



INTERNATIONAL
BIATHLON
UNION

INTERNATIONAL BIATHLON UNION

INTEGRITY CODE

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CHAPTER A: INTRODUCTION

1. Overview

- 1.1 Further to Articles 2.1.5 and 2.3 of the *Constitution*, the *IBU* is committed to (*inter alia*):
 - 1.1.1 protecting the integrity of the sport of *Biathlon* by implementing the highest standards of good governance and by developing and enforcing a comprehensive and broadly applicable integrity code;
 - 1.1.2 rejecting all forms of harassment and abuse, whether of a physical, mental or sexual nature, and provide protection and assistance to those affected;
 - 1.1.3 rejecting any unlawful discrimination on the grounds of race, skin colour, national or social origin, gender, sex, sexual orientation, language, political or other opinion, religion or other beliefs, circumstances of birth, or other improper ground;
 - 1.1.4 promoting clean sport and fair play; and
 - 1.1.5 working to protect the safety and well-being of participants in *Biathlon*, including in particular children and young adults.
- 1.2 This *Integrity Code* is adopted by *Congress* pursuant to Article 28.1 of the *Constitution*, in furtherance of the commitments referenced above. It is organised as follows:
 - 1.2.1 Chapter B sets out a general *Code* of Conduct, incorporating (*inter alia*) general obligations of good conduct and safeguarding rules.
 - 1.2.2 Chapter C sets out rules preventing the manipulation of *Biathlon Competitions*.
 - 1.2.3 Chapter D sets out the *IBU Anti-Doping Rules*.
 - 1.2.4 Chapter E sets out procedural rules for the investigation and prosecution of violations of the *Integrity Code* by the *Biathlon Integrity Unit (BIU)* on behalf of the *IBU*.
- 1.3 Subject to Article 1.4 of Chapter C of this *Integrity Code*, this *Integrity Code* will come into effect as from 19 October 2019 (the ***Effective Date***). It replaces and supersedes the *IBU* Code of Ethics and the anti-doping rules and any other *IBU* rules in force prior to the *Effective Date* that cover the same subject-matter as the *IBU Integrity Code* (the ***Former Rules***). It may be amended by the *Executive Board* from time to time, on the recommendation of the *BIU Board*, and subject to the ultimate authority of *Congress*. Such amendments will come into effect on the date specified by the *Executive Board*.

1.4 Transitional provisions:

Subject to Article 1.4 of Chapter C of this *Integrity Code*:

- 1.4.1 This *Integrity Code* will apply in full to all cases where the violation occurs after the *Effective Date*.
- 1.4.2 Any case pending prior to the *Effective Date*, or brought after the *Effective Date* but based on a violation that occurred prior to the *Effective Date*, will be governed by the *Former Rules* in force at the time the violation occurred, save that:
- 1.4.2.1 the procedural rules set out in Chapter D or Chapter E (as applicable) of this *Integrity Code* will apply in place of the procedural rules in force at the time the violation occurred; and
- 1.4.2.2 the *Disciplinary Tribunal* and/or the *CAS* may decide to apply substantive provisions of this *Integrity Code* to the case where doing so benefits the *Participant* charged with the violation, based on the doctrine of *lex mitior*; and
- 1.4.2.3 all such cases will be handled as from the *Effective Date* by the *BIU* on behalf of the *IBU*, in accordance with the foregoing provisions.
- 1.4.3 In any matter that concerns an alleged violation of both this *Integrity Code* and the *Former Rules* arising out of the same incident or set of facts, or where there is a clear link between separate incidents, the *BIU* will decide whether to pursue the alleged violations under this *Integrity Code* and/or under the *Former Rules*. Either way, all such alleged violations will be governed by the procedural rules of this *Integrity Code*, with any charges to be heard and decided by the *Disciplinary Tribunal* as if such charges arose solely and exclusively under this *Integrity Code*.
- 1.4.4 Violations occurring prior to the *Effective Date* will count as prior offences for purposes of determining sanctions under this *Integrity Code*.
- 1.4.5 The *IBU* Ethics Commission will be disbanded as from the *Effective Date* and will cease to have jurisdiction and authority to act, either under the *Former Rules* or otherwise.

2. Defined terms and rules of interpretation

- 2.1 Unless otherwise stated below, this *Integrity Code* is governed by and will be interpreted in accordance with the laws of Austria and the rules of interpretation set out in Appendix 1 of the *Constitution*.
- 2.2 Unless otherwise stated below, defined words and terms used in this *Integrity Code* (denoted by italics) have the meaning given to them in the *Constitution*, and references to Articles are to Articles of the Chapter in which the reference appears.

3. **Persons bound by this Integrity Code**

3.1 In accordance with Article 28.1 of the *Constitution*, this *Integrity Code* applies automatically to the following *Persons (Participants)*:

3.1.1 persons who are, or are seeking to become (whether by election or appointment or otherwise), *IBU Officials*;

3.1.2 *IBU Members*, including *NF Members*;

3.1.3 office-holders and staff of *NF Members* and/or members of organising committees of *Biathlon Competitions*, in respect of their dealings with the *IBU*;

3.1.4 persons who are bidding to host or are hosting a *Congress* or an *International Competition*, and anyone working for such persons;

3.1.5 persons participating in *Biathlon Competitions*, including *Athletes*, *Athlete Support Personnel*, referees and others involved in officiating and/or judging at *Biathlon Competitions*, starting from the date that the person is first selected or entered or appointed to participate in a *Biathlon Competition*; and

3.1.6 any other persons who agree to be bound by this *Integrity Code*.

3.2 If any part of this *Integrity Code* is stated to apply only to particular types or categories of *Participant* (e.g., only *IBU Officials*, or only *Athletes*), then it will not apply to other types or categories of *Participant*. If any part of this *Integrity Code* is not stated to be limited in application in this way, then it applies to all *Participants*.

3.3 Office-holders and staff of *NF Members* are required to comply with this *Integrity Code* whenever they are dealing or interacting in any way with the *IBU*. Others *Participants* are required to comply with this *Integrity Code*: (a) whenever they are acting in their capacity as such; and (b) at any other time where their conduct at such times reflects upon the *IBU* and/or the sport of *Biathlon*.

3.4 *Participants* agree, by undertaking the activity that makes them a *Participant*:

3.4.1 to be bound by and to comply at all relevant times with the requirements of this *Integrity Code* that are applicable to them, as a condition of their participation or other involvement in the sport of *Biathlon*;

3.4.2 that they have a personal and non-delegable responsibility (a) to familiarise themselves with all of the requirements of this *Integrity Code* that are applicable to them; and (b) to comply with those requirements. Ignorance of the *Integrity Code* will be no defence to proceedings for violation of the *Integrity Code*;

3.4.3 that they will violate this *Integrity Code*:

- 3.4.3.1 if they fail to comply with any requirement of this *Integrity Code* that is applicable to them;
 - 3.4.3.2 if they attempt, or agree with another *Person*, to act in a manner that would constitute or culminate in a violation of this *Integrity Code*, whether or not such attempt or agreement actually results in a violation. However, there will be no violation if the *Participant* renounces the attempt or the (not yet performed) agreement prior to it being discovered by a third party not involved in the attempt or agreement; or
 - 3.4.3.3 if they assist, encourage, aid, abet, conspire, cover up or engage in any other type of intentional complicity in respect of any violation or attempted violation of this *Integrity Code*;
 - 3.4.4 to submit to the investigative and prosecutorial jurisdiction of the *BIU* and to the adjudicative jurisdiction of the *Disciplinary Tribunal* and the *CAS* arising under this *Integrity Code*, and that they may not bring any proceedings in any court or other forum that are inconsistent with that submission; and
 - 3.4.5 that they remain bound by this *Integrity Code* and subject to the jurisdiction of the *BIU*, the *Disciplinary Tribunal*, and the *CAS* under this *Integrity Code*, even after the date that they cease to be or cease to seek to become a *Participant* (the **Retirement Date**), in respect of: (a) any confidentiality obligations set out in this *Integrity Code* or elsewhere in the *Rules*; and (b) enforcement of the *Integrity Code* in respect of any matter occurring prior to the *Retirement Date*.
- 3.5 Conduct that violates this *Integrity Code* may also amount to:
- 3.5.1 a breach of the *Constitution* and/or of other *Rules*. Nothing in this *Integrity Code* will limit or prejudice in any way any right arising under the *Constitution* or those other *Rules* to sanction a *Participant* for breach of the obligations that the *Participant* owes to the *IBU*;
 - 3.5.2 a criminal offence and/or a breach of other applicable laws or regulations. This *Integrity Code* is intended not to replace but rather to supplement such laws and regulations with further rules of conduct for those involved in the sport of *Biathlon*. It should not be interpreted or applied to prejudice or undermine in any way the application of such laws or regulations. Where it deems it appropriate, the *BIU* may stay its own investigations or proceedings under this *Integrity Code* pending the outcome of investigations or proceedings being conducted by other relevant authorities or bodies. However, the mere existence of another investigation or proceeding does not entitle the subject thereof to a stay of investigations or proceedings being carried out by the *BIU* under this *Integrity Code*;
 - 3.5.3 a breach by *IBU Staff* of the terms of their employment or engagement by the *IBU*. Where substantive provisions of this *Integrity Code* are incorporated as part of the

employment contract or terms of engagement, the *IBU* may enforce them by enforcement of the employment contract or terms of engagement;

3.5.4 a breach of the rules of an *NF Member* or other sporting organisation. This *Integrity Code* is not intended to limit the responsibilities of *Participants* under such rules, but nothing in such rules will be effective to limit the application of this *Integrity Code* or to remove, supersede or amend in any way the jurisdiction of the *BIU*, the *Disciplinary Tribunal* and the *CAS* arising under this *Integrity Code*.

3.6 In accordance with Article 7.1.8 of the *Constitution*, each *NF Member* will recognise and enforce within its *Country* all decisions of the *BIU*, a *Disciplinary Tribunal*, and the *CAS* made under this *Integrity Code*, including periods of ineligibility and other disciplinary sanctions imposed under this *Integrity Code*.

4. Miscellaneous provisions

4.1 The *BIU* will take appropriate measures to prevent and deter violations of this *Integrity Code*. In particular, the *BIU* may introduce education programmes and monitoring mechanisms.

4.2 If any part of this *Integrity Code* is ruled to be invalid, unenforceable, or illegal for any reason, that part will be deemed deleted, and the rest of this *Integrity Code* will remain in full force and effect.

4.3 Save to the extent that disclosure and/or publication is provided for in this *Integrity Code*, or is otherwise in accordance with the law, all matters considered under this *Integrity Code* will, so far as practicable, be regarded as confidential and used only for the purposes of application and enforcement of this *Integrity Code*.

4.4 Notices and time-limits:

4.4.1 Any notice to be given under this *Integrity Code* by a person (**Notifying Party**) will be deemed to have been given sufficiently to the party to whom the notice is required to be sent (**Receiving Party**) if it is given in writing and delivered by one of the following means to the *Receiving Party*:

4.4.1.1 by post to the last known address of the *Receiving Party*;

4.4.1.2 by personal delivery (including by courier) to the published physical address of the *Receiving Party*;

4.4.1.3 by electronic mail or other electronic means of communication, to the published email or other electronic address of the *Receiving Party*; or

4.4.1.4 by facsimile to the published facsimile number of the *Receiving Party*.

4.4.2 Alternatively, where the *Receiving Party* is a member of or affiliated to an *NF Member*, notification may be accomplished by delivery of the notice by one of the foregoing means to the Secretary-General (or equivalent) of the *NF Member*. It will

be the responsibility of the *NF Member* to without delay (i) forward the notice to the *Receiving Party*, and (ii) inform the *BIU* of such notification.

- 4.4.3 Any time-limits stated in this *Integrity Code* will begin on the working day after the day on which the *Notifying Party* sends the notification that triggers the time-limit. Official holidays and non-working days are included in the calculation of time-limits, save that if the last day of the time-limit falls on an official holiday or non-working day in the country where the party who is subject to the time-limit resides, then the last day of the time-limit will be deemed to be the next working day. A time-limit will be deemed to have been met if the notification is received before midnight Central European Standard Time on the last day of the specified time limit.
- 4.5 In the event that any matter arises that is not provided for in this *Integrity Code*, the *BIU* may take such action as it considers appropriate in the circumstances, taking into account the specific circumstances of the case at hand and the principles of natural justice and procedural fairness.
- 4.6 *Minor* technical irregularities will not invalidate the procedures or any decisions or findings made under this *Integrity Code*, so long as the principles of natural justice and procedural fairness are not infringed.

CHAPTER B: IBU CODE OF CONDUCT

1. General obligations of good conduct, honesty and integrity

1.1 In respect of all of their activities in the sport of *Biathlon*, *Participants* must:

- 1.1.1 comply with all applicable laws, rules and regulations;
- 1.1.2 act in accordance with the highest standards of honesty and integrity;
- 1.1.3 conduct themselves in a professional and courteous manner;
- 1.1.4 uphold the principles of fair play and good sportsmanship;
- 1.1.5 respect the Olympic principles of autonomy from government interference and political neutrality in their dealings with government institutions and national and international organisations, associations or groupings;
- 1.1.6 not act contrary to the *Purposes* of the *IBU*; and
- 1.1.7 not discriminate unlawfully on the grounds of race, skin colour, national or social origin, sex, gender, sexual orientation, language, political or other opinion, religion or other beliefs, circumstances of birth, or other improper ground.

1.2 *Participants* must refrain at all times from any fraudulent or corrupt act and from any act that risks bringing the *IBU* and/or the sport of *Biathlon* into disrepute.

2. Safeguarding the health and well-being of participants in the sport of *Biathlon*

2.1 *Participants* must not at any time:

- 2.1.1 commit any form of harassment or abuse of any person, whether of a physical, mental or sexual nature;
- 2.1.2 do anything (by act or omission) that harms or risks harming the physical and/or mental well-being and/or safety of anyone involved in the sport of *Biathlon*, including in particular children and young adults;
 - 2.1.2.1 In this context, 'harm' means ill-treatment or the impairment of health or development. In considering the 'risk' of harm, it is not necessary for conduct, or attempted or threatened conduct, to take place in the context of a *Biathlon Competition*.

[Comment: For example, in the event that a Participant is arrested, cautioned, charged, or convicted in respect of an offence that concerns harm to another person outside the context of Biathlon, that may be deemed to give rise to a risk of harm to persons involved in the sport of Biathlon, and so to amount to a violation of Article 2.1.2. For the avoidance of doubt, conduct that took place

prior to the Effective Date may give rise to a risk of harm within the meaning of Article 2.1.2.]

- 2.1.2.2 Abusive behaviour is always harmful, including:
- (a) physical abuse, which may involve hitting, shaking, throwing, poisoning, burning or scalding, biting, suffocating, or otherwise causing physical harm;
 - (b) emotional abuse, i.e., persistent emotional ill-treatment such as to cause severe and persistent adverse effects on another's emotional development or state, which may involve bullying someone, or causing them to feel frightened, embarrassed or in danger, or otherwise causing emotional harm; and
 - (c) sexual abuse, i.e. forcing or inappropriately enticing someone to become involved in sexual activities against their will. The *BIU* may issue guidance on what is and is not appropriate in this context.
- 2.1.2.3 The *Participant's* safeguarding duties are greater when dealing with children and young adults. Their status as children or young adults may make conduct inappropriate that might be appropriate if undertaken with mature adults. Their status as children or young adults is also likely to be treated as an aggravating factor when determining sanctions for any proven violation of these duties. The *BIU* may issue guidance on what is and is not appropriate in this context.

3. Duty of loyalty

- 3.1 *IBU Officials* owe a duty of undivided loyalty to the *IBU*. They must make decisions (including as to how to vote on a specific motion) based solely on their independent and objective judgement, made in good faith, of what is in the best interests of the *IBU* and the *IBU Members* and the sport of *Biathlon* as a whole. They must not allow themselves to be influenced by and they must not seek to advance any conflicting interests.
- 3.2 Where there is an actual, apparent, or potential conflict between the interests of the *IBU* and the personal interests of an *IBU Official* or of the relatives, friends or acquaintances of an *IBU Official*, the *IBU Official* must disclose all relevant information about that conflict promptly, accurately, and fully to the *Head of the BIU*.
- 3.2.1 Each *IBU Official* will file a biennial disclosure statement with the *Head of the BIU* in the form prescribed by the *Head of the BIU*, listing any actual, apparent or potential conflicts known to the *IBU Official* at that time. Each *IBU Official* will be under a continuing duty to update that statement in writing as and when changes

or additions are required to ensure the disclosure remains accurate and complete. The *Head of the BIU* will maintain a register of such disclosures.

- 3.2.2 If a conflict arises during a meeting, the *IBU Official* concerned must disclose the conflict to the *Head of the BIU* or the chair of the relevant meeting (even if it has already been declared in a disclosure statement). The *Head of the BIU* or the chair of the relevant meeting will: (a) advise the meeting of the conflict; and (b) cause the conflict to be recorded in the register maintained by the *Head of the BIU* (and, where applicable, in the minutes of the relevant meeting) if it has not been recorded there already.
- 3.2.3 In every case, unless otherwise specified by the *Head of the BIU* or the chair of the meeting, the *IBU Official* who is the subject of the conflict must:
- 3.2.3.1 excuse themselves from any discussions relating to the conflict;
 - 3.2.3.2 abstain from voting and/or from seeking to influence the vote on any matter impacted by the conflict; and
 - 3.2.3.3 refrain from taking any other part in the handling of the conflict or of the matter impacted by the conflict.
- 3.2.4 Any of the requirements set out in this Article 3.2 may be waived where the *Head of the BIU* (or their delegate) or the chair of the relevant meeting deems it appropriate, save that no waiver may be granted where the *IBU Official* has a personal financial interest in the outcome of the matter being considered. Any waiver must be recorded in the register maintained by the *Head of the BIU* and, where applicable, in the minutes of the relevant meeting.
- 3.3 *IBU Officials* must also disclose in the same manner any ‘institutional’ conflicts of interest, i.e. actual, apparent or potential conflicts between the interests of the *IBU* and the interests of an *NF Member* or other body with which the *IBU Official* is associated (whether by virtue of employment or otherwise). Such conflicts may not be waived. *IBU Officials*:
- 3.3.1 may present the perspective of a particular stakeholder (such as an *NF Member*) or of any third party, where they consider it relevant to the matter at hand, but they must not pursue the interests of that stakeholder or third party in a manner that would conflict with their overriding duty to act in the best interests of the *IBU* and the *IBU Members* and the sport of *Biathlon* as a whole;
 - 3.3.2 must not agree to act or allow themselves to be influenced to act in a manner that conflicts with their duty of undivided loyalty to the *IBU* (e.g. by agreeing to vote in a particular manner in respect of a particular issue); and
 - 3.3.3 must disclose to the *Head of the BIU* any matter that may reasonably be construed as impacting or potentially impacting upon their decision-making (e.g., side-agreements between *NF Members*, or financial support or loans given by one *NF Member* to another), and must provide such further information in relation

thereto as the *Head of the BIU* may request, so that there is full transparency and its effects are understood. The *IBU Official* will then comply with the decision of the *Head of the BIU* as to how to address the matter.

- 3.4 Office-holders and staff of an *NF Member*, in their dealings with the *IBU*, including when representing the *NF Member* at *Congress* and/or otherwise deciding how to exercise the rights of the *NF Member* as an *IBU Member*, must act with undivided loyalty to the *NF Member*. They must not allow themselves to be influenced by and they must not seek to advance any conflicting interests, including the interests of any contractual partner of the *IBU* and/or of the *NF Member*.

4. Protecting the integrity of the governance and administration of the sport of *Biathlon*

- 4.1 *IBU Officials* (including, for these purposes, members of *Competition Juries* and members of *Juries of Appeal*) must:

- 4.1.1 not directly or indirectly solicit or accept from anyone, or offer to anyone, any form of undue remuneration or commission, or any concealed benefit or service of any nature, connected in any way with their activities as *IBU Officials*;
- 4.1.2 not misuse their position as an *IBU Official* (including any information provided to them in their capacity as an *IBU Official*) in any way, especially for private aims or objectives;
- 4.1.3 use the resources and assets of the *IBU* only for lawful purposes and within the authority granted to them;
- 4.1.4 only claim reimbursement from the *IBU* for expenses properly and reasonably incurred in the course of their *IBU* activities;
- 4.1.5 not directly or indirectly offer or accept any bribe, payment, commission, gift, donation, kick-back, facilitation payment, or other inducement or incentive (whether monetary or otherwise) in order to influence any matter involving the *IBU* or any affiliate or subsidiary company of the *IBU*; and
- 4.1.6 (without prejudice to Article 4.1.5) not offer or accept:
- 4.1.6.1 any cash gift in their capacity as *IBU Officials*;
- 4.1.6.2 any gift, hospitality or other benefit in their capacity as *IBU Officials* that is given secretly, not openly;
- 4.1.6.3 any gift, hospitality or other benefit that creates an actual or apparent or potential conflict of interest for the recipient or that is intended or may reasonably be construed as being intended to influence the recipient improperly in their official activities (such as gifts offered by suppliers, other commercial partners and interested parties to influence decisions relating to the awarding of commercial rights

and/or event hosting rights, and gifts offered by *Candidates* to influence decisions relating to their *Candidacy*); or

- 4.1.6.4 any other gift, hospitality or other benefit (whether of a monetary value or otherwise) in circumstances that give rise to an appearance of impropriety or lead to the recipient's impartiality or integrity being called into question or to the *IBU* and/or the sport of *Biathlon* being brought into disrepute;

4.2 Without prejudice to Article 4.1.5, in their capacity as *IBU Officials*, *IBU Officials* may offer and accept:

- 4.2.1 tokens of consideration or friendship of nominal value, in accordance with prevailing local customs; and
- 4.2.2 reasonable, proportionate, and *bona fide* corporate gifts and hospitality (including event accreditations or tickets), solely as a mark of respect or friendship;

provided that any such token, gift, or hospitality that is worth more than 250 euros (or the equivalent in any other currency) must be disclosed to the *Head of the BIU*, and if it is not approved by the *Head of the BIU* it must be withdrawn or returned (as applicable).

4.3 Office-holders and staff of an *NF Member* and members of organising committee of *Biathlon Competitions*, in their dealings with the *IBU*, including when representing the *NF Member* at *Congress* and/or otherwise deciding how to exercise the rights of the *NF Member* as an *IBU Member*, must not directly or indirectly solicit or accept from anyone, or offer to anyone, any form of undue remuneration or commission, or any concealed benefit or service of any nature, connected in any way with their official activities.

5. Confidentiality

5.1 *IBU Officials* must not disclose to any third party (whether for personal gain or otherwise) any information disclosed to them or otherwise learned by them in confidence in their capacity as *IBU Officials* or otherwise as a result of their *IBU* activities, unless (a) such disclosure is required by law; or (b) the *IBU* agrees to such disclosure in writing; or (c) that information is already in the public domain (other than by reason of the *IBU Official's* violation of this Article).

5.2 *IBU Officials* remain bound by this Article 5 even once they are no longer *IBU Officials*.

6. Candidacies

6.1 This Article applies to any process by which *Participants* put themselves forward for election or appointment to the *Executive Board* (including as *President* or *Vice President*), to the *BIU Board*, or to any Committee or other body. Each such process is referred to in this *Integrity Code* as a **Candidacy**, and each such person is referred to as a **Candidate**.

6.2 Once they have decided to become a *Candidate*, whether or not they have officially declared their *Candidacy*, *Candidates* must abide by any rules issued or approved by *Congress* or the *Executive Board* in respect of such *Candidacies*.

