



INTERNATIONAL  
**BIATHLON**  
UNION

**INTERNATIONAL BIATHLON UNION**

# ***INTEGRITY CODE***

*Effective 19 October 2019*

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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 *Code*;
  - 3.4.3 that they will violate this *Integrity Code*:
    - 3.4.3.1 if they fail to comply with any requirement of this *Integrity Code* that is applicable to them;
    - 3.4.3.2 if they attempt, or agree with another *Person*, to act in a manner that would constitute or culminate in a violation of this *Integrity Code*, whether or not such attempt or agreement actually results in a violation. However, there will be no violation if the *Participant* renounces the

- attempt or the (not yet performed) agreement prior to it being discovered by a third party not involved in the attempt or agreement; or
- 3.4.3.3 if they assist, encourage, aid, abet, conspire, cover up or engage in any other type of intentional complicity in respect of any violation or attempted violation of this *Integrity Code*;
- 3.4.4 to submit to the investigative and prosecutorial jurisdiction of the *BIU* and to the adjudicative jurisdiction of the *Disciplinary Tribunal* and the *CAS* arising under this *Integrity Code*, and that they may not bring any proceedings in any court or other forum that are inconsistent with that submission; and
- 3.4.5 that they remain bound by this *Integrity Code* and subject to the jurisdiction of the *BIU*, the *Disciplinary Tribunal*, and the *CAS* under this *Integrity Code*, even after the date that they cease to be or cease to seek to become a *Participant* (the **Retirement Date**), in respect of: (a) any confidentiality obligations set out in this *Integrity Code* or elsewhere in the *Rules*; and (b) enforcement of the *Integrity Code* in respect of any matter occurring prior to the *Retirement Date*.
- 3.5 Conduct that violates this *Integrity Code* may also amount to:
- 3.5.1 a breach of the *Constitution* and/or of other *Rules*. Nothing in this *Integrity Code* will limit or prejudice in any way any right arising under the *Constitution* or those other *Rules* to sanction a *Participant* for breach of the obligations that the *Participant* owes to the *IBU*;
- 3.5.2 a criminal offence and/or a breach of other applicable laws or regulations. This *Integrity Code* is intended not to replace but rather to supplement such laws and regulations with further rules of conduct for those involved in the sport of *Biathlon*. It should not be interpreted or applied to prejudice or undermine in any way the application of such laws or regulations. Where it deems it appropriate, the *BIU* may stay its own investigations or proceedings under this *Integrity Code* pending the outcome of investigations or proceedings being conducted by other relevant authorities or bodies. However, the mere existence of another investigation or proceeding does not entitle the subject thereof to a stay of investigations or proceedings being carried out by the *BIU* under this *Integrity Code*;
- 3.5.3 a breach by *IBU Staff* of the terms of their employment or engagement by the *IBU*. Where substantive provisions of this *Integrity Code* are incorporated as part of the employment contract or terms of engagement, the *IBU* may enforce them by enforcement of the employment contract or terms of engagement;
- 3.5.4 a breach of the rules of an *NF Member* or other sporting organisation. This *Integrity Code* is not intended to limit the responsibilities of *Participants* under such rules, but nothing in such rules will be effective to limit the application of this *Integrity Code* or to remove, supersede or amend in any way the jurisdiction of the *BIU*, the *Disciplinary Tribunal* and the *CAS* arising under this *Integrity Code*.

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

#### 4. Miscellaneous provisions

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

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

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

#### 4.4 Notices and time-limits:

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

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

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

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

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

4.4.2 Alternatively, where the *Receiving Party* is a member of or affiliated to an *NF Member*, notification may be accomplished by delivery of the notice by one of the foregoing means to the Secretary-General (or equivalent) of the *NF Member*. It will be the responsibility of the *NF Member* to forward the notice to the *Receiving Party* without delay.

4.4.3 Any time-limits stated in this *Integrity Code* will begin on the working day after the day on which the *Notifying Party* sends the notification that triggers the time-limit. Official holidays and non-working days are included in the calculation of time-limits, save that if the last day of the time-limit falls on an official holiday or non-working day in the country where the party who is subject to the time-limit resides, then the last day of the time-limit will be deemed to be the next working day. A time-limit will

be deemed to have been met if the notification is received before midnight Central European Standard Time on the last day of the specified time limit.

- 4.5 In the event that any matter arises that is not provided for in this *Integrity Code*, the *BIU* may take such action as it considers appropriate in the circumstances, taking into account the specific circumstances of the case at hand and the principles of natural justice and procedural fairness.
- 4.6 *Minor* technical irregularities will not invalidate the procedures or any decisions or findings made under this *Integrity Code*, so long as the principles of natural justice and procedural fairness are not infringed.

## CHAPTER B: IBU CODE OF CONDUCT

### 1. General obligations of good conduct, honesty and integrity

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

1.1.1 comply with all applicable laws, rules and regulations;

1.1.2 act in accordance with the highest standards of honesty and integrity;

1.1.3 conduct themselves in a professional and courteous manner;

1.1.4 uphold the principles of fair play and good sportsmanship;

1.1.5 respect the Olympic principles of autonomy from government interference and political neutrality in their dealings with government institutions and national and international organisations, associations or groupings;

1.1.6 not act contrary to the *Purposes* of the *IBU*; and

1.1.7 not discriminate unlawfully on the grounds of race, skin colour, national or social origin, sex, gender, sexual orientation, language, political or other opinion, religion or other beliefs, circumstances of birth, or other improper ground.

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

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

2.1 *Participants* must not at any time:

2.1.1 commit any form of harassment or abuse of any person, whether of a physical, mental or sexual nature;

2.1.2 do anything (by act or omission) that harms or risks harming the physical and/or mental well-being and/or safety of anyone involved in the sport of *Biathlon*, including in particular children and young adults;

2.1.2.1 In this context, 'harm' means ill-treatment or the impairment of health or development. In considering the 'risk' of harm, it is not necessary for conduct, or attempted or threatened conduct, to take place in the context of a *Biathlon Competition*.

