

IBU Result Management and Disciplinary Process in Anti – Doping Matters

In Compliance with the WADA CODE

Basics from the IBU ADR:

5.1 Authority to Test

All Athletes under the jurisdiction of a National Federation shall be subject to In-Competition Testing and Out of competition testing by

- a) IBU,
- b) the Athlete's National Federation,
- c) and any other Anti-Doping Organization responsible for Testing at a 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]

5.2 Responsibility for IBU Testing

The IBU Medical Committee shall 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 IBU. Testing may be conducted by members of the IBU Medical Committee, IBU Medical Assistants or by other qualified persons so authorized by IBU.

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 specialised in carrying out Doping Controls as agreed with them, of Athletes, including banned or suspended Athletes of IBU member federation 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. The recommendation of the IBU MC is to be coordinated with the IBU TC. They must be conducted at OWG, WCH, Y/J WCH, OECH U 26 and WC.

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 chair. 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 shall be conducted by agents of WADA or Persons or entities (hereafter “authorised agents”) authorized by the IBU. Such Doping Controls can also be conducted by IBU MDs.

5.2.4.1 Selection procedure for OOC

The chairperson of the IBU MC shall select the nation 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.

Test

- initiated by IBU In Competition
- initiated by IBU Out of Competition
- Testing Process according to WADA International Standard for Testing
- Tests are conducted by IBU Medical Committee or WADA accredited Anti - Doping Agencies
- samples are send to WADA accredited lab in encoded form and sealed

Lab

- WADA Accredited lab to analyse the samples (<http://www.wada-ama.org/en/dynamic.ch2?pagecategory.id=333>)
- analysis according to WADA International Standard for Laboratories
- report to IBU in encoded form


IBU

- Result Management process initiated
- Anti - Doping Administrator (Secretary General) to conduct review:
- applicable TUE?
- apparent departure from International Standards for testing or Laboratories?


IBU

- If no TUE, no apparent departure from ISL, IST: prompt notification by Anti – Doping Administrator of athlete, Athlete’s National Anti-Doping Organization, National Federation, WADA about:
- (a) the Adverse Analytical Finding;
- (b) the anti-doping rule possibly violated;
- (c) 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;
- (d) the scheduled date, time and place for the B Sample analysis (which shall be within the time period specified in the International Standard for Laboratories) if the Athlete or IBU chooses to request an analysis of the B Sample;
- (e) 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
- (f) 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.

Possible scenarios:

1. **Athlete waives B sample**  *Disciplinary Process initiated according to IBU Anti – Doping Rules*

2. **Athlete requests B sample analysis:**
 - a. B sample to be analysed as soon as possible in laboratory that analysed A sample (ISL)

 - b. B sample confirms A sample  *Disciplinary Process initiated according to IBU Anti – Doping Rules initiated*

 - c. B sample does not confirm A sample, the entire test shall be considered negative; no further disciplinary steps to be taken

3. **A Provisional suspension will be implied if the A sample has resulted in an AAF for a prohibited substance that:**
 - ✓ is not a specified substance (Prohibited List)
 - ✓ and no applicable TUE exists
 - ✓ and no departure from the International Standard for Testing or the International Standard for Laboratories is reviewed

Disciplinary Process:

- | | | |
|---------------------|--------------------------|----------------|
| 1. Responsible body | IBU Doping Hearing Panel | Art. 8 IBU ADR |
|---------------------|--------------------------|----------------|
- Standing Panel appointed by the IBU Executive Board for four years
 - Chair is a lawyer
 - Each panel member shall be otherwise be independent from IBU
 - Chair shall appoint three members (which may include the chair) to hear the case
- | | |
|------------|---------------------|
| 2. Session | Hearing in Salzburg |
|------------|---------------------|
- Hearings shall be held in Salzburg as soon as possible but within 30 days after IBU has sent the complete documentation to the federation of the athlete of the positive A sample, if the B sample is waived or the positive B sample from the laboratory.
 - The National Federation is responsible to inform the athlete of 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 chairman and both parties agree in writing.

3. Appeal to IBU CoA Decision of the IBU Doping Hearing Panel may be appealed to IBU Court of Arbitration (Art. 13 IBU ADR);

4. Appeal to CAS Decision of the IBU CoA may be appealed to CAS;

If both parties agree the decision of the IBU Hearing Panel may be appealed directly to CAS

Definitions

AAF - 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*.

ADO - 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, International Federations, and *National Anti-Doping Organizations*.

ADR – Anti – Doping Rules

ADRV – Anti – Doping Rule Violation

CAS – The Court of Arbitration for Sports in Lausanne

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).

In-Competition. Unless provided otherwise in the rules of an International Federation (Art. 5.1.1. of the IBU ADR) or other relevant *Anti-Doping Organization*, “*In-Competition*” means the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

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) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any Technical Documents issued pursuant to the *International Standard*.

INTERNATIONAL BIATHLON UNION

ISL – International Standard for Laboratories

IST – International Standard for Testing

Out-of-Competition. Any *Doping Control* which is not *In-Competition*.

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 15 IBU ADR.

Registered Testing Pool. The pool of top level *Athletes* established separately by each International Federation 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.

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.]

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.

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

For further definition please read the IBU ADR – Appendix 1 available on this web site