6.3 *IBU Officials* who are not *Candidates* must:

6.3.1 respect the integrity of the *Candidacy* process, allowing equal conditions and opportunities for each *Candidate* and potential *Candidate*, treating each *Candidate* and potential *Candidate* in a fair and equal manner, and avoiding any risk of conflict of interest;

6.3.2 not accept gifts or hospitality from any *Candidate*;

6.3.3 not directly or indirectly solicit or accept any form of advantage from the process;

6.3.4 not use the resources of the *IBU* to back any *Candidate*; and

6.3.5 be neutral in respect of all *Candidates*, including refraining from making any public declaration appearing to give an opinion on one or more *Candidates*.

7. Bidding

7.1 This Article applies to any process by which *Participants* represent or otherwise support a bid for the grant by the *IBU* of hosting rights, commercial rights, and/or other rights in respect of a *Congress* or one or more *International Events*. Each such process is referred to herein as a *Bid*, and each such person is referred to herein as a ***Bidder***.

7.2 *Bidders* must abide by any bidding rules issued or approved by *Congress* or the *Executive Board* in respect of such *Bid*.

7.3 *IBU Officials* who are not *Bidders* must:

7.3.1 respect the integrity of the *Bid* process, allowing equal conditions and opportunities for each *Bidder* and potential *Bidder*, treating each *Bidder* and potential *Bidder* in a fair and equal manner, and avoiding any risk of conflict of interest;

7.3.2 not accept gifts or hospitality from any *Bidder*;

7.3.3 not directly or indirectly solicit or accept any form of advantage from the process;

7.3.4 not use the resources of the *IBU* to back any *Bidder*; and

7.3.5 be neutral in respect of *Bids* for the grant of hosting rights, commercial rights and/or other rights in respect of *Congress* meetings or one or more *International Events*, including refraining from making any public declaration appearing to give an opinion on one or more bidders.

8. Reporting and cooperation

8.1 *Participants* must:

8.1.1 report to the *BIU* promptly, truthfully, completely and in good faith any information they possess that a reasonable person would consider might evidence or otherwise reflect:

8.1.1.1 any approach or invitation received by any *Participant* (including themselves) to engage in conduct that might amount to a violation of this *Integrity Code*; and

8.1.1.2 any incident, fact, or matter that may indicate a potential violation of this *Integrity Code* by any *Participant* (including themselves);

[Comment 1 to Article 8.1.1.2: It will not be a breach of this Rule for Executive Board members or Committee members not to report to the BIU minor breaches of confidentiality and/or similar transgressions that they consider in good faith are more appropriately dealt with under their own policies and procedures. Save in exceptional circumstances, the BIU will not interfere with such resolution of the matter.]

[Comment 2 to Article 8.1.1.2: All reports should be made or confirmed in such form as may be decided by the BIU from time to time. Reports should be signed and dated by the person lodging the report and should include all available evidence.]

8.1.2 cooperate promptly, truthfully, completely and in good faith with all investigations carried out by the *BIU* in relation to possible violations of this *Integrity Code* by the *Participant* and/or by others, including by answering any questions and providing access to any information, data and/or documentation requested as part of that investigation in accordance with Article 8.1.3, below;

8.1.2.1 *Participants* waive and forfeit any rights, defences and privileges arising under any law in any jurisdiction to withhold or refuse to provide information requested by the *BIU* pursuant to any investigation under this *Integrity Code*.

8.1.2.2 By carrying out the activity that qualifies them as *Participants*, *Participants* agree, for the purposes of applicable data protection laws and other laws, and for all other purposes, to the collection, processing, disclosure and any other use authorised under this *Integrity Code* of any and all information relating to the *Participant's* activities, including telephone records, bank statements, internet service records, and other personal information. A *Participant* must confirm such agreement in writing upon request.

8.1.3 cooperate promptly, truthfully, completely and in good faith with any proceedings brought by the *BIU* against any *Participant* for violation of this *Integrity Code*,

including providing a witness statement(s) in respect of information in the possession of the *Participant* and/or attending, for the purposes of providing truthful oral evidence, any hearing convened before a *Disciplinary Tribunal* or the CAS or other hearing panel, upon the request of the *BIU*;

- 8.1.4 not do anything (by act or omission) that has the object or effect of obstructing, preventing, delaying or otherwise interfering with or frustrating any such investigation or proceeding, including interfering with any potential witness and/or concealing, tampering with, or destroying any documentation or other information that may be relevant to the investigation or proceeding (whether or not such documentation or other information has yet been formally requested by the *BIU*);
- 8.1.5 not make a report to the *BIU* in bad faith, with malicious intent, or for any other improper purpose; and
- 8.1.6 not retaliate against or penalise or subject another party to any detriment on the ground or belief that that party has reported a concern or matter to the *BIU* and/or assisted the *BIU* in any manner in relation to any investigation or proceedings brought under this *Integrity Code*.

9. Other requirements set out in the *Constitution* or in other *Rules*

Participants must comply with any requirements of the *Constitution* and of any *Rules* that apply to them. Without prejudice to any other rights or remedies that may arise under the *Constitution* or the *Rules*, a violation of any of those requirements by a *Participant* will constitute a violation of this *Integrity Code* by that *Participant*.

CHAPTER C: PREVENTING THE MANIPULATION OF BIATHLON COMPETITIONS

1. Obligations to prevent the manipulation of *Biathlon Competitions*

1.1 In order to maintain public confidence in the authenticity and integrity of *Biathlon Competitions*, *Participants* must not, whether for their own *Benefit* or for the *Benefit* of others (unless otherwise stated below):

- 1.1.1 fix or contrive in any way or otherwise influence improperly the result, progress, outcome, conduct or any other aspect of any *Biathlon Competition*;
- 1.1.2 seek, accept, offer, or agree to accept or offer, any bribe or other *Benefit* to fix or contrive in any way or otherwise to influence improperly the result, progress, outcome, conduct or any other aspect of any *Biathlon Competition* (whether or not such bribe or other *Benefit* is in fact given or received);
- 1.1.3 (if an *Athlete*) fail to perform to the best of their abilities in a *Biathlon Competition*, for *Benefit* or the expectation of *Benefit* (whether or not such *Benefit* is in fact given or received) or further to an agreement with another party;
- 1.1.4 ensure the occurrence of a particular incident in a *Biathlon Competition*, which occurrence is to their knowledge the subject of a *Bet* and for which the *Participant* or another party expects to receive or has received any *Benefit*;
- 1.1.5 place, accept, lay or otherwise enter into any *Bet*, or participate directly or indirectly in any other form of *Betting*, in relation to the result, progress, outcome, conduct or any other aspect of a *Biathlon Competition*;
- 1.1.6 solicit, induce, entice, instruct, persuade, encourage, facilitate or authorise another party to place, lay or otherwise enter into any *Bet*, or to participate in any other form of *Betting*, in relation to the result, progress, outcome, conduct or any other aspect of a *Biathlon Competition*, in circumstances that risk undermining public confidence in the integrity of a *Biathlon Competition* or the sport of *Biathlon*;
- 1.1.7 use *Inside Information* for *Betting* purposes or otherwise in relation to *Betting*;
- 1.1.8 disclose *Inside Information* to any party where the *Participant* knew or should have known that it might be used for *Betting* purposes or otherwise in relation to *Betting*, or to exert improper influence over any aspect of a *Biathlon Competition*, or for any other improper purpose;
- 1.1.9 provide, offer, give, request or receive any gift or *Benefit* in circumstances that risk undermining public confidence in the integrity of a *Biathlon Competition* or the sport of *Biathlon* (whether or not such gift or *Benefit* is in fact given or received);
or

- 1.1.10 commit any other act that risks undermining public confidence in the integrity of a *Biathlon Competition* or the sport of *Biathlon*.
- 1.2 The following matters are not relevant to the determination of a violation of Article 1.1:
 - 1.2.1 whether or not the *Participant* actually participated, or was assisting someone who participated, in the *Biathlon Competition* in question;
 - 1.2.2 the nature or outcome of any *Bet* in issue;
 - 1.2.3 the outcome of the *Biathlon Competition* on which any *Bet* was made;
 - 1.2.4 whether or not the *Participant's* efforts or performance (if any) in any *Biathlon Competition* were (or might reasonably be expected to have been) affected by the violation in question; and
 - 1.2.5 whether or not the result or any other aspect of the *Biathlon Competition* in issue was (or might reasonably be expected to have been) affected by the violation in question.

2. Definitions

- 2.1 The following words and terms have the following meanings:
 - 2.1.1 **Benefit** means the direct or indirect receipt or provision of any bribe, payment, commission, gift, donation, kick-back, or other inducement or incentive (whether monetary or otherwise), including winnings and or potential winnings as a result of a *Bet* (but excluding prize money and/or payments to be made under endorsement, sponsorship or other contracts).
 - 2.1.2 **Bet** means a bet, wager, or other form of financial speculation, pursuant to which some amount or object is to change hands according to the occurrence or non-occurrence of some fact.
 - 2.1.3 **Betting** means making, accepting, or laying a *Bet*, including fixed and running odds, totalisator/toto games, live betting, betting exchanges, spread betting, and other games offered by sports betting operators.
 - 2.1.4 **Inside Information** means any information relating to any aspect of a *Biathlon Competition* that a *Participant* possesses by virtue of their position within or in relation to the sport of *Biathlon*, including factual information regarding the competitors, the conditions, and tactical considerations. *Inside Information* does not include any information that is already published or a matter of public record, or that is readily accessible by an interested member of the public, or that is disclosed in accordance with the rules of the relevant *Biathlon Competition*.

CHAPTER D: IBU ANTI-DOPING RULES

1. Introduction

1.1 Implementation of the 2021 World Anti-Doping Code

- 1.1.1 The *IBU* is a *Signatory* to the World Anti-Doping Code and cooperates with *WADA* to apply and implement the World Anti-Doping Code in the sport of *Biathlon*.
- 1.1.2 These 2021 *IBU Anti-Doping Rules* have been adopted and will be implemented to comply with the *IBU's* obligations as a *Signatory* to the World Anti-Doping Code, and to further the *IBU's* continuing efforts to eradicate doping in the sport of *Biathlon*. They are intended to implement the requirements of the 2021 version of the World Anti-Doping Code in the sport of *Biathlon*, and will be interpreted and applied in a manner that is consistent with the World Anti-Doping Code and the *International Standards*. The World Anti-Doping Code and the *International Standards* (each as amended from time to time) are integral parts of these *IBU Anti-Doping Rules* and will prevail over *these IBU Anti-Doping Rules* in case of conflict. These *IBU Anti-Doping Rules* must be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of any *Signatory* or government. The comments annotating various provisions of these *IBU Anti-Doping Rules*, the World Anti-Doping Code, and the *International Standards* will be used as an aid to interpretation of these *IBU Anti-Doping Rules*.
- 1.1.3 In the case of conflict between the provisions of these *IBU Anti-Doping Rules* and the provisions of any other part of this *Integrity Code* or of any other *Rules*, the provisions of these *IBU Anti-Doping Rules* will prevail.
- 1.1.4 Unless otherwise stated, defined words and terms in these *IBU Anti-Doping Rules* (denoted by italics) bear the meaning given to them in Article 20. If they are not defined in Article 20 or elsewhere in these *IBU Anti-Doping Rules*, they bear the meaning given to them in the *IBU Constitution*. Unless otherwise specified, references to Articles are to Articles of these *IBU Anti-Doping Rules*.
- 1.1.5 The *Biathlon Integrity Unit (BIU)* is an operational unit of the *IBU* that has been established to help the *IBU* to (*inter alia*) comply with its obligations as a *Signatory* to the World Anti-Doping Code, including by exercising the powers of the *IBU* under these *IBU Anti-Doping Rules*. The *IBU* has delegated the implementation of these *IBU Anti-Doping Rules* to the *BIU*, including test distribution planning, *Testing*, collection of whereabouts information, administration of *TUEs*, investigations, *Results Management*, and pursuit of alleged anti-doping rule violations, including first instance hearings and appeals. As such, references in these *IBU Anti-Doping Rules* to the *BIU* will, where applicable, be references to the *BIU* acting on behalf of the *IBU*. For the avoidance of doubt, while the *BIU* may act on the *IBU's* behalf, the *IBU* will be considered as the party asserting anti-doping rule violations and for the purposes of any actions taken within the results management process, as the responding party in the appeals, and as the party in

any other matter under these *IBU Anti-Doping Rules* where that role would appropriately fall to a *Signatory* under the World Anti-Doping Code.

- 1.1.6 The *BIU* may delegate any aspect of *Doping Control* or *Education* to a *Delegated Third Party*. However, the *BIU* will require the *Delegated Third Party* to perform such aspects in compliance with the World Anti-Doping Code, *International Standards*, and these *IBU Anti-Doping Rules*, and remains responsible for such compliance. Any relevant reference to the *BIU* in these *IBU Anti-Doping Rules* encompasses any such *Delegated Third Party*, where applicable and within the context of the aforementioned delegation.

1.2 Scope of application:

- 1.2.1 These *IBU Anti-Doping Rules* apply to:
- 1.2.1.1 the *IBU*, including its board members, directors, officers, and any *IBU* employees who are involved in any aspect of *Doping Control* on behalf of the *IBU/BIU*;
 - 1.2.1.2 the *BIU*, including its board and staff members;
 - 1.2.1.3 *Delegated Third Parties* (and their employees) who are involved in any aspect of *Doping Control* on behalf of the *IBU/BIU*;
 - 1.2.1.4 each of the *IBU's NF Members*, including its board members, directors, officers, and any *NF Member* employees and *Delegated Third Parties* (and their employees) who are involved in any aspect of *Doping Control* on behalf of any *NF Member*; and
 - 1.2.1.5 the following *Athletes*, *Athlete Support Personnel*, and other *Persons*:
 - (i) all *Athletes* and *Athlete Support Personnel* who are members of (or registered with) the *IBU*, any *NF Member*, or any member or affiliate organisation of any *NF Member* (including any clubs, teams, associations or leagues);
 - (ii) all *Athletes* participating in such capacity in *Events*, *Competitions* and/or other activities organised, convened, authorised or recognised by the *IBU* or any *NF Member* or any member or affiliate organisation of any *NF Member* (including any clubs, teams, associations or leagues), wherever held, and all *Athlete Support Personnel* supporting such *Athletes'* participation; and
 - (iii) any other *Athlete* or *Athlete Support Personnel* or other *Person* who, whether by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the authority of the *IBU*, or of any *NF Member*, or of any member or

affiliate organisation of any *NF Member* (including any clubs, teams, associations or leagues), for purposes of anti-doping; and

- (iv) *Athletes* who are not regular members of the *IBU* or of one of its *NF Members*, but who want to be eligible to compete in a particular *International Event*, and all *Athlete Support Personnel* supporting such *Athletes'* participation in the relevant *International Event(s)*.

- 1.2.2 Each of the *Persons* covered by Article 1.2.1 is deemed, as a condition of their membership, accreditation, participation and/or involvement in the sport, to have agreed to be bound by these *IBU Anti-Doping Rules*, and to have submitted to the authority of the *BIU* to enforce these *IBU Anti-Doping Rules* on behalf of the *IBU*, including any *Consequences* for breach thereof, and to the jurisdiction of the hearing panels identified below to hear and determine cases and appeals brought under these *IBU Anti-Doping Rules*.

[Comment to Article 1.2.2: Where a Person other than an Athlete or Athlete Support Person is bound by these IBU Anti-Doping Rules, such Person will of course not be subject to Sample collection or Testing, and will not be charged with an anti-doping rule violation under these IBU Anti-Doping Rules for Use or Possession of a Prohibited Substance or Prohibited Method. Rather, such Person would only be subject to discipline for a violation of Articles 2.5 (Tampering), 2.7 (Trafficking), 2.8 (Administration), 2.9 (Complicity), 2.10 (Prohibited Association), and 2.11 (Retaliation). Furthermore, such Person would be subject to the additional roles and responsibilities according to Article 1.3.3. Also, the obligation to require an employee to be bound by IBU Anti-Doping Rules is subject to applicable law.]

The IBU/BIU will ensure that any arrangements with board members, directors, officers, employees, and Delegated Third Parties and their employees – whether employment, contractual or otherwise – have explicit provisions incorporated according to which such Persons are bound by, agree to comply with these IBU Anti-Doping Rules, and agree on the BIU's authority to resolve the anti-doping cases.]

- 1.2.3 All *Athletes* who participate in an *International Competition* as defined in the *IBU Constitution* will be considered to be *International-Level Athletes* for purposes of these *IBU Anti-Doping Rules*, and therefore the specific provisions in these *IBU Anti-Doping Rules* that are applicable to *International-Level Athletes* (as regards *Testing*, *TUEs*, whereabouts information, *Results Management*, and appeals) will apply to them.

[Comment to Article 1.2.3: As per the definition of 'International Competition' in the IBU Constitution, the Competitions covered by Article 1.2.3 include (a) the Biathlon programme of the Olympic Winter Games; and (b) the Biathlon World Championships, Youth/Junior World Championships, IBU World Cup events, IBU Cup events, continental championships, continental cups, regional cups, and all other competitions (winter or summer) that are now or in the future organised by or on behalf of the IBU between Athletes or teams of Athletes representing different Countries']

1.2.4 Subject always to Article 5.6 and Article 7.7, each *Athlete* will continue to be bound by and required to comply with these *IBU Anti-Doping Rules* as an *Athlete* in full:

1.2.4.1 (in the case of *Athletes* who are *International-Level Athletes*) unless and until they give written notice of their retirement to the *IBU* and *BIU*; or

1.2.4.2 (in the case of *Athletes* who are not *International-Level Athletes*, excluding those covered by Article 1.2.1.5(iv)) unless and until they give written notice of their retirement to their *National Association*~~Federation~~ and their *NADO*; or

1.2.4.3 (in the case of *Athletes* who fall under Article 1.2.1.5(iv)) until after their last participation in an *International Event*.

In each case, the *Athlete* will be deemed to have retired (and to be no longer subject to these *IBU Anti-Doping Rules* as an *Athlete*) with effect from the date given in the written notice of retirement or the date the notice is received (whichever is later).

1.2.5 Subject always to Article 7.7, each *Athlete Support Person* and other *Person* who is not an *Athlete* will continue to be bound by and required to comply with these *IBU Anti-Doping Rules* in full unless and until they no longer carry out the activity (or are no longer bound by the arrangement) that brought them within Article 1.2.1 in the first place. This includes *Athletes* who have retired as *Athletes* under Article 1.2.4 but who fall under Article 1.2.1 as *Athlete Support Personnel* or other *Persons* and therefore remain subject to these *IBU Anti-Doping Rules* as *Athlete Support Personnel* or other *Persons*.

1.3 Responsibilities of *Athletes*, *Athlete Support Personnel*, other *Persons*, and *NF Members*

1.3.1 *Athletes* must:

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

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

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

[Comment to Article 1.3.1.3: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is

known that some Athletes use low doses of EPO during these hours so that it will be undetectable in the morning.]

- 1.3.1.4 take responsibility, in the context of anti-doping, for what they ingest and *Use*;
 - 1.3.1.5 carry out research regarding any products or substances that they intend to *Use* (prior to such *Use*) to ensure that *Using* them will not constitute or result in an anti-doping rule violation. Such research must, at a minimum, include a reasonable internet search of:
 - (a) the name of the product or substance;
 - (b) the ingredients/substances listed on the product or substance label; and
 - (c) other related information revealed through research of points (a) and (b);
 - 1.3.1.6 inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods*, and make sure that any medical treatment they receive does not violate these *IBU Anti-Doping Rules*;
 - 1.3.1.7 disclose to their *National Anti-Doping Organisation* and to the *BIU* any decision (whether by a Signatory or a non-Signatory) that they committed an anti-doping rule violation within the previous ten years;
 - 1.3.1.8 cooperate fully with the *BIU* and any other *Anti-Doping Organisations* investigating possible anti-doping rule violations. Failure by an *Athlete* to cooperate in full with the *BIU* and/or other *Anti-Doping Organisations* investigating anti-doping rule violations will constitute a violation of Article 8 of Chapter B of this *Integrity Code*; and
 - 1.3.1.9 disclose the identity of their *Athlete Support Personnel* upon request by the *BIU*, an *NF Member*, and/or any other *Anti-Doping Organisation* with authority over the *Athlete*.
- 1.3.2 *Athlete Support Personnel* must:
- 1.3.2.1 be knowledgeable of and comply with these *IBU Anti-Doping Rules* at all times;
 - 1.3.2.2 cooperate with *Testing*;
 - 1.3.2.3 use their influence on *Athlete* values and behaviour to foster anti-doping attitudes;
 - 1.3.2.4 disclose to their *National Anti-Doping Organisation* and to the *BIU* any decision (whether by a *Signatory* or by a non-*Signatory*) finding that

- they committed an anti-doping rule violation within the previous ten years;
- 1.3.2.5 cooperate fully with the *BIU* and any other *Anti-Doping Organisations* investigating possible anti-doping rule violations. Failure by any *Athlete Support Person* to cooperate in full with the *BIU* and/or other *Anti-Doping Organisations* investigating anti-doping rule violations will constitute a violation of Article 8 of Chapter B of this *Integrity Code*; and
- 1.3.2.6 not *Use* or possess any *Prohibited Substance* or *Prohibited Method* without valid justification. *Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Person* without valid justification will constitute a violation of Article 9 of Chapter B this *Integrity Code*.
- 1.3.3 Other *Persons* subject to these *IBU Anti-Doping Rules* must:
- 1.3.3.1 be knowledgeable of and comply with these *IBU Anti-Doping Rules* at all times;
- 1.3.3.2 disclose to the *BIU* (and, if applicable, their *National Anti-Doping Organisation*) any decision (whether by a *Signatory* or by a non-*Signatory*) finding that they committed an anti-doping rule violation within the previous ten years; and
- 1.3.3.3 cooperate fully with the *BIU* and any other *Anti-Doping Organisations* investigating possible anti-doping rule violations. Failure by any other *Person* to cooperate in full with the *BIU* and/or other *Anti-Doping Organisations* investigating anti-doping rule violations will constitute a violation of Article 8 of Chapter B of this *Integrity Code*.
- 1.3.4 Offensive conduct by an *Athlete*, *Athlete Support Person*, or other *Person* towards a *Doping Control* official or other *Person* involved in *Doping Control* that does not otherwise constitute *Tampering* is a violation of this *Integrity Code* and may be prosecuted as such under Article 9 of Chapter B of this *Integrity Code*.
- 1.3.5 In relation to *NF Members*:
- 1.3.5.1 *NF Members* and their members and affiliates must comply with these *IBU Anti-Doping Rules*, the *World Anti-Doping Code*, and the *International Standards*.
- 1.3.5.2 *NF Members* must include in their rules the provisions necessary to ensure that the *BIU* may enforce these *IBU Anti-Doping Rules* (including carrying out *Testing*) directly against *Athletes* coming under

their anti-doping jurisdiction (including *National-Level Athletes*) and other *Persons* under their anti-doping jurisdiction.