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

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

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

### 3. Duty of loyalty

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

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

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

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

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

4.1.1 not directly or indirectly solicit or accept from anyone, or offer to anyone, any form of undue remuneration or commission, or any concealed benefit or service of any nature, connected in any way with their activities as *IBU Officials*;

4.1.2 not misuse their position as an *IBU Official* (including any information provided to them in their capacity as an *IBU Official*) in any way, especially for private aims or objectives;

4.1.3 use the resources and assets of the *IBU* only for lawful purposes and within the authority granted to them;

4.1.4 only claim reimbursement from the *IBU* for expenses properly and reasonably incurred in the course of their *IBU* activities;

4.1.5 not directly or indirectly offer or accept any bribe, payment, commission, gift, donation, kick-back, facilitation payment, or other inducement or incentive (whether monetary or otherwise) in order to influence any matter involving the *IBU* or any affiliate or subsidiary company of the *IBU*; and

4.1.6 (without prejudice to Article 4.1.5) not offer or accept:

4.1.6.1 any cash gift in their capacity as *IBU Officials*;

4.1.6.2 any gift, hospitality or other benefit in their capacity as *IBU Officials* that is given secretly, not openly;

4.1.6.3 any gift, hospitality or other benefit that creates an actual or apparent or potential conflict of interest for the recipient or that is intended or may reasonably be construed as being intended to influence the recipient improperly in their official activities (such as gifts offered by suppliers, other commercial partners and interested parties to influence decisions relating to the awarding of commercial rights and/or event hosting rights, and gifts offered by *Candidates* to influence decisions relating to their *Candidacy*); or

4.1.6.4 any other gift, hospitality or other benefit (whether of a monetary value or otherwise) in circumstances that give rise to an appearance of

impropriety or lead to the recipient's impartiality or integrity being called into question or to the *IBU* and/or the sport of *Biathlon* being brought into disrepute;

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

4.2.1 tokens of consideration or friendship of nominal value, in accordance with prevailing local customs; and

4.2.2 reasonable, proportionate, and *bona fide* corporate gifts and hospitality (including event accreditations or tickets), solely as a mark of respect or friendship;

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

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

## 5. Confidentiality

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

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

## 6. Candidacies

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

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

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

6.3.1 respect the integrity of the *Candidacy* process, allowing equal conditions and opportunities for each *Candidate* and potential *Candidate*, treating each *Candidate*

and potential *Candidate* in a fair and equal manner, and avoiding any risk of conflict of interest;

- 6.3.2 not accept gifts or hospitality from any *Candidate*;
- 6.3.3 not directly or indirectly solicit or accept any form of advantage from the process;
- 6.3.4 not use the resources of the *IBU* to back any *Candidate*; and
- 6.3.5 be neutral in respect of all *Candidates*, including refraining from making any public declaration appearing to give an opinion on one or more *Candidates*.

## **7. Bidding**

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

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

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

- 7.3.1 respect the integrity of the *Bid* process, allowing equal conditions and opportunities for each *Bidder* and potential *Bidder*, treating each *Bidder* and potential *Bidder* in a fair and equal manner, and avoiding any risk of conflict of interest;
- 7.3.2 not accept gifts or hospitality from any *Bidder*;
- 7.3.3 not directly or indirectly solicit or accept any form of advantage from the process;
- 7.3.4 not use the resources of the *IBU* to back any *Bidder*; and
- 7.3.5 be neutral in respect of *Bids* for the grant of hosting rights, commercial rights and/or other rights in respect of *Congress* meetings or one or more *International Events*, including refraining from making any public declaration appearing to give an opinion on one or more bidders.

## **8. Reporting and cooperation**

8.1 *Participants* must:

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

- 8.1.1.1 any approach or invitation received by any *Participant* (including themselves) to engage in conduct that might amount to a violation of this *Integrity Code*; and
- 8.1.1.2 any incident, fact, or matter that may indicate a potential violation of this *Integrity Code* by any *Participant* (including themselves);

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

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

- 8.1.2 cooperate promptly, truthfully, completely and in good faith with all investigations carried out by the *BIU* in relation to possible violations of this *Integrity Code* by the *Participant* and/or by others, including by answering any questions and providing access to any information, data and/or documentation requested as part of that investigation in accordance with Article 8.1.3, below;
  - 8.1.2.1 *Participants* waive and forfeit any rights, defences and privileges arising under any law in any jurisdiction to withhold or refuse to provide information requested by the *BIU* pursuant to any investigation under this *Integrity Code*.
  - 8.1.2.2 By carrying out the activity that qualifies them as *Participants*, *Participants* agree, for the purposes of applicable data protection laws and other laws, and for all other purposes, to the collection, processing, disclosure and any other use authorised under this *Integrity Code* of any and all information relating to the *Participant's* activities, including telephone records, bank statements, internet service records, and other personal information. A *Participant* must confirm such agreement in writing upon request.
- 8.1.3 cooperate promptly, truthfully, completely and in good faith with any proceedings brought by the *BIU* against any *Participant* for violation of this *Integrity Code*, including providing a witness statement(s) in respect of information in the possession of the *Participant* and/or attending, for the purposes of providing truthful oral evidence, any hearing convened before a *Disciplinary Tribunal* or the *CAS* or other hearing panel, upon the request of the *BIU*;
- 8.1.4 not do anything (by act or omission) that has the object or effect of obstructing, preventing, delaying or otherwise interfering with or frustrating any such investigation or proceeding, including interfering with any potential witness and/or concealing, tampering with, or destroying any documentation or other information

that may be relevant to the investigation or proceeding (whether or not such documentation or other information has yet been formally requested by the *BIU*);

- 8.1.5 not make a report to the *BIU* in bad faith, with malicious intent, or for any other improper purpose; and
- 8.1.6 not retaliate against or penalise or subject another party to any detriment on the ground or belief that that party has reported a concern or matter to the *BIU* and/or assisted the *BIU* in any manner in relation to any investigation or proceedings brought under this *Integrity Code*.

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

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

## CHAPTER C: PREVENTING THE MANIPULATION OF BIATHLON COMPETITIONS

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

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

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

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

- 1.2.1 whether or not the *Participant* actually participated, or was assisting someone who participated, in the *Biathlon Competition* in question;
- 1.2.2 the nature or outcome of any *Bet* in issue;
- 1.2.3 the outcome of the *Biathlon Competition* on which any *Bet* was made;
- 1.2.4 whether or not the *Participant's* efforts or performance (if any) in any *Biathlon Competition* were (or might reasonably be expected to have been) affected by the violation in question; and
- 1.2.5 whether or not the result or any other aspect of the *Biathlon Competition* in issue was (or might reasonably be expected to have been) affected by the violation in question.

