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SPORT  
IRELAND  
ANTI-DOPING

# THE IRISH ANTI-DOPING RULES 2021

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# INTRODUCTION

Doping is fundamentally contrary to the spirit of sport. The spirit of sport is the intrinsic value of sport. The spirit of sport is the celebration of the human spirit, body and mind and is the ethical pursuit of human excellence through the dedicated perfection of each *Athlete's* natural talents. The spirit of sport is characterised, amongst other values, by health, ethics, fair play, honesty, team work, fun and joy, dedication and commitment, respect for rules and laws, respect for self and other *Participants*, courage, community and solidarity.

## The Code and the World Anti-Doping Programme

Anti-doping programmes are founded upon the spirit of sport and seek to protect the health of *Athletes* and to provide the opportunity for *Athletes* to pursue human excellence without the *Use of Prohibited Substances* or *Prohibited Methods*. Anti-doping programmes seek to maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field, and the value of clean sport to the world.

The *Code* is the fundamental and universal document upon which the World Anti-Doping Programme in sport is based. The purpose of the *Code* is to advance the anti-doping effort through universal harmonisation of core anti-doping elements. The *Code* has been drafted giving consideration to the principles of proportionality and human rights.<sup>1</sup>

The World Anti-Doping Programme encompasses all of the elements needed in order to ensure optimal harmonisation and best practice in international and national anti-doping programmes. The main elements are:

- (i) Level 1: The *Code*
- (ii) Level 2: *International Standards*<sup>2</sup> and *Technical Documents*<sup>3</sup>
- (iii) Level 3: Models of Best Practice and Guidelines<sup>4</sup>

All provisions of the *Code* are mandatory in substance and must be followed as applicable by each *Anti-Doping Organisation* and *Athlete* or other *Person*. The *Code* does not, however, replace or eliminate the need for comprehensive anti-doping rules to be adopted by each *Anti-Doping Organisation*. While some provisions of the *Code* must be incorporated without substantive change by each *Anti-Doping Organisation* in its own anti-doping rules, other provisions of the *Code* establish mandatory guiding principles that allow flexibility in the formulation of rules by each *Anti-Doping Organisation* or establish requirements that must be followed by each *Anti-Doping Organisation*.

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<sup>1</sup> The Olympic Charter and the International Convention against Doping in Sport 2005 adopted in Paris on 19 October 2005, both recognise the prevention of and the fight against doping in sport as a critical part of the mission of the International Olympic Committee and UNESCO, and also recognise the fundamental role of the *Code*.

<sup>2</sup> The *International Standards* contain much of the technical detail necessary for implementing the *Code*. *International Standards* will, in consultation with the *Signatories*, governments and other relevant stakeholders, be developed by experts and set forth in separate documents. It is important that the WADA Executive Committee be able to make timely changes to the *International Standards* without requiring any amendment of the *Code*.

<sup>3</sup> For example, where an additional analytical procedure is required before reporting a *Sample* as an *Adverse Analytical Finding*, that procedure would be mandated in a *Technical Document* issued immediately by the WADA Executive Committee.

<sup>4</sup> These model documents may provide alternatives from which stakeholders may select. Some stakeholders may choose to adopt the model rules and other models of best practices verbatim. Others may decide to adopt the models with modifications. Still other stakeholders may choose to develop their own rules consistent with the general principles and specific requirements set forth in the *Code*.

Model documents or guidelines for specific parts of anti-doping work have been developed and may continue to be developed based on generally recognised stakeholder needs and expectations.

*Organisation* but need not be repeated in its own anti-doping rules<sup>5</sup>.

### The Irish Sport Anti-Doping Programme

*Sport Ireland* is established under section 7 of the *Act*. *Sport Ireland* is the designated *National Anti-Doping Organisation* in Ireland and performs the functions and obligations of a *National Anti-Doping Organisation* as referred to in the *Code*, the *UNESCO Convention* and these *Rules*. Under the *Act*, sport is defined as including recreational sport and competitive sport.

As such, and in accordance with Article 20.5.1 of the *Code*, *Sport Ireland* has the necessary authority and responsibility to be independent in its operational decisions and activities from sport and Government. Without limitation, this includes the prohibition of any involvement in its operational decisions or activities as an *Anti-Doping Organisation* by any *Person* who is at the same time involved in the management or operations of any International Federation, *National Governing Body*, *Major Event Organisation*, *National Olympic Committee*, *National Paralympic Committee*, or government department with responsibility for sport or anti-doping.

The functions of *Sport Ireland* are conferred on it by section 8 of the *Act* (as may be further described in sections 41 and 42 of the *Act*) and include:

- (i) to facilitate, through the promulgation of guidelines and codes of practice, standards of good conduct, fair play and the elimination of doping in sport;
- (ii) to take such action as it considers appropriate, including *Testing*, to combat doping in sport;
- (iii) to plan, implement, evaluate and monitor *Education* and information programmes for good conduct, fair play and the elimination of doping in sport;
- (iv) in its capacity as the *National Anti-Doping Organisation* in the State, to direct the collection of *Samples*, to manage the *Testing* and test results of *Samples* and attend hearings (including the presentation and prosecution of cases), as required; and
- (v) to perform the functions and obligations of a *National Anti-Doping Organisation* referred to in the *Code*, the *UNESCO Convention* and these *Rules*.

### The Irish Anti-Doping Rules

These *Rules* are made by *Sport Ireland* under section 42(2) of the *Act*, having regard to its relevant purpose under the *Act* to preserve the integrity of sport

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<sup>5</sup> Those Articles of the *Code* which must be incorporated into each *Anti-Doping Organisation's* rules without substantive change are set out in Article 23.2.2 of the *Code*. For example, it is critical for purposes of harmonisation that all *Signatories* to the *Code* base their decisions on the same list of anti-doping rule violations, the same burdens of proof and impose the same *Consequences* for the same anti-doping rule violations. These rules must be the same whether a hearing takes place before an *International Federation*, at the national level or before *CAS*.

*Code* provisions not listed in Article 23.2.2 are still mandatory in substance even though an *Anti-Doping Organisation* is not required to incorporate them verbatim. Those provisions generally fall into two categories. First, some provisions direct *Anti-Doping Organisations* to take certain actions but there is no need to restate the provision in the *Anti-Doping Organisation's* own anti-doping rules. For example, each *Anti-Doping Organisation* must plan and conduct *Testing* as required by Article 5, but these directives to the *Anti-Doping Organisation* need not be repeated in the *Anti-Doping Organisation's* own rules. Second, some provisions are mandatory in substance but give each *Anti-Doping Organisation* some flexibility in the implementation of the principles stated in the provision. As an example, it is not necessary for effective harmonisation to force all *Signatories* to use one single *Results Management* and hearing process as long as the process utilised satisfies the requirements stated in the *Code* and the *International Standard for Results Management*.

\*These Articles have been reproduced in these *Rules* at Articles: 2, 3, 7, 8, 9, 10, 11, 13, 16, 19 and at Appendix 1.

through the detection, prevention and elimination of doping in sport, including the application of sanctions in connection with doping, on such public interest grounds and for the benefit of sportspersons generally. Pursuant to Section 42(3) of the *Act*, these *Rules* may be amended at any time by *Sport Ireland*. Prior to formal adoption of such amendments, they shall be submitted to *WADA* for its approval. These *Rules* are the fundamental document upon which the Irish Sport Anti-Doping Programme is based.

These *Rules*, like *Competition* rules, are sports rules governing the conditions under which sport is played. *Athletes*, *Athlete Support Persons* or other *Persons* (including board members, directors, officers and specified employees, and *Delegated Third Parties* and their employees accept these *Rules* as a condition of participation or involvement in sport and shall be bound to these *Rules*. These sport-specific *Rules*, aimed at enforcing anti-doping rules and procedures in an international and harmonised way, are distinct in nature from criminal and civil proceedings. They are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case all courts, arbitral hearing panels and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the *Code* and in these anti-doping rules and the fact these rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

## Education

*Education* programmes are central to ensure harmonised, coordinated and effective anti-doping programmes at the international and national level. They are intended to preserve the spirit of sport and the protection of *Athletes*' health and right to compete on a doping-free level playing field as described in the Introduction to the *Code*.

*Education* programmes shall raise awareness, provide accurate information and develop decision-making capability to prevent intentional and unintentional anti-doping rule violations and other breaches of the *Code*. *Education* programmes and their implementation shall instill personal values and principles that protect the spirit of sport.

All *Signatories*, including *Sport Ireland*, shall, within their means and scope of responsibility and in cooperation with each other, plan, implement, evaluate and promote *Education*, and prevention programmes for doping-free sport programmes in line with the requirements set out in the *International Standard for Education*.

On a national level, *Education* programmes shall be co-ordinated by *Sport Ireland*, working in collaboration with *National Governing Bodies*, the Olympic Federation of Ireland, Paralympics Ireland, the Government of Ireland and *Educational* institutions. This co-ordination shall seek to maximise the reach of *Education* programmes across sports, *Athletes* and *Athlete Support Personnel* and minimise duplication of effort.

## Research

Anti-doping research contributes to the development and implementation of efficient programmes within *Doping Control* and to information and *Education* regarding doping-free sport. *Sport Ireland* and *WADA* shall, in co-operation with other *Signatories* and governments, encourage and promote such research and take all reasonable measures to ensure that the results of such research are used for the promotion of the goals that are consistent with the principles of the *Code*.



# 1. ARTICLE 1 APPLICATION OF RULES

## 1.1 Application to National Governing Bodies<sup>6</sup>

- 1.1.1 As a condition of receiving financial and/or other assistance from *Sport Ireland* and/or the Government of Ireland, *National Governing Bodies* shall abide by the spirit and terms of the Irish Sport Anti-Doping Programme and these *Rules*, including application of sanctions to *Athletes* or other *Persons*, and shall respect the authority of, and co-operate with, *Sport Ireland*, the *Irish Sport Anti-Doping Disciplinary Panel* and *CAS* on all matters to which these *Rules* relate. This includes the obligation to co-operate fully with investigations conducted pursuant to these *Rules* or otherwise carried out under the *Code*.
- 1.1.2 Each *National Governing Body* shall therefore adopt these *Rules* and incorporate these *Rules* either directly or by reference into its governing documents, constitution and/or rules and thus as part of the rules governing the rights and obligations of the *Athletes* or other *Persons* in the sport of that *National Governing Body*. Where a *National Governing Body* adopts these *Rules*, it shall be deemed to have incorporated these *Rules* into its rules as if it had set them out in full therein.
- 1.1.3 By its adoption of these *Rules* each *National Governing Body* specifically recognises the authority and responsibility of *Sport Ireland* for administering the Irish Sport Anti-Doping Programme (including conducting *Testing of Athletes*) in respect of all of the *Persons* to whom these *Rules* apply and authorises *Sport Ireland* to carry out *Doping Control*.
- 1.1.4 These *Rules* shall apply to *National Governing Bodies*, including their board members, directors, officers, employees, and *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*.
- 1.1.5 By its adoption of these *Rules* as set out herein, each *National Governing Body* shall be deemed to have agreed to be bound by and to comply strictly with these *Rules* and to recognise, abide by and give effect to the decisions made pursuant to these *Rules*, including the decisions of *Sport Ireland*, the *Irish Sport Anti-Doping Disciplinary Panel* and *CAS*, as applicable.
- 1.1.6 By its adoption of these *Rules*, each *National Governing Body* shall be deemed to have agreed to take all steps within its power to implement these *Rules* in their sport which shall include, without limitation, to assist *Sport Ireland* in establishing and maintaining its *Registered Testing Pool*.

## 1.2 Roles and responsibilities of *National Governing Bodies*

- 1.2.1 To adopt, incorporate and implement these *Rules*.

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<sup>6</sup> *Sport Ireland* shall work co-operatively with the Government of Ireland and the Olympic Federation of Ireland to ensure that recognition of *Sport Ireland* and the acceptance and application of these *Rules* represents a pre-condition to a *National Governing Body's* receipt of any financial and/or other assistance from *Sport Ireland*, the Government and/or the Olympic Federation of Ireland.

- 1.2.2 To require all *Athletes* and each *Athlete Support Person* who participates in such a capacity in a *Competition, Event* or activity authorised or organised by the *National Governing Body* or by a member or affiliate organisation or licensee of the *National Governing Body* which shall be deemed to include a club, team, association or league, to agree to be bound by these *Rules* and *Sport Ireland's* or other *Anti-Doping Organisation's Results Management* authority in conformity with these *Rules* as a condition of such participation.
- 1.2.3 To present cases against *Athletes, Athlete Support Persons*, or other *Persons* where agreed with *Sport Ireland* pursuant to Article 8.5.3.
- 1.2.4 To report to *Sport Ireland* as required by Article 12.3 and to report any information suggesting or relating to an anti-doping rule violation to *Sport Ireland* and to co-operate with and provide all possible assistance and information to *Sport Ireland* in relation to investigations carried out by *Sport Ireland* and any other *Anti-Doping Organisation* with authority to conduct an investigation.
- 1.2.5 To support and co-operate with *Sport Ireland* in carrying out its functions under these *Rules*, the *Code* and the *Act* and to vigorously pursue all potential anti-doping rule violations within its jurisdiction in accordance with these *Rules* and co-operate with and provide all possible assistance to *Sport Ireland* in presenting cases before the *Hearing Panel* and the *CAS*.
- 1.2.6 To ensure that an *Athlete* or other *Person* who is subject to a period of *Ineligibility* or is *Provisionally Suspended* does not breach such *Ineligibility* or *Provisional Suspension*.
- 1.2.7 To have in place appropriate rules or codes of conduct requiring *Athletes, Athlete Support Persons* and other *Persons* under its jurisdiction to co-operate with *Sport Ireland* in relation to any investigations under these *Rules*.
- 1.2.8 To recognise *Sport Ireland's* authority under the *Rules* and *Code* and to assist *Sport Ireland* if applicable in the implementation of a *Testing* programme in their sport.
- 1.2.9 To suspend and/or withhold all sport related financial support where applicable (as per Articles 5.10.4, 7.6 and 10.11).
- 1.2.10 To adopt and implement disciplinary rules / codes of conduct in support of the Irish Sport Anti-Doping Programme such that (i) a failure by an *Athlete, Athlete Support Person* or other *Person* under its authority to co-operate fully with an investigation under these *Rules* or otherwise under the *Code*, shall be a breach of such disciplinary rules / codes of conduct, (ii) offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete, Athlete Support Person* or other *Person*, which does not otherwise constitute *Tampering*, shall be a breach of such disciplinary rules / codes of conduct, (iii) *Use* or *Possession* by an *Athlete Support Person* or other *Person* of a *Prohibited Substance* or a *Prohibited Method* shall be a breach of such disciplinary rules / codes of conduct and (iv) any such failure to co-operate fully, offensive conduct or *Use* or *Possession* shall be a breach of the terms of any funding or other support provided by the *National Governing Body*.

- 1.2.11 To conduct anti-doping *Education* in co-ordination with *Sport Ireland*, including by promoting such *Education*.