- 1.3.5.3 *NF Members* must incorporate these *IBU Anti-Doping Rules* either directly or by reference into their rules so that they and/or their respective *National Anti-Doping Organisations* may enforce them against *Athletes* coming under their jurisdiction (including *National-Level Athletes*) and other *Persons* under their anti-doping jurisdiction.
- 1.3.5.4 By adopting these *IBU Anti-Doping Rules*, and incorporating them into their rules, *NF Members* must cooperate with and support the *IBU/BIU* in that function. They must also recognise, abide by, and implement the decisions made pursuant to these *IBU Anti-Doping Rules*, including the decisions imposing sanctions on *Persons* under their jurisdiction.
- 1.3.5.5 All *NF Members* must take appropriate action to enforce compliance with these *IBU Anti-Doping Rules*, the World Anti-Doping Code, and the *International Standards* by (among other things):
- (a) conducting *Testing* only under the documented authority of the *BIU/IBU* and using their *National Anti-Doping Organisation* or other *Sample* collection authority to collect *Samples* in compliance with the International Standard for Testing and Investigations;
 - (b) recognising the authority of the *National Anti-Doping Organisation* in their country in accordance with Article 5.2.1 of the World Anti-Doping Code and assisting as appropriate with the *National Anti-Doping Organisation's* implementation of the national *Testing* program for their sport;
 - (c) analysing all *Samples* collected using a *WADA*-accredited or *WADA*-approved laboratory in accordance with Article 6.1; and
 - (d) ensuring that any anti-doping rule violation cases they discover are adjudicated by an *Operationally Independent* hearing panel in accordance with Article 8.1 and the International Standard for Results Management.
- 1.3.5.6 *NF Members* must establish rules requiring all *Athletes* under their jurisdiction, including those preparing for and/or participating in a competition or activity authorised or organised by the *NF Member* or by one of its members or affiliates, and all *Athlete Support Personnel* associated with such *Athletes*, to agree as a condition of participation or involvement to be bound by these *IBU Anti-Doping Rules* and to submit to the *Results Management* authority of the *BIU* (or other

Anti-Doping Organisation responsible under the World Anti-Doping Code).

- 1.3.5.7 Subject to Article 5 of these *IBU Anti-Doping Rules*, as a general rule, the *BIU* will conduct *Testing* and carry out *Results Management* for *International-Level Athletes* and other *Persons* under its jurisdiction, whereas the *NF Members* and *National Anti-Doping Organisations* will carry out *Testing* and conduct *Results Management* for *National-Level Athletes* and other *Persons* under their jurisdiction. *Testing* conducted by the *NF Member* when delegated by the *BIU* and/or *National Anti-Doping Organisation* must be done in accordance with Article 1.3.5.5. Where *Testing* by an *NF Member* results in an *Adverse Analytical Finding*, or other evidence of an anti-doping rule violation is uncovered by an *NF Member* (whether as a result of such *Testing* or otherwise), unless the *BIU* decides to exercise *Results Management* authority itself or the *National Anti-Doping Organisation* exercises *Results Management*, the *BIU* will delegate *Results Management* in respect thereof to the *NF Member*.
- 1.3.5.8 Subject to applicable law, as a condition of such position or involvement, each *NF Member* must require all of its board members, directors, and officers, and all of its employees and *Delegated Third Parties* (and their employees) who are involved in any aspect of *Doping Control*, to agree to be bound by these *IBU Anti-Doping Rules* as *Persons*.
- 1.3.5.9 Subject to applicable law, *NF Members* must not knowingly employ a *Person* in any position involving *Doping Control* (other than authorised anti-doping *Education* or rehabilitation programs) who has been *Provisionally Suspended* or is serving a period of *Ineligibility* under these *IBU Anti-Doping Rules* (or the World Anti-Doping Code) or, if a *Person* was not subject to the World Anti-Doping Code, who has directly and intentionally engaged in conduct within the previous six years that would have constituted a violation of anti-doping rules if World Anti-Doping Code-compliant rules had been applicable to such *Person*.
- 1.3.5.10 *NF Members* must report any information suggesting or relating to an anti-doping rule violation to the *BIU* and to their *National Anti-Doping Organisations*, and must cooperate with investigations conducted by the *BIU* and/or by any *Anti-Doping Organisation* with authority to conduct the investigation.
- 1.3.5.11 *NF Members* must have disciplinary rules in place to prevent *Athlete Support Personnel* who are using *Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the authority of the *IBU/BIU* or the *NF Member*.

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

1.4 **Effective Date:**

1.4.1 These 2021 *IBU Anti-Doping Rules* come into full force and effect on 1 January ~~2021~~2022 (the **ADR Effective Date**), replacing the ~~2015~~–*IBU Anti-Doping Rules effective 1 January 2021* that were in force prior to the *ADR Effective Date*.

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

1.4.2.1 Anti-doping rule violations taking place prior to the *ADR Effective Date* count as 'first violations' or 'second violations' for purposes of determining the *Consequences* under Article 10.9 for anti-doping rule violations taking place after the *ADR Effective Date*.

1.4.2.2 With respect to any anti-doping rule violation case that is pending as of the *ADR Effective Date* and any anti-doping rule violation case brought after the *ADR Effective Date* based on an anti-doping rule violation that occurred prior to the *ADR Effective Date*, the substantive aspects of the case will be governed by the anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these *IBU Anti-Doping Rules* (unless the hearing panel determines that the principle of *lex mitior* appropriately applies under the circumstances of the case), while the procedural aspects of the case will be governed by these *IBU Anti-Doping Rules*. For this purpose, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set out in Article 16 are procedural rules, not substantive rules, and should be applied retroactively, along with all the other procedural rules in these *IBU Anti-Doping Rules* (provided however that Article 16 will only be applied retroactively if the statute of limitations period – whether the original one or as extended by subsequent rules – has not already expired by the *ADR Effective Date*).

1.4.2.3 Any Article 2.4 whereabouts failure (whether a filing failure or a missed test) that took place prior to the *ADR Effective Date* may be relied upon as one of the requisite elements of an Article 2.4 anti-doping rule violation under these *IBU Anti-Doping Rules* until 12 months after it took place.

1.4.2.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the *ADR Effective Date*, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the *ADR Effective Date*, the *Athlete* or other *Person* may apply to the

BIU or other *Anti-Doping Organisation* that had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these *IBU Anti-Doping Rules*. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These *IBU Anti-Doping Rules* will have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

- 1.4.2.5 For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the *ADR Effective Date*, the period of *Ineligibility* that would have been assessed for that first violation, had these *IBU Anti-Doping Rules* been applicable at that time, will be applied.

[Comment to Article 1.4.2.5: Other than the situation described in Article 1.4.2.5, where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date and the period of Ineligibility imposed has been completely served, these IBU Anti-Doping Rules may not be used to re-characterise the prior violation.]

- 1.4.3 These *IBU Anti-Doping Rules* may be amended from time to time by the *IBU Executive Board* on the recommendation of the *BIU*, subject to the ultimate authority of *Congress*. However, for the avoidance of doubt, amendments by *WADA* to the *World Anti-Doping Code*, the *Prohibited List*, and any *International Standard* will come into effect automatically in the manner set out in the *World Anti-Doping Code*, and such amendments will be binding upon all *Athletes* and other *Persons* without further formality.
- 1.4.4 Changes to the *Prohibited List* and/or to *Technical Documents* relating to substances or methods on the *Prohibited List* will not be applied retroactively unless they specifically so provide. However, where the effect of the change is to remove a *Prohibited Substance* or *Prohibited Method* from the *Prohibited List*, an *Athlete* or other *Person* who is serving a period of *Ineligibility* on account of that (former) *Prohibited Substance* or *Prohibited Method* may apply to the *BIU* or other *Anti-Doping Organisation* that had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of its removal from the *Prohibited List*.

2. Anti-doping rule violations

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

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

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

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

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

[Comment to Article 2.1.2: The BIU or other Anti-Doping Organisation with Results Management responsibility may at its discretion choose to have the B Sample analysed even if the Athlete does not request the analysis of the B Sample.]

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

2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List*, *International Standards* or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

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

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

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

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

- 2.2.3 The success or failure of the *Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.

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

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

- 2.3 **An Athlete evading, or refusing or failing to submit to, *Sample* collection.**

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorised *Person*.

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

- 2.4 **Whereabouts failures by an Athlete in a *Registered Testing Pool*.**

Any combination of three missed tests and/or filing failures, as defined in the International Standard for Results Management, within a 12-month period by an *Athlete* in a *Registered Testing Pool*.

2.5 Tampering or Attempted Tampering with any part of Doping Control by an Athlete or other Person.

2.6 Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person.

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 that is prohibited Out-of-Competition, unless the Athlete establishes that the Possession is consistent with a TUE granted in accordance with Article 4.3 or other acceptable justification.

2.6.2 Possession by Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition, in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4.3 or other acceptable justification.

[Comment to Articles 2.6.1 and 2.6.2: Acceptable justification may include, for example, (a) an Athlete or a team doctor carrying Prohibited Substances or Prohibited Methods for dealing with acute and emergency situations (e.g., an epinephrine auto-injector), or (b) an Athlete Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a TUE. 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.]

2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or other Person.

2.8 Administration or Attempted Administration by an Athlete or other Person either to (1) any Athlete In-Competition of any Prohibited Method or Prohibited Substance, or (2) any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-Competition.

2.9 Complicity or Attempted Complicity by an Athlete or other Person.

Assisting, encouraging, aiding, abetting, conspiring, covering up, or any other type of intentional complicity or Attempted complicity involving an anti-doping rule violation, an Attempted anti-doping rule violation, or violation of Article 10.14.1 by another Person.

[Comment to Article 2.9: Complicity or Attempted Complicity may include either physical or psychological assistance.]

2.10 **Prohibited association by an *Athlete* or other *Person*.**

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

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

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

2.10.1.3 is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

2.10.2 To prove an Article 2.10 anti-doping violation, the *BIU* or other *Anti-Doping Organisation* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person's* disqualifying status.

The burden will be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Article 2.10.1.1 and 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

If the *BIU* (or other *Anti-Doping Organisation*) becomes aware of any *Athlete Support Person* who meets the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3, it must submit that information to *WADA*.

[Comment to Article 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. This also prohibits association with any other Athlete who is acting as a coach or Athlete Support Person while serving a period of Ineligibility. Some examples of the types of association that are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation. While Article 2.10 does not require the BIU or other Anti-Doping Organisation to notify the Athlete or other Person about the Athlete Support Person's disqualifying status, such notice, if provided, would be important evidence to establish that the Athlete or other Person knew about the disqualifying status of the Athlete Support Person. If the Athlete or other Person discharges the burden

on them under Article 2.10.2, that will be a complete defence to the charge that the Athlete or other Person has committed an Article 2.10 anti-doping rule violation.]

2.11 Acts by an Athlete or other Person to discourage or retaliate against reporting to authorities.

Where such conduct does not otherwise constitute a violation of Article 2.5:

2.11.1 Any act that threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with these *IBU Anti-Doping Rules* or the World Anti-Doping Code to WADA, the *BIU*, another *Anti-Doping Organisation*, a law enforcement, regulatory or professional disciplinary body, a hearing body, or a *Person* conducting an investigation for WADA or the *BIU* or another *Anti-Doping Organisation*.

2.11.2 Retaliation against a *Person* who has provided evidence or information in good faith that relates to an alleged anti-doping rule violation or alleged non-compliance with these *IBU Anti-Doping Rules* or the World Anti-Doping Code to WADA, the *BIU*, another *Anti-Doping Organisation*, a law enforcement, regulatory or professional disciplinary body, a hearing body, or a *Person* conducting an investigation for WADA or the *BIU* or another *Anti-Doping Organisation*.

[Comment to Article 2.11.2: This Article is intended to protect Persons who make good faith reports, and does not protect Persons who knowingly make false reports.]

2.11.3 For purposes of Article 2.11, retaliation, threatening, and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.

[Comment to Article 2.11.3: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting Persons, their families or associates. Retaliation would not include an Anti-Doping Organisation asserting in good faith an anti-doping rule violation against the reporting Person. For purposes of Article 2.11, a report is not made in good faith where the Person making the report knows the report to be false.]

3. Proof of doping

3.1 Burdens and standards of proof

The *BIU* will have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof will be whether the *BIU* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation that has been made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these *IBU Anti-Doping Rules* place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified

facts or circumstances, except as provided in Articles 3.2.4 and 3.2.5, the standard of proof will be by a balance of probability.

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

In a case arising under Article 10.14.3, the BIU will have the burden of establishing that the Athlete or other Person has violated the prohibition against participation during Ineligibility or Provisional Suspension, to the same standard as is set out at Article 3.1.]

3.2 **Methods of establishing facts and presumptions:**

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

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

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

3.2.2 Analytical methods or *Decision Limits* that have been approved by WADA after consultation within the relevant scientific community or that have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity will, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS may also (on its own initiative) inform WADA of any such challenge. Within ten days of WADA's receipt of such notice and the case file related to such challenge, WADA will also have the right to intervene as a party, appear as *amicus curiae* or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel will appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

[Comment to Article 3.2.2: For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels is not subject to challenge. Further, the laboratory's estimated concentration of such Prohibited Substance in a Sample may only be an estimate. In no event will the possibility that the exact concentration of the Prohibited Substance in the Sample may be below the Minimum Reporting Level

constitute a defence to an anti-doping rule violation based on the presence of that Prohibited Substance in the Sample.]

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

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

[Comment to Article 3.2.4: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. Thus, once the Athlete or other Person establishes the departure by a balance of probability, the Athlete's or other Person's burden on causation is the somewhat lower standard of proof – 'could reasonably have caused'. If the Athlete or other Person satisfies these standards, the burden shifts to the BIU to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

3.2.5 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the World Anti-Doping Code or in these *IBU Anti-Doping Rules* will not invalidate analytical results or other evidence of an anti-doping rule violation and will not constitute a defence to an anti-doping rule violation; provided, however, if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then the *BIU* will have the burden of establishing that such a departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

3.2.5.1 a departure from the International Standard for Testing and Investigations relating to *Sample* collection or *Sample* handling that could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *BIU* will have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

3.2.5.2 a departure from the International Standard for Results Management or International Standard for Testing and Investigations relating to an *Adverse Passport Finding* that could reasonably have caused an

anti-doping rule violation, in which case the *BIU* will have the burden to establish that such departure did not cause the anti-doping rule violation;

- 3.2.5.3 a departure from the International Standard for Results Management relating to the requirement to provide notice to the *Athlete* of the *B Sample* opening that could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *BIU* will have the burden to establish that such departure did not cause the *Adverse Analytical Finding*; or

[Comment to Article 3.2.5.3: The BIU would meet its burden to establish that such departure did not cause the Adverse Analytical Finding by showing that, for example, the B Sample opening and analysis were observed by an independent witness and no irregularities were observed.]

- 3.2.5.4 a departure from the International Standard for Results Management relating to *Athlete* notification that could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the *BIU* will have the burden to establish that such departure did not cause the whereabouts failure.

[Comment to Article 3.2.5: Departures from an International Standard or other rule unrelated to Sample collection or handling, Adverse Passport Finding, or Athlete notification relating to whereabouts failure or B Sample opening – e.g., the International Standard for Education, International Standard for the Protection of Privacy and Personal Information or International Standard for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defence in an anti-doping rule violation proceeding and are not relevant on the issue of whether the Athlete committed an anti-doping rule violation. Similarly, a violation of the Athlete's Anti-Doping Rights Act by the BIU (or other relevant body) will not constitute a defence to an anti-doping rule violation.]

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

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

[\[Comment to Article 3.2.7: an adverse inference may also be drawn where an Athlete or other Person refuses to respond to a demand or other questions put to them during an](#)

investigation. The hearing panel may also draw such an adverse inference in cases involving Athletes or other Persons who have violated the prohibition against participation during Ineligibility or Provisional Suspension (Article 10.14.3).]

4. The *Prohibited List*

4.1 Incorporation of the *Prohibited List*

- 4.1.1 These *IBU Anti-Doping Rules* incorporate the *Prohibited List*, which is published and revised by *WADA* as described in Article 4.1 of the World Anti-Doping Code.
- 4.1.2 Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions will come into effect under these *IBU Anti-Doping Rules* three months after publication of the *Prohibited List* or revision by *WADA* automatically, i.e., without requiring any further action by the *IBU*. All *Athletes* and other *Persons* will be bound by the *Prohibited List* and any revisions thereto from the date they come into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarise themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.
- 4.1.3 The *IBU* will take appropriate steps to distribute the *Prohibited List* to *NF Members*. Each *NF Member* must in turn take appropriate steps to distribute the *Prohibited List* to its members and constituents.

[Comment to Article 4.1: The current Prohibited List is available on WADA's website at <https://www.wada-ama.org>. The Prohibited List will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made.]

4.2 *Prohibited Substances and Prohibited Methods identified on the Prohibited List*

4.2.1 *Prohibited Substances and Prohibited Methods*

- 4.2.1.1 The *Prohibited List* identifies those substances and methods that are prohibited as doping at all times (i.e., both *In-Competition* and *Out-of-Competition*) and those substances and methods that are prohibited only *In-Competition*. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.
- 4.2.1.2 As described in Article 4.2.1 of the World Anti-Doping Code, *WADA* may expand the *Prohibited List* for the sport of *Biathlon*.
- 4.2.1.3 *WADA* may also include additional substances or methods that have the potential for abuse in the sport of *Biathlon*, in the monitoring program described in Article 4.5 of the World Anti-Doping Code.

[Comment to Article 4.2.1: Out-of-Competition Use of a substance that is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition.]

4.2.2 *Specified Substances or Specified Methods*

For purposes of the application of Article 10, all *Prohibited Substances* will be deemed to be '*Specified Substances*' except as identified on the *Prohibited List*. A *Prohibited Method* will not be considered to be a '*Specified Method*' unless it is specifically identified as a *Specified Method* on the *Prohibited List*.

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

4.2.3 *Substances of Abuse*

For purposes of the application of Article 10, certain *Prohibited Substances* are specifically classified on the *Prohibited List* as '*Substances of Abuse*' because they are frequently abused in society outside of the context of sport.

4.3 **WADA's determination of the *Prohibited List***

WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that are (or will be) included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, the classification of a substance as prohibited at all times or *In-Competition* only, and the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse*, is final and not be subject to any challenge by an *Athlete* or other *Person*, including (without limitation) any challenge based on an argument that the substance or method is not a masking agent or does not have the potential to enhance performance, represent a health risk, or violate the spirit of sport.

4.4 **TUEs:**

4.4.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (Article 2.1), and/or *Use* or *Attempted Use* of a *Prohibited Substance* or a *Prohibited Method* (Article 2.2), *Possession* of a *Prohibited Substance* or a *Prohibited Method* (Article 2.6), or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* (Article 2.8), will not be considered an anti-doping rule violation if it is consistent with the provisions of a *TUE* granted in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.2 TUE applications

4.4.2.1 *Athletes who are not International-Level Athletes must apply to their National Anti-Doping Organisation for a TUE. If the National Anti-Doping Organisation denies the application, the Athlete may appeal exclusively to the national-level appeal body described in Article 13.2.*

4.4.2.2 *Athletes who are International-Level Athletes must apply to the BIU for a TUE.*

4.4.3 TUE recognition

4.4.3.1 Where the *Athlete* already has a TUE granted by their *National Anti-Doping Organisation* pursuant to Article 4.4 of the World Anti-Doping Code for the substance or method in question, and if that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, the BIU will recognise it for purposes of *International Events*. If the BIU considers that the TUE does not meet those criteria and so refuses to recognise it, the BIU will notify the *Athlete* and the *Athlete's National Anti-Doping Organisation* promptly with reasons. The *Athlete* or the *National Anti-Doping Organisation* will have 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.8. If the matter is referred to WADA for review, the TUE granted by the *National Anti-Doping Organisation* is not valid for *International Events* but remains valid for national-level *Competition* and *Out-of-Competition Testing* pending WADA's decision. If the matter is not referred to WADA for review, within the 21-day deadline, the *Athlete's National Anti-Doping Organisation* must determine whether the original TUE granted by that *National Anti-Doping Organisation* should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in international-level *Competition*). Pending the *National Anti-Doping Organisation's* decision, the TUE remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition Testing*).

[Comment to Article 4.4.3.1: Further to Articles 5.7 and 7.1 of the International Standard for Therapeutic Use Exemptions, the BIU will publish and keep updated a notice on its website and/or the IBU website (www.biathlonintegrity.com / www.biathlonworld.com) that sets out clearly (1) which Athletes under its authority are required to apply to it for a TUE, (2) which TUE decisions it will automatically recognise in lieu of such application (if any), and (3) which TUE decisions of other Anti-Doping Organisations will have to be submitted to it for recognition.]

- 4.4.3.2 If the *BIU* chooses to test an *Athlete* who is not an *International-Level Athlete*, the *BIU* will recognise a *TUE* granted to that *Athlete* by their *National Anti-Doping Organisation*.

[Comment to Article 4.4.3: If the BIU refuses to recognise a TUE granted by a National Anti-Doping Organisation only because medical records or other information are missing that are needed to demonstrate satisfaction with the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the BIU. The BIU may agree with a National Anti-Doping Organisation that the National Anti-Doping Organisation will consider TUE applications on behalf of the BIU.]

4.4.4 *TUE* application process

- 4.4.4.1 If the *Athlete* does not already have a *TUE* granted by their *National Anti-Doping Organisation* for the substance or method in question, the *Athlete* must apply directly to the *BIU* for a *TUE* in accordance with the process set out in the *International Standard for Therapeutic Use Exemptions* using the form posted on the *BIU* website and/or the *IBU*'s website (www.biathlonintegrity.com / www.biathlonworld.com).
- 4.4.4.2 An application to the *BIU* for grant or recognition of a *TUE* must be made as soon as possible (save where Articles 4.1 or 4.3 of the *International Standard for Therapeutic Use Exemptions* applies) and in any event at least 30 days before the *Athlete*'s next *Competition*.
- 4.4.4.3 The *BIU* will appoint a panel to consider applications for the grant or recognition of *TUEs* (the ***TUE Committee***).
- 4.4.4.4 The *TUE Committee* will promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and any specific *BIU* protocols posted on the *BIU* and/or *IBU* website, and usually (i.e., unless exceptional circumstances apply) within no more than 21 days of receipt of a complete application. Where the application is made in a reasonable time prior to a *Competition*, the *TUE Committee* will use its best endeavours to issue its decision before the start of the *Competition*.
- 4.4.4.5 The decision of the *TUE Committee* will be the final decision of the *BIU* and may be appealed in accordance with Article 4.4.7. The *TUE Committee* decision will be notified in writing to the *Athlete*, and to *WADA* and other relevant *Anti-Doping Organisations*, including the *Athlete*'s *National Anti-Doping Organisation* in accordance with the *International Standard for Therapeutic Use Exemptions*. It will also promptly be reported into *ADAMS*.
- 4.4.4.6 If the *BIU* (or the *National Anti-Doping Organisation*, where it has agreed to consider the application on behalf of the *BIU*) denies the

Athlete's application, it must notify the *Athlete* promptly, with reasons. If the *BIU* grants the *Athlete's* application, it must notify not only the *Athlete* but also their *National Anti-Doping Organisation*. If the *National Anti-Doping Organisation* considers that the *TUE* granted by the *BIU* does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to *WADA* for review in accordance with Article 4.4.7.1.

- 4.4.4.7 If the *National Anti-Doping Organisation* refers the matter to *WADA* for review, the *TUE* granted by the *BIU* remains valid for international-level *Competition* and *Out-of-Competition Testing* but is not valid for national-level *Competition* testing pending *WADA's* decision. If the *National Anti-Doping Organisation* does not refer the matter to *WADA* for review, the *TUE* granted by the *BIU* becomes valid for national-level *Competition* testing as well when the 21-day review deadline expires.

[Comment to Article 4.4.4: Submitting to the TUE Committee or BIU falsified documents or false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE), offering or accepting a bribe to/from a Person to perform or fail to perform an act, procuring false testimony from any witness, or committing any other fraudulent act or any other similar intentional interference or Attempted interference with any aspect of the TUE process will result in a charge of Tampering or Attempted Tampering under Article 2.5.

An Athlete should not assume that their application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.]