## 2. Definitions

2.1 The following words and terms have the following meanings:

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

## CHAPTER D: IBU ANTI-DOPING RULES

### 1. Introduction

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

- 1.1.1 The *IBU* is a *Signatory* to the World Anti-Doping Code and cooperates with *WADA* to apply and implement the World Anti-Doping Code in the sport of *Biathlon*.
- 1.1.2 These *IBU Anti-Doping Rules* have been adopted and will be implemented to comply with the *IBU's* obligations as a *Signatory* to the World Anti-Doping Code, and to further the *IBU's* continuing efforts to eradicate doping in the sport of *Biathlon*. They are intended to implement the requirements of the 2015 version of the World Anti-Doping Code in the sport of *Biathlon*, and will be interpreted and applied in a manner that is consistent with the World Anti-Doping Code and the *International Standards*, which will prevail over these *IBU Anti-Doping Rules* in case of conflict. The World Anti-Doping Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of any *Signatory* or government. The comments annotating various provisions of the World Anti-Doping Code and the *International Standards* will be used as an aid to interpretation of these *IBU Anti-Doping Rules*.
- 1.1.3 In the case of conflict between the provisions of these *IBU Anti-Doping Rules* and the provisions of any other part of this *Integrity Code* or of any other *Rules*, the provisions of these *IBU Anti-Doping Rules* will prevail.
- 1.1.4 Unless otherwise stated, defined words and terms in these *IBU Anti-Doping Rules* (denoted by italics) bear the meaning given to them in Article 20. If they are not defined in Article 20 or elsewhere in these *IBU Anti-Doping Rules*, they bear the meaning given to them in the *IBU Constitution*. Unless otherwise specified, references to Articles are to Articles of these *IBU Anti-Doping Rules*.
- 1.1.5 The *Biathlon Integrity Unit (BIU)* is an operational unit of the *IBU* that has been established to help the *IBU* to (*inter alia*) comply with its obligations as a *Signatory* to the World Anti-Doping Code, including by exercising the powers of the *IBU* under these *IBU Anti-Doping Rules*. The *IBU* has delegated the implementation of these *IBU Anti-Doping Rules* to the *BIU*, including test distribution planning, *Testing*, collection of whereabouts information, administration of *TUEs*, investigations, results management, and pursuit of alleged anti-doping rule violations, including first instance hearings and appeals. As such, references in these *IBU Anti-Doping Rules* to the *BIU* will, where applicable, be references to the *BIU* acting on behalf of the *IBU*. For the avoidance of doubt, while the *BIU* may act on the *IBU's* behalf, the *IBU* will be considered as the party asserting anti-doping rule violations and for the purposes of any actions taken within the results management process, as the responding party in the appeals, and as the party in any other matter under these *IBU Anti-Doping Rules* where that role would appropriately fall to a *Signatory* under the Code.

#### 1.2 Scope of application:

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

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

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

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

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

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

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

1.3.1 *Athletes* must:

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

- 1.3.1.2 know what constitutes an anti-doping rule violation and the substances and methods that have been included on the *WADA Prohibited List*;
  - 1.3.1.3 be available for *Sample* collection at all times;  

*[Comment to Article 1.3.1.3: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes use low doses of EPO during these hours so that it will be undetectable in the morning.]*
  - 1.3.1.4 take responsibility, in the context of anti-doping, for what they ingest and *Use*;
  - 1.3.1.5 inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods*, and make sure that any medical treatment they receive does not violate these *IBU Anti-Doping Rules*;
  - 1.3.1.6 disclose to their *National Anti-Doping Organisation* and to the *BIU* any decision finding that they committed an anti-doping rule violation within the previous ten years; and
  - 1.3.1.7 cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations. Failure by an *Athlete* to cooperate in full with the *BIU* and/or other *Anti-Doping Organisations* investigating anti-doping rule violations will constitute a violation of Article 8 of Chapter B of this *Integrity Code*.
- 1.3.2 *Athlete Support Personnel* and other *Persons* must:
- 1.3.2.1 be knowledgeable of and comply with these *IBU Anti-Doping Rules* at all times;
  - 1.3.2.2 cooperate with *Testing*;
  - 1.3.2.3 use their influence on *Athlete* values and behaviour to foster anti-doping attitudes;
  - 1.3.2.4 disclose to their *National Anti-Doping Organisation* and to the *BIU* any decision (whether by a *Signatory* or by a non-*Signatory*) finding that they committed an anti-doping rule violation within the previous ten years;
  - 1.3.2.5 cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations. Failure by any *Athlete Support Personnel* or other *Person* to cooperate in full with the *BIU* and/or other *Anti-Doping Organisations* investigating anti-doping rule violations will constitute a violation of Article 8 of Chapter B of this *Integrity Code*; and
  - 1.3.2.6 not *Use* or possess any *Prohibited Substance* or *Prohibited Method* without valid justification. *Use* or *Possession* of a *Prohibited Substance* or

*Prohibited Method* by an *Athlete Support Personnel* or other *Person* without valid justification will constitute a violation of Article 9 of this *Integrity Code*.

1.4 **Effective Date:**

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

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

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

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

1.4.2.3 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the *ADR Effective Date*, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the *ADR Effective Date*, the *Athlete* or other *Person* may apply to the *Anti-Doping Organisation* which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of these *IBU Anti-Doping Rules*. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. These *IBU Anti-Doping Rules* will have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

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

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

## 2. Anti-doping rule violations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 2.4 **Whereabouts Failures.**

An Athlete in a *Registered Testing Pool* failing three times in any twelve-month period (a) to file whereabouts information in accordance with Article I.3 of the *International Standard for Testing and Investigations* (a **Filing Failure**); and/or (b) to be available for *Testing* at the declared whereabouts in accordance with Article I.4 of the *International Standard for Testing and Investigations* (a **Missed Test**).

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

Conduct which subverts the *Doping Control* process but that would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* will include, without limitation, intentionally interfering or attempting to interfere with a *Doping Control* official, providing fraudulent information to an *Anti-Doping Organisation*, or intimidating or attempting to intimidate a potential witness.

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

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

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

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

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

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

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

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

2.9 **Complicity.**

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

2.10 **Prohibited Association.**

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

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

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

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

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

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

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

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

### **3. Proof of Doping**

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

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

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

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

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

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

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

- 3.2.2 Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to rebut

this presumption of scientific validity will, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS panel will appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA will also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.

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

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

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

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

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

3.2.7 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a

request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or by telephone as directed by the hearing panel) and to answer questions either from the hearing panel or from the *Anti-Doping Organisation* asserting the anti-doping rule violation.

#### 4. The *Prohibited List*

##### 4.1 Incorporation of the *Prohibited List*

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

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

###### 4.2.1 *Prohibited Substances and Prohibited Methods*

4.2.1.1 Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions will come into effect under these *IBU Anti-Doping Rules* three months after publication of the *Prohibited List* or revision by *WADA* automatically, i.e., without requiring any further action by the *IBU*. All *Athletes* and other *Persons* will be bound by the *Prohibited List* and any revisions thereto from the date they come into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarise themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

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

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

###### 4.2.2 *Specified Substances*

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

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

4.2.3 WADA's determination of the *Prohibited List*

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

4.3 **TUEs:**

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

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

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

*[Comment to Article 4.3.2.1: Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, the BIU may publish notice on its website and/or the IBU website ([www.biathlonworld.com](http://www.biathlonworld.com)) that it will automatically recognise TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by National Anti-Doping*

*Organisations. If an Athlete's TUE falls into a category of automatically recognised TUEs, then the Athlete does not need to apply to the BIU for recognition of that TUE. If the BIU refuses to recognise a TUE granted by a National Anti-Doping Organisation only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the BIU.]*

