules must be exhausted (except as provided in Article 13.1.1).

13.1.1 WADA not required to exhaust internal remedies

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within the IBU or its member federation's

process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the IBU or its member federation's process.

[Comment to Article 13.1.1: Where a decision has been rendered before the final stage of IBU's process (for example, a first hearing) and no party elects to appeal that decision to the next level of IBU's process (e.g., the Executive Board), then WADA may bypass the remaining steps in the IBU's internal process and appeal directly to the CAS.]

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

A decision that an anti-doping rule violation was committed, a decision 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 under Article 10.10.2 (prohibition of participation during ineligibility); a decision that the IBU or its member federation lacks jurisdiction to rule on an alleged anti-doping rule violation or its consequences; a decision by any member federation 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 7.4; [and a decision to impose a Provisional Suspension as a result of a Provisional Hearing or otherwise in violation of Article 7.4] may be appealed exclusively as provided in this Article 13.2. [Notwithstanding any other provision herein, the only person that may appeal from a provisional suspension is the athlete or other person upon whom the provisional suspension is imposed.]

13.2.1 Appeals involving international-level athletes

In cases arising from competition in an international event or in cases involving international-level athletes, the decision may be appealed exclusively to the CAS in accordance with the provisions applicable before such court.

[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 national-level athletes

In cases involving athletes who do not have a right to appeal under Article 13.2.1, each member federation must have in place an appeal procedure that respects the following principles: a timely hearing, a fair and impartial hearing panel; the right to be represented by a counsel at the person's expense; and a timely, written, reasoned decision. The IBU's rights of appeal with respect to these cases are set forth in Article 13.2.3 below.

[Comment to Article 13.2.2: The IBU may elect to comply with this article by giving its national-level athletes the right to appeal directly to the CAS.]

13.2.3 Persons entitled to appeal

in cases under Article 13.2.1, the following parties will have the right to appeal to CAS:

- (a) the athlete or other person who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the IBU and any other anti-doping organization under whose rules a sanction could have been imposed;
- (d) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- (e) WADA.

In cases under Article 13.2.2, the parties having the right to appeal to the national-level reviewing body will be as provided in the member federation's rules but, at a minimum, must include the following parties:

- (a) the athlete or other person who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the IBU; and
- (d) WADA.

For cases under Article 13.2.2, WADA and the IBU will also have the right to appeal to CAS with respect to the decision of the national-level reviewing body.

13.3 Failure to Render a Timely Decision by the IBU and its Member Federations

Where, in a particular case, the IBU or its member federations fail to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to the CAS as if the IBU or its member federations 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, WADA's costs and attorneys' fees in prosecuting the appeal will be reimbursed to WADA by the IBU or its member federations.

[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 IBU to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the IBU and give the IBU an opportunity to explain why it has not yet rendered a decision. Nothing in this rule prohibits the IBU from also having rules that authorize it to assume jurisdiction for matters in which the results management performed by one of its member federations has been inappropriately delayed.]

13.4 Appeals from Decisions Granting or Denying a Therapeutic use Exemption

Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to the CAS by the athlete, the IBU, or national anti-doping organization or other body designated by a member federation which granted or denied the exemption. Decisions to deny TUEs that are not reversed by WADA, may be appealed by international-level athletes to the CAS and by other athletes to the national level reviewing body described in Article 13.2.2. If the national level reviewing body reverses the decision to deny a TUE, that decision may be appealed to the CAS by WADA.

When the IBU, national anti-doping organizations or other bodies designated by member federations fail to take action on a properly submitted TUE application within a reasonable time, their failure to decide may be considered a denial for purposes of the appeal rights provided in this article.

13.5 Appeal from Decisions Pursuant to Article 12

Decisions by IBU pursuant to Article 12 may be appealed exclusively to the CAS by the national federation.

13.6 Time for Filing Appeals

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 entitled to appeal but which was not a party to the proceedings having lead to the decision subject to appeal:

- a) Within ten (10) days from notice of the decision, such party/ies will have the right to request from the body having issued the decision a copy of the file on which such body relied;
- b) If such a request is made within the ten-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.