- 4.4.5 Retroactive *TUE* applications
- 4.4.5.1 Subject to Article 4.4.5.2, an *Athlete* may apply for a retroactive *TUE* on the grounds set out in Articles 4.1 and 4.3 of the International Standard for Therapeutic Use Exemptions.
- 4.4.5.2 If the *BIU* chooses to test an *Athlete* who is not an *International-Level Athlete* or a *National-Level Athlete*, the *BIU* will permit that *Athlete* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that the *Athlete* is *Using* for therapeutic reasons.
- 4.4.6 Expiration, cancellation, withdrawal or reversal of a *TUE*
- 4.4.6.1 A *TUE* granted pursuant to these *IBU Anti-Doping Rules*:

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

4.4.6.2 The *Athlete* will not be subject to any *Consequences* based on their *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, cancellation, withdrawal or reversal of the *TUE*. The review pursuant to Article 5.1.1.1 of the International Standard for Results Management of an *Adverse Analytical Finding*, reported shortly after the *TUE* expiry, cancellation, withdrawal or reversal, will include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation will be asserted.

4.4.7 Reviews and appeals of *TUE* decisions

4.4.7.1 *WADA* must review any decision by the *BIU* not to recognise a *TUE* granted by the *National Anti-Doping Organisation* that is referred to *WADA* by the *Athlete* or the *Athlete's National Anti-Doping Organisation*. In addition, *WADA* must review any decision by the *BIU* to grant a *TUE* that is referred to *WADA* by the *Athlete's National Anti-Doping Organisation*. *WADA* may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, *WADA* will not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* will reverse it.

[Comment to Article 4.4.7.1: WADA may charge a fee to cover the costs of:
(a) any review it is required to conduct in accordance with Article 4.4.7; and
(b) any review it chooses to conduct, where the decision being reviewed is reversed.]

4.4.7.2 Any *TUE* decision by the *BIU* (or by a *National Anti-Doping Organisation* where it has agreed to consider the application on behalf of the *IBU/BIU*) that is not reviewed by *WADA*, or that is reviewed by

WADA but is not reversed upon review, may be appealed by the Athlete and/or the Athlete's National Anti-Doping Organisation, exclusively to CAS.

[Comment to Article 4.4.7.2: In such cases, the decision being appealed is the decision of the TUE Committee, not WADA's decision not to review the TUE Committee decision or (having reviewed it) not to reverse the TUE Committee decision. However, the deadline to appeal the TUE Committee decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA must be given notice of the appeal so that it may participate if it sees fit.]

- 4.4.7.3 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, the National Anti-Doping Organisation and/or the BIU on behalf of the IBU exclusively to CAS.
- 4.4.7.4 A failure to render a decision within a reasonable time on a properly submitted application for grant or recognition of a TUE or for review of a TUE decision will be considered a denial of the application thus triggering the applicable rights of review/appeal.
- 4.4.7.5 Until such time as a TUE decision pursuant to these *IBU Anti-Doping Rules* has been reversed upon review by WADA or upon appeal, that TUE decision will remain in full force and effect.

5. Testing and investigations

5.1 Purpose of Testing and investigations

- 5.1.1 Testing and investigations may be undertaken under these *IBU Anti-Doping Rules* for any anti-doping purpose. They will be conducted in conformity with the provisions of the International Standard for Testing and Investigations and any specific protocols of the BIU supplementing that *International Standard*.
- 5.1.2 Testing will be undertaken to obtain analytical evidence as to whether the Athlete has violated Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Article 2.2 (*Use or Attempted Use* by an Athlete of a *Prohibited Substance* or a *Prohibited Method*).

5.2 Authority to test

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

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

[Comment to Article 5.2.2: The BIU may obtain additional authority to conduct Testing by means of bilateral or multilateral agreements with Code Signatories. Unless the Athlete has identified a 60-minute Testing window between the hours of 11:00 p.m. and 6:00 a.m., or has otherwise consented to Testing during that period, the BIU will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether the BIU had sufficient suspicion for Testing during this time period shall not be a defence to an anti-doping rule violation based on such test or attempted test.]

- 5.2.3 WADA will have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.10 of the World Anti-Doping Code.
- 5.2.4 If the *BIU* delegates or contracts any part of *Testing* to a *National Anti-Doping Organisation* directly or through an *NF Member*, that *National Anti-Doping Organisation* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organisation's* expense. If additional *Samples* are collected or additional types of analyses are performed, the *BIU* must be notified.

5.3 **Event Testing**

- 5.3.1 Except as otherwise provided below, only a single organisation will have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the *BIU* (or other international organisation that is the ruling body for the *Event*, if not the *IBU*) will have authority to conduct *Testing*. At *National Events*, the *National Anti-Doping Organisation* of the country in which the *Event* is staged will have authority to conduct *Testing*. At the request of the *BIU* on behalf of the *IBU* (or other international organisation that is the ruling body for an *Event*), any *Testing* during the *Event Period* outside of the *Event Venues* must be coordinated with the *BIU* on behalf of the *IBU* (or the relevant ruling body of the *Event*).
- 5.3.2 If an *Anti-Doping Organisation* that would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Athletes* at the *Event Venue(s)* during the *Event Period*, the *Anti-Doping Organisation* must first confer with the *BIU* on behalf of the *IBU* (or other international organisation that is the ruling body of the *Event*) to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organisation* is not satisfied with the response from the *BIU* (or other international organisation that is the ruling body of the *Event*), in accordance with the procedures described in the International Standard for Testing and Investigations the *Anti-Doping Organisation* may ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*. WADA will not grant approval for such *Testing* before consulting with and informing the *BIU* on behalf of the *IBU* (or other international organisation that is the ruling body for the *Event*). WADA's

decision will be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct *Testing*, such tests will be considered *Out-of-Competition* tests. *Results Management* for any such test will be the responsibility of the *Anti-Doping Organisation* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.

5.4 Testing requirements

- 5.4.1 The *BIU* will conduct test distribution planning and *Testing* as required by the International Standard for Testing and Investigations.
- 5.4.2 Where reasonably feasible, *Testing* will be coordinated by the *BIU* and other *Anti-Doping Organisations* through *ADAMS* in order to maximise the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

5.5 Athlete whereabouts requirements

5.5.1 *IBU Registered Testing Pool*

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

- 5.5.1.1 advising the *BIU* of their whereabouts on a quarterly basis by 15 December, March, June, and September, respectively;
- 5.5.1.2 updating that information as necessary, so that it remains accurate and complete at all times; and
- 5.5.1.3 making themselves available for *Testing* at such whereabouts.

- 5.5.2 For purposes of Article 2.4, failure by an *Athlete* in the *IBU RTP* to comply with the requirements of the International Standard for Testing and Investigations will be deemed a filing failure or a missed test where the conditions set out in Annex B of the International Standard for Results Management for declaring a filing failure or missed test are met.

5.5.3 Without prejudice to Article 5.5.2 and pursuing the matter as a potential anti-doping rule violation under Article 2.4, to ensure that *Athletes* take their whereabouts responsibilities seriously, and to limit the burden that non-compliant *Athletes* place on the *BIU's* limited anti-doping resources, an *Athlete* and their *National Federation* will be jointly and severally liable to pay the *BIU* €500 for each filing failure or missed test declared against that *Athlete* as a contribution towards the costs incurred by the *BIU* in processing that filing failure or missed test. As the only exception to this rule, no charge will be made for a filing failure or missed test if it is the *Athlete's* first whereabouts failure and if it is not disputed by the *Athlete*.

5.5.4 ~~5.5.3~~ The *BIU* will make available through *ADAMS* a list that identifies by name those *Athletes* included in the *IBU RTP*. The *BIU* will review and update as necessary its criteria for including *Athletes* in the *IBU RTP*, and will revise the membership of the *IBU RTP* from time to time as appropriate in accordance with the set criteria. In particular, *Athletes* may be added to the *IBU RTP* in the following circumstances:

5.5.4.1 ~~5.5.3.1~~ by virtue of their placing in the top 20 of any *IBU* World Cup ranking competition;

5.5.4.2 ~~5.5.3.2~~ when they have a significant change in performance or haematological and/or steroidal profile;

5.5.4.3 ~~5.5.3.3~~ when they are serving a period of *Ineligibility*;

5.5.4.4 ~~5.5.3.4~~ if they are transferring into *Biathlon* from other sports; and/or

5.5.4.5 ~~5.5.3.5~~ for any other valid reason.

5.5.5 ~~5.5.4~~ *Athletes* will be notified before they are included in the *IBU RTP* and when they are removed from that pool. The notification will contain the information set out in the International Standard for Testing and Investigations.

5.5.6 ~~5.5.5~~ An *Athlete* in the *IBU RTP* will continue to be subject to the obligation to comply with the whereabouts requirements set out in the International Standard for Testing and Investigations unless and until (a) the *Athlete* gives written notice to the *IBU/BIU* of their retirement; or (b) the *BIU* has informed the *Athlete* that they are no longer in the *IBU RTP*.

5.5.7 ~~5.5.6~~ The *BIU* will coordinate with *National Anti-Doping Organisations* to identify the *Athletes* in the *IBU RTP* and to collect their whereabouts information. Where an *Athlete* is included in the *IBU RTP* and in a national registered testing pool by their *National Anti-Doping Organisation*, the *National Anti-Doping Organisation* and the *BIU* will agree which of them will accept that *Athlete's* whereabouts filings. In no case will an *Athlete* be required to make whereabouts filings to more than one of them.

5.5.8 ~~5.5.7~~ Whereabouts information relating to an *Athlete* will be shared (through *ADAMS*) with *WADA* and other *Anti-Doping Organisations* having authority to test that *Athlete*, will be maintained in strict confidence at all times, will be used exclusively for the purposes set out in Article 5.5 of the World Anti-Doping Code, and will be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information once it is no longer relevant for these purposes.

5.5.9 ~~5.5.8~~ The *BIU* may, in accordance with the International Standard for Testing and Investigations, collect whereabouts information from *Athletes* who are not included in the *IBU RTP*. If it chooses to do so, an *Athlete's* failure to provide

complete and accurate whereabouts information on or before the date required by the *BIU* may result in the *BIU* elevating the *Athlete* to the *IBU RTP*.

5.6 **Retired *Athletes* returning to *Competition***

5.6.1 *Athletes* in the *IBU RTP* who have given notice of retirement to the *IBU/BIU* may not resume competing in *International Events* or *National Events* until they have given the *IBU/BIU* and their National Anti-Doping Organisation written notice of their intent to resume competing and have made themselves available for *Testing* for a period of six months before returning to competition, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. WADA, in consultation with the *BIU* and the *Athlete's National Anti-Doping Organisation*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to an *Athlete*. WADA's decision to grant or not to grant such exemption may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.6.1 will be *Disqualified*, unless the *Athlete* can establish that they could not have reasonably known that they participated in an *International Event* or a *National Event*.

5.6.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify the *IBU/BIU* (and, if the period of *Ineligibility* was not imposed under the *IBU Anti-Doping Rules*, the *Anti-Doping Organisation* that imposed the period of *Ineligibility*) in writing of such retirement. The *Athlete* may not resume competing in *International Events* or *National Events* until the *Athlete* has given six months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) to the *IBU/BIU* and to the *Athlete's National Anti-Doping Organisation* of their intent to resume competing and has made themselves available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

5.6.3 An *Athlete* who is not in the *IBU RTP* who has given notice of retirement to the *IBU/BIU* may not resume competing unless they notify the *IBU/BIU* and their *National Anti-Doping Organisation* at least six months before they wish to return to *Competition* and make themselves available for unannounced *Out-of-Competition Testing*, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations, during the period before actual return to *Competition*.

5.7 **Independent Observer Program**

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

5.8 Investigations and intelligence gathering

The *BIU* will conduct investigations and gather intelligence as required by the International Standard for Testing and Investigations.

6. Analysis of *Samples*

Samples will be analysed in accordance with the following principles:

6.1 Use of accredited/approved laboratories and other laboratories

6.1.1 For purposes of directly establishing an *Adverse Analytical Finding* under Article 2.1, *Samples* will be analysed only in *WADA*-accredited laboratories or laboratories otherwise approved by *WADA*. The choice of the *WADA*-accredited laboratory or *WADA*-approved laboratory used for the *Sample* analysis will be determined exclusively by the *BIU*.

6.1.2 As provided in Article 3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*-accredited or approved laboratories.

6.1.3 Any *Adverse Analytical Finding*, *Atypical Finding*, or *Adverse Passport Finding* reported by the laboratory in respect of a *Sample* collected under these *IBU Anti-Doping Rules* will be dealt with in accordance with the International Standard for Laboratories, International Standard for Results Management, and Article 7.

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

6.2 Purpose of analysis of *Samples* and data

Samples and related analytical data or *Doping Control* information will be analysed 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 World Anti-Doping Code, or to assist the *BIU* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling or for any other legitimate anti-doping purposes.

[Comment to Article 6.2: For example, relevant Doping Control-related 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* and related data

6.3.1 *Samples*, related analytical data, and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for such purposes without the *Athlete's* written consent. *Samples* and related analytical

data or *Doping Control* information used for research purposes must first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*. Any research involving *Samples* and related analytical data or *Doping Control* information must adhere to the principles set out in Article 19 of the World Anti-Doping Code.

6.3.2 *Samples*, related analytical data, and *Doping Control* information may also be used for non-research purposes, such as method development or to establish reference populations, provided that they are first processed in such a manner as to prevent them being traced back to the *Athlete*, having due regard to the principles set out in Article 19 of the World Anti-Doping Code, as well as the requirements of the International Standard for Laboratories and International Standard for the Protection of Privacy and Personal Information.

6.4 Standards for *Sample* analysis and reporting

6.4.1 Laboratories will analyse *Samples* in conformity with the International Standard for Laboratories and Article 4.7 of the International Standard for Testing and Investigations.

6.4.2 Laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by the *BIU*. Results from any such analyses will be reported to the *BIU* and have the same validity and *Consequences* as any other analytical result.

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

6.5 Further analysis of a *Sample* prior to or during *Results Management*

There is no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time the *BIU* notifies an *Athlete* that the *Sample* is the basis of an Article 2.1 anti-doping rule violation charge. If after such notification the *BIU* wishes to conduct additional analyses on that *Sample*, it may do so with the consent of the *Athlete* or else with the approval of the panel hearing the case against the *Athlete*.

6.6 Further analysis of a *Sample* after it has been reported as negative or has otherwise not resulted in an anti-doping rule violation charge

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of the *BIU* (if it initiated and directed *Sample* collection), the *Anti-Doping Organisation* that initiated and directed *Sample* collection (if not the *BIU*) or *WADA*. Any other *Anti-Doping Organisation* with authority to test the *Athlete* that wishes to conduct further analyses on a stored *Sample*

may do so with the permission of the *BIU* (if it initiated and directed *Sample* collection), the *Anti-Doping Organisation* that initiated and directed *Sample* collection (if not the *BIU*) or *WADA*, and will be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by *WADA*, the *BIU* or another *Anti-Doping Organisation* will be at (respectively) *WADA's*, the *BIU's* or other organisation's expense. Further analysis of *Samples* must comply with the requirements of the International Standard for Laboratories.

6.7 **Split of A or B Sample**

Where *WADA*, the *BIU* or other *Anti-Doping Organisation* with *Results Management* authority, and/or a *WADA*-accredited laboratory (with approval from *WADA* or the *BIU* or other *Anti-Doping Organisation* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the International Standard for Laboratories must be followed.

6.8 **WADA's right to take possession of Samples and data**

6.8.1 *WADA* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organisation*. Upon request by *WADA*, the laboratory or *Anti-Doping Organisation* in possession of the *Sample* or data will immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data. If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organisation* before taking possession of a *Sample* or data, it will provide such notice to the laboratory and each *Anti-Doping Organisation* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession.

6.8.2 After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organisation* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.

[Comment to Article 6.8: Resistance or refusal to WADA taking physical possession of Samples may constitute Tampering, Complicity or an act of non-compliance as provided in the International Standard for Code Compliance by Signatories, and may also constitute a violation of the International Standard for Laboratories. Where necessary, the laboratory and/or the Anti-Doping Organisation must assist WADA in ensuring that the seized Sample and related data are not delayed in exiting the applicable country. WADA would not, of course, unilaterally take possession of Samples or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for WADA to make in its discretion and is not subject to challenge. In particular, whether there is good cause or not shall not be a defence against an anti-doping rule violation or its Consequences.]

7. **Results Management: responsibility, initial review, notice, and *Provisional Suspensions***

7.1 **Results Management rules and responsibility**

7.1.1 These *IBU Anti-Doping Rules* incorporate the International Standard for Results Management, as amended from time to time. The International Standard for Results Management is therefore binding on all *Athletes* and other *Persons* in the same way these *IBU Anti-Doping Rules* are binding on them.

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

7.1.3 Where an *NF Member* is delegated responsibility for *Results Management*, it must ensure that such *Results Management* is conducted in accordance with Articles 1.3.5.5 and 1.3.5.7 and the International Standard for Results Management. The results of all *Testing* must be reported to the *BIU* and to *WADA* within 14 days of the conclusion of the *NF Member's* process. Any apparent anti-doping rule violation by an *Athlete* who is affiliated to that *NF Member* must be promptly referred to an appropriate hearing panel established pursuant to the rules of the *NF Member* and in accordance with Article 20.3.2 of the World Anti-Doping Code.

7.2 **Review and notification regarding potential anti-doping rule violations**

7.2.1 The *BIU* will carry out the review and notification of any potential anti-doping rule violation in accordance with the International Standard for Results Management.

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

7.3 **Provisional Suspensions**

7.3.1 *Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding*

If the *BIU* receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, it will impose a *Provisional Suspension* on the *Athlete* promptly upon or after the review and notification required by Article 7.2. [The *Provisional Suspension* will come into effect automatically on the date specified by the *BIU* in the initial notice of a potential anti-doping rule violation or in further correspondence up to and including the *Notice of Charge*.](#)

7.3.2 Optional *Provisional Suspension*

7.3.2.1 The *BIU* may impose a *Provisional Suspension* on an *Athlete* or other *Person* for any asserted anti-doping rule violations not covered by Article 7.3.1 at any time prior to the analysis of the *Athlete's B Sample* or final hearing as described in Article 8. The *Provisional Suspension* will come into effect automatically on the date specified by the *BIU* in the initial notice of a potential anti-doping rule violation or in further correspondence up to and including the *Notice of Charge*.

7.3.2.2 If the *BIU* does not impose a *Provisional Suspension* further to Article 7.3.2.1, no *Provisional Suspension* will come into effect prior to determination of the case unless (i) it is voluntarily accepted by the *Athlete* or other *Person* in accordance with Article 7.3.4; or (ii) it is so ordered by the *Disciplinary Tribunal* on application by the *BIU*, which application must be based on evidence that was not available to the *BIU* at the time the *Notice of Charge* was sent.

[Comment to Articles 7.3.1 and 7.3.2: Before a *Provisional Suspension* may be unilaterally imposed by the *BIU*, the internal review specified in these *IBU Anti-Doping Rules* and the *International Standard for Results Management* must first be completed.]

7.3.3 Opportunity for hearing or appeal, and lifting of a *Provisional Suspension*

7.3.3.1 Where a *Provisional Suspension* is imposed, whether pursuant to Article 7.3.1 or Article 7.3.2, in addition to having a right of appeal against the *Provisional Suspension* in accordance with Article 13.2 (but subject to Article 7.3.3.2(a)), the *Athlete* or other *Person* will be given either:

- (a) an opportunity for a *Provisional Hearing* either before or on a timely basis after imposition of the *Provisional Suspension*; or
- (b) an opportunity for an expedited final hearing in accordance with Article 8 on a timely basis after imposition of a *Provisional Suspension*.

7.3.3.2 The *Provisional Suspension* may be lifted if the *Athlete* or other *Person* demonstrates to the satisfaction of the hearing panel that:

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

- (b) the violation asserted involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Article 10.2.4.1;
- (c) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against the *Athlete* or other *Person*;
- (d) any period of *Ineligibility* that might otherwise be imposed for the violation(s) asserted is likely to be completely eliminated by application of Article 10.5 (*No Fault or Negligence*); and/or
- (e) other facts exist that make it clearly unfair, in all of the circumstances, for the *Athlete* or other *Person* to be subject to a *Provisional Suspension* prior to the final first instance decision on the merits (this ground is to be construed narrowly, and applied only in truly exceptional circumstances, e.g., the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* or *Event* will not qualify as exceptional circumstances for these purposes).

7.3.3.3 [If the application to have a *Provisional Suspension* lifted is not granted \(including after any appeal in accordance with Article 13.2\), a further application may not be made to lift the *Provisional Suspension* unless \(i\) it is based on material new evidence that the *Athlete* or other *Person* was not aware of and could not reasonably have been aware of at the time they made the original application; or \(ii\) there has been some other significant and material change in circumstances since the original application was decided. If an *Athlete* or other *Person* makes a further application that does not meet either of these requirements, costs may be awarded against them.](#)

7.3.3.4 ~~7.3.3.3~~ If a *Provisional Suspension* is imposed based on an A *Sample Adverse Analytical Finding* and subsequent B *Sample* analysis (if requested by the *Athlete* or the *BIU*) does not confirm the A *Sample* analysis, then the *Provisional Suspension* will be lifted with immediate effect. In circumstances where the *Athlete* (or the *Athlete's* team) has been removed from a *Competition* based on a violation of Article 2.1 and subsequent B *Sample* analysis does not confirm the A *Sample* finding, then if it is still possible for the *Athlete* or team to be reinserted, without otherwise affecting the *Event*, the *Athlete* or team may continue to take part in the *Event*.

7.3.4 Voluntary acceptance of *Provisional Suspension*

7.3.4.1 An *Athlete* may voluntarily accept a *Provisional Suspension*, provided that they do so no later than the latest of the following dates: (i) ten

days after waiver of the B Sample analysis or receipt of the results of the analysis of the B Sample (as applicable); (ii) ten days after receipt of an initial notice of a potential anti-doping rule violation other than under Article 2.1; or (iii) the date on which the *Athlete* would otherwise have first competed after such report or notice.

7.3.4.2 Other *Persons* may voluntarily accept a *Provisional Suspension* within ten days from receipt of the initial notice of a potential anti-doping rule violation.

7.3.4.3 A *Provisional Suspension* that is voluntarily accepted by the applicable deadline will have full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.3.1 or 7.3.2.

7.3.4.4 The *Athlete* or other *Person* may withdraw their acceptance of a voluntary *Provisional Suspension* at any time, but in that event they will not receive any credit for the *Provisional Suspension* served.

7.3.5 During any period of *Provisional Suspension* (whether imposed or voluntarily accepted), the *Athlete* or other *Person* may not participate in any capacity (or, in the case of an *Athlete Support Person* or other *Person*, assist an *Athlete* who is participating in any capacity) in a *Competition* or activity (other than authorised anti-doping *Education* or rehabilitation programs) authorised or organised by any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation, or in *Competitions* authorised or organised by any professional league or any international-level or national-level *Event* organisation or any elite or national-level sporting activity funded by a governmental agency.

7.4 Charge

Where after receipt of the *Athlete's* or other *Person's* response to the *BIU's* initial notice of a potential anti-doping rule violation, or expiry of the deadline to receive such response, and after conducting such further investigation as it sees fit (if any), the *BIU* considers that the *Athlete* or other *Person* has committed one or more anti-doping rule violations, the *BIU* will promptly charge the *Athlete* or other *Person* with the relevant anti-doping rule violation(s) in accordance with the International Standard for Results Management Article 7.1 and Article 5 of Chapter E of this *Integrity Code*.