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

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

- 4.3.3 If the BIU chooses to test an Athlete who is not an International-Level Athlete, the BIU will recognise a TUE granted to that Athlete by his or her National Anti-Doping Organisation. If the BIU chooses to test an Athlete who is not an International-Level Athlete or a national-level Athlete, the BIU may permit that Athlete to apply for a retroactive TUE for any Prohibited Substance or Prohibited Method that the Athlete is using for therapeutic reasons.
- 4.3.4 An application to the BIU for grant or recognition of a TUE must be made as soon as the need arises and in any event (save in emergency or exceptional situations or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies) at least 30 days before the Athlete's next Competition. The BIU will appoint a panel to consider applications for the grant or recognition of TUEs (the **TUE Committee**). The TUE Committee will promptly evaluate and decide upon the

application in accordance with the relevant provisions of the *International Standard* for Therapeutic Use Exemptions and any specific *BIU* protocols posted on the *BIU* and/or *IBU* website. Subject to Article 4.3.6, its decision will be the final decision of the *BIU*, and will be reported to *WADA* and other relevant *Anti-Doping Organisations*, including the *Athlete's National Anti-Doping Organisation*, through *ADAMS*, in accordance with the *International Standard* for Therapeutic Use Exemptions.

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

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

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

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

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

#### 4.3.6 Reviews and Appeals of TUE Decisions

4.3.6.1 *WADA* will review any decision by the *BIU* not to recognise a *TUE* granted by the *National Anti-Doping Organisation* that is referred to *WADA* by the *Athlete* or the *Athlete's National Anti-Doping*

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

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

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

- 4.3.6.3 A decision by WADA to reverse a *TUE* decision may be appealed by the *Athlete*, the *National Anti-Doping Organisation* and/or the *BIU* on behalf of the *IBU* exclusively to CAS, in accordance with Article 13.
- 4.3.6.4 A failure to take action within a reasonable time on a properly submitted application for grant or recognition of a *TUE* or for review of a *TUE* decision will be considered a denial of the application.

## 5. **Testing and Investigations**

### 5.1 **Purpose of Testing and Investigations**

- 5.1.1 *Testing* and investigations will only be undertaken under these *IBU Anti-Doping Rules* for anti-doping purposes. They will be conducted in conformity with the provisions of the *International Standard for Testing and Investigations* and any specific protocols of the *IBU / BIU* supplementing that *International Standard*.
- 5.1.2 *Testing* will be undertaken to obtain analytical evidence as to the *Athlete's* compliance (or non-compliance) with the strict prohibition on the presence/*Use* of a *Prohibited Substance* or *Prohibited Method*. Test distribution planning, *Testing*, post-*Testing* activity and all related activities will be conducted by the *BIU* in conformity with the *International Standard for Testing and Investigations*. The *BIU* will determine the number of tests, including random tests and target tests, to be performed in accordance with the criteria established by the *International Standard*

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

5.1.3 The *BIU* will undertake investigations:

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

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

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

## 5.2 Authority to Conduct *Testing*

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

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

*[Comment to Article 5.5.2: Unless the Athlete has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, the BIU will not test an Athlete during that period unless it has a serious and specific suspicion that the Athlete may be engaged in doping. A challenge to whether the BIU had sufficient suspicion for Testing in that period will not be a defence to an anti-doping rule violation based on such test or Attempted test.]*

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

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

expense. If additional *Samples* are collected or additional types of analysis are performed, the *BIU* will be notified.

### 5.3 **Event Testing**

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

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

### 5.4 **Test Distribution Planning**

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

### 5.5 **Coordination of Testing**

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

## 5.6 Athlete Whereabouts Requirements

### 5.6.1 IBU Registered Testing Pool

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

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

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

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

- 5.6.3.1 by virtue of their placing in the top twenty of any *IBU* World Cup ranking competition;
- 5.6.3.2 when they have a significant change in performance or haematological and/or steroidal profile;
- 5.6.3.3 when they are serving a period of *Ineligibility*;
- 5.6.3.4 if they are transferring into *Biathlon* from other sports; and/or
- 5.6.3.5 for any other valid reason.

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

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

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

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

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

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

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

## 5.8 *Independent Observer Program*

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

## 6. *Analysis of Samples*

*Samples* will be analysed in accordance with the following principles:

## 6.1 Use of Accredited and Approved Laboratories

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

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

## 6.2 Purpose of Analysis of Samples

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

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

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

## 6.3 Research on Samples

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

## 6.4 Standards for Sample Analysis and Reporting:

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

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

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

- 6.4.3 As provided in the *International Standard for Laboratories*, laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the *Sample* analysis menu described in the Technical Document or specified by the *Testing* authority. Results from any such analysis will be reported and have the same validity and consequence as any other analytical result.

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

## 6.5 Further Analysis of *Samples*

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

## 7. Results Management

### 7.1 Responsibility for Conducting Results Management

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

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

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

- 7.2.1 The results from all analyses must be sent to the *BIU* in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted in confidentiality and in conformity with *ADAMS*.
- 7.2.2 Upon receipt of an *Adverse Analytical Finding* in respect of an A *Sample*, the *BIU* will proceed in accordance with the following provisions of this Article 7.2.

- 7.2.3 Notwithstanding any other provision of these *IBU Anti-Doping Rules*, at any point in the results management process (including after any further analysis of the *Sample* conducted in accordance with Article 6.4, and/or any further *Testing*, and/or any further investigation conducted in accordance with Article 6.5), the *BIU* may decide not to bring the *Adverse Analytical Finding* forward as an anti-doping rule violation (either at all, or at that stage). The *BIU* will notify the *Athlete* and *WADA* and the *Athlete's National Anti-Doping Organisation* of that decision, also giving the reasons for the decision.
- 7.2.4 Subject always to Article 7.2.3, upon receipt of an *Adverse Analytical Finding* in relation to an *A Sample*, the *BIU* will conduct a review to determine whether:
- 7.2.4.1 an applicable *TUE* has been granted or will be granted as provided in the *International Standard* for Therapeutic Use Exemptions; or
  - 7.2.4.2 there is any apparent departure from the *International Standard* for *Testing* and Investigations or *International Standard* for Laboratories that caused the *Adverse Analytical Finding*.
- 7.2.5 Notification After Review Regarding *Adverse Analytical Findings*:
- If the review of an *Adverse Analytical Finding* under Article 7.2.4 does not reveal an applicable *TUE* or entitlement to a *TUE* as provided in the *International Standards* for *TUEs*, or departure from the *International Standard* for *Testing* and Investigations or the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*, the *BIU* will promptly notify the *Athlete*, and simultaneously the *IBU*, the *Athlete's National Anti-Doping Organisation* and *WADA*, in the manner set out in Article 14.1, of:
- 7.2.5.1 the *Adverse Analytical Finding*;
  - 7.2.5.2 the anti-doping rule(s) violated;
  - 7.2.5.3 the *Athlete's* right to promptly request the analysis of the *B Sample* and that, failing such request, that right will be deemed waived;
  - 7.2.5.4 the scheduled date, time and place for the *B Sample* analysis if the *Athlete* or the *BIU* chooses to request an analysis of the *B Sample*;
  - 7.2.5.5 the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis in accordance with the *International Standard* for Laboratories if such analysis is requested; and
  - 7.2.5.6 the *Athlete's* right to request copies of the *A* and *B Sample* laboratory documentation package, which includes information as required by the *International Standard* for Laboratories.
- 7.2.6 Where requested by the *Athlete* or the *BIU*, arrangements will be made to analyse the *B Sample* in accordance with the *International Standard* for Laboratories. An