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

- (a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or
- (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

ARTICLE 14 NATIONAL FEDERATIONS' INCORPORATION OF IBU RULES, REPORTING AND RECOGNITION

14.1 Incorporation of IBU Anti-Doping Rules

All member federations must comply with these Anti-Doping Rules. These Anti-Doping Rules must also be incorporated either directly or by reference into each member federations' rules. All member federations must include in their regulations the procedural rules necessary to effectively implement these Anti-Doping Rules. Each member federation must obtain the written acknowledgement and agreement, in the form attached as Appendix 1, of all athletes subject to doping control and athlete support personnel for such athletes. Notwithstanding whether or not the required form has been signed, the rules of each member

federation must specifically provide that all athletes, athlete support personnel and other persons under the jurisdiction of the member federation will be bound by these Anti-Doping Rules.

[Comment to Article 14: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, the IBU or its member federation should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the 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 body, but the period of ineligibility applied is shorter than the period provided for in the Code, then the IBU or its member federation should recognize the finding of an anti-doping rule violation and they should conduct a hearing consistent with Article 8 to determine whether the longer period of ineligibility provided in the Code should be imposed.]

14.2 Statistical Reporting

15.2.1 National federations must report to the IBU at the end of every quarter (March 31, June 30, September 30, and December 31) the results of all doping controls within their jurisdiction sorted by athlete and identifying each date on which the athlete was tested, the entity conducting the test, and whether the test was in-competition or out-of-competition. The IBU may periodically publish testing data received from member federations as well as comparable data from testing under the IBU's jurisdiction.

14.2.2 The IBU will publish annually a general statistical report of its doping control activities during the calendar year with a copy provided to WADA.

14.3 Doping Control Information Clearinghouse

When a member federation has received an adverse analytical finding on one of its athletes it must report the following information to the IBU and WADA within fourteen (14) days of the process described in Article 7.1.2 and 7.1.3: the athlete's name, country, sport and discipline within the sport, whether the test was in-competition or out-of-competition, the date of sample collection, and the analytical result reported by the laboratory. The member federation must also regularly update the IBU and WADA on the status and findings of any review or proceedings conducted pursuant to Article 7 (Results Management), Article 8 (Right to a Fair Hearing) or Article 13 (Appeals), and comparable information will

be provided to the IBU and WADA within 14 days of the notification described in Article 7.1.9, with respect to other violations of these Anti-Doping Rules. In any case in which the period of ineligibility is eliminated under Article 10.5.1 (No Fault or Negligence) or reduced under Article 10.5.2 (No Significant Fault or Negligence), the IBU and WADA must be provided with a written reasoned decision explaining the basis for the elimination or reduction. Neither the IBU nor WADA may disclose this information beyond those persons within their organizations with a need to know until the member federation has made public disclosure or has failed to make public disclosure as required in Article 14.4 below.

14.4 Public Disclosure

- 14.4.1** Neither the IBU nor its member federation will publicly identify athletes whose samples have resulted in adverse analytical findings, or who were alleged to have violated other articles of these Anti-Doping Rules, until it has been determined in a hearing in accordance with Article 8 that an anti-doping rule violation has occurred, or such hearing has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, or the athlete has been provisionally suspended. Once a violation of these Anti-Doping Rules has been established, it will be publicly reported within 20 days. The IBU or its member federation must also report within 20 days appeal decisions on an anti-doping rule violation. The IBU or its member federation will also, within the time period for publication, send all hearing and appeal decisions to WADA.
- 14.4.2** 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 disclosed publicly only with the consent of the athlete or other person who is the subject of the decision. The IBU or its member federation 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.
- 14.4.3** Neither the IBU nor its member federation, WADA accredited laboratory or official of either, may publicly comment on the specific facts of a pending case (as opposed to general description of process and sci-

ence) except in response to public comments attributed to the athlete, other person or their representatives.

14.5 Recognition of Decisions by the IBU and Member Federations

Any decision of the IBU or a member federation regarding a violation of these Anti-Doping Rules will be recognized by all member federations, which will take all necessary action to render such results effective. The IBU has a right to appeal the decisions according to Art. 13.

ARTICLE 15 RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS

Subject to the right to appeal provided in Article 13, the testing, TUEs and hearing results or other final adjudications of any signatory to the Code that are consistent with the Code and are within the signatory's authority, must be recognized and respected by the IBU and its member federations. The IBU and its member federations may recognize the same actions of other bodies that have not accepted the Code if the rules of those bodies are otherwise consistent with the Code.