7.5 Results Management decisions

Results Management decisions or adjudications under these *IBU Anti-Doping Rules* (including *Provisional Suspensions*) must not purport to be limited to a particular geographic area or to *Biathlon* and will address and determine without limitation the following issues: (i) whether an anti-doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific Articles that have been violated, and (ii) all *Consequences* flowing from the anti-doping rule violation(s), including applicable

Disqualifications under Articles 9 and 10.10, any forfeiture of medals, titles, points, prize money, or prizes, any period of *Ineligibility* (and the date it begins to run), and any *Financial Consequences*.

[Comment to Article 7.5: Results Management decisions include Provisional Suspensions. Each decision by the BIU should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Article 10.1 (which is left to the ruling body for an Event). Pursuant to Article 15, such decision and its imposition of Consequences will have automatic effect in every sport in every country. For example, for a determination that an Athlete committed an anti-doping rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the Athlete's results obtained in the Competition would be Disqualified under Article 9 and all other competitive results obtained by the Athlete from the date the Sample was collected through the duration of the period of Ineligibility are also Disqualified under Article 10.10; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organisation's responsibility to decide whether the Athlete's other individual results in the Event prior to Sample collection are also Disqualified under Article 10.1.]

7.6 **Notification of Results Management decisions**

The *BIU* will notify *Athletes*, other *Persons*, *Signatories* and *WADA* of *Results Management* decisions as provided in Article 14 and in the International Standard for Results Management.

7.7 **Retirement from sport**

If an *Athlete* or other *Person* retires while the *BIU's Results Management* process is underway, the *BIU* retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, and the *BIU* would have had *Results Management* authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, the *BIU* has authority to conduct *Results Management*.

[Comment to Article 7.7: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the authority of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organisation.]

8. **Results Management: hearing and notice of hearing decision**

8.1 **Fair hearing**

8.1.1 Fair, impartial and *Operationally Independent* hearing panel

The *BIU* has delegated its Article 8 responsibilities for first instance hearings and decisions to the *CAS Anti-Doping Division*. The procedural rules of the *CAS Anti-Doping Division* pertaining to first instance hearings shall apply. The *CAS Anti-Doping Division* must ensure that the *Athlete* or other *Person* is provided with a fair hearing within a reasonable time by a fair, impartial and *Operationally*

Independent hearing panel, in compliance with the World Anti-Doping Code and the International Standard for Results Management.

8.1.2 Hearing process

8.1.2.1 ~~When~~Where the *BIU* charges an *Athlete* or other *Person* with an anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing and agree with the *Consequences* proposed by the *BIU*, where the *BIU* charges an *Athlete* or other *Person* under Article 10.14.3 for violating the prohibition against participation during *Ineligibility* or *Provisional Suspension* and/or a proposed new period of *Ineligibility* or *Provisional Suspension* based on that violation, where there is an application to lift a *Provisional Suspension*, or where any other matter arises under these *IBU Anti-Doping Rules* that the *BIU* considers should be determined by the CAS Anti-Doping Division, the *BIU* will refer the case to the CAS Anti-Doping Division, which will appoint one or more CAS arbitrators to sit as the *Disciplinary Tribunal* that will hear and determine the case in accordance with these *IBU Anti-Doping Rules*, the International Standard for Results Management, the CAS Code of Sports-related Arbitration, and the Arbitration Rules for the CAS Anti-Doping Division.

8.1.2.2 Each of *WADA*, the *National Anti-Doping Organisation* of the *Athlete* or other *Person*, and the *NF Member* of the *Athlete* or other *Person* may send a representative to attend the hearing as an observer. In any event, the *BIU* will keep *WADA* fully apprised as to the status of pending cases and the result of all hearings.

8.2 Notice of decisions

8.2.1 At the end of the hearing, or on a timely basis thereafter, the CAS panel will issue a written decision that complies with Article 9 of the International Standard for Results Management and that includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Article 10.10 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.

8.2.2 The *BIU* will notify that decision to the *Athlete* or other *Person* concerned and to other *Anti-Doping Organisations* with a right to appeal under Article 13, and will promptly report it in *ADAMS*. The decision may be appealed as provided in Article 13.

8.3 Waiver of hearing

8.3.1 An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may waive a hearing expressly and agree with the *Consequences* proposed by the *BIU*.

- 8.3.2 If the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion by the deadline specified in the notice sent by the *BIU* asserting the violation, then they shall be deemed to have waived a hearing, to have admitted the violation, and to have accepted the proposed *Consequences*.
- 8.3.3 In cases where Article 8.3.1 or 8.3.2 applies, a hearing before the *CAS* Anti-Doping Division will not be required. Instead the *BIU* will promptly issue a written decision that complies with Article 9 of the International Standard for Results Management and that includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Article 10.10 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.
- 8.3.4 The *BIU* will notify that decision to the *Athlete* or other *Person* concerned and to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3, and will promptly report it in *ADAMS*. The *BIU* will *Publicly Disclose* that decision in accordance with Article 14.3.2.

8.4 **Single hearing before CAS**

Anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person* concerned, the *BIU* (where it has *Results Management* responsibility in accordance with Article 7), and *WADA*, be heard in a single hearing (i.e., without any appeal from the resulting decision) by the *CAS* Anti-Doping Division.

[Comment to Article 8.4: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before the CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organisations to incur the extra expense of two hearings. An Anti-Doping Organisation may participate in the CAS hearing as an observer. Nothing set out in Article 8.4 precludes the Athlete or other Person and the BIU (where it has Results Management responsibility) agreeing to waive their respective rights to appeal. Such waiver, however, only binds the parties to such agreement and not any other entity with a right of appeal under the World Anti-Doping Code.]

9. **Automatic Disqualification of individual results**

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

10. **Further sanctions on individuals**

10.1 **Disqualification of results in the Event during or in connection with which an anti-doping rule violation occurs**

- 10.1.1 An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the *BIU* (or other international organisation that is the ruling

body of the *Event*, if not the *IBU*), lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, titles, points, prize money, and prizes, except as provided in Article 10.1.2. Factors to be included in considering whether to *Disqualify* other results in the *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other competitions.

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

- 10.1.2 If the *Athlete* establishes that they bear *No Fault or Negligence* for the violation, the *Athlete's* individual results in the other *Competition* will not be *Disqualified* unless the *Athlete's* results in the *Competition* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

10.2 ***Ineligibility for presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method***

The period of *Ineligibility* for a violation of Article 2.1, Article 2.2 or Article 2.6 will be as follows, subject to potential elimination, reduction or suspension pursuant to Articles 10.5, 10.6 and/or 10.7:

- 10.2.1 Save where Article 10.2.4 applies, the period of *Ineligibility* will be four years where:

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

[Comment to Article 10.2.1.1: While it is theoretically possible for an Athlete or other Person to establish that the anti-doping rule violation was not intentional without showing how the Prohibited Substance entered their system, it is highly unlikely that in a doping case under Article 2.1 an Athlete will be successful in proving that the Athlete acted unintentionally without establishing the source of the Prohibited Substance.]

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

- 10.2.2 If Article 10.2.1 does not apply, then (subject to Article 10.2.4.1) the period of *Ineligibility* will be two years.

- 10.2.3 As used in Article 10.2, the term 'intentional' is meant to identify those *Athletes* or other *Persons* who engage in conduct that they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that

risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance that is only prohibited *In-Competition* will be rebuttably presumed to be not 'intentional' if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance that is only prohibited *In-Competition* will not be considered 'intentional' if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

[Comment to Article 10.2.3: Article 10.2.3 provides a special definition of 'intentional' that is to be applied solely for purposes of Article 10.2. Outside Article 10.2, the term 'intentional' as used in these Rules means that the person intended to commit the act(s) based on which the Anti-Doping Rule Violation is asserted, regardless of whether the person knew that such act(s) constituted an Anti-Doping Rule Violation.]

10.2.4 Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves a *Substance of Abuse*:

10.2.4.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* will be three months; provided that it may be further reduced to one month if the *Athlete* satisfactorily completes a *Substance of Abuse* treatment program approved by the *BIU* or other *Anti-Doping Organisation* with *Results Management* responsibility. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.

[Comment to Article 10.2.4.1: The determinations as to whether the treatment program is approved and whether the Athlete or other Person has satisfactorily completed the program will be made in the sole discretion of the BIU. This Article is intended to give the BIU the leeway to apply its own judgement to identify and approve legitimate and reputable, as opposed to 'sham', treatment programs. The characteristics of legitimate treatment programs may vary widely and change over time.]

10.2.4.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* will not be considered intentional for purposes of Article 10.2.1 and will not provide a basis for a finding of *Aggravating Circumstances* under Article 10.4.

10.3 ***Ineligibility for other anti-doping rule violations***

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 will be as follows, unless Articles 10.6 or 10.7 are applicable:

- 10.3.1 For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* will be four years except: (i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* will be two years; (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* will be in a range from two years to four years depending on the *Athlete's* or other *Person's* degree of *Fault*; or (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* will be in a range between a maximum of two years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.
- 10.3.2 For violations of Article 2.4, the period of *Ineligibility* will be two years, subject to reduction down to a minimum of one year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.
- 10.3.3 For violations of Article 2.7 or Article 2.8, the period of *Ineligibility* will be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* will be considered a particularly serious violation and, if committed by *Athlete Support Person* for violations other than those involving *Specified Substances*, will result in lifetime *Ineligibility* for the *Athlete Support Person*. In addition, significant violations of Article 2.7 or Article 2.8 that may also violate non-sporting laws and regulations will be reported to the competent administrative, professional and/or judicial authorities.
- [Comment to Article 10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions that are more severe than the Athletes who test positive. Since the authority of sport organisations is generally limited to *Ineligibility* for credentials, membership, and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]
- 10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed will be a minimum of two years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.
- 10.3.5 For violations of Article 2.10, the period of *Ineligibility* will be two years, subject to reduction down to a minimum of one year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.

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

- 10.3.6 For violations of Article 2.11, the period of *Ineligibility* will be a minimum of two years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.

[Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (Tampering) and Article 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) will be sanctioned based on the violation that carries the more severe sanction.]

10.4 **Aggravating Circumstances that may increase the period of *Ineligibility***

If the *BIU* establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking or Attempted Trafficking*), 2.8 (*Administration or Attempted Administration*), 2.9 (*Complicity or Attempted Complicity*) or 2.11 (*Acts by an Athlete or other Person to discourage or retaliate against reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable will be increased by an additional period of *Ineligibility* of up to two years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that they did not knowingly commit the anti-doping rule violation.

[Comment to Article 10.4: Violations under Articles 2.7, 2.8, 2.9, and 2.11 are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any Aggravating Circumstance.]

10.5 **Elimination of the period of *Ineligibility* where there is *No Fault or Negligence***

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

[Comment to Article 10.5: This Article and Article 10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, they were sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on No Significant Fault or Negligence.]

10.6 Reduction of the period of *Ineligibility* based on *No Significant Fault or Negligence*

10.6.1 Reduction of sanctions in particular circumstances for violations of Article 2.1, 2.2, or 2.6

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

10.6.1.1 *Specified Substances or Specified Methods*

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, and the *Athlete* or other *Person* can establish that they bear *No Significant Fault or Negligence* for the anti-doping rule violation(s) alleged against them, then the period of *Ineligibility* will be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

10.6.1.2 *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* for the anti-doping rule violation(s) alleged against them and that the *Prohibited Substance* (other than a *Substance of Abuse*) came from a *Contaminated Product*, then the period of *Ineligibility* will be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two years *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

[Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the Athlete or other Person must establish that the detected Prohibited Substance came from a Contaminated Product, and must also separately establish No Significant Fault or Negligence. It should be further noted that Athletes are on notice that they take nutritional supplements at their own risk. The sanction reduction based on No Significant Fault or Negligence has rarely been applied in Contaminated Product cases unless the Athlete has exercised a high level of caution before taking the Contaminated Product. In assessing whether the Athlete can establish the source of the Prohibited Substance, it would, for example, be significant for purposes of establishing whether the Athlete actually Used the Contaminated Product, whether the Athlete had declared the product that was subsequently determined to be contaminated on the Doping Control form. This Article should not be extended beyond products that have gone through some process of manufacturing. Where an Adverse Analytical Finding results from environment contamination of a 'non-product' such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be No Fault or Negligence under Article 10.5.]

10.6.1.3 *Protected Persons or Recreational Athletes*

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* can establish *No Significant Fault or Negligence* for the anti-doping rule violation(s) alleged against him or her, then the period of *Ineligibility* will be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two years' *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

10.6.2 Application of *No Significant Fault or Negligence* beyond the application of Article 10.6.1

If an *Athlete* or other *Person* establishes in an individual case where Article 10.6.1 is not applicable that they bear *No Significant Fault or Negligence*, then (subject to further reduction or elimination as provided in Article 10.7) the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or other *Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight years.

[Comment to Article 10.6.2: Article 10.6.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8 or 2.9, or 2.11) or an element of a particular sanction (e.g., Article 10.2.1) or a range of Ineligibility is already provided for in an Article based on the Athlete or other Person's degree of Fault.]

10.7 **Elimination, reduction, or suspension of period of *Ineligibility* or other *Consequences* for Reasons other than *Fault***

10.7.1 *Substantial Assistance* in discovering or establishing Code violations

10.7.1.1 Prior to an appellate decision under Article 13 or the expiration of the time to appeal, the *BIU* may suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body that results in: (i) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*; or (ii) a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *BIU* or other *Anti-Doping Organisation* with *Results Management* responsibility; or (iii) *WADA* initiating a proceeding against a *Signatory*, *WADA*-accredited laboratory, or *Athlete passport management unit* (as defined in the *International Standard for Laboratories*) for non-compliance with the *World*

Anti-Doping Code, *International Standards* or *Technical Documents*; or (iv) a criminal or disciplinary body bringing forward a criminal offence or the breach of professional or sport rules arising out of a sport integrity violation other than doping (provided that, for this point iv to apply, the *BIU* must have first obtained WADA's approval). After an appellate decision under Article 13 or the expiration of time to appeal, the *BIU* may only suspend a part of the otherwise applicable *Consequences* 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, non-compliance with the World Anti-Doping Code, and/or sport integrity violations. 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 eight years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* will not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

If so requested by an *Athlete* or other *Person* seeking to provide *Substantial Assistance*, the *BIU* will allow the *Athlete* or other *Person* to provide the information to it subject to a *Without Prejudice Agreement*.

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of *Consequences* was based, the *BIU* will reinstate the original *Consequences*. If the *BIU* decides to reinstate suspended *Consequences*, or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

- 10.7.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance*, at the request of the *BIU* or at the request of the *Athlete* or other *Person* who has or has been asserted to have committed an anti-doping rule violation, or other violation of the World Anti-Doping Code, WADA may agree at any stage of the *Results Management* process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, WADA may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or

even no period of *Ineligibility*, no mandatory *Public Disclosure*, and/or no return of prize money or payment of fines or costs. WADA's approval will be subject to reinstatement of *Consequences*, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article 10.7.1.2 may not be appealed.

- 10.7.1.3 If the *BIU* suspends any part of otherwise applicable *Consequences* because of *Substantial Assistance*, notice providing justification for the decision will be provided to the other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3, as provided in Article 14. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise the *IBU/BIU* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

[Comment to Article 10.7.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. Where the BIU declines to exercise the discretion conferred on it by Article 10.7.1, and the matter comes before a hearing panel under Article 8 or an appeal panel under Article 13, the hearing panel/appeal panel (as applicable) may exercise such discretion if the conditions of Article 10.7.1.1 are satisfied and the panel sees fit. Alternatively, the hearing panel/appeal panel may consider a submission that the BIU, in exercising its discretion under Article 10.7.1, should have suspended a greater part of the Consequences].

- 10.7.2 Admission of an anti-doping rule violation in the absence of other evidence

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

[Comment to Article 10.7.2: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes they are about to be caught. The amount by which the otherwise applicable period of Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had they not come forward voluntarily.]

10.7.3 Application of multiple grounds for reduction of a sanction

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.6 or 10.7, before applying any reduction or suspension under Article 10.7 the otherwise applicable period of *Ineligibility* will be determined in accordance with Articles 10.2, 10.3, and 10.6. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

10.8 **Results Management agreements**

10.8.1 One year reduction for certain anti-doping rule violations based on early admission and acceptance of sanction

Where the *BIU* notifies an *Athlete* or other *Person* of an anti-doping rule violation charge that carries an asserted period of *Ineligibility* of four or more years (including any period of *Ineligibility* asserted under Article 10.4), if the *Athlete* or other *Person* admits the violation and accepts the asserted period of *Ineligibility* no later than 20 days after receiving the notice of charge, the *Athlete* or other *Person* may receive a one year reduction in the period of *Ineligibility* asserted by the *BIU*. Where the *Athlete* or other *Person* receives the one year reduction in the asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* will be allowed under any other Article.

[Comment to Article 10.8.1: For example, if the BIU alleges that an Athlete has violated Article 2.1 for Use of an anabolic steroid and asserts the applicable period of Ineligibility is four years, then the Athlete may unilaterally reduce the period of Ineligibility to three years by admitting the violation and accepting the three year period of Ineligibility within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.]

10.8.2 Case resolution agreements

10.8.2.1 Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with it by the *BIU* and agrees to *Consequences* acceptable to the *BIU* and *WADA*, at their sole discretion: (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by the *BIU* and *WADA* of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or other *Person's* degree of *Fault*, and how promptly the *Athlete* or other *Person* admitted the violation; and (b) 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.

- 10.8.2.2 In each case, however, where this Article is applied, the *Athlete* or other *Person* must serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of (i) the date the *Athlete* or other *Person* accepted the imposition of a period of *Ineligibility*; and (ii) the date the *Athlete* or other *Person* accepted a *Provisional Suspension* that was subsequently respected by the *Athlete* or other *Person*. The decision by WADA and the BIU to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of the period of *Ineligibility*, are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.
- 10.8.2.3 If so requested by an *Athlete* or other *Person* seeking to enter into a case resolution agreement under this Article, the BIU will allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.

[Comment to Article 10.8.2: Any mitigating or aggravating factors set forth in this Article 10 must be considered in arriving at the Consequences set forth in the case resolution agreement, and will not be applicable beyond the terms of that agreement.]

10.9 Multiple Violations

- 10.9.1 Second or third anti-doping rule violation:
- 10.9.1.1 For an *Athlete* or other *Person's* second anti-doping rule violation, the period of *Ineligibility* will be the greater of:
- (a) a six month period of *Ineligibility*; or
 - (b) a period of *Ineligibility* in the range between:
 - (i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation; and
 - (ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range will be determined based on the entirety of the circumstances and the *Athlete* or other *Person's* degree of *Fault* with respect to the second violation.

- 10.9.1.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for reduction of the period of *Ineligibility* under Article 10.6, or involves a

violation of Article 2.4. In these particular cases, the period of *Ineligibility* will range from eight years to lifetime *Ineligibility*.

- 10.9.1.3 The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7.
- 10.9.2 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault or Negligence* will not be considered a violation for purposes of this Article 10.9. In addition, an anti-doping rule violation sanctioned under Article 10.2.4.1 will not be considered a violation for purposes of Article 10.9.
- 10.9.3 Additional rules for certain potential multiple violations
 - 10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second (or third, as applicable) violation if the *BIU* can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after the *BIU* made reasonable efforts to give notice, of the first anti-doping rule violation. If the *BIU* cannot establish this, the violations will be considered together as one single first violation, and the sanction imposed will be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.10.

[Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, the *BIU* discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., the *BIU* will impose a sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time, including the application of *Aggravating Circumstances*.]
 - 10.9.3.2 If the *BIU* establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred 12 months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation will be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* must be served consecutively (rather than concurrently) with the period of *Ineligibility* imposed for the first-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together will constitute a single violation for purposes of Article 10.9.1.
 - 10.9.3.3 If the *BIU* establishes that an *Athlete* or other *Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of

Article 2.5 will be treated as a stand-alone first violation and the period of *Ineligibility* for such violation must be served consecutively (rather than concurrently) with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together will constitute a single violation for purposes of Article 10.9.1.

10.9.3.4 If the *BIU* establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations will run consecutively (rather than concurrently).

10.9.4 Multiple anti-doping rule violations during ten-year period

For purposes of Article 10.9, each anti-doping rule violation must take place within the same ten year period in order to be considered multiple violations.

10.10 ***Disqualification of results in Competitions subsequent to Sample collection or commission of an anti-doping rule violation***

In addition to the automatic *Disqualification* of the results in the *Competition* that produced the positive *Sample* under Article 9, all other competitive results obtained by the *Athlete* from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*) or other anti-doping rule violation 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, titles, points, prize money, and prizes.

[Comment to Article 10.10.: Nothing in these IBU Anti-Doping Rules precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right that they would otherwise have to seek damages from such Person.]

10.11 Forfeited prize money

- 10.11.1 Where an Athlete's results are *Disqualified*, the Athlete forfeits any prize money that was awarded at the relevant *Event* based on those results. In addition, where those results have been combined with others to give the *Athlete* an overall ranking at the end of the season, and the *Athlete* has received prize money based on that ranking, the *Athlete* forfeits the portion of the prize money that they only received because of the *Disqualified* results.
- 10.11.2 Where the results of an *Athlete* in any *Competition* are *Disqualified* under these *IBU Anti-Doping Rules*, the *BIU* may require that *Athlete's NF Member* to repay part or all of any contribution payment it received as a result of that *Athlete's (Disqualified)* results (if such contribution payment is owed, but not yet paid, the *BIU* may withhold part or all of such payment).
- 10.11.3 If the *BIU* recovers prize money (or *NF Member* contribution payments) forfeited as a result of an anti-doping rule violation, it will take reasonable measures to allocate and distribute such prize money to the *Athletes* (or *NF Members*) that would have been entitled to it had the forfeiting *Athlete* not competed.

[Comment to Article 10.11: This Article is not intended to impose an affirmative duty on the BIU to take any action to collect forfeited prize money or contribution payments. If the BIU elects not to take any action to collect forfeited prize money or contribution payments, it may assign its right to recover such money to the Athlete(s) or NF Member(s) who should have otherwise received the money. 'Reasonable measures to allocate and distribute this prize money' could include using collected forfeited prize money as agreed upon by the BIU and Athletes concerned, or using collected contribution payments as agreed upon by the BIU and NF Member(s) concerned.]

10.12 Financial Consequences

- 10.12.1 Where an *Athlete* or other *Person* is found to have committed an anti-doping rule violation, the hearing panel (or, in cases where Article 8.3 applies, the *BIU*), taking into account the proportionality principle, will require the *Athlete* or other *Person* to reimburse the *BIU* for the costs that it has incurred in bringing the case, irrespective of any other *Consequences* that may or may not be imposed.
- 10.12.2 Where an *Athlete* or other *Person* is found to have committed an anti-doping rule violation and the maximum period of *Ineligibility* applicable for that violation under these *IBU Anti-Doping Rules* has been imposed, the hearing panel (or, in cases where Article 8.3 applies, the *BIU*) may also fine the *Athlete* or other *Person* up to €200,000, where it considers the violation to be serious and to jeopardise or damage the interests or the reputation of the *IBU*, provided that the principle of proportionality is satisfied. The *BIU* will apply the fine to fund anti-doping education activities.
- 10.12.3 Any costs order or imposition of a fine pursuant to this Article will not be considered a basis for reducing the *Ineligibility* or other *Consequences* that would otherwise be applicable under these *IBU Anti-Doping Rules*.