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

### 7.3 Review of *Atypical Findings*

- 7.3.1 Where a laboratory reports the presence in a *Sample* of a *Prohibited Substance* or its *Marker* or *Metabolite* as an *Atypical Finding*, the *BIU* will conduct a review to determine whether:
- 7.3.1.1 an applicable *TUE* has been granted or will be granted as provided in the *International Standard* for Therapeutic Use Exemptions; or
  - 7.3.1.2 there is any apparent departure from the *International Standard* for *Testing* and Investigations or *International Standard* for Laboratories that caused the *Atypical Finding*.
- 7.3.2 If the review of an *Atypical Finding* under Article 7.3.1 reveals an applicable *TUE* or departure from the *International Standard* for *Testing* and Investigation or the *International Standard* for Laboratories that caused the *Atypical Finding*, the entire test will be considered negative and the *Athlete*, the *IBU*, the *Athlete's National Anti-Doping Organisation*, and *WADA* will be so informed.
- 7.3.3 If the initial review of an *Atypical Finding* does not reveal an applicable *TUE* or departure from the *International Standard* for *Testing* and Investigations or the *International Standard* for Laboratories that caused the *Atypical Finding*, the *BIU* will conduct the required investigation or cause it to be conducted.
- 7.3.4 After the investigation is completed, either the *Atypical Finding* will be brought forward as an *Adverse Analytical Finding*, in accordance with Article 7.2.5, or else the *Athlete*, the *IBU*, the *Athlete's National Anti-Doping Organisation* and *WADA* will be notified that the *Atypical Finding* will not be brought forward as an *Adverse Analytical Finding*.
- 7.3.5 The *BIU* will not provide notice of an *Atypical Finding* until it has completed its investigation and has decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding*, unless one of the following circumstances exists:
- 7.3.5.1 If the *BIU* determines the *B Sample* should be analysed prior to the conclusion of its investigation, it may conduct the *B Sample* analysis

after notifying the *Athlete*, with such notice to include a description of the *Atypical Finding* and the information described in Article 7.2.5.4 to 7.2.5.6.

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

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

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

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

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

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

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

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

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

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

Results management by the International Olympic Committee or a *Major Event Organisation* in connection with their respective events will be managed by the *BIU* insofar as it relates to

Consequences beyond exclusion from the event or *Disqualification* of the *Athlete's* results at the event.

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

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

#### 7.10 *Provisional Suspensions*

##### 7.10.1 Mandatory *Provisional Suspension*

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

##### 7.10.2 Optional *Provisional Suspension*

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

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

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

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

- 7.10.4 The *Provisional Suspension* may be lifted if the *Athlete* demonstrates to the satisfaction of the hearing panel that:
- 7.10.4.1 the anti-doping rule violation(s) asserted has/have no reasonable prospect of being upheld, e.g., because of a material defect in the evidence on which the case is based; or
  - 7.10.4.2 the *Athlete* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) asserted; or
  - 7.10.4.3 the violation is likely to have involved a *Contaminated Product*. A hearing panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* will not be appealable; or
  - 7.10.4.4 other facts exist that make it clearly unfair, in all of the circumstances of the case, to make the *Athlete* or other *Person* serve a *Provisional Suspension* prior to a final hearing in accordance with Article 8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. The fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* from participating in a particular *Competition* or *Event* will not qualify as exceptional circumstances for these purposes.
- 7.10.5 If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and subsequent analysis of the *B Sample* does not confirm the *A Sample* analysis, then the *Provisional Suspension* will be lifted. In circumstances where the *Athlete* (or the *Athlete's* team) has been removed from a *Competition* based on a violation of Article 2.1 and subsequent *B Sample* analysis does not confirm the *A Sample* finding, then if it is still possible for the *Athlete* or team to be reinserted, without otherwise affecting the *Competition*, the *Athlete* or team may continue to take part in the *Competition*. In addition, the *Athlete* or team may thereafter take part in other *Competitions* in the same *Event*.
- 7.10.6 In all cases where an *Athlete* or other *Person* has been notified of an anti-doping rule violation but a *Provisional Suspension* has not been imposed on him or her, the *Athlete* or other *Person* will be offered the opportunity to accept a *Provisional Suspension* voluntarily pending the resolution of the matter.
- 7.10.7 During any period of *Provisional Suspension*, the *Athlete* or other *Person* may not participate in any capacity in a *Competition* or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation, or in *Competitions* authorised or organised by any professional league or any international-level or national-level event organisation or any elite or national-level sporting activity funded by a governmental agency.

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

## 7.11 Resolution Without a Hearing

- 7.11.1 An *Athlete* or other *Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the *Consequences* that are mandated by these *IBU Anti-Doping Rules* or (where some discretion as to *Consequences* exists under these *IBU Anti-Doping Rules*) that have been offered by the *BIU*.
- 7.11.2 Alternatively, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the notice sent by the *BIU* asserting the violation, then he/she will be deemed to have admitted the violation, to have waived a hearing, and to have accepted the *Consequences* that are mandated by these *IBU Anti-Doping Rules* or (where some discretion as to *Consequences* exists under these *IBU Anti-Doping Rules*) that have been offered by the *BIU*.
- 7.11.3 In cases where Article 7.11.1 or Article 7.11.2 applies, a hearing before a hearing panel will not be required. Instead the *BIU* will promptly issue a written decision confirming the commission of the anti-doping rule violation and the *Consequences* imposed as a result, and setting out the full reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. The *BIU* will send copies of that decision to other *Anti-Doping Organisations* with a right to appeal under Article 13.2, and will *Publicly Disclose* that decision in accordance with Article 14.3.

## 7.12 Notification of Results Management Decisions

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

## 7.13 Retirement from Sport

If an *Athlete* or other *Person* retires while the *BIU* is conducting the results management process, the *IBU* retains jurisdiction in order for the *BIU* to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun and the *IBU/BIU* would have had results management authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, the *BIU* has authority to conduct results management in respect of that anti-doping rule violation.