### 1.3 Application to *Athletes*, *Athlete Support Persons* and other *Persons*

- 1.3.1 These *Rules* apply to the following *Persons* (including *Recreational Athletes*, *Minors* and *Protected Persons*), in each case whether or not such *Person* is a national of or resident in Ireland:

- 1.3.1.1 All *Athletes* and *Athlete Support Persons* who are members or licence holders of a *National Governing Body* and/or of any member or affiliate organisation or licensee of a *National Governing Body* which shall be deemed to include a club, team, association or league;
- 1.3.1.2 All *Athletes* and *Athlete Support Persons* who participate in such capacity in an *Event*, *Competition* or other activity organised, convened, authorised or recognised by a *National Governing Body* and/or by a member or affiliate organisation or licensee of a *National Governing Body* which shall be deemed to include a club, team, association or league;
- 1.3.1.3 All *Athletes* or *Athlete Support Persons* or other *Persons* who are subject to the authority and/or jurisdiction of a *National Governing Body* and/or of any member or affiliate organisation or licensee of a *National Governing Body* which shall be deemed to include a club, team, association or league, for the purposes of anti-doping;
- 1.3.1.4 All *Athletes* and *Athlete Support Persons* who participate in any capacity in any activity organised, held, convened or authorised by the organiser of a *National Event* or of a national league that is not affiliated with a *National Governing Body*<sup>7</sup>;
- 1.3.1.5 All *Athletes* who do not fall within one of the foregoing provisions of this Article 1.3.1 but who wish to be eligible to participate in *International Events* or *National Events* (and such *Athletes* must be available for *Testing* under these *Rules* for at least six months before they will be eligible for such *Events*).

- 1.3.2 These *Rules* apply to *Sport Ireland*, including its board members, directors, officers, specified employees, and *Delegated Third Parties* and their employees, who are involved in any aspect of *Doping Control*.

Subject to applicable law, and in accordance with Article 20.5.10 of the *Code*, all *Sport Ireland* board members, directors, officers, employees and appointed *Delegated Third Parties*, who are involved in any aspect of *Doping Control*, must sign a form provided by *Sport Ireland*, agreeing to be bound by these

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<sup>7</sup> These organising bodies shall be incorporated into the national anti-doping programme.

*Rules as Persons* in conformity with the *Code* for direct and intentional misconduct.

Subject to applicable law, and in accordance with Article 20.5.11 of the *Code*, any *Sport Ireland* employee or contractor who is involved in *Doping Control* (other than authorised anti-doping *Education* or rehabilitation programmes) must sign a statement provided by *Sport Ireland* confirming that they are not *Provisionally Suspended* or serving a period of *Ineligibility* and have not been directly or intentionally engaged in conduct within the previous six years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to them.

1.3.3 These *Rules* shall also apply to other *Persons* over whom the *Code* gives *Sport Ireland* jurisdiction, including:

1.3.3.1 all *Athletes* who are nationals of or resident in Ireland;

1.3.3.2 all *Athletes* who represent or have the potential to represent Ireland and/or the island of Ireland internationally or to become a member of a team representing Ireland or the island of Ireland internationally; and

1.3.3.3 all *Athletes* who are present in Ireland, whether to compete or train or otherwise.

1.3.4 *Persons* falling within the scope of Articles 1.3.1, 1.3.2 and 1.3.3<sup>8</sup> shall be deemed, as a condition of his or her participation or involvement in sport, to have agreed:

1.3.4.1 To be bound by and to comply strictly with these *Rules*, without prejudice to any other anti-doping rules applicable to him or her;

1.3.4.2 To submit to the authority of the *National Governing Body*, *Sport Ireland*, the *Irish Sport Anti-Doping Disciplinary Panel* and *CAS*, as applicable, to apply and enforce these *Rules*;

1.3.4.3 To provide all requested assistance to a *National Governing Body*, *Sport Ireland*, *Hearing Panels* and *CAS*, as applicable, in the application and enforcement of these *Rules* including (without limitation) co-operating fully with any investigation or proceedings being conducted pursuant to these *Rules* or otherwise under the *Code* in relation to any suspected anti-doping rule violation;

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<sup>8</sup> Where the *Code* requires a *Person* other than an *Athlete* or *Athlete Support Person* to be bound by the *Code*, such *Person* would of course not be subject to *Sample* collection or *Testing*, and would not be subject to an anti-doping rule violation under the *Code* for *Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method*. Rather, such *Person* would only be subject to discipline for a violation of *Code* Articles 2.5 (*Tampering*), 2.7 (*Trafficking*), 2.8 (*Administration*), 2.9 (*Complicity*), 2.10 (*Prohibited Association*) and 2.11 (*Retaliation*). Furthermore, such *Person* would be subject to the additional roles and responsibilities according to Article 21.3 of the *Code*. Also, the obligation to require an employee to be bound by the *Code* is subject to applicable law.

*Sport Ireland* shall ensure that, as per Article 23 of the *Code*, any arrangements with its board members, directors, officers, and specified employees, as well as with the *Delegated Third Parties* and their employees – either employment, contractual or otherwise – have explicit provisions incorporated according to which such *Persons* are bound by, agree to comply with these *Rules*, and agree on *Sport Ireland*'s authority to solve the anti-doping cases.

- 1.3.4.4 To submit to the exclusive jurisdiction of any *Hearing Panel* and/or CAS panel convened under these *Rules* to hear and determine alleged anti-doping rule violations and related issues, and appeals (as applicable) arising under these *Rules*; and
- 1.3.4.5 Further to Article 16 of these *Rules*, not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of *Hearing Panels* and CAS.
- 1.3.5 If any *Athlete*, *Athlete Support Person* or other *Person* is found to have committed an anti-doping rule violation, the *Consequences* shall apply. For the avoidance of doubt, in accordance with the *Consequences* and as provided for in the *Act* such *Athlete*, *Athlete Support Person* or other *Person* shall not be eligible for funding from *Sport Ireland* or to represent Ireland in sport. An *Athlete*, *Athlete Support Person* or other *Person* sanctioned under these *Rules* remains subject to the sanction throughout the duration of the sanction regardless of that *Athlete's*, *Athlete Support Person's* or other *Person's* membership status in any *National Governing Body* or member or affiliate organisation or licensee of any *National Governing Body*. Unless the *Athlete*, *Athlete Support Person* or other *Person* sanctioned retires during the period of the sanction, this shall include remaining subject to *Doping Control*.
- 1.3.6 Each *Athlete* or other *Person* shall continue to be bound by and required to comply with these *Rules* unless and until he or she is deemed under the rules of his or her *National Governing Body* or *International Federation* to have retired from the sport. Where the *Athlete* or other *Person* is an *Athlete* who is in the *Sport Ireland Registered Testing Pool* at the time of such retirement, he or she must also send notice to *Sport Ireland* in accordance with Article 5.8.5. The *National Governing Body*, *Sport Ireland*, the *Irish Sport Anti-Doping Disciplinary Panel* and CAS shall continue to have jurisdiction over the *Athlete* or other *Person* under these *Rules* after retirement in respect of matters taking place prior to retirement.
- 1.3.7 Certain *Athletes*, *Athlete Support Persons* or other *Persons* may also be subject to the anti-doping rules of other *Anti-Doping Organisations*. These *Rules* are not intended to limit the responsibilities of any *Athlete*, or *Athlete Support Person* or other *Person* under such other rules.
- 1.3.8 If any *Athlete*, *Athlete Support Person* or other *Person* fails to comply with these *Rules*, including a failure to co-operate fully with an investigation, he or she shall not be eligible for funding from *Sport Ireland*.

## 1.4 Roles and Responsibilities of Athletes

- 1.4.1 To know what constitutes an anti-doping rule violation.
- 1.4.2 To know what substances and methods are on the *Prohibited List*.
- 1.4.3 To know the requirements of these *Rules*.
- 1.4.4 To comply with these *Rules* in all respects.
- 1.4.5 To take full responsibility, in the context of anti-doping, for what they ingest and *Use*.

- 1.4.6 To carry out research regarding any product or substance which they intend to ingest or *Use*, prior to such ingestion or *Use* to ensure compliance with these *Rules*. This research shall, at a minimum, include a reasonable internet search of (1) the name of the product or substance, (2) the ingredients/substances listed on the product or substance label, and (3) other related information revealed through research of points (1) and (2).
- 1.4.7 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not infringe these *Rules*.
- 1.4.8 To make himself or herself available for *Sample* collection at all times<sup>9</sup>.
- 1.4.9 To provide complete, accurate and up to date *Whereabouts Filings* if he or she is included in a *Registered Testing Pool*;
- 1.4.10 To co-operate fully with *Sport Ireland* and any other *Anti-Doping Organisation* conducting investigations into possible anti-doping rule violations<sup>10</sup>.

Failure by any *Athlete* to co-operate fully with an investigation into possible anti-doping rule violations, may be a breach of his or her *National Governing Body's* disciplinary rules / codes of conduct and may be a breach of the terms and conditions of funding or other support received from the *National Governing Body* or from *Sport Ireland*.

- 1.4.11 To disclose to *Sport Ireland* and the applicable *International Federation* any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.
- 1.4.12 To disclose the identity of their *Athlete Support Persons* upon request by *Sport Ireland* or any *Anti-Doping Organisation* with authority over the *Athlete*.
- 1.4.13 Offensive conduct by any *Athlete* towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete*, which does not otherwise constitute *Tampering*, may be a breach of his or her *National Governing Body's* disciplinary rules / codes of conduct and may be a breach of the terms and conditions of funding or other support received from the *National Governing Body* or from *Sport Ireland*.

## 1.5 Roles and Responsibilities of Athlete Support Persons

- 1.5.1 To know what constitutes an anti-doping rule violation.
- 1.5.2 To know what substances and methods are on the *Prohibited List*.
- 1.5.3 To know the requirements of these *Rules*.
- 1.5.4 To comply with these *Rules* in all respects.

<sup>9</sup> 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.

<sup>10</sup> Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a *Signatory's* rules.

- 1.5.5 Not to *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification<sup>11</sup>.
- 1.5.6 To co-operate fully with the *Testing of Athletes*.
- 1.5.7 To use their influence on *Athletes'* values and behaviour to foster anti-doping attitudes.
- 1.5.8 To co-operate with *Sport Ireland* and any other *Anti-Doping Organisation* conducting investigations into possible anti-doping rule violations<sup>12</sup>.

Failure by any *Athlete Support Person* to co-operate fully with an investigation into possible anti-doping rule violations, may be a breach of his or her *National Governing Body's* disciplinary rules / codes of conduct and may be a breach of the terms and conditions of funding or other support received from the *National Governing Body* or from *Sport Ireland*.

- 1.5.9 To disclose to *Sport Ireland* and the applicable *International Federation* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten years.
- 1.5.10 Offensive conduct by any *Athlete Support Person* towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete*, which does not otherwise constitute *Tampering*, may be a breach of his or her *National Governing Body's* disciplinary rules / codes of conduct and may be a breach of the terms and conditions of funding or other support received from the *National Governing Body* or from *Sport Ireland*.
- 1.5.11 *Use* or *Possession* by an *Athlete Support Person* of a *Prohibited Substance* or a *Prohibited Method* may be a breach of his or her *National Governing Body's* disciplinary rules / codes of conduct.

## 1.6 Roles and Responsibilities of other Persons subject to these Rules

To know what constitutes an anti-doping rule violation.

- 1.6.2 To know the requirements of these *Rules*.
- 1.6.3 To comply with these *Rules* in all respects.
- 1.6.4 To disclose to *Sport Ireland* and the applicable *International Federation* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.
- 1.6.5 To cooperate with *Sport Ireland* and any other *Anti-Doping Organisation* conducting investigations into possible anti-doping rule violations.

Failure by other *Persons* subject to these *Rules* to co-operate fully with an investigation into possible anti-doping rule violations, may be a breach of his or her *National Governing Body's* disciplinary rules / codes of conduct and may be a breach of the terms and conditions of funding or other support received from the *National Governing Body* or from *Sport Ireland*.

<sup>11</sup> In those situations where *Use* or personal *Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Person* without justification is not an anti-doping rule violation under the *Code*, it should be subject to other sport disciplinary rules. Coaches and other *Athlete Support Persons* are often role models for *Athletes*. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their *Athletes* not to dope.

<sup>12</sup> Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a *Signatory's* rules.

- 1.6.6 Offensive conduct by other *Persons* subject to these *Rules* towards a *Doping Control* official or other *Person* involved in *Doping Control* by an *Athlete*, which does not otherwise constitute *Tampering*, may be a breach of his or her *National Governing Body's* disciplinary rules / codes of conduct and may be a breach of the terms and conditions of funding or other support received from the *National Governing Body* or from *Sport Ireland*.
- 1.6.7 *Use* or *Possession* by other *Persons* subject to these *Rules* of a *Prohibited Substance* or a *Prohibited Method* may be a breach of his or her *National Governing Body's* disciplinary rules / codes of conduct.

## 2 ARTICLE 2 DEFINITION OF DOPING AND ANTI-DOPING RULE VIOLATIONS

Doping in sport is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.11 of these *Rules*.

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

*Athletes* or other *Persons* shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.

Each of the following acts or omissions shall constitute an anti-doping rule violation under these *Rules*:

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

- 2.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *Athletes* are responsible for any *Prohibited Substance* or any of 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 rule violation under Article 2.1<sup>13</sup>.
- 2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following<sup>14</sup>:
- 2.1.2.1 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; or
- 2.1.2.2 Where the *Athlete's B Sample* is analysed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited*

<sup>13</sup> 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 of these *Rules*. This principle has consistently been upheld by CAS.

<sup>14</sup> The *Anti-Doping Organisation* with Results Management responsibility may, at its discretion, choose to have the *B Sample* analysed even if the *Athlete* does not request the analysis of the *B Sample*.

*Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or

- 2.1.2.3 Where the *Athlete's A* or *B Sample* is split into two parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.
- 2.1.3 Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.
- 2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List*, *International Standards* or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

## **2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method<sup>15</sup>**

- 2.2.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies 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 The success or failure of the *Use* or *Attempted 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<sup>16</sup>.

## **2.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete**

Evading *Sample* collection, or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorised Person<sup>17</sup>.

<sup>15</sup> 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 8, 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 which does not otherwise satisfy all the requirements to establish "Presence" of a *Prohibited Substance* under Article 2.1. For example, *Use* may be established based upon reliable analytical data from the analysis of an *A Sample* (without confirmation from an analysis of a *B Sample*) or from the analysis of a *B Sample* alone where the *Anti-Doping Organisation* provides a satisfactory explanation for the lack of confirmation in the other *Sample*.

<sup>16</sup> Demonstrating the "*Attempted Use*" of a *Prohibited Substance* or a *Prohibited Method* requires proof of intent on the *Athlete's* part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 of these *Rules* and violations of Article 2.2 of these *Rules* in respect of *Use* of a *Prohibited Substance* or *Prohibited Method*.

An *Athlete's Use* of a *Prohibited Substance* constitutes an anti-doping rule violation unless such *Prohibited Substance* is not prohibited *Out-of-Competition* and the *Athlete's Use* takes place *Out-of-Competition*. (However, the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Sample* collected *In-Competition* is a violation of Article 2.1 regardless of when that *Prohibited Substance* might have been administered.)

<sup>17</sup> 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

## **2.4      *Whereabouts Failures by an Athlete***

- 2.4.1      Any combination of three (3) *Filing Failures* and/or *Missed Tests* as defined in the *International Standard for Results Management*, committed within a twelve (12) month period by an *Athlete* in a *Registered Testing Pool* shall constitute an anti-doping rule violation.