10.12.4 Where fairness requires, the hearing panel (or, in cases where Article 8.3 applies, the *BIU*) may establish an instalment plan for repayment of any prize money forfeited pursuant to Article 9 or 10 and/or for the payment of any costs awarded pursuant to Article 10.12.1 and/or for the payment of any fine imposed pursuant to Article 10.12.2. The schedule of payments pursuant to such plan may extend beyond any period of *Ineligibility* imposed on the *Athlete* or other *Person*.

10.13 Commencement of *Ineligibility* period

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* will commence on the first day after the current period of *Ineligibility* has been served. Otherwise, except as provided below, the period of *Ineligibility* will start on the date of the decision of the hearing panel providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

10.13.1 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*, and the *Athlete* or other *Person* can establish that such delays are not attributable to him/her, the period of *Ineligibility* may be deemed to have started at an earlier date, commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, will be *Disqualified*.

[Comment to Article 10.13.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

10.13.2 Credit for *Provisional Suspension* or period of *Ineligibility* served:

10.13.2.1 If a *Provisional Suspension* is respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* will receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* that may ultimately be imposed. If the *Athlete* or other *Person* does not respect a *Provisional Suspension*, they will receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, the *Athlete* or other *Person* will receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* that may ultimately be imposed on appeal.

10.13.2.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from the *BIU* and thereafter respects the

Provisional Suspension, the *Athlete* or other *Person* will receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* that may ultimately be imposed. A copy of the *Athlete* or other *Person's* voluntary acceptance of a *Provisional Suspension* will be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.

[Comment to Article 10.13.2.2: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and may not be used in any way as to draw an adverse inference against the Athlete.]

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

10.14 Status during *Ineligibility* or *Provisional Suspension*

10.14.1 Prohibition against participation during *Ineligibility* or *Provisional Suspension*:

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

[Comment to Article 10.14.1.1: For example, subject to Article 10.14.2 below, Ineligible Athletes cannot participate in a training camp, exhibition or practice organised by their NF Member or a club that is a member of that NF Member or that is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organised by a non-Signatory International Event organisation or a non-Signatory national-level Event organisation without triggering the Consequences set forth in Article 10.14.3. The term 'activity' also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Article. Ineligibility imposed in one sport must also be recognised by other sports (see Article 15.1, Automatic Binding Effect of Decisions). An Athlete or other Person serving a period of Ineligibility is prohibited from coaching or serving as an Athlete Support Person in any other capacity at any time during the period of Ineligibility, and doing so could also result in a violation of Article 2.10 by another Athlete. Any performance standard accomplished during a

period of Ineligibility shall not be recognised by the BIU or its NF Members for any purpose.]

10.14.1.2 An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four years may, after serving four years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under authority of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Protected Persons*.

10.14.1.3 While serving a period of *Ineligibility* or *Provisional Suspension*, an *Athlete* or other *Person* will remain subject to *Testing* and any requirement by the *BIU* to provide whereabouts information.

10.14.2 Return to training

As an exception to Article 10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of an *NF Member* or other Signatory's member organisation during the shorter of (i) the last two months, and (ii) the last quarter of the period of *Ineligibility* imposed.

[Comment to Article 10.14.2: During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.14.1 other than training.]

10.14.3 Violation of the prohibition of participation during *Ineligibility* or *Provisional Suspension*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation will be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* will be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, will be made by the *BIU* ~~or a hearing panel further to a charge brought by the *BIU*~~ (or the *Anti-Doping Organisation* whose *Results Management* led to the imposition of the initial period of *Ineligibility*, if not the *BIU*). This decision may be appealed under Article 13.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.14.1 will receive no credit for any period of *Provisional Suspension* served and the results of such

participation will be *Disqualified*, with all resulting consequences, including forfeiture of all medals, titles, points, prize money, and prizes.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or *Provisional Suspension*, the *BIU* will pursue the matter as a potential Article 2.9 anti-doping rule violation.

[\[Comment to Article 10.14.3: If the Athlete or other Person does not accept the new period of Ineligibility \(or, if applicable, reprimand\) proposed by the BIU \(or other Anti-Doping Organisation\), the matter will proceed to a hearing in accordance with Article 11.1 of the International Standard for Results Management.\]](#)

10.14.4 Withholding of financial support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by the *IBU* and its *NF Members*.

10.15 Automatic publication of sanction

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

11. Consequences to teams

11.1 Testing of teams

Where one member of a relay team has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the *BIU* (or other international organisation that is the ruling body for the *Event*, if not the *IBU*) will conduct appropriate *Target Testing* of the team during the *Event Period*.

11.2 Consequences for teams

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

11.2.2 In addition to Article 11.2.1, if a member of a team is found to have committed an anti-doping rule violation during or in connection with an *Event*, the results obtained by any teams in which that member took part during the *Event* will be *Disqualified*, with all *Consequences* for such team(s) and its/their members, including forfeiture of all medals, titles, points, prize money, and prizes, unless (i) Article 10.1.2 is satisfied, or (ii) the relevant team results were not tainted by the *Athlete's* anti-doping rule violation (for example, if the *Athlete* establishes that

they ingested a *Prohibited Substance* after the first relay team *Competition*, but before the next relay team *Competition*, then the first relay team *Competition* results would not be *Disqualified*).

12. Sanctions against *NF Members* and other sporting bodies

12.1 Where the *BIU* becomes aware that any *NF Member* or other sporting body over which it has authority has failed to comply with, implement, uphold, and/or enforce these *IBU Anti-Doping Rules* within that organisation's or body's area of competence, the *BIU* has the authority to (and may) take the following additional actions:

- 12.1.1 exclude all, or some group of, members of that organisation or body from specified future *Events* or all *Events* conducted within a specified period of time;
- 12.1.2 suspend or withdraw *IBU* recognition of such organisation or body;
- 12.1.3 declare the members of such organisation or body ineligible to participate in *IBU* activities for a specified period of time;
- 12.1.4 impose a fine;
- 12.1.5 withhold some or all funding or other financial and non-financial support to that organisation or body; and/or
- 12.1.6 oblige that organisation or body to reimburse the *BIU* for all costs incurred in pursuing the matter.

12.2 Without limiting the generality of Article 12.1, in relation to *NF Members* specifically:

- 12.2.1 An *NF Member* must reimburse the *IBU/BIU* for all costs (including but not limited to laboratory fees, hearing expenses and travel) related to an anti-doping rule violation committed by an *Athlete* or other *Person* affiliated with that *NF Member* that the *BIU* does not recover from the *Athlete* or other *Person* pursuant to Article 10.10.
- 12.2.2 In the event that an *NF Member* fails to make diligent efforts to keep the *BIU* informed about the whereabouts of one or more *Athletes* affiliated to that *NF Member* for a particular period after receiving a request for that information from the *BIU*, the *BIU* may fine the *NF Member* an amount up to 1,000 euros per *Athlete*. The *NF Member* will also be required to pay all of the costs incurred by the *BIU* in *Testing* that *NF Member's Athletes* in that period.
- 12.2.3 If three or more *International-Level Athletes* affiliated to the same *NF Member* commit intentional anti-doping rule violations within any rolling four-year period (excluding any violations that are uncovered by *Testing* conducted by the *National Anti-Doping Organisation* on its own behalf of that *Athlete's Country*, unless the *Athlete* is in the *IBU RTP*):

12.2.3.1 Subject to paragraphs (d) and (e) below, the *IBU* will reduce the applicable start quota (including wild cards) of that *NF Member* by the number of such offending *Athletes*, as follows:

- (a) One start quota will be removed for each offending *Athlete* for a period of 12 months, starting from the date of the final decision (i.e., following the expiry or exhaustion of any appeal rights) finding that the *Athlete* committed an intentional anti-doping rule violation, or else starting from such other date as the *BIU* deems appropriate in order for the reduction to be effective.
- (b) In each case, the start quota removed will match the gender of the offending *Athlete*, and will apply to the highest competition series (World Championships/Olympic Winter Games – World Cup series and Summer Biathlon World Championships; *IBU* Cup – Open European Championships – Summer Biathlon World Championships series; Junior Cup – Junior Open European Championships – Youth/Junior World Championships/Youth Olympic Games series and Summer Biathlon World Championships) for which that *Athlete* was registered in the season closest to when the violation occurred.
- (c) The start quotas will be removed in the same order as the relevant anti-doping rule violations occurred. Once this Article has been applied once, if further violations during the same rolling four-year period are discovered later, then the corresponding reduction in start quotas will be applied in order of discovery.

[Comment to Article 12.2.3.1(c): For example, if it is determined in June 2023 that three International-Level Athletes affiliated to the same NF Member committed intentional anti-doping rule violations in the period 2019 to 2022, and then it is discovered in June 2026 (whether as result of re-analysis of stored Samples, or receipt of new intelligence, or otherwise) that another International-Level Athlete affiliated to that NF Member committed an intentional anti-doping rule violation in the period 2019 to 2022, this Article 12.3.1 will be applied in June 2023 to reduce the NF Member's start quotas as of that date by three (subject to Article 12.2.3.1(d)) and it will be applied again in June 2026 to reduce the NF Member's start quota as of that date by one (again, subject to Article 12.2.3.1(d)).]

- (d) Where the *NF Member* only has one start quota for a particular competition series (whether as a result of one or more reductions pursuant to this Article or otherwise), then provided the *NF Member* can establish in respect of at least one of the intentional anti-doping rule violations that it did not

know or suspect and could not reasonably have known or suspected even with the exercise of utmost caution that the violation was being committed, that one start quota will not be removed. Instead the (remaining) reduction(s) (or further reduction(s)) will apply to reduce start quotas in the subsequent twelve month period(s).

(e) The start quota reductions do not apply to relay competitions.

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

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

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

12.3 When the *BIU* sends notice that it is applying this Article 12 to an *NF Member* or other sporting body over which it has authority, if the *NF Member* or other body disputes its liability under this Article and/or challenges the consequences imposed on it under this Article within any deadline specified in that notice, the *BIU* will refer the case to the *CAS*, which will appoint one or more *CAS* arbitrators to sit as the *Disciplinary Tribunal* that will hear and determine the case in accordance with these *IBU Anti-Doping Rules* and the *CAS Code of Sports-related Arbitration*. In such proceedings, it will be the *NF Member's* or other body's burden to prove that it is not liable under this Article or that the consequences imposed on it under this Article are unlawful.

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

13. **Results Management: appeals**

13.1 Decisions subject to appeal

Decisions made under these *IBU Anti-Doping Rules* may be appealed as set out in Articles 13.2 through 13.7 or as otherwise provided in these *IBU Anti-Doping Rules*, the World Anti-Doping Code, or the *International Standards*. Such decisions will remain in effect while under appeal unless the appellate body orders otherwise.

13.1.1 Scope of review not limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments, and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.

[Comment to Article 13.1.1: The revised language is not intended to make a substantive change to the previous edition of these IBU Anti-Doping Rules, but rather for clarification. For example, where an Athlete was charged in the first instance hearing only with Tampering but the same conduct could also constitute Complicity, an appealing party could pursue both Tampering and Complicity charges against the Athlete in the appeal.]

13.1.2 CAS will not defer to the findings being appealed

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

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

13.1.3 WADA not required to exhaust internal remedies

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

[Comment to Article 13.1.3: Where a decision has been rendered before the final stage of the IBU's/BIU's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the IBU's/BIU's process, then WADA may bypass the remaining steps in the Anti-Doping Organisation's internal process and appeal directly to CAS.]

13.2 **Appeals against decisions regarding anti-doping rule violations, Consequences, Provisional Suspensions, implementation of decisions, and authority**

The following decisions may be appealed exclusively as provided in Articles 13.2 to 13.7: a decision that an anti-doping rule violation was committed; a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation; a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example,

prescription); a decision by WADA not to grant an exception to the six-months' notice requirement for a retired *Athlete* to return to competition under Article 5.6.1; a decision by WADA assigning *Results Management* under Article 7.1 of the World Anti-Doping Code; a decision by the *BIU* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation; a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the International Standard for Results Management; a decision to impose (or lift) a *Provisional Suspension* as a result of a provisional hearing; the *BIU's* failure to comply with Article 7.3; a decision that the *IBU/BIU* lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend (or not suspend) *Consequences* or to reinstate (or not reinstate) *Consequences* under Article 10.7.1; failure to comply with Articles 7.1.4 and 7.1.5 of the World Anti-Doping Code; failure to comply with Article 10.8.1; a decision under Article 10.14.3; a decision by the *IBU/BIU* not to implement another *Anti-Doping Organisation's* decision under Article 15; and a decision under Article 27.3 of the World Anti-Doping Code.

13.2.1 Appeals involving *International-Level Athletes* or *International Events*

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

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

13.2.2 Appeals involving other *Athletes* or other *Persons*

In cases where Article 13.2.1 is not applicable, the decision may be appealed to an appellate body, in accordance with rules adopted by the *National Anti-Doping Organisation* having authority over the *Athlete* or other *Person*. The rules for such appeal must respect the following principles: a timely hearing; a fair, impartial, *Operationally Independent* and *Institutionally Independent* hearing panel; the right to be represented by counsel at the person's own expense; and a timely, written, reasoned decision. If no such body is in place and available at the time of the appeal, the decision may be appealed to the *CAS* Anti-Doping Division, which will appoint one or more *CAS* arbitrators to sit as the *Disciplinary Tribunal* that will hear and determine the case in accordance with the World Anti-Doping Code-compliant anti-doping rules of the *National Anti-Doping Organisation*, the *CAS Code* of Sports-related Arbitration, and the *Arbitration Rules* for the *CAS* Anti-Doping Division.

13.2.3 *Persons* entitled to appeal

13.2.3.1 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 *BIU* on behalf of the *IBU*;
- (d) the *National Anti-Doping Organisation* of the person's country of residence or countries where the person is a national or license holder;
- (e) 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
- (f) WADA.

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

- (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 *BIU* on behalf of the *IBU*;
- (d) the *National Anti-Doping Organisation* of the person's country of residence or countries where the *Person* is a national or licence holder;
- (e) 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
- (f) WADA.

Further, for cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee and the *BIU* will also have the right to appeal to the *CAS Appeals Division* with respect to the decision of the national-level appeal body (or *CAS Anti-Doping Division*, as applicable). Any party filing an appeal will be entitled to assistance from *CAS* to obtain all relevant information from

the *Anti-Doping Organisation* whose decision is being appealed and the information will be provided if CAS so directs.

13.2.3.3 Duty to notify

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

13.2.3.4 Appeal from imposition of *Provisional Suspension*

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

13.2.3.5 Appeal against decisions pursuant to Article 12

Decisions rendered pursuant to Article 12 may be appealed exclusively to the CAS Appeals Arbitration Division by the *NF Member* or other body, or (where the *Disciplinary Tribunal* has made the decision) by the *BIU* in accordance with Article 31.2 of the *Constitution*.

13.2.4 Cross-appeals and other subsequent appeals allowed

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

[Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross-appeal when an Anti-Doping Organisation appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]

13.3 **Failure to render a timely decision**

Where, in a particular case, a decision under these *IBU Anti-Doping Rules* with respect to whether an anti-doping rule violation was committed is not rendered within a reasonable deadline set by WADA, WADA may elect to appeal directly to the CAS Appeals Division as if a decision finding no anti-doping rule violation had been rendered. If the CAS panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to the CAS Appeals Division, then WADA's costs and attorney fees in prosecuting the appeal will be reimbursed to WADA by the *IBU*.

[Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation, Results Management, and hearing process, it is not feasible to establish a fixed time period for a decision to be rendered before WADA may intervene by appealing directly to

the CAS Appeals Division. Before taking such action, however, WADA will consult with the BIU and give the BIU an opportunity to explain why it has not yet rendered a decision.]

13.4 Appeals relating to TUEs

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

13.5 Notification of appeal decisions

The BIU must promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organisations* that would have been entitled to appeal under Article 13.2.3 (as provided under Article 14.2).

13.6 Time for filing appeals:

13.6.1 Appeals to CAS

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

13.6.1.1 Within 15 days from the notice of the decision, such party/ies will have the right to request a copy of the full case file from the body that issued the decision.

13.6.1.2 If such a request is made within the 15-day period, then the party making such request will have 21 days from receipt of the file to an appeal to the CAS.

13.6.2 Appeals under Article 13.2.2

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

13.6.3 Appeals by the BIU

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

13.6.3.1 21 days after the last day on which any other party having a right to appeal (other than WADA) could have appealed; or

13.6.3.2 21 days after the BIU's receipt of the complete file relating to the decision.

13.6.4 Appeals by WADA

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

13.6.4.1 21 days after the last day on which any other party having a right to appeal could have appealed; or

13.6.4.2 21 days after WADA's receipt of the complete file relating to the decision.

[Comment to Article 13.6: A party's deadline to appeal does not begin running until receipt of the reasoned decision. For that reason, there can be no expiry of a party's right to appeal if the party has not received the reasoned decision.]

14. Confidentiality and reporting

14.1 Information concerning **Adverse Analytical Findings, Atypical Findings, and other asserted anti-doping rule violations**

14.1.1 Notice of anti-doping rule violations to *Athletes* and other *Persons*

Notice to *Athletes* or other *Persons* of anti-doping rule violations asserted against them will occur as provided under Articles 7 and 14.

If at any point during *Results Management* up until the anti-doping rule violation charge, the *BIU* decides not to move forward with a matter, it must notify the *Athlete* or other *Person* (provided that the *Athlete* or other *Person* had already been informed of the ongoing *Results Management*).

14.1.2 Notice of anti-doping rule violations to the *IBU, National Anti-Doping Organisations, and WADA*

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

If at any point during *Results Management* up until the anti-doping rule violation charge, the *BIU* decides not to move forward with a matter, it must give notice (with reasons) to the *Anti-Doping Organisations* with a right of appeal under Article 13.2.3.

14.1.3 Content of an anti-doping rule violation notice

Notification of an anti-doping rule violation under Article 2.1 will include: the *Athlete's* or other *Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported

by the laboratory, and other information as required by the International Standard for Testing and Investigations and International Standard for Results Management.

Notification of anti-doping rule violations other than under Article 2.1 will include the *Athlete's* or other *Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, the rule violated, and the basis of the asserted violation.

14.1.4 Status reports

Except with respect to investigations that have not resulted in a notice of an anti-doping rule violation pursuant to Article 14.1.1, the *Athlete's* or other *Person's National Anti-Doping Organisations* and *WADA* will be regularly updated on the status and findings of any review or proceedings conducted by the *BIU* pursuant to Article 7, Article 8 or Article 13 and will be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

14.1.5 Confidentiality

The recipient organisations shall not disclose information provided to it pursuant to this Article beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee* and *NF Member*) until the *BIU* has made *Public Disclosure* as permitted by Article 14.3.

14.1.6 Protection of confidential information by an employee or agent

The *BIU* will ensure that information concerning *Adverse Analytical Findings*, *Atypical Findings*, and other asserted anti-doping rule violations, remains confidential until such information is *Publicly Disclosed* in accordance with Article 14.3. The *IBU/BIU* will ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.

14.2 **Notice of anti-doping rule violation or violations of *Ineligibility* or *Provisional Suspension* decisions and request for files:**

14.2.1 Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Articles 7.6, 8.2, 10.5, 10.6, 10.7, 10.14.3 or 13.5 will include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English, the *BIU* will provide an English summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organisation* having a right to appeal a decision received pursuant to Article 14.2.1 may, within 15 days of receipt, request a copy of the full case file pertaining to the decision.

14.3 **Public Disclosure**

14.3.1 After notice has been provided to the *Athlete* or other *Person* in accordance with the International Standard for Results Management, and to the applicable *Anti-Doping Organisations* in accordance with Article 14.1.2, the *BIU* may *Publicly Disclose* the identity of the *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the nature of the violation involved (including any *Prohibited Substance* or *Prohibited Method* involved), and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* ~~may be Publicly Disclosed by the *BIU*.~~

14.3.2 No later than 20 days after it has been determined in an appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8 or otherwise in accordance with the *Integrity Code* (e.g. Article 7 of Chapter E), or a new period of *Ineligibility*, or reprimand, has been imposed under Article 10.14.3, the *BIU* must *Publicly Disclose* the disposition of the anti-doping matter, including the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. The *BIU* must also *Publicly Disclose* within 20 days the results of appellate decisions concerning anti-doping rule violations, including the information described above.

[Comment to Article 14.3.2: Where Public Disclosure as required by Article 14.3.2 would result in a breach of other applicable laws, the BIU's failure to make the Public Disclosure will not result in a determination of non-compliance with the World Anti-Doping Code, as set forth in Article 4.1 of the International Standard for the Protection of Privacy and Personal Information.]

14.3.3 After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived, or in a hearing in accordance with Article 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8 or otherwise in accordance with the *Integrity Code* (e.g. Article 7 of Chapter E), or a new period of *Ineligibility* or a reprimand has been imposed under Article 10.14.3, the *BIU* may make public such determination or decision and may comment publicly on the matter.

14.3.4 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, or that the prohibition against participation during *Ineligibility* or *Provisional Suspension* has not been violated, the fact that the decision has been appealed may be *Publicly Disclosed*.

However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *BIU* will use reasonable efforts to obtain such consent and if consent is obtained, the *BIU* will publicly disclose the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

- 14.3.5 Publication will be accomplished at a minimum by placing the required information on the *IBU's* and/or the *BIU's* website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.
- 14.3.6 Except as provided in Articles 14.3.1 and 14.3.3, neither the *IBU/BIU*, nor any *NF Member*, nor any *Anti-Doping Organisation*, nor any *WADA*-accredited laboratory, nor any official of any such body, will publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by, the *Athlete*, other *Person*, or their entourage or other representatives.
- 14.3.7 The mandatory *Public Disclosure* required in Article 14.3.2 will not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation, or to have violated the prohibition against participation during *Ineligibility* or *Provisional Suspension*, is a *Minor*, *Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor*, *Protected Person* or *Recreational Athlete* will be proportionate to the facts and circumstances of the case.

14.4 **Statistical reporting**

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

14.5 **Doping Control information database and monitoring of compliance**

14.5.1 To enable *WADA* to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* information among *Anti-Doping Organisations*, the *BIU* will report to *WADA* through *ADAMS Doping Control*-related information as required under the applicable *International Standard(s)*, including, in particular:

- 14.5.1.1 *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*;
- 14.5.1.2 whereabouts information for *Athletes* including those in *Registered Testing Pools*;
- 14.5.1.3 *TUE* decisions; and

14.5.1.4 *Results Management* decisions.

14.5.2 To facilitate coordinated test distribution planning, avoid unnecessary duplication in *Testing* by various *Anti-Doping Organisations*, and to ensure that *Athlete Biological Passport* profiles are updated, the *BIU* will report all *In-Competition* and *Out-of-Competition* tests to *WADA* by entering the *Doping Control* forms into *ADAMS* in accordance with the requirements and timelines contained in the *International Standard for Testing and Investigations*.

14.5.3 To facilitate *WADA's* oversight and appeal rights for *TUEs*, the *BIU* will report all *TUE* applications, decisions, and supporting documentation using *ADAMS* in accordance with the requirements and timelines contained in the *International Standard for Therapeutic Use Exemptions*.

14.5.4 To facilitate *WADA's* oversight and appeal rights for *Results Management*, the *BIU* will report the following information into *ADAMS* in accordance with the requirements and timelines outlined in the *International Standard for Results Management*: (a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*; (b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*; (c) whereabouts failures; and (d) any decision imposing, lifting or reinstating a *Provisional Suspension*.

14.5.5 The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organisation*, and any other *Anti-Doping Organisations* with *Testing* authority over the *Athlete*.