ARTICLE 16 STATUTE OF LIMITATIONS

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

ARTICLE 17 IBU COMPLIANCE REPORTS TO WADA

The IBU will report to WADA on the IBU's compliance with the Code every second year, and will explain reasons for any noncompliance.

ARTICLE 18 AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

- 18.1** These Anti-Doping Rules may be amended from time to time by the IBU Executive Board.
- 18.2** Except as provided in Article 18.5, these Anti-Doping Rules will be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 18.3** The headings used for the various parts and articles of these Anti-

Doping Rules are for convenience only and will not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.

- 18.4** The INTRODUCTION and the APPENDIX I DEFINITIONS will be considered integral parts of these Anti-Doping Rules.
- 18.5** These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the Code and will be interpreted in a manner that is consistent with applicable provisions of the Code. The comments annotating various provisions of the Code may, where applicable, assist in the understanding and interpretation of these Anti-Doping Rules.
- 18.6** Notice to an athlete or other person who is a member of a member federation may be accomplished by delivery of the notice to the member federation.
- 18.7** These Anti-Doping Rules will come into full force and effect on 1 January 2009 (the “effective date”). They will not apply retrospectively to matters pending before the effective date; provided, however, that:
- 18.7.1** Any case pending prior to the effective date, or brought after the effective date based on an anti-doping rule violation that occurred prior to the effective date, will be governed by the predecessor to these Anti-Doping Rules in force at the time of the anti-doping rule violation, subject to any application of the principle of *lex mitior* by the hearing panel determining the case.
- 18.7.2** Any Article 2.4 whereabouts violation (whether a filing failure or a missed test) declared by the IBU under rules in force prior to the effective date that has not expired prior to the effective date and that would qualify as a whereabouts violation under Article 11 of the International Standard for Testing will be carried forward and may be relied upon, prior to expiry, as one of the three filing failures and/or missed tests giving rise to an anti-doping rule violation under Article 2.4 of these Anti-Doping Rules.

[Comment to Article 18.7.2: where existing whereabouts violations are carried over to the new regime, any restrictions under the old rules on combining those whereabouts violations with other whereabouts violations must also be carried over. Hence:

- a. a filing failure that is carried forward in this manner may only be combined with (post-effective date) filing failures;*

- b. a missed test that is carried forward in this manner may only be combined with (post-effective date) Missed Tests; and*
 - c. a filing failure or missed test declared by any Anti-Doping Organization other than the IBU prior to the effective date may not be combined with any filing failure or missed test declared under these Anti-Doping Rules.]*
- 18.7.3** Where a period of ineligibility imposed by the IBU under rules in force prior to the effective date has not yet expired as of the effective date, the person who is ineligible may apply to the IBU for a reduction in the period of ineligibility in light of the amendments made to the Code as from the effective date. To be valid, such application must be made before the period of ineligibility has expired.
- 18.7.4** Subject always to Article 10.7.5, anti-doping rule violations committed under rules in force prior to the effective date will be taken into account as prior offences for purposes of determining sanctions under Article 10.7. Where such pre-effective date anti-doping rule violation involved a substance that would be treated as a specified substance under these Anti-Doping Rules, for which a period of ineligibility of less than two years was imposed, such violation will be considered a reduced sanction violation for purposes of Article 10.7.1.

ARTICLE 19 IMPLEMENTATION OF THE OLYMPIC MOVEMENT MEDICAL CODE

- 19.1** The Olympic Movement Medical Code is considered integral part of the IBU Rules.
- 19.2** An IBU Medical Complaints Committee is, herewith, established. It consists of three members elected by and from among the members of the IBU Medical Committee. The chairperson of the IBU Medical Committee is also chairperson of the IBU Medical Complaints Committee.
- 19.3** The IBU Medical Complaints Committee is responsible to deal with violations of the Olympic Movement Medical Code at IBU events.
- 19.4** Such alleged violation must be brought to the attention of the chairperson of the IBU Medical Complaints Committee via the IBU Headquarters in writing and within 21 days after its occurrence.
- 19.5** The Complaints Committee will explore the facts of the case and prepare a report to the IBU Executive Board, which will include a rec-

ommendation on which measures to undertake to solve the case. It will not be restricted in the admission or evaluation of evidence. It will sit in person or via phone or internet conference, and is entitled to hear the persons involved in person or via phone or internet. The report will be finalized at the latest one (1) month after the receipt of the allegation.