## **2.5      *Tampering or Attempted Tampering with any part of Doping Control by an Athlete or Other Person***

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

- 2.6.1      *Possession* by an *Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is consistent with a *Therapeutic Use Exemption* ("TUE") granted in accordance with Article 4 or other acceptable justification.<sup>18</sup>
- 2.6.2      *Possession* by an *Athlete Support Person In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession* by an *Athlete Support Person Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete*, *Competition* or training, unless the *Athlete Support Person* establishes that the *Possession* is consistent with a *TUE* granted to an *Athlete* in accordance with Article 4 or other acceptable justification.<sup>19</sup>

## **2.7      *Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or Other Person***

## **2.8      *Administration or Attempted Administration by an Athlete or Other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition***

## **2.9      *Complicity or Attempted Complicity by an Athlete or Other Person***

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.10.1 by another *Person*.<sup>20</sup>

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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*.

<sup>18</sup> 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.

<sup>19</sup> Acceptable justification would include, for example, (a) a team doctor carrying *Prohibited Substances* or *Prohibited Methods* for dealing with acute and emergency situations (e.g. an epinephrine auto-injector), or (b) an *Athlete Possessing* a *Prohibited Substance* or *Prohibited Method* for therapeutic reasons shortly prior to applying for and receiving a determination on a *TUE*.

<sup>20</sup> Complicity or *Attempted* complicity may include either physical or psychological assistance.

## 2.10 Prohibited Association by an *Athlete* or Other *Person*

- 2.10.1 Association by an *Athlete* or other *Person* subject to the authority of an *Anti-Doping Organisation* in a professional or sport-related capacity with any *Athlete Support Person* who:
- 2.10.1.1 If subject to the authority of an *Anti-Doping Organisation*, is serving a period of *Ineligibility*; or
  - 2.10.1.2 If not subject to the authority of an *Anti-Doping Organisation*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *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 *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall 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
  - 2.10.1.3 Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.
- 2.10.2 To establish a violation of Article 2.10, an *Anti-Doping Organisation* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person's* disqualifying status.
- 2.10.3 The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Article 2.10.1.1 or Article 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.
- 2.10.4 *Anti-Doping Organisations* that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2 or 2.10.1.3 shall submit that information to WADA.<sup>21</sup>

## 2.11 Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting to Authorities

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

- 2.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organisation*, law enforcement, regulatory

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<sup>21</sup> *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 Person* to serve as an agent or representative. Prohibited association need not involve any form of compensation.

While Article 2.10 does not require *Sport Ireland* to notify the *Athlete* or other *Person* about the *Athlete Support Person's* disqualifying status, such notice, if provided, would be important evidence to establish that the *Athlete* or other *Person* knew about the disqualifying status of the *Athlete Support Person*.

or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organisation*.

- 2.11.2 Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organisation*<sup>22</sup>.

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response<sup>23</sup>.

## 3 ARTICLE 3 THE *PROHIBITED LIST*

### 3.1 Incorporation of the *Prohibited List*

- 3.1.1 These *Rules* incorporate the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the *Code*.

- 3.1.2 The *Prohibited List* may be revised by WADA from time to time as described in Article 4.1 of the *Code* and unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under these *Rules* three months after publication by WADA without requiring any further action by *Sport Ireland*. 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.<sup>24</sup>

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

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those *Prohibited Substances* and *Prohibited Methods* which are prohibited *In-Competition* only. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g. anabolic agents) or by specific reference to a particular substance or method or sport.<sup>25</sup>

### 3.3 *Specified Substances or Specified Methods*

<sup>22</sup> This Article is intended to protect *Persons* who make good faith reports, and does not protect *Persons* who knowingly make false reports.

<sup>23</sup> Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting *Persons*, their families or associates. Retaliation would not include an *Anti-Doping Organisation* asserting in good faith an anti-doping rule violation against the reporting *Person*. For purposes of Article 2.11, a report is not made in good faith where the *Person* making the report knows the report to be false.

<sup>24</sup> The current *Prohibited List* is available on WADA's website at <https://www.wada-ama.org>. The *Prohibited List* will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made. WADA will always have the most current *Prohibited List* published on its website. The *Prohibited List* is an integral part of the *UNESCO Convention*. WADA will inform the Director-General of UNESCO of any change to the *Prohibited List*.

<sup>25</sup> *Out-of-Competition Use* of a substance which is only prohibited *In-Competition* is not an anti-doping rule violation unless an *Adverse Analytical Finding* for the substance or its *Metabolites* or *Markers* is reported for a *Sample* collected *In-Competition*.

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.<sup>26</sup>

### 3.4 Substances of Abuse

For purposes of applying Article 10, *Substances of Abuse* shall include those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are frequently abused in society outside of the context of sport.

### 3.5 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*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge 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 ARTICLE 4 THERAPEUTIC USE EXEMPTIONS

### 4.1 Therapeutic Use Exemptions (TUEs)

- 4.1.1 These *Rules* incorporate the *International Standard for Therapeutic Use Exemptions* which is published and revised by WADA.
- 4.1.2 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or a *Prohibited Method*, shall not be considered an anti-doping rule violation if it is consistent with the provisions of a *TUE* granted in accordance with these *Rules* and the *International Standard for Therapeutic Use Exemptions*.
- 4.1.3 *National-Level Athletes* shall apply to *Sport Ireland* for a *TUE*. Such an application shall be made in accordance with Article 6 of the *International Standard for Therapeutic Use Exemptions* as posted on *Sport Ireland's* website.
  - 4.1.3.1 If *Sport Ireland* denies the application, the *Athlete* may appeal exclusively to CAS as provided in Article 13.4.1.
  - 4.1.3.2 *Sport Ireland* has, in accordance with Article 5.1 of the *International Standard for Therapeutic Use Exemptions*,

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<sup>26</sup> The *Specified Substances* and *Specified Methods* identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping *Substances* or *Methods*. Rather, they are simply *Substances* and *Methods* which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.

discretion to prioritise certain sports over others in its test distribution planning and *Testing* and it may decline to consider advance applications for *TUEs* from *National Level Athletes* in some or all of the non-priority sports, but it shall permit any such *Athlete* from whom a *Sample* is subsequently collected to apply for a retroactive *TUE* in accordance with this Article 4. *Sport Ireland* shall publicise any such policy on its website for the benefit of affected *Athletes*.

- 4.1.4 *International-Level Athletes* shall apply to their *International Federation* for a *TUE*. *Athletes* competing in an *International Event* organised by a *Major Event Organisation* shall apply to the *Major Event Organisation* for a *TUE*.

A *TUE* granted by *Sport Ireland* is valid at national level in any country and does not need to be formally recognised by any other *National Anti-Doping Organisation*; however, it is not automatically valid if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, unless it is recognised by the relevant *International Federation* or *Major Event Organisation* in accordance with the *International Standard for Therapeutic Use Exemptions* as follows:

- 4.1.4.1 Where the *Athlete* already has a *TUE* granted by *Sport Ireland* for the substance or method in question, unless the *TUE* will be automatically recognised by the *International Federation* or *Major Event Organisation*, the *Athlete* shall apply to his or her *International Federation* or to the *Major Event Organisation* to recognise that *TUE*. If that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the *International Federation* or *Major Event Organisation* must recognise it. If the *International Federation* or *Major Event Organisation* considers that the *TUE* granted by *Sport Ireland* does not meet those criteria and so refuses to recognise it, the *International Federation* or *Major Event Organisation* shall promptly notify the *Athlete* and *Sport Ireland*, with reasons. The *Athlete* and *Sport Ireland* shall have twenty-one days from such notification to refer the matter to *WADA* for review. If the matter is referred to *WADA* for review, the *TUE* granted by *Sport Ireland* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA's* decision. If the matter is not referred to *WADA* for review within the twenty-one day deadline, *Sport Ireland* must determine whether the original *TUE* granted by it should nevertheless remain valid for national-level *Competition* and for *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in international-level *Competition*). Pending *Sport Ireland's* decision, the *TUE* remains valid for national-level *Competition* and for *Out-of-Competition Testing* (but it is not valid for international-level *Competition*).<sup>27</sup>

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<sup>27</sup> Further to Articles 5.7 and 7.1 of the *International Standard for Therapeutic Use Exemptions*, an *International Federation* must publish and keep updated a notice on its website that sets out clearly (1) which *Athletes* under its authority are required to apply to it for a *TUE*, (2) which *TUE* decisions of other *Anti-Doping Organisations* it will automatically recognise in lieu of such application and (3) which *TUE* decisions of other *Anti-Doping Organisations* will

- 4.1.4.2 If the *Athlete* does not already have a *TUE* granted by *Sport Ireland* for the substance or method in question, the *Athlete* must apply directly to the *Athlete's International Federation* for a *TUE* as soon as the need arises in accordance with the process set out in the *International Standard for Therapeutic Use Exemptions*. If the *International Federation* denies the *Athlete's* application, it must notify the *Athlete* promptly, with reasons. If the *International Federation* grants the *Athlete's* application, it shall notify the *Athlete* and *Sport Ireland* and if *Sport Ireland* considers that the *TUE* granted by the *International Federation* does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has twenty-one days from such notification to refer the matter to *WADA* for review. If *Sport Ireland* refers the matter to *WADA* for review, the *TUE* granted by the *International Federation* remains valid for international-level *Competition* and for *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA's* decision. If *Sport Ireland* does not refer the matter to *WADA* for review, the *TUE* granted by the *International Federation* becomes valid for national-level *Competition* as well when the twenty-one day review deadline expires.<sup>28</sup>
- 4.1.4.3 *WADA* shall review any decision by an *International Federation* not to recognise a *TUE* granted by *Sport Ireland* that is referred to *WADA* by the *Athlete* or *Sport Ireland*. In addition, *WADA* shall review any decision by an *International Federation* to grant a *TUE* that is referred to *WADA* by *Sport Ireland*. *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.<sup>29</sup>

## 4.2 Sport Ireland TUE Committee

- 4.2.1 *Sport Ireland* shall appoint a committee of not less than three members, including a chair, to consider and determine applications for *TUEs* and the recognition of *TUEs* ("the *TUE Committee*") in accordance with the criteria set out in the *International Standard for Therapeutic Use Exemptions*.
- 4.2.2 The *TUE Committee* should include at least three physicians with experience

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have to be submitted to it for recognition. If an *Athlete's TUE* falls into a category of automatically recognised *TUEs*, then the *Athlete* does not need to apply to his/her *International Federation* for recognition of that *TUE*.

In accordance with the requirements of the *International Standard for Therapeutic Use Exemptions*, *Sport Ireland* will help *Athletes* to determine when they need to submit *TUEs* granted by *Sport Ireland* to an *International Federation* or *Major Event Organisation* for recognition, and will guide and support those *Athletes* through the recognition process. If an *International Federation* refuses to recognise a *TUE* granted by *Sport Ireland* 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 *International Federation*.

<sup>28</sup> The *International Federation* and *Sport Ireland* may agree that *Sport Ireland* will consider *TUE* applications on behalf of the *International Federation*.

<sup>29</sup> *WADA* shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.6 of the *Code*; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.

in the care and treatment of *Athletes* and a sound knowledge of clinical, sports and exercise medicine.

- 4.2.3 In cases where specific expertise is required (for example, for *Athletes* with impairments, where the substance or method pertains to the *Athlete's* impairment), at least one *TUE* Committee member or expert should possess such expertise.
- 4.2.4 The *TUE* Committee shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and usually (i.e. unless exceptional circumstances apply) within no more than twenty-one days of receipt of a complete application. Where the application is made in a reasonable time prior to an *Event*, the *TUE* Committee shall use reasonable endeavours to issue its decision before the start of the *Event*.
- 4.2.5 The *TUE* Committee decision shall be the final decision of *Sport Ireland* and may be appealed in accordance with Article 13.4. Such decision shall be notified in writing to the *Athlete*, and to *WADA* and other *Anti-Doping Organisations* in accordance with the *International Standard for Therapeutic Use Exemptions*. It shall also promptly be reported into *ADAMS*.

### 4.3 Application Process for Therapeutic Use Exemptions

The process for an *Athlete* applying to the *TUE* Committee for a *TUE* shall be as published by *Sport Ireland* from time to time.

### 4.4 Retroactive Therapeutic Use Exemptions

- 4.4.1 If *Sport Ireland* chooses to collect a *Sample* from an *Athlete* who is not an *International-Level* or a *National-Level Athlete*, *Sport Ireland* shall permit that *Athlete* to apply for a retroactive *TUE* for any *Prohibited Substance* or *Prohibited Method* that he or she is *Using* for therapeutic reasons.
- 4.4.2 An application for a retroactive *TUE* may be made (and must still meet the conditions in Article 4.2 of the *International Standard for Therapeutic Use Exemptions*) after a laboratory has reported an *Adverse Analytical Finding* where:
  - 4.4.2.1 emergency or urgent treatment of a medical condition was necessary; or
  - 4.4.2.2 there was insufficient time, opportunity or other exceptional circumstances that prevented the *Athlete* from submitting (or for the *TUE* Committee to consider), an application for a *TUE* prior to *Sample* collection; or
  - 4.4.2.3 due to *Sport Ireland's* prioritisation of certain sports, *Sport Ireland* did not permit or require the *Athlete* to apply for a prospective *TUE*; or
  - 4.4.2.4 the application was made by either an *Athlete* who, in accordance with Article 4.1.3.2, was not required to make a *TUE* application

prior to an *Adverse Analytical Finding*, or by an *Athlete* who is neither an *International Level Athlete* nor a *National-Level Athlete*; or

4.4.2.5 the *Athlete Used Out-of-Competition*, for therapeutic reasons, a *Prohibited Substance* that is prohibited only *In-Competition*.

4.4.3 No retroactive *TUE* will be granted if the requirements of this Article 4.4 are not met, meaning that any *Adverse Analytical Finding* reported shall result in an anti-doping rule violation being asserted against the *Athlete* in question.

4.4.4 In exceptional circumstances and notwithstanding any other provision in the *International Standard for Therapeutic Use Exemptions*, an *Athlete* may apply for and be granted retroactive approval for their therapeutic *Use* of a *Prohibited Substance* or *Prohibited Method* if, considering the purpose of the *Code*, it would be manifestly unfair not to grant a retroactive *TUE*. For *International-Level Athletes* and *National-Level Athletes*, *Sport Ireland* may grant an *Athlete's* application for a retroactive *TUE* pursuant to this Article 4.4.4 only with the prior approval of *WADA* (and *WADA* may in its absolute discretion agree with or reject *Sport Ireland's* decision).

4.4.4.1 For *Athletes* who are not *International-Level Athletes* or *National-Level Athletes*, *Sport Ireland* may grant an *Athlete's* application for a retroactive *TUE* pursuant to this Article 4.4.4 without first consulting *WADA*; however, *WADA* may at any time review *Sport Ireland's* decision to grant a retroactive *TUE* and may, in its absolute discretion, agree with or reverse the decision.

4.4.4.2 Any decision made by *WADA* and/or *Sport Ireland* under this Article 4.4.4 may not be challenged either as a defence to proceedings for an anti-doping rule violation, or by way of appeal, or otherwise.

## 4.5 Expiration, Withdrawal or Reversal of a *TUE*

4.5.1 A *TUE* granted pursuant to these *Rules*:

4.5.1.1 shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;

4.5.1.2 will be withdrawn if the *Athlete* does not promptly comply with any requirements or conditions imposed by the *TUE* Committee upon grant of the *TUE*;

4.5.1.3 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

4.5.1.4 may be reversed on review by *WADA* or on appeal.