[Comment to Article 14.5: ADAMS is operated, administered and managed by WADA, and is designed to be consistent with data privacy laws and norms applicable to WADA and other organisations using such system. Personal information regarding Athletes or other Persons maintained in ADAMS is and will be treated in strict confidence and in accordance with the International Standard for the Protection of Privacy and Personal Information.]

14.6 **Data privacy**

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

14.6.2 Without limiting the foregoing, the *BIU* will:

14.6.2.1 only process personal information in accordance with a valid legal ground;

- 14.6.2.2 notify any *Athlete* or other *Person* subject to these *IBU Anti-Doping Rules*, in a manner and form that complies with applicable laws and the International Standard for the Protection of Privacy and Personal Information, that their personal information may be processed by the *IBU/BIU* and other *Persons* for the purpose of the implementation of these *IBU Anti-Doping Rules*;
- 14.6.2.3 Ensure that any third-party agents (including any *Delegated Third Party*) with whom the *BIU* shares the personal information of any *Athlete* or other *Person* is subject to appropriate technical and contractual controls to protect the confidentiality and privacy of such information.

15. Implementation of decisions

15.1 Automatic binding effect of decisions by *Signatories*

15.1.1 A decision of an anti-doping rule violation made by a *Signatory*, an appellate body (Article 13.2.2 of the World Anti-Doping Code) or *CAS* will, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon the *IBU, BIU, and NF Members*, as well as every *Signatory* in every sport with the effects described below:

15.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.3.3) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

15.1.1.2 A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.

15.1.1.4 A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.

15.1.2 ~~The~~Each of the *IBU, BIU, and NF Members* must recognise and implement a decision and its effects as required by Article 15.1.1, without any further action

required, on the earlier of the date the *IBU/BIU* receives actual notice of the decision or the date the decision is placed into *ADAMS*.

[\[Comment to Article 15.1.2: This may include notifying the decision to Persons with a need to know, in accordance with Article 14.1.5 of the World Anti-Doping Code.\]](#)

15.1.3 A decision by an *Anti-Doping Organisation*, a national appellate body or *CAS* to suspend (or lift) *Consequences* will be binding upon the *IBU, BIU*, and *NF Members* without any further action required, on the earlier of (i) the date the *BIU* receives actual notice of the decision or (ii) the date the decision is placed into *ADAMS*.

15.1.4 Notwithstanding any provision in Article 15.1.1, a decision of an anti-doping rule violation by a *Major Event Organisation* made in an expedited process during an *Event* will not be binding on the *IBU, BIU* or *NF Members* unless the rules of the *Major Event Organisation* provide the *Athlete* or other *Person* with an opportunity to appeal under a non-expedited procedure.

[Comment to Article 15.1.4: By way of example, where the rules of the Major Event Organisation give the Athlete or other Person the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the Major Event Organisation is binding on other Signatories regardless of whether the Athlete or other Person chooses the expedited appeal option.]

15.2 Implementation of other decisions by *Anti-Doping Organisations*

The *BIU* (on behalf of the *IBU*) and *NF Members* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organisations* not described in Article 15.1.1 above, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.

[Comment to Articles 15.1 and 15.2: Anti-Doping Organisation decisions under Article 15.1 are implemented automatically by other Signatories without the requirement of any decision or further action on the Signatories' part. For example, when a National Anti-Doping Organisation decides to Provisionally Suspend an Athlete, that decision is given automatic effect at the International Federation level. To be clear, the 'decision' is the one made by the National Anti-Doping Organisation, there is not a separate decision to be made by the International Federation. Thus, any claim by the Athlete that the Provisional Suspension was improperly imposed can only be asserted against the National Anti-Doping Organisation. Implementation of Anti-Doping Organisations' decisions under Article 15.2 is subject to each Signatory's discretion. A Signatory's implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of TUE decisions of other Anti-Doping Organisations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.]

15.3 Implementation of decisions by body that is not a *Signatory*

An anti-doping decision by a body that is not a *Signatory* to the World Anti-Doping Code must be implemented by the *IBU, BIU*, and *NF Members*, if the *BIU* finds that the decision

purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the World Anti-Doping Code.

[Comment to Article 15.3: Where the decision of a body that has not accepted the World Anti-Doping Code is in some respects Code compliant and in other respects not Code compliant, the IBU, BIU, and NF Members should attempt to apply the decision in harmony with the principles of the World Anti-Doping Code. For example, if in a process consistent with the World Anti-Doping Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in the Athlete's body but the period of Ineligibility applied is shorter than the period provided for in the World Anti-Doping Code, then the IBU, BIU, and NF Members should recognise the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organisation should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the World Anti-Doping Code should be imposed. The IBU's/BIU's or other Signatory's implementation of a decision, or their decision not to implement a decision under Article 15.3, is appealable under Article 13.]

16. Statute of limitations

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

17. Compliance reports

The *BIU* will report to *WADA* on the *IBU's* compliance with the World Anti-Doping Code in accordance with Article 24 of the World Anti-Doping Code and the International Standard for Code Compliance by Signatories.

18. Education

The *BIU* will plan, implement, evaluate, and promote *Education* in line with the requirements of Article 18.2 of the World Anti-Doping Code and the International Standard for Education.

19. Interpretation of the World Anti-Doping Code

- 19.1 The official text of the World Anti-Doping Code will be maintained by *WADA* and published in English and French. In the event of any conflict between the English and French versions, the English version will prevail.
- 19.2 The comments annotating various provisions of the World Anti-Doping Code will be used to interpret the World Anti-Doping Code.
- 19.3 The World Anti-Doping Code must be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.
- 19.4 The headings used for the various Parts and Articles of the World Anti-Doping Code are for convenience only and shall not be deemed part of the substance of the World Anti-Doping Code or to affect in any way the language of the provisions to which they refer.

- 19.5 Where the term 'days' is used in the World Anti-Doping Code or an *International Standard*, it means calendar days unless otherwise specified.
- 19.6 The World Anti-Doping Code will not apply retroactively to matters pending before the date the World Anti-Doping Code is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as 'First violations' or 'Second violations' for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.
- 19.7 The Purpose, Scope and Organisation of the World Anti-Doping Program and the World Anti-Doping Code and Appendix 1, Definitions, are integral parts of the World Anti-Doping Code.

20. Definitions

When used in these *IBU Anti-Doping Rules*, the following words or terms have the following meanings (the defined terms below include their plural and possessive forms, as well as those terms used as other parts of speech):

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

ADR Effective Date: As defined in Article 1.4.

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

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

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

Aggravating Circumstances: Circumstances involving, or actions by, an *Athlete* or other *Person* that may justify the imposition of a period of *Ineligibility* greater than the standard sanction. Such circumstances and actions include, but are not limited to: the *Athlete* or other *Person Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods, Used* or *Possessed* a *Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; 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*; the *Athlete* or other *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Athlete* or other *Person* engaged in *Tampering* during *Results Management*. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

Anti-Doping Activities: Anti-doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organising analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* applications, *Results Management*, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organisation*, as set out in the World Anti-Doping Code and/or the *International Standards*.

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

[\[Comment to Anti-Doping Organisation: Depending on the context, a reference in the IBU Anti-Doping Rules to an Anti-Doping Organisation may also include a Delegated Third Party acting on behalf of that Anti-Doping Organisation.\]](#)

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

[\[Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1\) International-Level Athlete, 2\) National-Level Athlete, 3\) individuals who are not International- or National-Level Athletes but over whom the International Federation or National Anti-Doping Organisation has chosen to](#)

exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organisation has, or has chosen to, exercise authority. All International- and National-Level Athletes are subject to the anti-doping rules of the World Anti-Doping Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organisations.]

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

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

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

Atypical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory that requires further investigation prior to the determination of an *Adverse Analytical Finding*, as provided in the International Standard for Laboratories or related Technical Documents.

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

BIU: As defined in Article 1.1.5.

CAS: The Court of Arbitration for Sport.

Competition: A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a competition and an *Event* will be as provided in the rules of the applicable international federation.

Consequences of anti-doping rule violations ('Consequences'): An *Athlete's* or other *Person's* anti-doping rule violation may result in one or more of the following:

- (a) **Disqualification** means the *Athlete's* results in a particular competition or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, titles, points, prize money, and prizes;
- (b) **Ineligibility** means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition*, *Event* or other activity or funding, as provided in Article 10.14;
- (c) **Provisional Suspension** means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition*, *Event* or activity prior to the final decision at a hearing conducted under Article 8.

(d) **Financial Consequences** means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and

(e) **Public Disclosure** means the dissemination or distribution of information to the general public or persons beyond those persons entitled to earlier notification in accordance with Article 14.

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

Decision Limit: The value of the result for a threshold substance in a *Sample* above which an *Adverse Analytical Finding* will be reported, as defined in the International Standard for Laboratories.

Delegated Third Party: Any *Person* to whom the [IBU](#), [BIU on behalf of the IBU](#), or [any other Anti-Doping Organisation](#) delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organisations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Educational* programs ~~for~~ [on behalf of the IBU, BIU, or other Anti-Doping Organisation](#), or individuals serving as independent contractors who perform *Doping Control* services ~~for~~ [on behalf of the IBU, BIU, or other Anti-Doping Organisation](#) (e.g., non-employee *Doping Control* officers or chaperones). This definition does not include CAS.

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 and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management*, and investigations or proceedings relating to violations of Article 10.14 (Status during *Ineligibility* or *Provisional Suspension*).

Education: The process of learning to instil values and develop behaviours that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

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*.

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

Fault: *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the

Athlete in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behaviour. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.1 or 10.6.2.

[Comment: The criteria for assessing an Athlete's degree of fault are the same under all Articles where fault is to be considered. However, under Article 10.6.2, no reduction of sanction is appropriate unless, when the degree of fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.]

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

IBU RTP: As defined in Article 5.5.1.

In-Competition: The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through to the end of such *Competition* and the *Sample* collection process related to such *Competition*.

[Comment: Having a universally accepted definition for In-Competition provides greater harmonisation among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event, and assists in preventing any potential performance enhancement benefits from substances prohibited Out-of-Competition being carried over to the competition period.]

Independent Observer Program: A team of observers and/or auditors, under the supervision of WADA, who observe and may provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of WADA's compliance monitoring program.

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.

Institutional Independence: Hearing panels on appeal must be fully independent institutionally from the *Anti-Doping Organisation* responsible for *Results Management*. They must therefore not in any way be administered by, connected to or subject to the *Anti-Doping Organisation* responsible for *Results Management*.

International Competition: as defined in the *IBU Constitution*.

International Event: An *Event* where the International Olympic Committee, the International Paralympic Committee, the *IBU*, a *Major Event Organisation*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*. In respect of the *IBU*, an event is an *International Event* if it is an *International Competition* (as that term is defined in the *Constitution*).

International-level Athlete: Athletes who compete in sport at the international level, as defined by each international federation, consistent with the International Standard for Testing and Investigations. For the sport of *Biathlon*, *International-Level Athletes* are defined as set out in Article 1.2.3.

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

International Standard: A standard adopted by WADA in support of the World Anti-Doping Code. *International Standards* include any *Technical Documents* issued pursuant to the *International Standard*.

Major Event Organisations: The continental associations of *National Olympic Committees* and other international multi-sport organisations that function as the ruling body for any continental, regional or other international event.

Marker: A compound, group of compounds or biological variable(s) that indicates the Use of a *Prohibited Substance* or *Prohibited Method*.

Metabolite: Any substance produced by a biotransformation process.

Minimum Reporting Level: The estimated concentration of a *Prohibited Substance* or its *Metabolite(s)* or *Marker(s)* in a *Sample* below which WADA-accredited laboratories should not report that *Sample* as an *Adverse Analytical Finding*.

Minor: A natural person who has not reached the age of 18.

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

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

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

National Olympic Committee: The organisation recognised by the International Olympic Committee. The term *National Olympic Committee* will also include the national sport confederation in those countries where the national sport confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

NF Member: as defined in the *Constitution*.

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

No Significant Fault or Negligence: The *Athlete* or other *Person's* establishing that any *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 relation to the anti-doping rule violation. Except in the case of a *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered their system.

Operational Independence: This means that (1) board members, staff members, commission members, consultants, and officials of the *Anti-Doping Organisation* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organisation* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organisation* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

Out-of-Competition: Any period that is not *In-Competition*.

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

Possession: The actual, physical *Possession*, or the constructive *Possession* (which will be found only if the person has exclusive control or intends to exercise control over the *Prohibited Substance/method* or the premises in which a *Prohibited Substance/method* exists); provided, however, that if the person does not have exclusive control over the *Prohibited Substance/method* or the premises in which a *Prohibited Substance/method* exists, constructive *Possession* will only be found if the person knew about the presence of the *Prohibited Substance/method* and intended to exercise control over it. Provided, however, there will be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the person has committed an anti-doping rule violation, the person has taken concrete action demonstrating that the person never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the person who makes the purchase.

[Comment to Possession: Under this definition, anabolic 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 BIU must establish that, even though the Athlete did

not have exclusive control over the car, the Athlete knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the BIU must establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third-party address.]

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

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

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

Protected Person: An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of 16; (ii) has not reached the age of 18 and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.

[Comment: The World Anti-Doping Code and these IBU Anti-Doping Rules treat Protected Persons differently than other Athletes or Persons in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an Athlete or other Person may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the World Anti-Doping Code. This would include, for example, a Paralympic Athlete with a documented lack of legal capacity due to an intellectual impairment. The term 'open category' is meant to exclude competition that is limited to junior or age group categories.]

Provisional Hearing: For purposes of Article 7.3.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* or other *Person* with notice and an opportunity to be heard in either written or oral form.

[Comment: A Provisional Hearing is only a preliminary proceeding that may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete or other Person remains entitled to a subsequent full hearing on the merits of the case. By contrast, an 'expedited hearing,' as that term is used in Article 7.3.3, is a full hearing on the merits conducted on an expedited time schedule.]

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

Publicly Disclose (or Public Disclosure): See *Consequences of anti-doping rule violations*, above.

Recreational Athlete: A natural *Person* who is so defined by the relevant *National Anti-Doping Organisation*; provided, however, the term does not include any *Person* who, within the five years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the International Standard for Testing and Investigations) or *National-Level Athlete* (as defined by each *National Anti-Doping Organisation* consistent with the International Standard for Testing and Investigations), has represented any country in an *International Event* in an open category or has been

included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organisation*.

[Comment: The term 'open category' is meant to exclude competition that is limited to junior or age group categories.]

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

Registered Testing Pool: The pool of highest-priority *Athletes* established separately at the international level by the *BIU*, and at the national level by *National Anti-Doping Organisations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that international federation's or *National Anti-Doping Organisation's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 and the International Standard for Testing and Investigations. See also definition of *IBU RTP*.

Results Management: The process encompassing the timeframe between notification as per Article 5 of the International Standard for Results Management, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the International Standard for Results Management, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

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

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

Signatories: Those entities accepting the World Anti-Doping Code and agreeing to implement the World Anti-Doping Code, as provided in Article 23 of the World Anti-Doping Code.

Specified Method: See Article 4.2.2.

Specified Substance: As defined in Article 4.2.2.

Strict Liability: The rule that provides that under Article 2.1 and Article 2.2, it is not necessary that intent, *Fault*, negligence, or knowing *Use* on the *Athlete's* part be demonstrated by the *Anti-Doping Organisation* in order to establish an anti-doping rule violation.

Substance of Abuse: See Article 4.2.3.

Substantial Assistance: For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information they possess in relation to anti-doping rule

violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding that is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

Tampering: Intentional conduct that subverts the *Doping Control* process but that would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organisation* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organisation* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

[Comment to Tampering: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct that occurs during the Results Management process. See Article 10.9.3.3. However, actions taken as part of a Person's legitimate defence to an anti-doping rule violation charge shall not be considered Tampering. Offensive conduct towards a Doping Control official or other Person involved in Doping Control that does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organisations.]

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

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

Technical Document: A document adopted and published by *WADA* from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

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

Therapeutic Use Exemption (TUE): A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to *Use* a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the International Standard for Therapeutic Use Exemptions are met.

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or possessing for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Personnel* or any other *Person* subject to the authority of an *Anti-Doping*

Organisation to any third party; provided, however, this definition will not include the actions of 'bona fide' medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes or other acceptable justification, and will not include actions involving *Prohibited Substances* 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 or are intended to enhance sport performance.

TUE Committee: The panel appointed by the *BIU* to consider applications for the grant or recognition of *TUEs* in accordance with Article 4.4.4.3. The *BIU* may appoint individuals to form such a panel, or it may delegate the appointment of the panel to the International Testing Agency (ITA) or other suitably qualified body.

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

WADA: The World Anti-Doping Agency.

Without Prejudice Agreement: For purposes of Articles 10.7.1.1 and 10.8.2, a written agreement between an *Anti-Doping Organisation* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organisation* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalised, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organisation* against the *Athlete* or other *Person* in any *Results Management* proceeding under the World Anti-Doping Code, and that the information provided by the *Anti-Doping Organisation* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organisation* in any *Results Management* proceeding under the World Anti-Doping Code. Such an agreement will not preclude the *Anti-Doping Organisation*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

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

1. Introduction

- 1.1 This Chapter E sets out the procedures for investigating and prosecuting violations of Chapter B of this *Integrity Code*.
- 1.2 The procedures for investigating and prosecuting violations of Chapter D of the *IBU Integrity Code* (the *IBU Anti-Doping Rules*) are set out in that chapter. However, the provisions of this Chapter E will also apply in respect of such violations, to the extent they do not contradict or prejudice in any way any part of Chapter D.
- 1.3 The *BIU* will be responsible for the costs incurred in exercising its functions under this *Integrity Code*, subject to the right to seek an order from the hearing panel shifting some or all of the costs of a particular investigation and/or prosecution to the *Participant* that is the subject of that investigation and/or prosecution.

2. Gathering and sharing intelligence

- 2.1 The *BIU* will receive reports that are filed by *Participants* in accordance with Article 8.1 of Chapter B. If the *Head of the BIU* considers it appropriate to do so, the *Participant* filing a report may be asked to provide further information in respect of the report, and/or the *BIU* may make other enquiries into the matters set out in the report.
- 2.2 In addition to receiving reports in accordance with Article 8.1 of Chapter B, the *BIU* will put in place mechanisms to gather intelligence that may assist in assessing the compliance (or otherwise) of *Participants* with this *Integrity Code* from all available sources, including law enforcement, other regulatory and disciplinary bodies, investigative journalists, members of the public, and third parties. In particular, the *BIU* may facilitate anonymous reporting by third parties where it considers it appropriate. It will also establish a policy and procedure for obtaining substantial assistance from a *Participant* in accordance with Article ~~10.6.1~~[10.7.1](#) of Chapter D and/or Article 9.4.5 of this Chapter.
- 2.3 The *BIU* may share intelligence that it holds about any *Participant* with other appropriate authorities, including law enforcement and other regulatory and disciplinary bodies, where the *BIU* considers that such sharing is necessary in order to:
 - 2.3.1 effectively carry out an investigation or prosecution under this *Integrity Code* and/or administer or enforce any matter falling under this *Integrity Code*; and/or
 - 2.3.2 protect the integrity of the *IBU*, the sport of *Biathlon*, or sport generally; and/or
 - 2.3.3 prevent or detect crime or other offences or preserve the health or well-being of any person; and/or

2.3.4 fulfil any legal obligation of the *BIU* or the *IBU*, including the obligation to demonstrate the *IBU's* compliance with the *World Anti-Doping Code*.

3. Investigations

3.1 Where there are reasonable grounds to suspect that a *Participant* may have violated this *Integrity Code*, the *BIU* may conduct an investigation. It may appoint one or more persons to act on its behalf for this purpose.

3.2 The objective for each investigation will be to gather information necessary to determine whether a *Participant* has a case to answer for violation of this *Integrity Code*. This will include gathering and recording all relevant information, developing that information into reliable and admissible evidence, and identifying and pursuing further lines of enquiry that may lead to the discovery of such evidence.

3.3 The *BIU* will conduct each investigation fairly, objectively, and impartially. It will be open to and consider all possible outcomes at each key stage of the investigation, and will seek to gather not only any available evidence of a violation but also any available evidence indicating that there is no case to answer. It will fully document its conduct of investigations, the evaluation of information and evidence identified in the course of investigations, and the outcome of investigations.

3.4 The *BIU* will notify the *Participant* of the investigation and of the possible violation(s) to which the investigation relates, and will give the *Participant* an opportunity to make a written submission as part of the investigation. The *BIU* will decide when this notification should be made.

3.5 Where it deems it appropriate, the *BIU* may coordinate and/or stay its own investigation pending the outcome of investigations and/or prosecutions by other competent bodies, including law enforcement and/or other regulatory or disciplinary bodies.

3.6 Where the *BIU* suspects that a *Participant* may have committed a violation of this *Integrity Code* and/or may have information about a potential violation of this *Integrity Code* by another *Participant*, it may make a written demand (a ***Demand***) to the *Participant* for information relating to the potential violation. It may issue such *Demand* at any time after the investigation has started, including during its initial investigation or at any point after a *Notice of Charge* has been issued in accordance with Article 5. If necessary, it may issue more than one *Demand* in the same investigation.

3.7 Without limiting the foregoing, as part of a *Demand* the *BIU* may require a *Participant* to [provide the following where the Head of the BIU reasonably believes that doing so may lead to the discovery of relevant evidence:](#)

3.7.1 attend before the *BIU* for an interview, or to answer any question, or to provide a written statement setting out their knowledge of any relevant facts and circumstances. Any interview will take place at a time and place determined by the *BIU*, and the *Participant* will be given reasonable notice in writing of the requirement to attend. Interviews may be recorded and/or transcribed and the

- Participant* will be entitled to have legal counsel and an interpreter present, at the *Participant's* expense (if the *Participant* is merely a witness, the *BIU* will pay for any interpreter that is needed);
- 3.7.2 provide (or procure to the best of their ability the provision by a third party) for inspection, copying and/or downloading any records or files (whether existing in hard copy or electronic format) that the *Head of the BIU* reasonably believes may contain relevant information (such as itemised telephone bills, bank statements, ledgers, notes, files, correspondence, emails, and text or similar messages);
- 3.7.3 provide (or procure to the best of their ability the provision by a third party) for inspection, copying and/or downloading any electronic storage device that the *Head of the BIU* reasonably believes may contain relevant information (such as cloud-based servers, computers, hard drives, tapes, disks, mobile telephones, laptop computers, tablets, and other mobile storage devices);
- 3.7.4 permit inspection of their outer clothing and/or items carried on their person or accompanying them (such as a wallet, bag, or luggage) for the purpose of securing things that are the subject of a Demand;
- 3.7.5 permit (or procure to the best of their ability the permission of a third party for) the search of the vehicle that the Participant in question was travelling in at the time of or immediately prior to their arrival at the relevant venue or accommodation for the purpose of securing things that are the subject of a Demand;
- 3.7.6 ~~3.7.4~~ provide full and unlimited access to their premises for the purpose of securing information, records, articles, or things that are the subject of a *Demand*; and/or
- 3.7.7 ~~3.7.5~~ provide passwords, login credentials and other identifying information required to access information that is the subject of a *Demand*.
- 3.8 In accordance with Article 8.1.2 of Chapter B, the *Participant* must cooperate promptly, truthfully, completely and in good faith with a *Demand*, including (subject to Article 3.9 of this Chapter) providing the information or access requested within the deadline specified in the *Demand*, in each case at the *Participant's* own cost.
- 3.9 Objection to a *Demand*:
- 3.9.1 A *Participant* may object to a *Demand* by filing an application with the *BIU* within seven (7) days of receipt of the *Demand*, specifying the grounds for such objection. Where such an application is made, subject always to Article 3.10.1, the time for complying with a *Demand* will be stayed pending the outcome of the objection.
- 3.9.2 The *BIU* will refer the application to the *CAS* Ordinary Division, which will appoint one or more *CAS* arbitrators to sit as the *Disciplinary Tribunal* that will hear and

determine the application in accordance with the relevant provisions of this *Integrity Code* and the *CAS Code of Sports-related Arbitration*.