*[Comment to Article 7.13: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an*

*anti-doping rule violation, but could be a legitimate basis for denying the Athlete or other Person membership in a sports organisation.]*

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

- 8.1 When the *BIU* sends a notice to an *Athlete* or other *Person* asserting an anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 7.11, the *BIU* will refer the case to the *CAS* Anti-Doping Division, which will appoint one or more *CAS* arbitrators to sit as the *Disciplinary Tribunal* that will hear and determine the case in accordance with these *IBU Anti-Doping Rules*, the *CAS* Code of Sports-related Arbitration, and the Arbitration Rules for the *CAS* Anti-Doping Division.
- 8.2 Each of *WADA* and the *NF Member* to which the *Athlete* or other *Person* alleged to have violated these *IBU Anti-Doping Rules* is affiliated may send a representative to attend the hearing as an observer. In any event, the *BIU* will keep *WADA* fully apprised as to the status of pending cases and the result of all hearings.
- 8.3 At the end of the hearing, or on a timely basis thereafter, the *CAS* panel will issue a written decision that includes the full reasons for the decision and for any period of *Ineligibility* imposed, including (if applicable) a justification for why the greatest potential *Consequences* were not imposed.
- 8.4 The decision may be appealed to the *CAS* as provided in Article 13. Copies of the decision will be provided to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Article 13.
- 8.5 If no appeal is brought against the decision, then (a) if the decision is that an anti-doping rule violation was committed, the decision will be *Publicly Disclosed* as provided in Article 14.3.2; but (b) if the decision is that no anti-doping rule violation was committed, then the decision will only be *Publicly Disclosed* with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *BIU* will use reasonable efforts to obtain such consent, and if consent is obtained, will *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve. The principles set out at Article 14.3.5 will be applied in cases involving a *Minor*.
- 8.6 Cases asserting anti-doping rule violations may be heard and finally determined by a *CAS* panel appointed by the *CAS* Anti-Doping Division, with no requirement for a further hearing before a panel appointed by the *CAS* Appeals Division, with the consent of the *Athlete*, the *BIU*, *WADA*, and any other *Anti-Doping Organisation* that would have had a right to appeal a first instance hearing decision to the *CAS* Appeals Division.

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

## 9. Automatic *Disqualification* of Individual Results

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

## 10. Further Sanctions on Individuals

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

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

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

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

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

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

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

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

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

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

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

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

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

- 10.3.1 For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* will be four years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* will be two years.
- 10.3.2 For violations of Article 2.4, the period of *Ineligibility* will be two years, subject to reduction down to a minimum of one year, depending on the *Athlete’s* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.
- 10.3.3 For violations of Article 2.7 or Article 2.8, the period of *Ineligibility* will be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Minor* will be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than those involving *Specified Substances*, will result in lifetime *Ineligibility* for the *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or Article 2.8 which may also violate non-sporting laws and regulations will be reported to the competent administrative, professional or judicial authorities.

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

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

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

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

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

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

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

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

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

##### 10.5.1.1 *Specified Substances*

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

##### 10.5.1.2 *Contaminated Products*

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

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

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

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

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

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

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

10.6.1.1 Prior to a final appellate decision under Article 13 or the expiration of the time to appeal, the *BIU* may suspend a part of the period of *Ineligibility* imposed in an individual case in which the *IBU* has results management authority where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*, or (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *BIU*. After a final appellate decision under Article 13 or the expiration of time to appeal, the *BIU* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of

WADA. The extent to which the otherwise applicable period of *Ineligibility* may be suspended will be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than 8 years. If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *BIU* will reinstate the original period of *Ineligibility*. If the *BIU* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

- 10.6.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of the *BIU* or at the request of the *Athlete* or other *Person* who has (or has been asserted to have) committed an anti-doping rule violation, *WADA* may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. *WADA*'s approval will be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, *WADA*'s decisions in the context of this Article may not be appealed by any other *Anti-Doping Organisation*.
- 10.6.1.3 If the *BIU* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, notice providing justification for the decision will be provided to the other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3 (as provided in Article 14.2). In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorise the *IBU/BIU* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

*[Comment to Article 10.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under*

*the World Anti-Doping Code where the suspension of an otherwise applicable period of Ineligibility is authorised.]*

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

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

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

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

An *Athlete* or other *Person* potentially subject to a four-year sanction under Article 10.2.1 or under Article 10.3.1 (for evading or refusing *Sample* collection or tampering with *Sample* collection) may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*, by promptly admitting the asserted anti-doping rule violation after being confronted with it, and also upon the approval and at the discretion of both *WADA* and the *BIU*.

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

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

*[Comment to Article 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Articles 10.2, 10.3, 10.4, or 10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of Fault. In a*

*third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.11. Several examples of how Article 10 is to be applied are found in Appendix 2 of the World Anti-Doping Code.]*

## 10.7 Multiple Violations

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

10.7.1.1 six months;

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

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

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

10.7.2 Third Anti-Doping Rule Violation

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

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

10.7.4 Additional Rules for Certain Potential Multiple Violations

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

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

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

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

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

In addition to the automatic *Disqualification* of the results in the *Competition* that produced the positive *Sample* under Article 9, all other competitive results obtained by the *Athlete* from the date a positive *Sample* was collected (whether *In-competition* or *Out-of-competition*) or other anti-doping rule violation occurred through the commencement of any *Provisional Suspension* or *Ineligibility* period, will, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

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

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

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

10.10 **Financial Consequences and other consequences**

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

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

proportionality is satisfied. The *BIU* will apply the fine to fund anti-doping education activities.

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

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

#### 10.11 Commencement of *Ineligibility* Period

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

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

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

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

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

##### 10.11.2 Timely Admission

Where the *Athlete* or other *Person* promptly (which for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with it by the *BIU*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* must serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing

decision imposing a sanction, or the date the sanction is otherwise imposed. This Article will not apply where the period of *Ineligibility* already has been reduced under Article 10.6.3.

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

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

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

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

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

10.12 **Status During *Ineligibility***

10.12.1 Prohibition against Participation during *Ineligibility*:

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

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

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

#### 10.12.2 Return to Training

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

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

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

Where an *Athlete* or other *Person* who has been declared ineligible violates the prohibition against participation during *Ineligibility* described in Article 10.12.1, the results of such participation will be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* will be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other 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 *Anti-Doping Organisation* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13. Where an *Athlete Support Personnel* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, the *BIU* will impose sanctions for a violation of Article 2.9 for such assistance.

#### 10.12.4 Withholding of Financial Support during *Ineligibility*

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

#### 10.13 Automatic Publication of Sanction

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

### 11. Consequences to Teams

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

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

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

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

12.2 In the event that an *NF Member* fails to make diligent efforts to keep the *BIU* informed about the whereabouts of one or more *Athletes* affiliated to that *NF Member* for a particular period after receiving a request for that information from the *BIU*, the *BIU* may fine the *NF Member* an amount up to 1,000 euros per *Athlete*. The *NF Member* will also be required to pay all of the costs incurred by the *BIU* in *Testing* that *NF Member's Athletes* in that period.