4.5.2 In such event, the *Athlete* shall not be subject to any *Consequences* based on his or her *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* at any time prior to the effective date of expiry, withdrawal or reversal of the *TUE*. The review

pursuant to Article 5.1.1.1 of the *International Standard for Results Management* of an *Adverse Analytical Finding*, reported shortly after the *TUE* expiry, withdrawal, or reversal, shall 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 shall be asserted.

## 5 ARTICLE 5 TESTING AND INVESTIGATIONS

### 5.1 Incorporation of the *International Standard for Testing and Investigations*

These *Rules* incorporate the *International Standard for Testing and Investigations* which is published and revised by *WADA*.

### 5.2 *International Standard for Testing and Investigations*

*Testing* and investigations conducted by, or on behalf of, *Sport Ireland* may be for any anti-doping purpose and shall be conducted in conformity with the *International Standard for Testing and Investigations* applicable at the time of *Testing* and *Sport Ireland's* protocols supplementing that *International Standard*.

*Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 or Article 2.2<sup>30</sup>.

### 5.3 *Testing Authority and Jurisdiction*

*Persons* so authorised by *Sport Ireland* may conduct *Testing* on behalf of *Sport Ireland*.

5.3.1 Subject to the limitations for *Event Testing*<sup>31</sup> set out in Article 5.3 of the *Code*, *Sport Ireland* shall have *In-Competition* and *Out-of-Competition Testing* jurisdiction over all *Athletes* to whom these *Rules* apply, as provided in Article 1, and such *Athletes* must make themselves available for, and must submit to, *Testing* pursuant to these *Rules* by or on behalf of *Sport Ireland* or by any *Anti-Doping Organisation* with *Testing* jurisdiction at any time and any place.<sup>32</sup> *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.10 of the *Code*.

5.3.2 If an *International Federation* or *Major Event Organisation* delegates or contracts any part of *Testing* to *Sport Ireland* (either directly or through a *National Governing Body*), *Sport Ireland* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at *Sport Ireland's* expense. If additional *Samples* are collected or additional types of analysis

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<sup>30</sup> Where *Testing* is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the *Anti-Doping Organisation's* rules. See, e.g., comment to Article 23.2.2 of the *Code*. *Sport Ireland* will only use data from *Samples* for anti-doping and other legitimate purposes. However, *Sport Ireland* cannot control the use by other *Anti-Doping Organisations* of data which is reported into *ADAMS*.

<sup>31</sup> Some ruling bodies for *International Events* may be doing their own *Testing* outside of the *Event Venues* during the *Event Period* and thus want to co-ordinate that *Testing* with *Sport Ireland Testing*.

<sup>32</sup> *Sport Ireland* may obtain additional authority to conduct *Testing* by means of bilateral or multilateral agreements among *Signatories*. 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, *Sport Ireland* will not test an *Athlete* during that period unless it has serious and specific suspicions that the *Athlete* may be engaged in doping. A challenge to whether *Sport Ireland* had sufficient suspicion for *Testing* in that period shall not be a defence to an anti-doping rule violation based on such test or attempted test.

are performed, *Sport Ireland* shall notify the *International Federation* or *Major Event Organisation*.

#### 5.4 *In-Competition Testing*

- 5.4.1 At *National Events* and other *Events* or *Competitions* which are not *International Events*, *Sport Ireland* shall have authority to conduct *Testing*.
- 5.4.2 At *International Events*, the collection of *Samples* shall be initiated and directed by the international organisation which is the ruling body for the *Event*, subject always to the right of *Sport Ireland* to seek to initiate and conduct such *Testing* in accordance with Article 5.3.2 of the *Code*.

#### 5.5 *Liability for Testing*

Although reasonable efforts will be made to avoid inconvenience to the *Athlete* being tested, no liability shall arise on the part of *Sport Ireland* or the *Athlete's National Governing Body* or any of their respective members, directors, officers, employees, agents or representatives for any inconvenience or loss arising on the part of the *Athlete* as a result of such *Testing*.

#### 5.6 *Testing of Minors*

- 5.6.1 *Testing* of an *Athlete* who is a *Minor* shall be conducted in accordance with Annex B of the *International Standard for Testing and Investigations*.
- 5.6.2 A *Minor* may not participate in sport unless a parent or guardian of that *Minor* has consented to the *Testing* of the *Minor*. For the purposes of these *Rules*, such consent shall be deemed from the fact that the *Minor* has been permitted by his or her parent or guardian to participate in the sport in question.

#### 5.7 *Investigations*

- 5.7.1 *Sport Ireland* shall have the power to gather anti-doping intelligence and conduct investigations in accordance with the requirements of the *Code* and the *International Standard for Testing and Investigations* into matters that may evidence or lead to the discovery of evidence of an anti-doping rule violation.
- 5.7.2 Investigations may be conducted in conjunction with, other *Anti-Doping Organisations*, law enforcement authorities and other regulatory or disciplinary authorities.
- 5.7.3 *Sport Ireland* can also in accordance with the *Act* and applicable data protection legislation, provide information to and obtain information from other *Anti-Doping Organisations*, law enforcement authorities and other regulatory or disciplinary authorities.
- 5.7.4 In its investigation as to whether there is a case to answer under Article 2 of these *Rules*, *Sport Ireland* may seek to obtain additional information from any source. This may include, without limitation, *Sport Ireland* where it considers it appropriate to do so:

- 5.7.4.1 giving the *Athlete* and/or other *Person* implicated in any potential anti-doping rule violation an opportunity, subject to compliance with such timeline as *Sport Ireland* shall specify, an opportunity to make such submissions as he or she may wish, in such format and by such method as *Sport Ireland* shall specify.
- 5.7.4.2 making a written demand to an *Athlete* or other *Person* to furnish to *Sport Ireland* any information, including relevant documentation, that may evidence, or lead to the discovery of evidence of an anti-doping rule violation, including (without limitation) requiring the *Athlete* or other *Person* to attend an interview and/or provide a written statement setting forth the *Athlete's* or other *Person's* knowledge of the relevant facts and circumstances. The *Athlete* or other *Person* must furnish such information within ten (10) days of the making of such demand, or within such other deadline as may be specified by *Sport Ireland*. Any information and/or documentation furnished to *Sport Ireland* shall be kept confidential except when it becomes necessary to disclose such information and/or documentation to further the investigation of and/or to bring proceedings relating to an anti-doping rule violation, or when such information is reported to administrative, professional, regulatory or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations.
- 5.7.5 *Athletes* and other *Persons* must co-operate fully with investigations conducted under these *Rules*. Where an *Athlete* or other *Person* fails or refuses to do so, without acceptable justification, *Sport Ireland* may refer the matter to the applicable *National Governing Body* for consideration under the applicable *National Governing Body's* rules of conduct and the *Athlete* or other *Person* may be sanctioned accordingly.
- 5.7.6 In addition to Article, 5.7.5, if an *Athlete* or other *Person* subverts or *Attempts* to subvert the investigation process (e.g. by providing false, misleading or incomplete information and/or by destroying potential evidence) proceedings may be brought against him or her for violation of Article 2.5 (*Tampering* or *Attempted Tampering*).

## 5.8 *Athlete Whereabouts Information*

- 5.8.1 *Sport Ireland* has established the *Sport Ireland Registered Testing Pool*. From time to time *Sport Ireland* shall publish a list of the *Athletes* included in the *Sport Ireland Registered Testing Pool* at the time of publication.
- 5.8.2 In addition to the general obligation on all *Athletes* to submit to *Testing*, an *Athlete* included in the *Sport Ireland Registered Testing Pool* shall be subject to the whereabouts requirements set out in these *Rules* and the *International Standard for Testing and Investigations* and shall be subject to *Consequences* for Article 2.4 violations.
- 5.8.3 *Sport Ireland* shall make available through ADAMS a list which identifies those *Athletes* included in the *Sport Ireland Registered Testing Pool* by name. *Sport Ireland* shall regularly review and update as necessary its criteria for including

*Athletes* in the *Sport Ireland Registered Testing Pool*, and shall periodically (but not less than quarterly) review the list of *Athletes* in its *Registered Testing Pool* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* shall be notified before they are included in the *Registered Testing Pool* and when they are removed from that pool. The notification shall contain the information set out in the *International Standard for Testing and Investigations*.

- 5.8.4 An *Athlete* who is included by *Sport Ireland* in the *Sport Ireland Registered Testing Pool* shall continue to be subject to the whereabouts requirements set out in these *Rules* and the *International Standard for Testing and Investigations* unless and until the *Athlete* retires from the sport in question and gives written notice to *Sport Ireland* and, if applicable, to his or her *International Federation* to that effect or, in the alternative, he or she has been given written notice by *Sport Ireland* that he or she is no longer designated for inclusion in the *Sport Ireland Registered Testing Pool*.
- 5.8.5 *International Level-Athletes* or *Athletes* in the *Sport Ireland Registered Testing Pool* (whether or not serving a period of *Ineligibility*), who retire in accordance with these *Rules* and then wish to return to active participation in sport, may not compete in *International Events* or *National Events* unless they have given their *National Governing Body*, *Sport Ireland* and their *International Federation* (if applicable) written notice of no less than six months (or, if applicable notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) of their intention to return to *Competition* and during that notice period they have submitted to the application of these *Rules* and to make themselves available for *Out-of-Competition Testing* and by providing such whereabouts information during the notice period as is required by *Sport Ireland*. WADA, in consultation with *Sport Ireland* and the *Athlete's International Federation* (if applicable), may grant an exemption to the six month written notice requirement where its strict application would be unfair to an *Athlete*. This decision may be appealed under Article 13.<sup>33</sup>
- 5.8.6 Any competitive results obtained in violation of Articles 5.8.5 shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Event* or a *National Event*.
- 5.8.7 Where an *Athlete* is included in an international *Registered Testing Pool* by their *International Federation* and in the *Sport Ireland Registered Testing Pool*, *Sport Ireland* and the *International Federation* shall agree between themselves which of them shall accept that *Athlete's Whereabouts Filings*; in no case shall an *Athlete* be required to make *Whereabouts Filings* to more than one of them.
- 5.8.8 Whereabouts information provided by *Athletes* in the *Sport Ireland Registered Testing Pool* shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in

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<sup>33</sup> Guidance for determining whether an exemption is warranted will be provided by WADA.

accordance with applicable data protection law and the *International Standard* for the Protection of Privacy and Personal Information.

- 5.8.9 *Sport Ireland* can establish one or more further *Testing Pool(s)* for other *Athletes* subject to these *Rules* (including in relation to *Team Sports*) and may apply different whereabouts requirements to such *Testing Pool(s)*.
- 5.8.10 *Sport Ireland* shall notify *Athletes* before they are included in a *Testing Pool* and when they are removed. Such notification shall include the whereabouts requirements and the consequences that apply in case of non-compliance, as indicated in Articles 5.8.11 and 5.8.12.
- 5.8.11 *Athletes* included in a *Testing Pool* (which may include *Team Sports*) shall provide *Sport Ireland* with the following whereabouts information so that they may be located and subjected to *Testing*:
- (a) An overnight address;
  - (b) *Competition / Event* schedule; and
  - (c) Regular training activities.

Such whereabouts information shall be filed in the manner instructed by *Sport Ireland* to enable better *Testing* coordination with other *Anti-Doping Organisations*.

- 5.8.12 An *Athlete's* failure (or a failure on their behalf) to provide whereabouts information on or before the date required by *Sport Ireland* or the *Athlete's* failure to provide accurate whereabouts information shall result in *Sport Ireland* elevating the *Athlete* to the *Sport Ireland Registered Testing Pool*.
- 5.8.13 *Sport Ireland* may, in accordance with the *International Standard* for *Testing* and Investigations, collect whereabouts information from *Athletes* who are not included within a *Registered Testing Pool*. If it chooses to do so, an *Athlete's* failure (or a failure on their behalf) to provide requested whereabouts information on or before the date required by *Sport Ireland* or the *Athlete's* failure to provide accurate whereabouts information shall result in *Sport Ireland* elevating the *Athlete* to the *Sport Ireland Registered Testing Pool*.

## 5.9 *Athlete Whereabouts Requirements*

- 5.9.1 Each *Athlete* in the *Sport Ireland Registered Testing Pool* is required:
- 5.9.1.1 to make to *Sport Ireland* an accurate and complete quarterly *Whereabouts Filing* that provides accurate and complete information about the *Athlete's* whereabouts during the forthcoming quarter, including identifying where they will be living, training and competing during that quarter, and to update the *Whereabouts Filing* where necessary, so that they can be located for *Testing* during this quarter at the times and locations specified in the *Whereabouts Filing*, as specified in Article 4.8.8 of the *International Standard* for *Testing* and Investigations. If the *Athlete* fails to make to *Sport Ireland* each required *Whereabouts Filing* by the specified timeline or makes a *Whereabouts Filing* that is

not accurate or complete or does not update a *Whereabouts Filing* as soon as possible, that failure shall amount to a *Filing Failure* and shall therefore constitute a *Whereabouts Failure* for the purposes of Article 2.4;

5.9.1.2 to specify in their *Whereabouts Filing*, for each day in the forthcoming quarter, one specific sixty (60) minute time slot between 5 a.m. and 11 p.m. each day when he or she will be available at a specified location for *Testing*, as specified in Article 4.8.8.3 of the *International Standard for Testing and Investigations*. This shall not limit in any way the *Athlete's* obligation to be available for *Testing* at any time and place pursuant to Article 5.3.1. Nor shall it limit their obligation to provide the information specified in Article 4.8.8.2 of the *International Standard for Testing and Investigations* as to his or her whereabouts outside of that sixty (60) minute time slot. However, if the *Athlete* is not available for *Testing* at such location during the 60-minute time slot specified for that day in his/her *Whereabouts Filing*, that failure shall constitute a *Missed Test*, and shall therefore constitute a *Whereabouts Failure* for the purposes of Article 2.4.

5.9.2 An *Athlete* in the *Sport Ireland Registered Testing Pool* may choose to delegate the making of some or all of his or her required *Whereabouts Filings* and/or any updates to his or her *Whereabouts Filings* to a third party provided such as a coach, manager or their *National Governing Body*, provided that the third party agrees to such delegation. *Sport Ireland* may require written notice of the delegation to be filed with it, signed by both the *Athlete* in question and the applicable third party.

5.9.3 In all cases however (including in the case of *Athletes* in *Team Sports*):

5.9.3.1 each *Athlete* remains ultimately responsible at all times for making accurate and complete *Whereabouts Filings* and updates as required by the *International Standard for Testing and Investigations* and these *Rules*, whether they make each *Whereabouts Filing* or update personally or delegate it to a third party. It shall not be a defence to an allegation of a *Filing Failure* under these *Rules* that the *Athlete* delegated such responsibility to a third party and that the third party failed to comply with the applicable requirements; and

5.9.3.2 each *Athlete* remains personally responsible at all times for ensuring that they are available for *Testing* at the specified location declared on their *Whereabouts Filing* or update, whether they made that *Whereabouts Filing* or update personally or delegated it to a third party. It shall not be a defence to an allegation of a *Missed Test* under these *Rules* that the *Athlete* had delegated responsibility for making his or her *Whereabouts Filing* or update for the relevant period to a third party and that the third party failed to file the correct information or failed to update previously filed information so as to ensure that the whereabouts

information in the *Whereabouts Filing* for the day in question was current and accurate.