- 19.6** Based on the report of the IBU Medical Complaints Committee, the IBU Executive Board may order all necessary measures, including sanctions. Art. 7 of the IBU Constitution and Art. 13 of the IBU Disciplinary Rules apply accordingly. With regard to sanctions, depending on the seriousness of the violation and the circumstances of the case, the IBU Executive Board may apply either Art. 8.1 or 8.2 of the IBU Disciplinary Rules accordingly.

ARTICLE 20 DIVERGENCES

In case of any divergences between the IBU Rules and the WADA Rules, the WADA Rules overrule the IBU Rules.

ARTICLE 21 ENTRY INTO FORCE

The IBU adopted these rules at the IBU Congress in September 2008 and the amendments at the IBU Congress in September 2010.

APPENDIX 1 DEFINITIONS

Adverse analytical finding: A report from a laboratory or other approved *testing* entity that 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*.

Anti-doping organization: A *signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *doping control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *major event organizations* that conduct *testing* at their *events*, WADA, the IBU and other international federations, and *national anti-doping organizations*.

Athlete: Any *person* who participates in sport at the international level (as defined by the IBU or international federation), the national level (as defined by each *national anti-doping organization*, including but not limited to those *persons* in its *registered testing pool*), and any other competitor in sport who is otherwise subject to the jurisdiction of any *signatory* or other sports organization accepting the WADA *Code*. All provisions of the *Code*, including, for example, testing, and TUEs must be applied to international and national-level competitors. Some *national anti-doping organizations* may elect to test and apply anti-doping rules to recreational-level or masters competitors who are not current or potential national caliber competitors. *National anti-doping organizations* are not required, however, to apply all aspects of the *Code* to such *persons*. Specific national rules may be established for doping control for non-international-level or national-level competitors without being in conflict with the *Code*. Thus, a country could elect to test recreational-level competitors but not require TUEs or whereabouts information. In the same manner, a *major event Organization* holding an *event* only for masters-level competitors could elect to test the competitors but not require advance TUE or whereabouts information. For purposes of Article 2.8 (Administration or Attempted Administration) 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 organization accepting the WADA *Code* is an *athlete*.

[Comment to athlete: This definition makes it clear that all international and national-caliber athletes are subject to the anti-doping rules of the WADA Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the IBU and na-

tional anti-doping organizations, respectively. At the national level, anti-doping rules adopted pursuant to the Code will apply, at a minimum, to all persons on national teams and all persons qualified to compete in any national championship in any sport. That does not mean, however, that all such athletes must be included in a national anti-doping organization's registered testing pool. The definition also allows each national anti-doping organization, if it chooses to do so, to expand its anti-doping control program beyond national-caliber athletes to competitors at lower levels of competition. Competitors at all levels of competition should receive the benefit of anti-doping information and education.]

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, 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 laboratory or other WADA-approved entity which requires further investigation as provided by the WADA *International Standard for Laboratories* or related technical documents prior to the determination of an *adverse analytical finding*.

CAS (the): The Court of Arbitration for Sport.

Code: The World Anti-Doping *Code*.

Competition: A single *competition*, race, match, game or singular athletic contest. Consequences of anti-doping rule violations: An athlete's or other person's violation of an anti-doping rule may result in one or more of the following: (a) disqualification means the athlete's results in a particular *competition* or *event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) ineligibility means the athlete or other person is barred for a specified period of time from participating in any competition or other activity or funding as provided in Article 10.9; and (c) provisional suspension means the athlete or other person is barred temporarily from participating in any competition prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing).

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

IBU: The International Biathlon Union.

In-competition: The IBU has defined In- competition testing in Art. 5.5.1 ADRs.

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 organization is the ruling body for the *event* or appoints the technical officials for the *event*.

International-level athlete: *Athletes* designated by one or more international federations as being within the *registered testing pool* for an international federation.

International Standard: A standard adopted by WADA in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) will be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* will include any technical documents issued pursuant to the *International Standard*.