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

- 12.3.1 Subject to Articles 12.3.1.4 and 12.3.1.5, the *IBU* will reduce the applicable start quota (including wild cards) of that *NF Member* by the number of such offending *Athletes*, as follows:
- 12.3.1.1 One start quota will be removed for each offending *Athlete* for a period of 12 months, starting from the date of the final decision (i.e., following the expiry or exhaustion of any appeal rights) finding that the *Athlete* committed an intentional anti-doping rule violation, or else starting from such other date as the *BIU* deems appropriate in order for the reduction to be effective.
  - 12.3.1.2 In each case, the start quota removed will match the gender of the offending *Athlete*, and will apply to the highest competition series (World Championships/Olympic Winter Games – World Cup series and Summer Biathlon World Championships; *IBU* Cup – Open European Championships – Summer Biathlon World Championships series; Junior Cup – Junior Open European Championships – Youth/Junior World Championships/Youth Olympic Games series and Summer Biathlon World Championships) for which that *Athlete* was registered in the season closest to when the violation occurred.
  - 12.3.1.3 The start quotas will be removed in the same order as the relevant anti-doping rule violations occurred. Once this Article has been applied once, if further violations during the same rolling four-year period are discovered later, then the corresponding reduction in start quotas will be applied in order of discovery.

*[Comment to Article 12.3.1.3: For example, if it is determined in June 2023 that three International-Level Athletes affiliated to the same NF Member committed intentional anti-doping rule violations in the period 2019 to 2022, and then it is discovered in June 2026 (whether as result of re-analysis of stored Samples, or receipt of new intelligence, or otherwise) that another International-Level Athlete affiliated to that NF Member committed an intentional anti-doping rule violation in the period 2019 to 2022, this Article 12.3.1 will be applied in June 2023 to reduce the NF Member's start quotas as of that date by three (subject to Article 12.3.1.4) and it will be applied again in June 2026 to reduce the NF Member's start quota as of that date by one (again, subject to Article 12.3.1.4).]*
  - 12.3.1.4 Where the *NF Member* only has one start quota for a particular competition series (whether as a result of one or more reductions pursuant to this Article or otherwise), then provided the *NF Member* can establish in respect of at least one of the intentional anti-doping rule violations that it did not know or suspect and could not reasonably have known or suspected even with the exercise of utmost caution that the violation was being committed, that one start quota will not be removed. Instead the (remaining) reduction(s) (or further reduction(s)) will apply to reduce start quotas in the subsequent twelve month period(s).

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

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

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

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

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

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

### 13. Appeals

#### 13.1 Decisions Subject to Appeal

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

##### 13.1.1 Scope of Review Not Limited

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

13.1.2 CAS Shall Not Defer to the Findings Being Appealed

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

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

13.1.3 WADA not required to exhaust internal remedies

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

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

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

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

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

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

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

13.2.2 Appeals Involving other *Athletes* or other *Persons*

In cases where Article 13.2.1 is not applicable, the decision may be appealed to a national-level appeal body, being an independent and impartial body established in accordance with rules adopted by the *National Anti-Doping Organisation* having jurisdiction over the *Athlete* or other *Person*. The rules for such appeal will respect the following principles: a timely hearing; a fair and impartial hearing panel; the right to be represented by counsel at the person's own expense; and a timely, written, reasoned decision. If the *National Anti-Doping Organisation* has not established such a body, the decision may be appealed to the CAS Anti-Doping Division, which will appoint one or more CAS arbitrators to sit as the *Disciplinary Tribunal* that will hear and determine the case in accordance with the Code-compliant anti-doping rules of the *National Anti-Doping Organisation*, the CAS Code of Sports-related Arbitration, and the Arbitration Rules for the CAS Anti-Doping Division.

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

- 13.2.3.1 the *Athlete* or other *Person* who is the subject of the decision being appealed;
- 13.2.3.2 the other party to the case in which the decision was rendered;
- 13.2.3.3 the *BIU* on behalf of the *IBU*;
- 13.2.3.4 the *National Anti-Doping Organisation* of the person's country of residence or countries where the person is a national or license holder;
- 13.2.3.5 the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- 13.2.3.6 WADA.

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

- 13.2.4.1 the *Athlete* or other *Person* who is the subject of the decision being appealed;
- 13.2.4.2 the other party to the case in which the decision was rendered;
- 13.2.4.3 the *BIU* on behalf of the *IBU*;

- 13.2.4.4 the *National Anti-Doping Organisation* of the person's country of residence;
  - 13.2.4.5 the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
  - 13.2.4.6 WADA.
- 13.2.5 For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee and the *BIU* will also have the right to appeal to the CAS Appeals Division with respect to the decision of the national-level appeal body (or CAS Anti-Doping Division, as applicable). Any party filing an appeal will be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organisation* whose decision is being appealed and the information will be provided if CAS so directs.
- 13.2.6 Notwithstanding any other provision herein, the only person who may appeal against a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.
- 13.2.7 Cross-Appeals and other Subsequent Appeals Allowed

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

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

### 13.3 Failure to Render a Timely Decision

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

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

#### 13.4 Appeals Relating to TUEs

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

#### 13.5 Notification of Appeal Decisions

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

#### 13.6 Appeal against Decisions Pursuant to Article 12

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

#### 13.7 Time for Filing Appeals:

##### 13.7.1 Appeals to CAS

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

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

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

##### 13.7.2 Appeals Under Article 13.2.2

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

##### 13.7.3 Appeals by WADA

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

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

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

## 14. Confidentiality and Reporting

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

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

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

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

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

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

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

#### 14.1.4 Status Reports

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

#### 14.1.5 Confidentiality

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

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

- 14.2.1 Anti-doping rule violation decisions rendered pursuant to Articles 7.11, 8.3, 10.4, 10.5, 10.6, 10.12.3 or 13.5 will include the full reasons for the decision, including, if applicable, a justification for why the greatest possible *Consequences* were not imposed. Where the decision is not in English, the *BIU* will provide a short English summary of the decision and the supporting reasons.
- 14.2.2 An *Anti-Doping Organisation* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen days of receipt, request a copy of the full case file pertaining to the decision.

## 14.3 Public Disclosure:

- 14.3.1 The identity of any *Athlete* or other *Person* who is asserted by the *BIU* to have committed an anti-doping rule violation may be publicly disclosed by the *BIU* only after notice has been provided to the *Athlete* or other *Person* in accordance with Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to *WADA*, the *IBU* and the *National Anti-Doping Organisation* of the *Athlete* or other *Person* in accordance with Article 14.1.2.
- 14.3.2 No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, the *BIU* must publicly report the disposition of the matter, including the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any), and the *Consequences* imposed. The *BIU* must also publicly report within twenty (20) days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.
- 14.3.3 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be publicly disclosed only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *BIU* will use reasonable efforts to obtain such consent. If consent is obtained, the *BIU* will publicly disclose the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve. Publication will be accomplished at a minimum by placing the required information on the *IBU's* and/or the *BIU's* website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.
- 14.3.4 Neither the *IBU/BIU*, nor any *NF Member*, nor any official of either body, will publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.