## 5.10 *Whereabouts Failures Results Management*

- 5.10.1 An *Athlete* may only be declared to have committed a *Filing Failure* for the purposes of these *Rules* where *Sport Ireland* can establish that the conditions in Article B.2.1 of Annex B of the *International Standard for Results Management* have been met.
- 5.10.2 An *Athlete* may only be declared to have committed a *Missed Test* for the purposes of these *Rules* where *Sport Ireland* can establish that the conditions in Article B.2.4 of Annex B of the *International Standard for Results Management* have been met.
- 5.10.3 If *Sport Ireland* concludes that all of the conditions in Article B.2.1 of Annex B of the *International Standard for Results Management* in relation to *Filing Failures* or Article B.2.4 of Annex B of the *International Standard for Results Management* in relation to *Missed Tests*, as the case may be, are satisfied, then it shall follow the *Results Management* procedure provided for in Article B.3 of Annex B of the *International Standard for Results Management*.
- 5.10.4 *Sport Ireland* or the applicable *National Governing Body* may withhold from an *Athlete* one quarterly instalment (or equivalent) of the annual sport-related financial support payable to that *Athlete* where an alleged *Whereabouts Failure* has been recorded against that *Athlete*, regardless of the *Anti-Doping Organisation* that has recorded the alleged *Whereabouts Failure*.
- 5.10.5 In respect of an alleged anti-doping rule violation under Article 2.4, the *Irish Sport Anti-Doping Disciplinary Panel* shall not be bound by any determination made during the *Results Management* process, whether as to the adequacy of any explanation offered for a *Whereabouts Failure* or otherwise, and the burden is on *Sport Ireland* to establish all of the requisite elements of each *Whereabouts Failure*.

## 6 ARTICLE 6 ANALYSIS OF SAMPLES

### 6.1 *Incorporation of the International Standard for Laboratories*

These *Rules* incorporate the *International Standard* for Laboratories which is published and revised by *WADA*.

### 6.2 *Analysis in Accredited, Approved and Other Laboratories*

- 6.2.1 For purposes of directly establishing an *Adverse Analytical Finding* under Article 2.1, *Samples* shall be analysed only in *WADA*-accredited laboratories chosen by *Sport Ireland* or laboratories otherwise approved by *WADA* and chosen by *Sport Ireland*.<sup>34</sup>

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<sup>34</sup> For cost and geographic access reasons, *WADA* may approve laboratories which are not *WADA*-accredited to perform particular analyses, for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, *WADA* will ensure it meets the high analytical and custodial standards required by *WADA*. 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.

- 6.2.2 As provided in Article 8.6.3, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*-accredited or approved laboratories.

### 6.3 Purpose of Analysis of Samples and Data

*Samples* and related analytical data and *Doping Control* information shall be analysed to detect *Prohibited Substances* and *Prohibited Methods*, other substances as may be directed by *WADA* pursuant to Article 4.5 of the *Code* or to assist *Sport Ireland* and/or another *Anti-Doping Organisation* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.<sup>35</sup>

### 6.4 Standard for Sample Analysis and Reporting<sup>36</sup>

- 6.4.1 Laboratories shall analyse *Samples* and report results in conformity with the *International Standard* for Laboratories in force at the time of analysis.
- 6.4.2 Laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by *Sport Ireland*. Results from any such analysis shall be reported to *Sport Ireland* and have the same validity and *Consequences* as any other analytical result.

### 6.5 Further Analysis of Samples Prior to or During Results Management

- 6.5.1 There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time *Sport Ireland* notifies an *Athlete* that the *Sample* is the basis for an Article 2.1 anti-doping rule violation charge. If after such notification *Sport Ireland* wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.
- 6.5.2 After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.3 at any time exclusively at the direction of *Sport Ireland* or *WADA*. Any other *Anti-Doping Organisation* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of *Sport Ireland* or *WADA*, and such other *Anti-Doping Organisation* shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by *WADA* or another *Anti-Doping Organisation* shall be at *WADA's* or that organisation's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories in force at the time of analysis.

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<sup>35</sup> 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, or both.

<sup>36</sup> 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.

## 6.6 Research on *Samples* and Data

- 6.6.1 All *Samples* provided by an *Athlete* for the purposes of *Doping Control* under these *Rules* shall be the property of *Sport Ireland*.

*Samples*, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Athlete*'s written consent. *Samples*, related analytical data and *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples*, related analytical data and other *Doping Control* information being traced back to a particular *Athlete*. Any research involving *Samples*, related analytical data and *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*<sup>37</sup>.

## 6.7 Split of A or B *Sample*

Where *WADA*, *Sport Ireland*, and/or a *WADA*-accredited laboratory (with approval from *WADA* or *Sport Ireland*) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard* for Laboratories shall be followed.

## 6.8 *WADA*'s Right to Take Possession of *Samples* and Data

*WADA* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or Anti-Doping Organisation. Upon request by *WADA*, the laboratory or *Anti-Doping Organisation* in possession of the *Sample* or data shall immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data. If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organisation* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and each *Anti-Doping Organisation* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organisation* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.<sup>638</sup>

<sup>37</sup> As is the case in most medical or scientific contexts, use of *Samples* and related information for quality assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. *Samples* and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular *Athlete*, having due regard to the principles set out in Article 19 of the *Code*, as well as the requirements of the *International Standard* for Laboratories and *International Standard* for the Protection of Privacy and Personal Information

<sup>38</sup> Resistance or refusal to *WADA* taking physical possession of *Samples* could constitute *Tampering*, *Complicity* or an act of non-compliance as provided in the *International Standard* for Code Compliance by *Signatories*, and could also constitute a violation of the *International Standard* for Laboratories. Where necessary, the laboratory and/or the *Anti-Doping Organisation* shall assist *WADA* in ensuring that the seized *Sample* and related data are not delayed in exiting the applicable country.

*WADA* would not, of course, unilaterally take possession of *Samples* or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a *Signatory* or doping activities by another *Person*. However, the decision as to whether good cause exists is for *WADA* to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defence against an anti-doping rule violation or its *Consequences*.

## 7 ARTICLE 7 RESULTS MANAGEMENT

*Results Management* under these *Rules* establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

### 7.1 Responsibility for Results Management

Except as otherwise provided in Articles 6.5.2, and 6.8 of these *Rules* and Article 7.1 of the *Code*, *Results Management* and the investigation of potential anti-doping rule violations shall be the responsibility of *Sport Ireland* and shall proceed pursuant to these *Rules* where *Sport Ireland* initiated and directed *Sample* collection or, if no *Sample* collection is involved, where *Sport Ireland* first provides notice to an *Athlete* or other *Person* of the alleged anti-doping rule violation and then diligently pursues that alleged anti-doping rule violation. *Sport Ireland* will conduct *Results Management* in accordance with these *Rules*, the *Code* and the *International Standard for Results Management*.

### 7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations

*Sport Ireland* shall carry out the review and notification with respect to any potential anti-doping rule violation in accordance with the *International Standard for Results Management*.

### 7.3 Identification of Prior Anti-Doping Rule Violations

Before giving an *Athlete* or other *Person* notice of a potential anti-doping rule violation as provided in Article 7.2, *Sport Ireland* shall refer to *ADAMS* and contact *WADA* and other relevant *Anti-Doping Organisations* to determine whether any prior anti-doping rule violation exists.

### 7.4 Results Management Decisions and Notification of Results Management Decisions

7.4.1 *Results Management* decisions or adjudications by *Sport Ireland* must not purport to be limited to a particular geographic area or sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific Articles of these *Rules* that have been violated, and (ii) all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Article 9, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.<sup>39</sup>

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<sup>39</sup> Each decision by *Sport Ireland* should address whether an anti-doping rule violation was committed and all *Consequences* flowing from the violation, including any *Disqualifications* other than *Disqualification* under Article 9 (which is left to the ruling body for an *Event*). Pursuant to Article 15, such decision and its imposition of *Consequences* shall have automatic effect in every sport in every country. For example, for a determination that an *Athlete* committed an anti-doping rule violation based on an *Adverse Analytical Finding* for a *Sample* taken *In-Competition*, the *Athlete's* results obtained in the *Competition* would be *Disqualified* under Article 9 and all other competitive results obtained by the *Athlete* from the date the *Sample* was collected through the duration of the period of *Ineligibility* are also *Disqualified* under Article 9; if the *Adverse Analytical Finding* resulted from *Testing* at an *Event*, it would be the *Major Event Organisation's* responsibility to decide whether the *Athlete's* other individual results in the *Event* prior to *Sample* collection are also *Disqualified* under Article 9.2.

- 7.4.2 *Sport Ireland* shall notify *Athletes*, other *Persons*, *Signatories* and *WADA* of *Results Management* decisions as provided in Article 14 of the Code and in the *International Standard for Results Management*.<sup>40</sup>

## 7.5 *Provisional Suspensions*<sup>41</sup>

### 7.5.1 *Mandatory Provisional Suspension after Adverse Analytical Finding or Adverse Passport Finding*

If *Sport Ireland* receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, it shall impose a *Provisional Suspension* on the *Athlete* that will come into effect automatically on the date specified by *Sport Ireland* in the notification to the *Athlete* under Article 7.2.

A mandatory *Provisional Suspension* shall not be lifted unless the *Athlete* or other *Person* establishes that:

- 7.5.1.1 the violation is likely to have involved a *Contaminated Product*, or
- 7.5.1.2 the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Article 10.1.4.1.

A hearing body's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

### 7.5.2 *Optional Provisional Suspension Based on Adverse Analytical Finding for Specified Substances, Specified Methods, Contaminated Products or other Anti-Doping Rule Violations*

In all other cases where it is determined by *Sport Ireland* that an *Athlete* or other *Person* has a case to answer under Article 2, then a *Provisional Suspension* will come into effect automatically on the date specified by *Sport Ireland* in the notification to the *Athlete* or other *Person* under Article 7.2, unless *Sport Ireland* determines that a *Provisional Suspension* shall not apply and so specifies in the notification.

An optional *Provisional Suspension* may be lifted at the discretion of *Sport Ireland* at any time prior to the *Hearing Panel's* decision under Article 8, unless provided otherwise in the *International Standard for Results Management*.

### 7.5.3 *Opportunity for Hearing or Appeal*

<sup>40</sup> *Results Management* decisions include *Provisional Suspensions*.

<sup>41</sup> Before a *Provisional Suspension* can be unilaterally imposed by *Sport Ireland*, the internal review specified in the Code must first be completed.

In the rare circumstance where the B *Sample* analysis does not confirm the A *Sample* finding, the *Athlete* who had been *Provisionally Suspended* will be allowed, where circumstances permit, to participate in subsequent *Competitions* during the *Event*.

Similarly, depending upon the relevant rules of the *International Federation* in a *Team Sport*, if the team is still in *Competition*, the *Athlete* may be able to take part in future *Competitions*.

*Athletes* and other *Persons* shall receive credit for a *Provisional Suspension* against any period of *Ineligibility* which is ultimately imposed, as provided in Article 10.9.2 of the *Rules*.

Notwithstanding Articles 7.5.1 and 7.5.2, a *Provisional Suspension* may not be imposed unless the *Athlete* or other *Person* is given: (a) an opportunity for a *Provisional Hearing*, either before the imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after imposition of the *Provisional Suspension*.

*Provisional Hearings* shall be heard by a single arbitrator who shall be the Chair or a Vice-Chair of the *Irish Sport Anti-Doping Disciplinary Panel*.

Save as provided in Article 7.5.1, the imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension* may be appealed exclusively in accordance with Article 13.

#### 7.5.4 Voluntary Acceptance of *Provisional Suspension*

7.5.4.1 *Athletes* on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten days from the report of the B *Sample* (or waiver of the B *Sample*) or ten days from the notice of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notice.

7.5.4.2 Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten days from the notice of the anti-doping rule violation.

7.5.4.3 Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.5.1 or 7.5.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

7.5.5 If a *Provisional Suspension* is imposed based on an A *Sample Adverse Analytical Finding* and a subsequent B *Sample* analysis (if requested by the *Athlete* or *Sport Ireland*) does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* (or the *Athlete's* team as may be provided in the rules of the applicable *Major Event Organisation* or *International Federation*) has been removed from an *Event* based on a violation of Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, if, without otherwise affecting the *Event*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Event*.

#### 7.6 Suspension of Financial Support

All sport-related financial support to an *Athlete* shall stand suspended from the notification of that *Athlete* under Article 7.2 of an alleged anti-doping rule violation, other than an anti-doping rule violation involving a *Specified Substance* or *Specified*

*Method.* The suspension shall last until the date of final determination that an anti-doping rule violation has or has not been committed, when the following provisions shall apply:

- 7.6.1 Where the final determination is that an anti-doping rule violation has not been committed, the suspended financial support shall be remitted to the *Athlete* as soon as practicable.
- 7.6.2 Where the final determination is that an anti-doping rule violation has been committed but the period of *Ineligibility* has been eliminated, the suspended financial support shall be remitted to the *Athlete* as soon as practicable.
- 7.6.3 Where the final determination is that an anti-doping rule violation has been committed and a period of *Ineligibility* has been imposed on the *Athlete*, the provisions of Article 10.11 shall apply.

## 7.7 Retirement from Sport<sup>42</sup>

If an *Athlete* or other *Person* retires while a *Results Management* process under these *Rules* is underway, *Sport Ireland* retains authority and jurisdiction to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process under these *Rules* has begun, and *Sport Ireland* 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, *Sport Ireland* has authority to conduct *Results Management*.

# 8. ARTICLE 8 DISCIPLINARY PROCEEDINGS

## 8.1 Fair Hearings

*Sport Ireland* (and, if applicable, a *National Governing Body*) shall, for any *Person* who is asserted to have committed an anti-doping rule violation, provide a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent Hearing Panel* in compliance with the *Code* and the *International Standard for Results Management*.<sup>43</sup>

## 8.2 Appointment of the Irish Sport Anti-Doping Disciplinary Panel

- 8.2.1 *Sport Ireland* shall appoint the members of the *Irish Sport Anti-Doping Disciplinary Panel* and shall ensure that its composition, term of office, professional experience, *Operational Independence* and adequate financing comply with the requirements of the *International Standard for Results Management*.
- 8.2.2 Each member shall be appointed for a term of four years. A member may be re-appointed by *Sport Ireland*. If a member dies or resigns, *Sport Ireland* may appoint a new member to fill the resultant vacancy. The member so appointed

<sup>42</sup> 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.

<sup>43</sup> This Article requires that at some point in the *Results Management* process, the *Athlete* or other *Person* shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms and are principles generally accepted in international law.

shall be appointed for the remainder of the term of the member who occasioned the vacancy.

- 8.2.3 Each member shall be appointed on the basis that he or she is in a position to hear cases under Article 8 of the *Rules* fairly and impartially and that they are *Operationally Independent*.
- 8.2.4 *Sport Ireland* shall also appoint a Registrar in accordance with the *Disciplinary Procedures* to assist the *Irish Sport Anti-Doping Disciplinary Panel*.

