



INTERNATIONAL  
**BIATHLON**  
UNION

02

INTERNATIONAL **BIATHLON** UNION  
**INTEGRITY CODE**

*Effective 01 January 2021*

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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;

**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 rel-

evant 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 con-*

*fidentiality 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 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 Mem-

bers 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 (the ADR Effective Date), replacing the 2015 IBU Anti-Doping Rules 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 Pro-

hibited 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 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.]*

### 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 chal-*

*lenge. 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 es-

tablishing 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.

## 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 BIU 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](http://www.biathlonintegrity.com) / [www.biathlonworld.com](http://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](http://www.biathlonintegrity.com) / [www.biathlonworld.com](http://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



tion 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** 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:

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

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

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

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

**5.5.3.5** for any other valid reason.

**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.

**5.5.5** 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.

**5.5.6** 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.

**5.5.7** 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.

**5.5.8** 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 7.1.3 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.

**7.3.2** Optional Provisional Suspension

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.

*[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 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 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, 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 Organisation 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, re-*

*porting 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 Compe-



titions 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.

#### **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 of-

ficials 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 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, 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, 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 is a Minor, Protected Person or Recreational Athlete. Any optional Public Disclosure in a case involving a Minor, Protected Per-

son 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 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.

**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.

**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 BIU 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 the BIU, or individuals serving as independent contractors who perform Doping Control services for the BIU (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 signifi-

cant 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 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:

**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** 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

**3.7.5** 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** In any case where the BIU issues a Notice of Charge to a Participant and it considers 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.

**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.

**6.4** 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:

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

**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; or

**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 of the charge(s) against the Participant. 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.

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

**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 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.

**6.7** 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 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. 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.

## **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 fourteen (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, ranking 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 (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 will perform an inquisitorial function, investigating and determining the merits of the Referral. The Secretary General may delegate that function to a suitably qualified person (e.g., legal counsel). References below to the Secretary General will be deemed to include any such delegate.

**12.4** Save where the Secretary General orders otherwise, all Referrals will be dealt with in writing, without any oral hearing.

**12.5** The Secretary General 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 may undertake such investigations in relation to the Referral and/or Answer as the Secretary General 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 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

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 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 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 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 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 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.