- 3.9.3 The *Disciplinary Tribunal* will consider the application with as much expediency as the justice of the matter permits. Unless exceptional circumstances apply, such review will be conducted by way of written evidence and submissions only. In considering the *Demand*, the *Disciplinary Tribunal* will have the discretion but not the obligation to invite submissions from the *BIU* and the *Participant*, as it sees fit.
- 3.9.4 Where the *Disciplinary Tribunal* determines that there is no reasonable belief basis for the *Demand*, then the *Demand* will be deemed invalid, and any information, record, article or thing and any copy or download of the same obtained by the *BIU* pursuant to the *Demand* will either be immediately returned to the *Participant* or destroyed, as the case requires.
- 3.9.5 Where the *Disciplinary Tribunal* determines that there is a reasonable belief basis for the *Demand*, the *Demand* will be deemed valid. In such circumstances, if the *Participant* fails to produce the information, record, article or thing and any copy or download of the same that is the subject of the *Demand*, that will constitute an independent violation of Article 8.1.2 of Chapter B of this *Integrity Code*.
- 3.9.6 The ruling of *Disciplinary Tribunal* as to whether there is a reasonable belief basis for a *Demand* will not be subject to appeal or other challenge by any party in any forum.
- 3.9.7 If a *Demand* is deemed invalid, that will not preclude the *BIU* from making any other *Demand* in relation to the same or another investigation.
- 3.10 Where a *Demand* relates to any information, record, article or thing that the *Head of the BIU* reasonably believes is capable of being damaged, altered, destroyed or hidden (any electronic storage device, or electronically stored information will be deemed to meet this criterion), then for the purposes of evidence preservation, the *BIU* may require a *Participant* to comply with the *Demand* immediately upon receipt of it. In such a case:
- 3.10.1 the *Participant* must immediately comply with the *Demand* in full, including permitting the *BIU* to take immediate possession of, copy and/or download the information, record, article or thing. However, the *BIU* may take no steps to inspect or use the same other than as provided in Article 3.9;
- 3.10.2 a refusal or failure by an *Participant* to comply immediately with the *Demand* will constitute an independent violation of Article 8.1.2 of Chapter B of this *Integrity Code*, and any attempted or actual damage, alteration, destruction or hiding of such information, record, article or thing upon receipt of or after the *Demand* will constitute an independent violation of Article 8.1.4 of Chapter B. Depending on the circumstances, it may also constitute a violation of Article 2.5 of Chapter D of this *Integrity Code*;

- 3.10.3 the *Participant* has seven (7) days from receipt of the *Demand* to file an objection to the *Demand* by requesting a review by the *Disciplinary Tribunal* in accordance with Article 3.9; and
- 3.10.4 if the *Participant* does not file an objection within seven (7) days of receipt of the *Demand* (or files an objection and the *Disciplinary Tribunal* subsequently finds there is a reasonable belief basis for the *Demand*), or notifies the *BIU* that they do not object to the *Demand*, the *BIU* may inspect the information, record, article or thing and otherwise make use of it in accordance with this Chapter E.
- 3.11 If a *Participant* obstructs or delays an investigation in any manner, whether or not in relation to a *Demand*, e.g. by providing false, misleading or incomplete information or documentation and/or by tampering or destroying any documentation or other information that may be relevant to the investigation, that will constitute a violation of Article 8.1.4 of Chapter B of this *Integrity Code*. Depending on the circumstances, it may also constitute a violation of Article 2.5 of Chapter D of this *Integrity Code*.
- 3.12 The *BIU* may at any time require an *NF Member*:
 - 3.12.1 to assist in an investigation into a potential violation by one or more persons under its jurisdiction (where appropriate, acting in conjunction with any other relevant national authority or body); and
 - 3.12.2 to provide a written report on such assistance within a reasonable time period stipulated by the *BIU*.
- 3.13 The *BIU* may request any person (whether a *Participant* or not) to assist an investigation by producing documents, information or material and/or answering questions and providing information.
- 3.14 Where during the course of any investigation the *BIU* identifies any additional *Participants* that may also have violated this *Integrity Code*, the investigation may be expanded to cover such potential violations as well, or a separate investigation may be commenced.

4. Conduct of prosecutions by the *BIU*

- 4.1 The *BIU* will have the sole and exclusive right and responsibility:
 - 4.1.1 to determine whether a *Participant* has a case to answer for violation of this *Integrity Code*;
 - 4.1.2 to charge a *Participant* with violation of this *Integrity Code*;
 - 4.1.3 to present that charge before the *Disciplinary Tribunal* for hearing and determination; and

4.1.4 to pursue or defend (as applicable) any application and/or appeal arising in relation to such proceedings.

4.2 The *BIU* will discharge its rights and responsibilities in good faith in all cases, taking into account both at the point of determining whether to issue a *Notice of Charge* and throughout any proceedings that follow: (a) the likelihood of a charge being upheld (including considering the strength of any evidence relied upon, the merits of the *BIU's* case, and how the defence case is likely to affect the *BIU's* case); and (b) whether bringing or continuing to pursue the charge is necessary and proportionate to the achievement of the imperatives underlying this *Integrity Code*.

4.3 The *BIU* will respect the duty of procedural fairness owed to *Participants* who have been charged with violations of this *Integrity Code*.

5. Notice of charge

5.1 If the *BIU* determines that a *Participant* has a case to answer for violation of this *Integrity Code*, the *BIU* will prepare and send a written notice of charge to the *Participant* (**Notice of Charge**), which will contain the following information:

5.1.1 the specific provision(s) of this *Integrity Code* that the *Participant* is alleged to have violated;

5.1.2 the facts alleged in support of such charge(s);

5.1.3 where applicable, the details of any provisional suspension imposed on the *Participant* pursuant to Article 6 ~~pending determination of the charge(s)~~; and

5.1.4 the sanction(s) that the *BIU* says should be imposed under this *Integrity Code* if the charge(s) is/are upheld;

5.1.5 the *Participant's* right:

5.1.5.1 to admit the charge(s) and to accept the sanction(s) specified in the *Notice of Charge*;

5.1.5.2 to admit the charge(s) but to dispute (or seek to mitigate) the sanction(s) specified in the *Notice of Charge*, and to have the matter of sanction(s) determined by the *Disciplinary Tribunal* in accordance with Article 9 if it cannot be agreed between the parties; or

5.1.5.3 to dispute the charge(s) and to have the charge(s) determined (along with any sanctions, where a charge is upheld) by the *Disciplinary Tribunal* in accordance with Article 8; and

- 5.1.6 the deadline for the *Participant* to provide a response to the charges the *BIU* (which will be no fewer than 14 days from the date of receipt of the *Notice of Charge* by the *Participant*).

6. Provisional suspension

6.1 Without prejudice to Article 7.3 of Chapter D of this *Integrity Code* (which governs provisional suspensions applicable to cases involving potential anti-doping rule violations), in cases involving other potential violations of this *Integrity Code* a provisional suspension may be imposed on a *Participant* in the following circumstances:

6.1.1 Where the *BIU* has commenced an investigation pursuant to Article 3.1, and the *Head of the BIU* satisfies the *BIU* Board that there are reasonable grounds to suspect that a *Participant* has engaged or may engage in conduct that amounts to a violation of this *Integrity Code* and that there is a real risk to public confidence in the integrity of the sport of *Biathlon* and/or to the health or well-being of others if the *Participant* is allowed to continue to participate in the sport pending the outcome of the investigation, the *BIU* may impose a provisional suspension on the *Participant* pending completion of the investigation. The provisional suspension may be imposed at the time the investigation is commenced or any time thereafter. It will be effective from the date notified by the *BIU*, and it may be made public (including by posting a notice on the *BIU*'s website) at any time after such notification. Subject to Article 6.3, it will remain in effect pending the outcome of the investigation. If the investigation leads to a *Notice of Charge*, Article 6.1.2 will apply.

6.1.2 ~~6.1 In~~ The *BIU* may impose a provisional suspension on a *Participant* in any case where the *BIU* issues a *Notice of Charge* to ~~a~~ the *Participant* and ~~it~~ considers that there is a real risk to public confidence in the integrity of the sport of *Biathlon* and/or to the health or well-being of others if the *Participant* is allowed to continue to participate in the sport pending determination of the charge(s), ~~the *BIU* may impose a provisional suspension on the *Participant* pending determination of the charge(s).~~ ~~6.2~~ The provisional suspension may be imposed when the *Notice of Charge* is issued or at any time thereafter. It will be effective from the date ~~that it is~~ notified ~~to the *Participant*~~, and it may be made public (including by posting a notice on the *BIU*'s website) at any time after such notification by the *BIU* in the *Notice of Charge* or subsequent correspondence, and it may be made public (including by posting a notice on the *BIU*'s website) at any time after such notification. Subject to Article 6.3, it will remain in effect pending determination of the charge(s).

6.2 ~~6.3~~ During the period of any provisional suspension, a *Participant* may not participate in any capacity in any competition, programme or other activity authorised or organised by the *IBU*, by any *NF Member*, or by any member or affiliate of any *NF Member*, and may not associate with other *Participants*.

6.3 ~~6.4~~—A *Participant* who is provisionally suspended has the right to apply to the *Disciplinary Tribunal* for an order lifting or limiting the provisional suspension. The provisional suspension may be lifted or limited if the *Participant* demonstrates to the satisfaction of the *Disciplinary Tribunal* that:

6.3.1 where the provisional suspension was imposed pursuant to Article 6.1.1:

6.3.1.1 ~~6.4.1~~—the facts alleged in support of the charge(s) do not give rise to a *prima facie* case; or

6.3.1.2 ~~6.4.2~~—the case against the *Participant* has no reasonable prospect of success, e.g., because of a material defect in the evidence on which the case is based;

6.3.2 where the provisional suspension was imposed pursuant to Article 6.1.2:

6.3.2.1 there are no reasonable grounds to suspect that a *Participant* may have violated the *Integrity Code*;

6.3.3 where the provisional suspension was imposed pursuant to either Article 6.1.1 or 6.1.2:

6.3.3.1 there is no real risk to public confidence in the integrity of the sport of *Biathlon* and/or to the health or well-being of others if the *Participant* is allowed to continue to participate in the sport pending the outcome of the investigation; or

6.3.3.2 ~~6.4.3~~—other facts exist that make it clearly unfair, in all of the circumstances of the case, to make the *Participant* serve a provisional suspension prior to ~~determination~~the completion of the ~~charge(s) against the *Participant*~~investigation. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. The fact that the provisional suspension would prevent the *Participant* from participating in a particular *Biathlon Competition* will not qualify as exceptional circumstances for these purposes.

6.4 ~~6.5~~—In any event, the *BIU* will proceed with any investigation or case in which a provisional suspension imposed on a *Participant* expeditiously, so that the ~~charges~~investigation or case against the *Participant* ~~are determined~~is completed as quickly as possible, consistent with the requirements of justice and due process.

6.5 ~~6.6~~—A *Participant* who is not provisionally suspended by the *BIU* may at any time notify the *BIU* that the *Participant* will accept a voluntary provisional suspension pending the outcome of an investigation or pending determination of the charge(s). Such voluntary provisional suspension will come into effect only upon receipt by the *BIU* of written confirmation of the *Participant's* acceptance of the provisional suspension. No adverse inference will be drawn from such acceptance.

6.6 ~~6.7~~ Any period of provisional suspension served by a *Participant* will be credited against any final period of ineligibility imposed on the *Participant*.

7. Resolution of charges without a hearing

7.1 Where the *Participant*:

7.1.1 admits the charge(s) and accepts the sanction(s) specified in the *Notice of Charge* (or accepts other sanction(s) proposed by the *BIU*); or

7.1.2 fails to respond by the deadline specified in the *Notice of Charge* (which failure will be deemed to amount to (a) a waiver of the *Participant's* right to have the charge(s) and/or sanction(s) determined by the *Disciplinary Tribunal*; (b) an admission of the charge(s); and (c) an acceptance of the sanction(s) specified in the *Notice of Charge*);

the *BIU* will issue a public notice confirming the violation(s) committed ~~and~~ the sanction(s) imposed, and any other details required by the relevant Chapter of this Integrity Code, and that notice will take effect as if it were a final decision of the *Disciplinary Tribunal* made in accordance with Article 10. Alternatively, where it sees fit (such as where the *BIU* has specified a range of potential sanction(s) in the *Notice of Charge*), the *BIU* may refer the matter to the *Disciplinary Tribunal* to determine the sanction(s) to be imposed in accordance with Article 9.

7.2 Where the *BIU* considers it appropriate to do so (for example, to minimise the burden on resources, or to achieve an expeditious and proportionate outcome to a case), the *BIU* may agree terms with a *Participant* who has been charged with a violation of this *Integrity Code* for disposition of the charge without a hearing. Such disposition will include confirmation of the commission of the violation(s) charged ~~and~~ acceptance of the sanction(s) to be imposed under this *Integrity Code*, and any other details required by the relevant Chapter of this Integrity Code. Any such discussions between the *BIU* and the *Participant* in relation to the possibility of an agreed sanction will take place on a 'without prejudice' basis and in such a manner that they will not delay or in any other way interfere with the proceedings.

7.3 At any time prior to a final decision by the *Disciplinary Tribunal*, the *BIU* may decide to withdraw a *Notice of Charge* for good cause. In the event that the *BIU* withdraws a *Notice of Charge*, the *BIU* will promptly issue a reasoned decision confirming the withdrawal of the *Notice of Charge* and will send notice of the decision to the *Participant* in issue and to any party that has a right of appeal against the decision. The *BIU* will not publish the decision.

8. Request for a hearing

8.1 If the *Participant* wishes to have a hearing before the *Disciplinary Tribunal* to contest liability and/or sanction, the *Participant* must provide a written request for a hearing to the *BIU* that is received by the *BIU* within 14 days of the *Participant's* receipt of the *Notice of Charge* (or such longer period as may be specified in the *Notice of Charge* or agreed by the *BIU*). The

request must explain how the *Participant* responds to the charge(s) and set out (in summary form) the basis for such response.

- 8.2 The *BIU* will refer the request to the *CAS* Ordinary Division, which will appoint one or more *CAS* arbitrators to sit as the *Disciplinary Tribunal* that will hear and determine the case in accordance with this *Integrity Code* and the *CAS Code* of Sports-related Arbitration.
- 8.3 Unless otherwise specified in the relevant rules, the burden of proof will be on the party asserting the claim or fact in issue, and it will be required to prove that claim or fact on the balance of probabilities.

9. Sanctions

- 9.1 Subject to any specific sanctioning provisions set out in the relevant *Rules*, where the *Disciplinary Tribunal* decides that a violation of this *Integrity Code* has been established, it may impose such sanctions as it deems appropriate, including:
- 9.1.1 a caution, reprimand and/or warning as to future conduct;
 - 9.1.2 a fine (which, unless otherwise specified, will be payable to the *BIU* within 30 days, and will be applied by the *BIU* to defray its costs and expenses of policing and enforcing this *Integrity Code*);
 - 9.1.3 a compensation payment;
 - 9.1.4 disqualification of results, with all resulting consequences, including forfeiture of any related medals, titles, points, and/or prize money;
 - 9.1.5 disqualification/expulsion from *Biathlon Competitions*;
 - 9.1.6 forfeiture of points and/or of quota places and/or of hosting rights;
 - 9.1.7 removal from office;
 - 9.1.8 a specified period of ineligibility from participating in any capacity in any competition, programme or other activity authorised or organised by the *IBU*, by any *NF Member*, or by any member or affiliate of any *NF Member*, and/or otherwise associating with other *Participants*;
 - 9.1.9 mandatory education sessions; and/or
 - 9.1.10 any other sanction that it deems appropriate.
- 9.2 The *Disciplinary Tribunal* will base its decision as to sanctions, including any decision as to the length of any period of ineligibility, on what is proportionate in the circumstances of the case, taking into account the nature of the violation(s), the culpability of the *Participant*, the

harm caused to the sport, the need to deter future violations, and any aggravating or mitigating factors.

9.3 Aggravating factors may include:

- 9.3.1 the age, experience and position of trust or authority of the *Participant*;
- 9.3.2 the *Participant's* previous disciplinary record, including in particular any previous violations of this *Integrity Code* or any similar offences;
- 9.3.3 a lack of remorse on the part of the *Participant* (including, for example, refusing to participate in educational programmes);
- 9.3.4 a finding that the *Participant* received or expected to receive a significant benefit as a result of the violation;
- 9.3.5 a finding that the *Participant* committed more than one violation of this *Integrity Code*;
- 9.3.6 a finding that the violation was part of a wider scheme involving other *Participants*; and
- 9.3.7 a finding that the violation affected or had the potential to affect the course or outcome of a *Biathlon Competition*.

9.4 Mitigating factors may include:

- 9.4.1 the youth or inexperience of the *Participant*;
- 9.4.2 the *Participant's* good previous disciplinary record;
- 9.4.3 remorse on the part of the *Participant* (including, for example, agreeing to participate in educational programmes);
- 9.4.4 the *Participant's* timely admission of guilt when confronted with the violation; and
- 9.4.5 the *Participant's* provision to the *BIU* of truthful, accurate and complete information about violations of this *Integrity Code* and/or other similar laws or regulations by other *Participants*, and full cooperation with any investigation and prosecution (whether by the *BIU* or another body, including a criminal or regulatory body) of such violations, including by testifying at a hearing if required to do so.

9.5 The *Disciplinary Tribunal* may order a party to pay some or all of the costs of convening the *Disciplinary Tribunal* and holding the hearing.

9.6 As a general rule, the *Disciplinary Tribunal* has discretion to grant the prevailing party a contribution towards its legal fees and other expenses incurred in connection with the

proceedings and, in particular, the costs of witnesses and interpreters. When granting such contribution, the *Disciplinary Tribunal* shall take into account *Disciplinary Tribunal* the complexity and outcome of the proceedings, as well as the conduct and the financial resources of the parties.

9.7 Where it sees fit, the *Disciplinary Tribunal* may suspend the implementation of all or part of any sanction(s) imposed for so long as specified conditions are satisfied.

10. Decisions

10.1 The *Disciplinary Tribunal* will announce its decision to the parties in writing, with reasons.

10.2 The *BIU* may publish the decision on its website and/or otherwise as it sees fit, but otherwise (subject always to the power in the *CAS Code* of Sports-related Arbitration to order a public hearing) the proceedings will be confidential and no *Disciplinary Tribunal* member, party, third party observer, witness, or other participant in the proceedings or recipient of the decision may disclose any facts or other information relating to the proceedings.

11. Appeals

11.1 The *BIU* and the *Participant* will each have the right to appeal decisions of the *Disciplinary Tribunal* exclusively to the *CAS Appeals Division*, which will appoint one or three *CAS* arbitrators to resolve the appeal definitively in accordance with the *CAS Code* of Sports-related Arbitration.

11.2 Pending resolution of the appeal, the decision being appealed will remain in full force and effect unless the *CAS* orders otherwise.

11.3 The decision of the *CAS* resolving the appeal may not be challenged in any forum or on any ground except as set out in Chapter 12 of the Swiss Federal *Code* on Private International Law.

12. Alternative procedure for minor violations

12.1 Notwithstanding any other provision of this Chapter E, where the *Head of the BIU* considers a particular violation of this *Integrity Code* by a *Participant* to be a minor violation, rather than follow the procedures set out above the *Head of the BIU* may refer the case to the ~~*Secretary-General*~~ *BIU Board* (a *Referral*), to be dealt with in accordance with the following provisions of this Article 12.

12.2 The *Referral* will set out:

12.2.1 the name of the *Participant* who is the subject of the *Referral* (the *Respondent*);

12.2.2 full details of the alleged violation, including where, when and how it is alleged to have occurred;

- 12.2.3 the specific provisions of this *Integrity Code* alleged to have been violated;
 - 12.2.4 details of any relevant evidence, including copies of any relevant documents; and
 - 12.2.5 what sanctions are proposed from the list of potential sanctions set out at Article 12.10.
- 12.3 The ~~Secretary-General~~BIU Board will perform an inquisitorial function, investigating and determining the merits of the *Referral*. The ~~Secretary-General~~BIU Board may delegate that function to a suitably qualified person (e.g., legal counsel). References below to the ~~Secretary-General~~BIU Board will be deemed to include any such delegate.
- 12.4 Save where the ~~Secretary-General~~BIU Board orders otherwise, all *Referrals* will be dealt with in writing, without any oral hearing.
- 12.5 The ~~Secretary-General~~BIU Board will send a copy of the *Referral* to the *Respondent*, specifying a deadline within which the *Respondent* must file a written answer (the *Answer*) ~~with the Secretary-General, with a copy to the BIU~~. In the *Answer*, the *Respondent* may:
- 12.5.1 admit the charge(s) set out in the *Referral* and accept the sanction(s) sought in the *Referral*;
 - 12.5.2 admit the charge(s) set out in the *Referral* but to seek to mitigate the sanction(s) proposed in the *Referral*; or
 - 12.5.3 dispute the charge(s) and/or the proposed sanction(s), in which case the *Respondent* must set out in the *Answer* their response to each of the allegations made in the *Referral*, identify any defences that they wish to assert, set out the facts on which the defence(s) is/are based, and attach copies of any evidence upon which they wish to rely.
- 12.6 The ~~Secretary-General~~BIU Board may undertake such investigations in relation to the *Referral* and/or *Answer* as the ~~Secretary-General~~BIU Board deems necessary, including consulting with persons with knowledge of the facts and/or appointing experts to advise on specific issues.
- 12.7 If upon investigation the ~~Secretary-General~~BIU Board identifies facts that suggest the sanctions set out in Article 12.10 may not be sufficient, given the conduct of the *Participant*, the ~~Secretary-General shall raise this with the Head of the BIU, who~~ Board will then decide whether to maintain the *Referral* or else withdraw the *Referral* and pursue the matter in accordance with the ordinary procedures set out above.
- 12.8 The ~~Secretary-General~~BIU Board is not bound by judicial rules governing the admissibility of evidence. Instead, facts may be established by any reliable means, including witness evidence, expert reports, and documentary or video evidence.

- 12.9 The ~~Secretary-General~~[BIU Board](#) will not uphold the charge(s) in a *Referral* unless satisfied that they are proven on the balance of probabilities.
- 12.10 Where a charge in a *Referral* is upheld, the ~~Secretary-General~~[BIU Board](#) will have the power to impose one or more of the following sanctions:
 - 12.10.1 a caution or reprimand, or an oral or written warning;
 - 12.10.2 removal from a competition;
 - 12.10.3 removal from a venue;
 - 12.10.4 removal of accreditation;
 - 12.10.5 a fine of not more than 1,000 euros; and/or
 - 12.10.6 a period of ineligibility of not more than three months.
- 12.11 The ~~Secretary-General~~[BIU Board](#) will issue a reasoned decision in writing to the *BIU* and the *Respondent*, stating why the charge has or has not been upheld, and (if applicable) what sanctions are imposed.
- 12.12 The *IBU* will bear the costs incurred by the ~~Secretary-General~~[BIU Board](#) in resolving the case. Each of the *BIU* and the *Respondent* will bear the costs it/they incurred in relation to the case. There will be no power to shift such costs to the other party.
- 12.13 There is no right of appeal from decisions of the ~~Secretary-General~~[BIU Board under this Article 12](#).

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