### 8.3 Jurisdiction of the *Irish Sport Anti-Doping Disciplinary Panel*

- 8.3.1 When *Sport Ireland* sends a notice to an *Athlete* or other *Person* notifying them of a potential anti-doping rule violation, and the *Athlete* or other *Person* does not waive a hearing in accordance with Article 8.4.1 or Article 8.4.2, then the case shall be referred to the *Irish Sport Anti-Doping Disciplinary Panel* for hearing and adjudication, which shall be conducted in accordance with the principles described in Articles 8 and 9 of the *International Standard for Results Management*.
- 8.3.2 The *Irish Sport Anti-Doping Disciplinary Panel* has the power to hear and determine all issues arising from any matter which is referred to it pursuant to these *Rules*. In particular, the *Irish Sport Anti-Doping Disciplinary Panel* has the power to hear and determine a case arising under these *Rules* and to determine whether an anti-doping rule violation has been committed and/or the *Consequences* to be imposed pursuant to these *Rules* for an anti-doping rule violation found to have been committed.
- 8.3.3 The *Irish Sport Anti-Doping Disciplinary Panel* has all powers necessary for, and incidental to, the exercise of its functions under the *Act*, the *Code*, these *Rules*, the Arbitration Act 2010, the *International Standard for Results Management* and otherwise.
- 8.3.4 The *Irish Sport Anti-Doping Disciplinary Panel* shall not have the power to award costs save as provided in Article 10.12 and as follows:
  - 8.3.4.1 if the *Irish Sport Anti-Doping Disciplinary Panel* finds that there has been no anti-doping rule violation by the *Athlete* or other *Person* concerned; and
  - 8.3.4.2 where so finding, the *Irish Sport Anti-Doping Disciplinary Panel* also considers it appropriate in the particular circumstances of the case to award some or all of his or her costs to the *Athlete* or other *Person*, having considered all the circumstances of the case.

### 8.4 Waiver of Hearing

- 8.4.1 An *Athlete* or other *Person* against whom an anti-doping violation is asserted may admit that violation at any time, waive a hearing and accept the *Consequences* proposed by *Sport Ireland* and may, if applicable, benefit from a *Results Management* agreement under the conditions set out in Article 10.7.

- 8.4.2 However, if the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within fifteen (15) days or the deadline otherwise specified in the notice sent by *Sport Ireland* asserting the violation, then they shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the proposed *Consequences*.
- 8.4.3 In cases where Article 8.4.1 or 8.4.2 applies, a hearing before the *Irish Sport Anti-Doping Disciplinary Panel* shall not be required. Instead *Sport Ireland* shall promptly issue a written decision that conforms with Article 9 of the *International Standard for Results Management* and which includes the full reasons for the decision, the period of *Ineligibility* imposed, the *Disqualification* of results under Article 9 and, if applicable, a justification for why the greatest potential *Consequences* were not imposed.
- 8.4.4 *Sport Ireland* shall notify that decision to the *Athlete* or other *Person* and to other *Anti-Doping Organisations* with a right to appeal under Articles 13.2.2, and shall promptly report it into ADAMS. *Sport Ireland* shall *Publicly Disclose* that decision in accordance with Article 15.4.

## 8.5 Hearing Process

- 8.5.1 Each member of a *Hearing Panel* must, upon appointment, sign a declaration that there are no facts or circumstances known to him or her which might call into question their impartiality in the eyes of any of the parties, other than those circumstances disclosed in the declaration.
- 8.5.2 *Sport Ireland* shall present the case against the *Athlete* or other *Person*.
- 8.5.3 Where agreed between the *National Governing Body* of the *Athlete* or other *Person* concerned and *Sport Ireland* in advance, the *National Governing Body* shall present the case against the *Athlete* or other *Person* concerned. In such a case *Sport Ireland* shall have the right to join proceedings and attend hearings of the *Hearing Panel* as a party.
- 8.5.4 *Sport Ireland*, if not a party to the proceedings in accordance with Article 8.5.3, the relevant *International Federation* and *National Governing Body* and WADA shall each have the right to attend hearings of the *Hearing Panel* as an observer. In any event, *Sport Ireland* shall keep them fully apprised as to the status of pending cases and the result of all hearings.
- 8.5.5 Proceedings held in connection with *Events* in respect of *Athletes* and other *Persons* may be conducted on an expedited basis where permitted by the *Irish Sport Anti-Doping Disciplinary Panel*.<sup>44</sup>
- 8.5.6 Anti-doping rule violations asserted against *International-Level Athletes* or *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, *Sport Ireland* (where it has *Results Management* responsibility in accordance with Article 7) and WADA, be heard in a single hearing at CAS, with no requirement for a prior hearing.<sup>45</sup>

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<sup>44</sup> For example, a hearing could be expedited on the eve of a major *Event* where the resolution of the anti-doping violation is necessary to determine the *Athlete's* eligibility to participate in the *Event*, or during an *Event* where the resolution of the case will affect the validity of the *Athlete's* results or continued participation in the *Event*.

<sup>45</sup> In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be substantial. Where all of the parties identified in this Article are satisfied

## 8.6 Burdens and Standards of Proof and Methods of Establishing Facts and Presumptions

- 8.6.1 *Sport Ireland* (or the *National Governing Body* where applicable) shall have the burden of proving the alleged anti-doping rule violation(s). The standard of proof shall be whether *Sport Ireland* (or the *National Governing Body* where applicable) has established an anti-doping rule violation(s) to the comfortable satisfaction of the *Hearing Panel* bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.<sup>46</sup>
- 8.6.2 Where these *Rules* place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 8.6.6 and 8.6.7, the standard of proof shall be by a balance of probability.
- 8.6.3 The *Hearing Panel* shall have the power to decide on the admissibility, relevance and weight of any evidence (including the testimony of any fact or expert witness) and shall not be bound by any legal rules in relation to such matters. Facts related to anti-doping rule violations may be established by any reliable means, including admissions<sup>47</sup>.
- 8.6.4 Facts related to anti-doping rule violations may be established by any reliable means, including admissions.
- 8.6.5 Analytical methods or *Decision Limits* approved by *WADA* after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge. The *Hearing Panel* or *CAS*, on its own initiative, may also inform *WADA* of any such challenge. Within 10 days of *WADA*'s receipt of such notice and the case file related to such challenge, *WADA* shall also have the right to intervene as a party, appear as amicus curiae, or otherwise provide evidence in such proceedings. In cases before *CAS*, at *WADA*'s request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.<sup>48</sup>

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that their interests will be adequately protected in a single hearing, there is no need for the *Athlete* or *Anti-Doping Organisations* to incur the extra expense of two hearings. An *Anti-Doping Organisation* may participate in the *CAS* hearing as an observer.

<sup>46</sup> This standard of proof required to be met by the *Anti-Doping Organisation* is comparable to the standard which is applied in most countries to cases involving professional misconduct. This is not the case in Ireland where the standard of proof in cases involving professional misconduct is the higher threshold of beyond a reasonable doubt.

<sup>47</sup> For example, an *Anti-Doping Organisation* may establish an anti-doping rule violation under Article 2.2 based on the *Athlete*'s admissions, the credible testimony of third *Persons*, reliable documentary evidence, reliable analytical data from either an A or B *Sample* as provided in the comments to Article 2.2, or conclusions drawn from the profile of a series of the *Athlete*'s blood or urine *Samples*, such as data from the *Athlete Biological Passport*.

<sup>48</sup> For certain *Prohibited Substances*, *WADA* may instruct *WADA*-accredited laboratories not to report *Samples* as an *Adverse Analytical Finding* if the estimated concentration of the *Prohibited Substance* or its *Metabolites* or *Markers* is below a Minimum Reporting Level. *WADA*'s decision in determining that *Minimum Reporting Level* or in determining which *Prohibited Substances* should be subject to *Minimum Reporting Levels* shall not be subject to challenge. Further, the laboratory's estimated concentration of such *Prohibited Substance* in a *Sample* may only be an estimate. In no event shall the possibility that the exact concentration of the *Prohibited Substance* in the *Sample* may be below the *Minimum Reporting Level* constitute a defence to an anti-doping rule violation based on the presence of that *Prohibited Substance* in the *Sample*.

- 8.6.6 WADA-accredited laboratories, and other laboratories approved by WADA, shall be 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 which could reasonably have caused the *Adverse Analytical Finding*. If the *Athlete* or other *Person* rebuts the preceding presumption by showing a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then *Sport Ireland* (or a *National Governing Body* where applicable) shall have the burden of establishing that such departure did not cause the *Adverse Analytical Finding*.<sup>49</sup>
- 8.6.7 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these *Rules* shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defence to an anti-doping rule violation;<sup>50</sup> provided however that if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or *Whereabouts Failure*, then *Sport Ireland* (or a *National Governing Body* where applicable) shall have the burden of establishing that such departure did not cause the *Adverse Analytical Finding* or *Whereabouts Failure*:
- 8.6.7.1 a departure from the *International Standard* for *Testing* and *Investigations* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case *Sport Ireland* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- 8.6.7.2 a departure from the *International Standard* for *Results Management* or *International Standard* for *Testing* and *Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case *Sport Ireland* shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- 8.6.7.3 a departure from the *International Standard* for *Results Management* related to the requirement to provide notice to the *Athlete* of the *B Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse*

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<sup>49</sup> The burden is on the *Athlete* or other *Person* to establish, by a balance of probability, a departure from the *International Standard* for Laboratories that could reasonably have caused the *Adverse Analytical Finding*. Thus, once the *Athlete* or other *Person* establishes the departure by a balance of probability, the *Athlete's* or other *Person's* burden on causation is the somewhat lower standard of proof - "could reasonably have caused". If the *Athlete* or other *Person* satisfies these standards, the burden shifts to *Sport Ireland* (or a *National Governing Body* in cases under Article 8.5.3) to prove to the comfortable satisfaction of the *Hearing Panel* that the departure did not cause the *Adverse Analytical Finding*.

<sup>50</sup> Departures from an *International Standard* or other rule unrelated to *Sample* collection or handling, *Adverse Passport Finding*, or *Athlete* notification relating to *Whereabouts Failure* or *B Sample* opening – e.g., the *International Standards* for *Education*, the protection of privacy and personal information or *TUEs* – may result in compliance proceedings by WADA but are not a defence in an anti-doping rule violation proceeding and are not relevant on the issue of whether the *Athlete* committed an anti-doping rule violation. Similarly, an *Anti-Doping Organisation's* violation of the document referenced in Article 20.7.7 of the *Code* shall not constitute a defence to an anti-doping rule violation.

*Analytical Finding*, in which case *Sport Ireland* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;<sup>51</sup>

- 8.6.7.4 a departure from the *International Standard for Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a *Whereabouts Failure*, in which case *Sport Ireland* shall have the burden to establish that such departure did not cause the *Whereabouts Failure*.
- 8.6.8 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable 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.
- 8.6.9 Any certificate, notice, form, or other such document shall be, until the contrary is proved, sufficient evidence of:
  - 8.6.9.1 The qualifications and authority of any official who carried out, or assisted in the carrying out of, any part of *Doping Control* to carry out, or to assist in the carrying out of, such part of *Doping Control*; and
  - 8.6.9.2 The authority of the official who signed the certificate, notice, form or other such document; and
  - 8.6.9.3 The facts stated in the certificate, notice, form or other such document.
- 8.6.10 The *Hearing Panel* in a hearing on an anti-doping rule violation may draw an inference that is adverse to the *Athlete* or other *Person* alleged 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 telephonically or by other electronic means as directed by the *Hearing Panel*) and to answer questions from the *Hearing Panel*, *Sport Ireland* and/or a party.

## 8.7 Disciplinary Decisions

- 8.7.1 The written decision of the *Hearing Panel* shall conform with Article 9 of the *International Standard for Results Management* and shall be advised to the parties to the proceedings, *WADA* and to *Sport Ireland* if not a party to the proceedings as soon as practicable after the conclusion of the hearing.
- 8.7.2 *Sport Ireland* shall notify that decision to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.2, and shall promptly report it into *ADAMS*.

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<sup>51</sup> *Sport Ireland* would meet its burden to establish that such departure did not cause the *Adverse Analytical Finding* by showing that, for example, the B *Sample* opening and analysis were observed by an independent witness and no irregularities were observed.

- 8.7.3 The decision of the *Hearing Panel* shall be final and binding on all of the *Persons* identified in Article 13.2.2 and may only be appealed in accordance with Article 13.

## 8.8 **National Governing Body Disciplinary Panel**

- 8.8.1 A *National Governing Body* may, in agreement with *Sport Ireland*, determine that hearings pursuant to this Article shall be before its own disciplinary panel and for the purposes of the rules of the *National Governing Body* concerned all references to the *Irish Sport Anti-Doping Disciplinary Panel* and/or the *Hearing Panel* elsewhere in these Rules shall be construed as referring to its disciplinary panel, save for the references in the definitions in Appendix 1 and the *Disciplinary Procedures*.
- 8.8.2 *Sport Ireland*, in so agreeing with a *National Governing Body*, may require the *National Governing Body* to comply with such conditions and terms regarding its disciplinary panel as *Sport Ireland* considers appropriate in all the circumstances.
- 8.8.3 *Sport Ireland* may rescind an agreement with a *National Governing Body* regarding its disciplinary panel if *Sport Ireland* forms the view that any such term or condition has not been adhered to or that the *National Governing Body* or its disciplinary panel is not acting in compliance with the provisions of these *Rules*.
- 8.8.4 *Sport Ireland* may, in accordance with Article 8.5.3, agree that the *National Governing Body* shall present the case against the *Athlete* or other *Person* concerned to the *National Governing Body's* disciplinary panel. In such cases, *Sport Ireland* may become a party to the proceedings in accordance with Article 8.5.4.
- 8.8.5 The composition, jurisdiction, hearings, proceedings decision-making processes and time periods of such disciplinary panel shall be in conformity with the provisions of this Article 8, the *International Standard for Results Management* and the *Disciplinary Procedures* and the disciplinary panel shall determine the *Consequences* to be imposed in accordance with these *Rules*.
- 8.8.6 The *National Governing Body* shall appoint the members of such disciplinary panel and pay the remuneration and costs of such members incurred in the exercise of its functions.

## 9 **ARTICLE 9 DISQUALIFICATION SANCTIONS ON INDIVIDUALS**

### 9.1 **Automatic Disqualification of Individual Results**

An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes<sup>52</sup>.

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<sup>52</sup> For *Team Sports*, any awards received by individual players will be *Disqualified*. However, *Disqualification* of the team will be as provided in Article 11. In sports which are not *Team Sports* but where awards are given to teams,

## 9.2 *Disqualification of Results in the Event during which an Anti-Doping Rule Violation Occurs*<sup>53</sup>

- 9.2.1 An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, 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 9.2.2. Factors to be included in considering whether to *Disqualify* other results in an *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*.
- 9.2.2 If the *Athlete* establishes that he or she bears *No Fault or Negligence* for the violation, the *Athlete's* individual results in the other *Competitions* shall not be *Disqualified*, unless the *Athlete's* results in *Competitions* 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.

## 9.3 *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* which produced the positive *Sample*, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.<sup>54</sup>

# 10 ARTICLE 10 INELIGIBILITY SANCTIONS ON INDIVIDUALS<sup>55</sup>

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

- 10.1.1 The period of *Ineligibility* imposed for a violation of Article 2.1, Article 2.2 or

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*Disqualification* or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the *International Federation*.

<sup>53</sup> Whereas Article 9.1 *Disqualifies* the result in a single *Competition* in which the *Athlete* tested positive (e.g., the 100 meter backstroke), this Article may lead to *Disqualification* of all results in all races during the *Event* (e.g., the swimming World Championships).

<sup>54</sup> Nothing in these *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*.