Major event organizations: 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 indi-

cates the *use of a prohibited substance or prohibited method*.

Member federation: A national entity that is a member of or is recognized by the IBU as the entity governing biathlon in that nation. The exact definition is set out in Article 2 of the IBU Constitution.

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural *person* who has not reached the age of majority as established by the applicable laws of his or her country of residence.

National anti-doping organization: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *samples*, the management of test results, and the conduct of hearings, all at the national level. This includes entities that may be designated by multiple countries to serve as regional *anti-doping organization* for such countries. 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 federation/member federation: A national entity that is a member of or is recognized by the IBU as the entity governing biathlon in that nation, and to which athletes belong as members.

National Olympic Committee: The organization recognized 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.

No advance notice: A *doping control* that takes place with no advance warning to the athlete and where the *athlete* is continuously chaperoned from the moment of notification through *sample* provision.

No fault or negligence: The *athlete'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*.

No significant fault or negligence: The *athlete'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.

Out-of-competition: Any *doping control* which is not *in-competition*.

Participant: Any *athlete* or *athlete support personnel*.

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

Possession: The actual, physical possession, or the constructive possession (which will be found only if the person has exclusive 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 organization*. 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 organization 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 organization must establish that the athlete knew the steroids were in the cabinet and that the athlete intended to exercise control over the steroids.]

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 so described on the *Prohibited List*.

Provisional hearing: For purposes of Article 7.6, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the *athlete* with notice and an opportunity to be heard in either

written or oral form.

Provisional suspension: See *consequences* above.

Publicly disclose or publicly report: To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with Article 14.

Registered testing pool: The pool of top-level *athletes* established separately by the IBU, other international federations and *national anti-doping organization* who are subject to both *in-competition* and *out-of-competition testing* as part of that international federation's or national anti-doping organization's test distribution plan.

Retroactive TUE: As defined in the *WADA International Standard for Therapeutic use Exemptions*.

Sample: Any biological material collected for the purposes of *doping control*.

[Comment to sample: 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 *WADA Code* and agreeing to comply with the Code, including the International Olympic Committee, the IBU, International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *major event organizations*, *national anti-doping organizations*, and *WADA*.

Specified substances: As defined in Article 4.2.2.

Substantial assistance: For purposes of Article 10.5.3, 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 organization* 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 pro-

cedures from occurring; or providing fraudulent information to an *anti-doping organization*.

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

Team sport: A sport in which the substitution of players is permitted during a *competition*, 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 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 organization* 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* that 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: As defined in Article 2.6.1.

TUE Panel: As defined in Article 4.4.4.

UNESCO Convention: The International Convention against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on 19 October 2005, including any and all amendments adopted by the states parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

Use: The utilization, application, ingestion, injection or consumption by any means whatsoever of any *prohibited substance* or *prohibited method*.

WADA: The World Anti-Doping Agency.



**WORLD
ANTI-DOPING
AGENCY**

play true

Via email : Nicole.Resch@ibu.at

Montreal, March 10, 2009

Nicole Resch
IBU Secretary General
International Biathlon Union
Peregrinstr. 14
A 5020 Salzburg
Austria

Subject: Compliance with the World Anti-Doping Code

Dear Ms. Resch,

We would like to thank you for submitting a copy of the IBU's revised anti-doping regulations. We confirm that you have successfully incorporated all the mandatory articles of the World Anti-Doping Code (the "Code") into these rules, and that your changes with respect to Articles 7.1.4 and 8.1.4 are in line with the Code.

This correspondence therefore constitutes your assurance that the IBU Anti-Doping Rules are in line with the 2009 Code.

After this important step, it is fundamental that the IBU enforces its regulations in accordance with the Code. If you require any assistance in enforcing your anti-doping regulations or programs, please do not hesitate to contact us at:

Emiliano.Simonelli@wada-ama.org or by fax +1 514 904 4450

We thank you once again for your efforts in this legal exercise and continued commitment to drug-free sport.

Yours Sincerely,

Rune Andersen
Director
Standards and Harmonization

Emiliano Simonelli
Senior Manager - Code Compliance
Standards and Harmonization

CC: Kelly Fairweather
Director, European Office and Relations with International Federations