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

#### 14.4 Statistical Reporting

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

#### 14.5 Doping Control Information Clearinghouse

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

#### 14.6 Data Privacy:

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

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

### 15. Application and Recognition of Decisions

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

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

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

*[Comment to Article 15.2: Where the decision of a body that has not accepted the World Anti-Doping Code is in some respects Code compliant and in other respects not Code compliant, the IBU and its NF Members will attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the World Anti-Doping Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in these IBU Anti-Doping Rules, then the IBU/BIU will recognise the finding of an anti-doping rule violation and the BIU may conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in these IBU Anti-Doping Rules should be imposed.]*

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

- 16.1 *NF Members* and their members and affiliates must comply with these *IBU Anti-Doping Rules*.
- 16.2 *NF Members* must include in their rules the provisions necessary to ensure that the *BIU* may enforce these *IBU Anti-Doping Rules* directly against *Athletes* coming under their anti-doping jurisdiction (including *National-Level Athletes*). *NF Members* must also incorporate these *IBU Anti-Doping Rules* either directly or by reference into their rules so that they and/or their respective *National Anti-Doping Organisations* may enforce them against *Athletes* coming under their jurisdiction (including *National-Level Athletes*).
- 16.3 *NF Members* must establish rules requiring all *Athletes* under their jurisdiction and each *Athlete Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a competition or activity authorised or organised by the *NF Member* or by one of its members or affiliates to agree as a condition of participation to be bound by these *IBU Anti-Doping Rules* and to submit to the results management authority of the *Anti-Doping Organisation* responsible under the World Anti-Doping Code.
- 16.4 All *Athletes* coming under the jurisdiction of an *NF Member* or its *National Anti-Doping Organisation* may be subjected to *Testing* by or on behalf of the *NF Member*, or the *National Anti-Doping Organisation*. Where such *Testing* results in an *Adverse Analytical Finding*, or other evidence of an anti-doping rule violation is uncovered (whether as a result of such *Testing* or otherwise), results management in respect thereof will be exercised by the *NF Member* or its *National Anti-Doping Organisation*, save as set out in Article 7.
- 16.5 *NF Members* must report any information suggesting or relating to an anti-doping rule violation to the *BIU* and to their *National Anti-Doping Organisations*, and must cooperate with investigations conducted by the *BIU* and/or by any *Anti-Doping Organisation* with authority to conduct the investigation.
- 16.6 *NF Members* must have disciplinary rules in place to prevent *Athlete Support Personnel* who are using *Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes*.

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

#### 17. Statute of Limitations

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

#### 18. Compliance Reports

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

#### 19. Education

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

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

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

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

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

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

20.5 The World Anti-Doping Code shall not apply retroactively to matters pending before the date the World Anti-Doping Code is accepted by a *Signatory* and implemented in its rules. However, pre- World Anti-Doping Code anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 for subsequent post- World Anti-Doping Code violations.

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

## 21. Definitions

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

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

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

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

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

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

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

**Athlete:** Any person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each *National Anti-Doping Organisation*). An *Anti-Doping Organisation* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a national-level *Athlete*, and thus to bring them within the definition of "Athlete." In relation to *Athletes* who are neither *International-Level Athletes* nor *National-Level Athletes*, an *Anti-Doping Organisation* may elect to conduct limited *Testing* or no *Testing* at all; analyse *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not

require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organisation* has authority who competes below the international or national level, then the *Consequences* set forth in these *IBU Anti-Doping Rules* (except Article 14.3.2) must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and education, any person who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the Code is an *Athlete*.

*[Comment: This definition makes it clear that all international- and national-level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organisations, respectively. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping program beyond international- or national-level Athletes to competitors at lower levels of competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organisation could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse Samples for the full menu of Prohibited Substances. Competitors at all levels of competition should receive the benefit of anti-doping information and education.]*

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

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

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

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

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

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

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

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

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

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

- (a) **Disqualification** means the *Athlete’s* results in a particular competition or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes;
- (b) **Ineligibility** means the *Athlete* or other *Person* is barred for a specified period of time from participating in any competition or other activity or funding, as provided in Article 10.12.1;
- (c) **Provisional Suspension** means the *Athlete* or other *Person* is barred temporarily from participating in any competition or activity prior to the final decision at a hearing conducted under Article 8.
- (d) **Financial Consequences** means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and
- (e) **public disclosure** or **public reporting** means the dissemination or distribution of information to the general public or persons beyond those persons entitled to earlier notification in accordance with Article 14. Teams in team sports may also be subject to *Consequences* as provided in Article 11 of the World Anti-Doping Code.

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

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

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

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

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

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

**Fault:** *Fault* is any breach of duty or any lack of care appropriate to a particular

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

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

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

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

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

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

**Independent Observer Program:** A team of observers, under the supervision of WADA, who observe and may provide guidance on the *Doping Control* process at certain *Events* and report on their observations.

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

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

**International Event:** An *Event* where the International Olympic Committee, the International Paralympic Committee, the *IBU*, a *Major Event Organization*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*. In respect of the *IBU*, an event is an *International Event* if it is an *International Competition* (as that term is defined in the *Constitution*). Also see Article 1.2.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Provisional Hearing:** For purposes of Article 7.10, an expedited abbreviated

hearing occurring prior to a hearing under Article 8 that provides the *Athlete* or other *Person* with notice and an opportunity to be heard in either written or oral form.

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

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

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

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

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

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

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

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

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

**Substantial Assistance:** For purposes of Article 10.6.1, a person providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

**Tampering:** Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or

engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring;

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

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

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

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

**TUE:** A Therapeutic Use Exemption.

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

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

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

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

### 1. Introduction

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

### 2. Gathering and sharing intelligence

- 2.1 The *BIU* will receive reports that are filed by *Participants* in accordance with Article 8.1 of Chapter B. If the *Head of the BIU* considers it appropriate to do so, the *Participant* filing a report may be asked to provide further information in respect of the report, and/or the *BIU* may make other enquiries into the matters set out in the report.
- 2.2 In addition to receiving reports in accordance with Article 8.1 of Chapter B, the *BIU* will put in place mechanisms to gather intelligence that may assist in assessing the compliance (or otherwise) of *Participants* with this *Integrity Code* from all available sources, including law enforcement, other regulatory and disciplinary bodies, investigative journalists, members of the public, and third parties. In particular, the *BIU* may facilitate anonymous reporting by third parties where it considers it appropriate. It will also establish a policy and procedure for obtaining substantial assistance from a *Participant* in accordance with Article 10.6.1 of Chapter D and/or Article 9.4.5 of this Chapter.
- 2.3 The *BIU* may share intelligence that it holds about any *Participant* with other appropriate authorities, including law enforcement and other regulatory and 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 fourteen 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*.