<sup>55</sup> Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the *Athletes* are professionals making a sizable income from the sport and in others the *Athletes* are true amateurs; in those sports where an *Athlete's* career is short, a standard period of *Ineligibility* has a much more significant effect on the *Athlete* than in sports where careers are traditionally much longer. A primary argument in favor of harmonisation is that it is simply not right that two *Athletes* from the same country who test positive for the same *Prohibited Substance* under similar circumstances should receive different sanctions only because they participate in different sports. In addition, too much flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of conflicts between *International Federations* and *National Anti-Doping Organisations*.

Article 2.6, shall, subject to potential elimination, reduction or suspension in Articles 10.4, 10.5 or 10.6, be four years' where:

- 10.1.1.1 The anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional<sup>56</sup>; or
  - 10.1.1.2 The anti-doping rule violation involves a *Specified Substance* or a *Specified Method* and *Sport Ireland* (or a *National Governing Body* where applicable) can establish that the anti-doping rule violation was intentional.
- 10.1.2 If Articles 10.1.1.1 and 10.1.1.2 do not apply, subject to Article 10.1.4.1, the period of *Ineligibility* shall be two (2) years.
- 10.1.3 As used in Articles 10.1, the term "intentional" is meant to identify those *Athletes* or other *Persons* who engage in conduct they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk<sup>57</sup>. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition*:
- 10.1.3.1 shall be rebuttably presumed to be not "intentional" if the substance is a *Specified Substance* and the *Athlete* can establish that it was *Used Out-of-Competition*;
  - 10.1.3.2 shall 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.
- 10.1.4 Notwithstanding any other provision in Article 10.1, where the anti-doping rule violation involves a *Substance of Abuse*:
- 10.1.4.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this Article 10.1.4.1 may be reduced to one month if the *Athlete* or other *Person* satisfactorily completes a *Substance of Abuse* treatment programme approved by *Sport Ireland*<sup>58</sup>. The period of *Ineligibility*

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<sup>56</sup> While it is theoretically possible for an *Athlete* or other *Person* to establish that the anti-doping rule violation was not intentional without showing how the *Prohibited Substance* entered one's system, it is highly unlikely that in a doping case under Article 2.1 an *Athlete* will be successful in proving that the *Athlete* acted unintentionally without establishing the source of the *Prohibited Substance*.

<sup>57</sup> Article 10.1.3 provides a special definition of "intentional" which is to be applied solely for purposes of Article 10.1.

<sup>58</sup> The determinations as to whether the treatment programme is approved and whether the *Athlete* or other *Person* has satisfactorily completed the programme shall be made in the sole discretion of *Sport Ireland*. This Article is intended to give *Sport Ireland* the leeway to apply its own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programmes. It is anticipated, however, that the characteristics of legitimate treatment programmes may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programmes.

established in this Article 10.1.4.1 is not subject to any reduction based on any provision in Article 10.5.

- 10.1.4.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of Article 10.1.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Article 10.3.

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

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.1 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

- 10.2.1 For violations of Article 2.3 or 2.5, the period of *Ineligibility* shall be four years except (i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional the period of *Ineligibility* shall be two years; (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two years to four years depending on the *Athlete's* or other *Person's* degree of *Fault*; or (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.
- 10.2.2 For violations of Article 2.4, the period of *Ineligibility* shall 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*.
- 10.2.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* shall be considered a particularly serious violation, and, if committed by *Athlete Support Persons* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Persons*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.<sup>59</sup>
- 10.2.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.
- 10.2.5 For violations of Article 2.10, the period of *Ineligibility* imposed shall be two

<sup>59</sup> 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 accreditation, membership and other sport benefits, reporting *Athlete Support Personnel* to competent authorities is an important step in the deterrence of doping.

years, subject to reduction down to a minimum of one year, depending on the *Athlete's* or other *Person's* degree of *Fault* and other circumstances of the case.<sup>60</sup>

- 10.2.6 For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.<sup>61</sup>

### 10.3 *Aggravating Circumstances which may Increase the Period of Ineligibility*

If *Sport Ireland* (or a *National Governing Body* where applicable) establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity* or *Attempted Complicity*) or 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that he or she did not knowingly commit the anti-doping rule violation.<sup>62</sup>

### 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*, then the otherwise applicable period of *Ineligibility* shall be eliminated.<sup>63</sup>

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

#### 10.5.1. *Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6*

All reductions under Article 10.5.1 are mutually exclusive and not cumulative.

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<sup>60</sup> Where the "other *Person*" referenced in Article 2.10 (*Prohibited Association by an Athlete or Other Person*) is an entity and not an individual, that entity may be disciplined as provided in Article 12.

<sup>61</sup> Conduct that is found to violate both Article 2.5 (*Tampering*) and Article 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*) shall be sanctioned based on the violation that carries the more severe sanction.

<sup>62</sup> Violations under Articles 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity* or *Attempted Complicity*) and 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting*) are not included in the application of Article 10.3 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any aggravating circumstance.

<sup>63</sup> 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* could 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*.

#### 10.5.1.1. Specified Substances or Specified Methods

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, and the *Athlete* or other *Person* can establish *No Significant Fault or Negligence* then the period of *Ineligibility* shall 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*.

#### 10.5.1.2 Contaminated Products

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) came from a *Contaminated Product*, then the period of *Ineligibility* shall 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*.<sup>64</sup>

#### 10.5.1.3 Protected Persons or Recreational Athletes

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

### 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's* 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

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<sup>64</sup> In order to receive the benefit of this Article, the *Athlete* or other *Person* must establish not only that the detected *Prohibited Substance* came from a *Contaminated Product*, but must also separately establish *No Significant Fault or Negligence*. It should be further noted that *Athletes* are on notice that they take nutritional supplements at their own risk. The sanction reduction based on *No Significant Fault or Negligence* has rarely been applied in *Contaminated Product* cases unless the *Athlete* has exercised a high level of caution before taking the *Contaminated Product*. In assessing whether the *Athlete* can establish the source of the *Prohibited Substance*, it would, for example, be significant for purposes of establishing whether the *Athlete* actually *Used* the *Contaminated Product*, whether the *Athlete* had declared the product which was subsequently determined to be contaminated on the *Doping Control* form.

This Article should not be extended beyond products that have gone through some process of manufacturing. Where an *Adverse Analytical Finding* results from environment contamination of a "non-product" such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be *No Fault or Negligence* under Article 10.4.

years.<sup>65</sup>

## 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 *Code Violations*<sup>66</sup>

10.6.1.1 *Sport Ireland* may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to *Sport Ireland* or another *Anti-Doping Organisation*, a criminal authority or professional disciplinary body which results in:

- i. *Sport Ireland* or other *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*;
- ii. a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to *Sport Ireland* or other *Anti-Doping Organisation* with *Results Management* responsibility;
- iii. *WADA* initiating a proceeding against a *Signatory*, *WADA*-accredited laboratory or *Athlete* passport management unit (as defined in the *International Standard* for Laboratories) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or
- iv. with the approval by *WADA*, a criminal or disciplinary body bringing forward a criminal offence or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

After an appellate decision under Article 13 or the expiration of time to appeal, *Sport Ireland* may only suspend a part of the otherwise applicable *Consequences* with the approval of *WADA* and the applicable *International Federation*. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the *Code* and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be

<sup>65</sup> 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, 2.9 or 2.11) or an element of a particular sanction (e.g. Article 10.1) or a range of *Ineligibility* is already provided in an Article based on the *Athlete's* or other *Person's* degree of *Fault*.

<sup>66</sup> 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.

suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.8.3.2.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, *Sport Ireland* shall allow the *Athlete* or other *Person* to provide the information to *Sport Ireland* subject to a *Without Prejudice Agreement*.

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

- 10.6.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of *Sport Ireland* or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation or other violation of the *Code*, *WADA* may agree at any stage of the *Results Management* process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in Article 10.6.1.1, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. *WADA*'s approval shall be subject to reinstatement of *Consequences*, as otherwise provided in Article 10.6.1. Notwithstanding Article 13, *WADA*'s decisions in the context of this Article 10.6.1.2 may not be appealed.
- 10.6.1.3 If *Sport Ireland* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organisations* with a right to appeal the decision under Articles 13.2.2, as provided in Article 14 of the *Code*.
- 10.6.1.4 In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorise an *Anti-Doping Organisation* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

## 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 which 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.<sup>67</sup>

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

Where an *Athlete* or other *Person* establishes an entitlement to reduction in sanction under more than one provision of Articles 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.1, 10.2, 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*.

## 10.7 Results Management Agreements

### 10.7.1 One-Year Reduction for Certain Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

Where an *Athlete* or other *Person*, after being notified by *Sport Ireland* of a potential anti-doping rule violation that carries an asserted period of *Ineligibility* of four or more years (including any period of *Ineligibility* asserted under Article 10.3), admits the violation and accepts the asserted period of *Ineligibility* no later than 20 days after receiving notice of an anti-doping rule violation charge, the *Athlete* or other *Person* may receive a one-year reduction in the period of *Ineligibility* asserted by *Sport Ireland*. Where the *Athlete* or other *Person* receives the one-year reduction in the asserted period of *Ineligibility* under this Article 10.7.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.<sup>68</sup>

### 10.7.2 Case Resolution Agreement

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by *Sport Ireland* and agrees to *Consequences* acceptable to *Sport Ireland* and WADA, at their sole discretion, then:

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<sup>67</sup> 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 *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.

<sup>68</sup> For example, if an *Anti-Doping Organisation* alleges that an *Athlete* has violated Article 2.1 by presence of an anabolic steroid and asserts the applicable period of *Ineligibility* is four years, then the *Athlete* may unilaterally reduce the period of *Ineligibility* to three years by admitting the violation and accepting the three-year period of *Ineligibility* within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.

(a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by *Sport Ireland* and *WADA* of the application of Article 9.2 and Articles 10.1 through 10.6 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete's* or other *Person's* degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and

(b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*. The decision by *WADA* and *Sport Ireland* to enter or not enter into a case resolution agreement, and the amount of the reduction to, and the starting date of the period of *Ineligibility*, are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, *Sport Ireland* shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with *Sport Ireland* subject to a *Without Prejudice Agreement*.<sup>69</sup>

## 10.8 Multiple Violations

### 10.8.1 Second or Third Anti-Doping Rule Violation

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

- (a) A six month period of *Ineligibility*; or
- (b) A period of *Ineligibility* in the range between:
  - (i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation, plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
  - (ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and

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<sup>69</sup> Any mitigating or aggravating factors set forth in this Article 10 shall be considered in arriving at the *Consequences* set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.

the *Athlete's* or other *Person's* degree of *Fault* with respect to the second violation.

10.8.1.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under Articles 10.4 or 10.5 or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

10.8.1.3 The period of *Ineligibility* established in Articles 10.8.1.1 and 10.8.1.2 may then be further reduced by the application of Article 10.6.

10.8.2 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of Article 10.8. In addition, an anti-doping rule violation sanctioned under Article 10.1.4.1 shall not be considered a violation for purposes of Article 10.8.

### 10.8.3 Additional Rules for Certain Potential Multiple Violations

10.8.3.1 For purposes of imposing sanctions under Article 10.8, except as provided in Articles 10.8.3.2 and 10.8.3.3, an anti-doping rule violation will only be considered a second violation if *Sport Ireland* (or a *National Governing Body* where applicable) can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after *Sport Ireland* made reasonable efforts to give notice of the first anti-doping rule violation. If *Sport Ireland* (or a *National Governing Body* where applicable) cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 9.3.<sup>70</sup>

10.8.3.2 If *Sport Ireland* (or where applicable a *National Governing Body*) establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred 12 months or more before or after the first-notified violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-notified violation. Where this Article 10.8.3.2 applies, the violations taken together shall

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<sup>70</sup> The same rule applies where, after the imposition of a sanction, the *Anti-Doping Organisation* discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation - e.g. the *Anti-Doping Organisation* shall impose a sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time, including the application of *Aggravating Circumstances*.

constitute a single violation for purposes of Article 10.8.1.

- 10.8.3.3 If *Sport Ireland* (or where applicable a *National Governing Body*) establishes that an *Athlete* or other *Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.8.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.8.1.
- 10.8.3.4 If *Sport Ireland* (or where applicable a *National Governing Body*) establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

#### 10.8.4 Multiple Anti-Doping Rule Violations During Ten Year Period

For the purpose of Article 10.8, each anti-doping rule violation must take place within the same ten (10) year period in order to be considered multiple violations.

#### 10.9 Commencement of *Ineligibility* Period

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

##### 10.9.1 Delays Not Attributable to the *Athlete* or other *Person*<sup>71</sup>

Where there have been substantial delays in the hearing process or other aspects of *Doping Control*, and the *Athlete* or other *Person* can establish that such delays are not attributable to 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*, shall be *Disqualified*.

##### 10.9.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

- 10.9.2.1 If a *Provisional Suspension* is respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the *Athlete* or

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<sup>71</sup> In cases of anti-doping rule violations other than under Article 2.1 of these *Rules*, 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.

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

- 10.9.2.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from *Sport Ireland* and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall 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's* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.<sup>72</sup>
- 10.9.2.3 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by a team.
- 10.9.3.4 In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

## 10.10 Status during *Ineligibility* or *Provisional Suspension*

### 10.10.1 Prohibition Against Participation During *Ineligibility* or *Provisional Suspension*

- 10.10.1.1 No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorised anti-doping *Education* or rehabilitation programmes) authorised or organised by any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation, or by any *National Governing Body* or by a member or affiliate organisation or licensee of a *National Governing Body* 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<sup>73</sup>.

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<sup>72</sup> An *Athlete's* voluntary acceptance of a *Provisional Suspension* is not an admission by the *Athlete* and shall not be used in any way as to draw an adverse inference against the *Athlete*.

<sup>73</sup> For example, subject to Article 10.10.2 below, *Ineligible Athletes* cannot participate in a training camp, exhibition or practice organised by their *National Governing Body* or a club which is a member of that *National Governing Body* or

- 10.10.1.2 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 the authority of a *Signatory* or member of a *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 Event* or *International Event* and does not involve the *Athlete* or other *Person* working in any capacity with *Protected Persons*.
- 10.10.1.3 An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by *Sport Ireland* to provide whereabouts information.

### 10.10.2 Return to Training

As an exception to Article 10.10.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory's* member organisation or a *National Governing Body* or a member or affiliate organisation or licensee of a *National Governing Body*, during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed<sup>74</sup>.

### 10.10.3 Violation of the Prohibition of Participation during *Ineligibility* or *Provisional Suspension*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.10.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, may be adjusted based on the *Athlete's* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether the *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall 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.

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.10.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

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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 10.10.3. 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 shall also be recognised by other sports (see Article 16.1, Automatic Binding Effect of Decisions). An *Athlete* or other *Person* serving a period of *Ineligibility* is prohibited from coaching or serving as an *Athlete Support Person* in any other capacity at any time during the period of *Ineligibility*, and doing so could also result in a violation of 2.10 by another *Athlete*. Any performance standard accomplished during a period of *Ineligibility* shall not be recognised by a *Signatory* or its *National Governing Body* for any purpose.

<sup>74</sup> In many *Team Sports* and some individual sports, an *Athlete* cannot effectively train on his/her own so as to be ready to compete at the end of the *Athlete's* period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described in Article 10.10.1 other than training.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, *Sport Ireland* shall impose sanctions for a violation of Article 2.9 for such assistance.

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

For any anti-doping rule violation not involving a reduced sanction as described in Articles 10.4 or 10.5, all sport-related financial support or other sport-related benefits received by such *Person*, shall be withheld by *Sport Ireland*, *Sport Ireland Institute*, *Sport Ireland Coaching*, the Government of Ireland, the Olympic Federation of Ireland, Paralympics Ireland and *National Governing Bodies* and their affiliates, members and/or licensees.

### 10.12 Financial Consequences and Forfeited Prize Money

In cases where the principle of proportionality is satisfied, the *Irish Sports Anti-Doping Disciplinary Panel* has discretion to make an award of costs in respect of the hearing or hearings against the *Athlete* or other *Person*. Examples of circumstances which may justify the imposition of costs on an *Athlete* or other *Person* include (but are not limited to) the following: if the *Athlete* or other *Person* committed the anti-doping rule violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit anti-doping rule violations; the *Athlete* or other *Person* *Used or Possessed multiple Prohibited Substances or Prohibited Methods or Used or Possessed a Prohibited Substance or Prohibited Method* on multiple occasions; the *Athlete* or *Person* engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an anti-doping rule violation.

An *Anti-Doping Organisation* or other *Signatory* that has recovered prize money forfeited as a result of an anti-doping rule violation shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed. An *International Federation* may provide in its rules whether or not the redistributed prize money shall be considered for purposes of its ranking of *Athletes*.<sup>75</sup>

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of prize money to other *Athletes* if provided for in the rules of the applicable *International Federation*; and third, reimbursement of the expenses of *Sport Ireland*.

No recovery of costs may be considered as a basis for reducing the period of *Ineligibility* or other sanction applicable under these *Rules*.

### 10.13 Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Article 15.

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<sup>75</sup> This Article is not intended to impose an affirmative duty on the *Anti-Doping Organisation* or other *Signatory* to take any action to collect forfeited prize money. If the *Anti-Doping Organisation* elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the *Athlete(s)* who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by an *International Federation* and its *Athletes*.

## 11 ARTICLE 11 CONSEQUENCES FOR TEAMS

### 11.1 Testing of *Team Sports*

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

### 11.2 Consequences for *Team Sports*

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

### 11.3 Event Ruling Body or International Federation may Establish Stricter Consequences for *Team Sports*

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences* for *Team Sports* stricter than those in Article 11.2 for purposes of the *Event*.<sup>76</sup> Similarly, an *International Federation* may elect to establish rules imposing stricter *Consequences* for *Team Sports* within its authority than those in Article 11.2

## 12 ARTICLE 12 SANCTIONS ON NATIONAL GOVERNING BODIES

12.1 Financial and/or other non-financial support from *Sport Ireland* (including grant funding) may be withheld in whole or in part from a *National Governing Body* that is not in compliance with, or fails in the implementation of, these *Rules*, the *Code* or any *International Standard*.<sup>77</sup>

12.2 Recognition of a *National Governing Body* by *Sport Ireland* may be withdrawn or withheld from a *National Governing Body* that is not in compliance with, or fails in the implementation of, these *Rules*, the *Code* or any *International Standard*.

12.3 Each *National Governing Body* shall report to *Sport Ireland* upon request on its compliance with, and/or implementation of, these *Rules* and shall provide to *Sport Ireland* all relevant documentation and information with such report. Failure by a *National Governing Body* to provide a report, documentation or information requested by *Sport Ireland* may be considered by *Sport Ireland* to be non-compliance by that *National Governing Body* with these *Rules*.

12.4 When *Sport Ireland* becomes aware that a *National Governing Body* or any

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<sup>76</sup> For example, the International Olympic Committee could establish rules which would require *Disqualification* of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.

<sup>77</sup> This Article is not intended to impose an affirmative duty on *Sport Ireland* to actively monitor each *National Governing Body* for acts of non-compliance, but rather only requires *Sport Ireland* to take action when it becomes aware of such acts.

other sporting body in Ireland over which it has authority has failed to comply with, implement, uphold, and enforce these *Rules* within that organisation's or body's area of competence, *Sport Ireland* may elect to request the Olympic Federation of Ireland, the Government of Ireland or *International Federations* to take the following additional disciplinary actions, or, where it has the authority, may itself take the following additional disciplinary actions:

- 12.4.1 Exclude all, or some group of, members of that organisation or body from specified future *Competitions*, *Events* or all *Events* or *Competitions* conducted within a specified period of time;
- 12.4.2 Take additional disciplinary actions with respect to that organisation's or body's recognition, the eligibility of its members to participate in *Sport Ireland's* activities, and/or withhold in whole or in part financial and non-financial support (including grant funding) to that organisation or body based on the following:
  - 12.4.2.1 Four or more violations of these *Rules* (other than violations involving Article 2.4) are committed by *Athletes* or other *Persons* affiliated with that organisation or body during a twelve month period. In such event: (a) all or some group of members of that organisation or body may be banned from participation in any *Sport Ireland* activities for a period of up to two years and/or (b) withhold in whole or in part financial and non-financial support (including grant funding) to that organisation or body;
  - 12.4.2.2 Four or more violations of these *Rules* (other than violations involving Article 2.4) are committed in addition to the violations described in Article 12.2.1 by *Athletes* or other *Persons* affiliated with that organisation or body during a twelve month period. In such event, financial and non-financial support (including grant funding) to that organisation or body may be suspended or withheld in whole or in part for a period of up to four years;
  - 12.4.2.3 More than one *Athlete* or other *Person* affiliated with that organisation or body commits an anti-doping rule violation during an *International Event*. In such event, financial and non-financial support (including grant funding) to that organisation or body may be may be suspended or withheld in whole or in part;
  - 12.4.2.4 That organisation or body has failed to make diligent efforts to keep *Sport Ireland* informed about an *Athlete's* whereabouts after receiving a request for that information from *Sport Ireland*. In such event, financial and non-financial support (including grant funding) to that organisation or body may be suspended or withheld in whole or in part, in addition to reimbursement of all of *Sport Ireland's* costs incurred in *Testing* that organisation's or body's *Athletes*.
- 12.4.3 Withhold some or all funding or other financial and non-financial support to that organisation or body.

- 12.4.4 Oblige that organisation or body to reimburse *Sport Ireland* for all costs (including but not limited to laboratory fees, hearing expenses, and travel) related to a violation of these *Rules* committed by an *Athlete* or other *Person* affiliated with that organisation or body.

## 13 ARTICLE 13 RESULTS MANAGEMENT: APPEALS<sup>78</sup>

### 13.1 Decisions Subject to Appeal and Scope of Appeal Not Limited

Decisions made under the *Code* or these *Rules* may be appealed as set forth in this Article or as otherwise provided in these *Rules*, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.<sup>79</sup>

#### 13.1.2 WADA Not Required to Exhaust Internal Remedies

Where *WADA* has a right to appeal under Article 13 and no other party has appealed a final decision within *Sport Ireland's* process, *WADA* may appeal such decision directly to CAS without having to exhaust other remedies in *Sport Ireland's* process.<sup>80</sup>

### 13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Implementation of Decisions and Authority

- 13.2.1 Each of the following decisions may be appealed exclusively as provided in Article 13.2:

- 13.2.1.1 a decision that an anti-doping rule violation was committed or 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;

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<sup>78</sup> The object of the *Code* is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by *Anti-Doping Organisations* are made transparent in Article 14. Specified *Persons* and organisations, including *WADA*, are then given the opportunity to appeal those decisions. Note that the definition of interested *Persons* and organisations with a right to appeal under Article 13 does not include other *Athletes*, or their National Federations, who might benefit from having another competitor *Disqualified*.

<sup>79</sup> The revised language is not intended to make a substantive change to the 2015 *Code*, but rather for clarification. For example, where an *Athlete* was charged in the first instance hearing only with *Tampering* but the same conduct could also constitute *Complicity*, an appealing party could pursue both *Tampering* and *Complicity* charges against the *Athlete* in the appeal.

<sup>80</sup> Where a decision has been rendered before the final stage of *Sport Ireland's* process (for example, a first hearing) and no party elects to appeal that decision, then *WADA* may appeal directly to CAS.

- 13.2.1.2 a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);
  - 13.2.1.3 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 5.8.5;
  - 13.2.1.4 a decision by *WADA* assigning *Results Management* under Article 7.1 of the *Code*;
  - 13.2.1.5 a decision that *Sport Ireland* or the *Irish Sport Anti-Doping Disciplinary Panel* lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*;
  - 13.2.1.6 a decision by *Sport Ireland* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an alleged anti-doping rule violation, or a decision not to go forward with an alleged anti-doping rule violation after investigation in accordance with the *International Standard for Results Management*;
  - 13.2.1.7 a decision to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*;
  - 13.2.1.8 a decision under Article 10.10.3;
  - 13.2.1.9 failure to comply with Articles 7.1.4 and 7.1.5 of the *Code*;
  - 13.2.1.10 failure to comply with Article 10.7.2;
  - 13.2.1.11 a decision by *Sport Ireland* not to implement another *Anti-Doping Organisation's* decision under Article 15 of the *Code*;
  - 13.2.1.12 a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Article 10.6.1;
  - 13.2.1.13 an *Anti-Doping Organisation's* failure to comply with Article 7.4 of the *Code*; and
  - 13.2.1.14 A decision under Article 27.3 of the *Code*.
- 13.2.2 Decisions may be appealed exclusively to CAS.<sup>81</sup> In such cases the following parties shall have the right to appeal:
- 13.2.2.1 the *Athlete* or other *Person* who is the subject of the decision being appealed;
  - 13.2.2.2 the other party to the case in which the decision was rendered;
  - 13.2.2.3 *Sport Ireland*,

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<sup>81</sup> CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.

- 13.2.2.4 the relevant *International Federation*;
  - 13.2.2.5 the *National Anti-Doping Organisation* of the *Athlete's* or other *Person's* county of residence, or countries where the *Athlete* or other *Person* is a national or licence holder, if different from *Sport Ireland*;
  - 13.2.2.6 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
  - 13.2.2.7 WADA.
- 13.2.3 Notwithstanding any other provision in these *Rules* or the *Code*, a decision to impose a *Provisional Suspension* may only be appealed by the *Athlete* or other *Person* upon whom the *Provisional Suspension* was imposed.
- 13.2.4 Decisions by *Sport Ireland* pursuant to Article 12 may be appealed exclusively to CAS by the *National Governing Body* concerned.
- 13.2.5 All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.
- 13.2.6 The time to file an appeal to CAS shall be twenty-one days from the date of receipt of the decision by the appealing party. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed<sup>82</sup>:
- 13.2.6.1 Within fifteen days from notice of the decision, such a party may request a copy of the complete case file from *Sport Ireland* or if applicable the other *Anti-Doping Organisation* which had *Results Management* authority. If such request is made, within the fifteen day period, then the party making such request shall have twenty-one days from receipt of the file to file an appeal to CAS.
- 13.2.7 In making its decision regarding an appeal under these *Rules*, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.<sup>83</sup>
- 13.2.8 Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *Code* 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.<sup>84</sup>

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<sup>82</sup> Whether governed by CAS rules or these *Rules*, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.

<sup>83</sup> CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.

<sup>84</sup> 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.

- 13.2.9 Any *Anti-Doping Organisation* that is a party to an appeal shall 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 13.2.2 as provided under Article 14 of the Code.

### 13.3 Failure to Render a Timely Decision by an *Anti-Doping Organisation*

Where in a particular case the *Irish Sport Anti-Doping Disciplinary Panel* or if applicable a *National Governing Body* disciplinary panel 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 CAS as if the *Irish Sport Anti-Doping Disciplinary Panel* or if applicable a *National Governing Body* Disciplinary Panel had rendered a decision finding no anti-doping rule violation. If the *CAS Hearing Panel* determines that an anti-doping rule violation was committed and WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by *Sport Ireland* or the *National Governing Body* concerned if applicable.<sup>85</sup>

### 13.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

- 13.4.1 Decisions by *Sport Ireland* denying *TUE* applications made under Article 4.1.3 may be appealed by the *Athlete* to CAS.
- 13.4.2 A decision by WADA reversing the grant or denial of a *TUE* application by *Sport Ireland* may be appealed exclusively to CAS by the *Athlete*, the *International Federation* concerned or *Sport Ireland*.
- 13.4.3 Any *TUE* decision by an *International Federation* (or by *Sport Ireland* where it has agreed to consider the application on behalf of an *International Federation*) 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 *Sport Ireland*, exclusively to CAS<sup>86</sup>.
- 13.4.4 Where *Sport Ireland* fails to take action on a properly submitted *TUE* application for grant or recognition of a *TUE* within a reasonable time, *Sport Ireland's* failure to decide may be considered a denial of the application for the purposes of the appeal rights provided for in this Article.

## 14 ARTICLE 14 REPORTING, CONFIDENTIALITY AND PRIVACY

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<sup>85</sup> Given the different circumstances of each anti-doping rule violation investigation, *Results Management* and hearing process, it is not feasible to establish a fixed time period for the *Irish Sport Anti-Doping Disciplinary Panel* to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the *Irish Sport Anti-Doping Disciplinary Panel* and give the *Irish Sport Anti-Doping Disciplinary Panel* an opportunity to explain why it has not yet rendered a decision.

<sup>86</sup> In such cases, the decision being appealed is the *International Federation'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 time 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 shall be given notice of the appeal so that it may participate if it sees fit.

## 14.1 Reporting, Notification and Status Reports

- 14.1.1 Pursuant to Article 14.5 of the Code, Sport Ireland shall report appropriate Doping Control information to WADA, through ADAMS<sup>87</sup>. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Athlete, the Athlete's International Federation, and any other Anti-Doping Organisation with Testing authority over the Athlete.
- 14.1.2 *Sport Ireland* shall publish annually, within six months of the end of the calendar year, a general statistical report of its *Doping Control* activities during the calendar year with a copy provided to WADA. *Sport Ireland* shall report to WADA on its compliance with the Code in accordance with Article 24 of the Code.

### 14.1.3 Notice of Anti-Doping Rule Violations to National Anti-Doping Organisations, International Federations and WADA

Notice of the assertion of an anti-doping rule violation to the *Athlete's* or other *Person's National Anti-Doping Organisation*, if different from *Sport Ireland*, *International Federation* and WADA shall occur as provided under Articles 7 and 14, simultaneously with the notice to the *Athlete* or other *Person*.

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

Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Article 7.4.2 of these Rules, Article 8.4 of the Code and Articles 10.4, 10.5, 10.6, 10.10.3 or 13.2.9 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, *Sport Ireland* shall provide an English or French summary of the decision and the supporting reasons.

### 14.1.4 Status Reports

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Article 14.1.1 of the Code, the *Athlete's* or other *Person's National Anti-Doping Organisation*, if different from *Sport Ireland*, *International Federation* and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

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<sup>87</sup> ADAMS is operated, administered and managed by WADA, and is designed to be consistent with data privacy laws and norms applicable to WADA and other organisations using such system. Personal information regarding *Athletes* or other *Persons* maintained in ADAMS is and will be treated in strict confidence and in accordance with the *International Standard for the Protection of Privacy and Personal Information*.

## 14.2 Confidentiality

The recipient organisations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee, National Governing Body*, and team in a *Team Sport*) until *Sport Ireland* has made *Public Disclosure* as permitted by Article 15.

- 14.1.1 *Sport Ireland* shall ensure that information concerning *Adverse Analytical Findings, Atypical Findings*, and other asserted anti-doping rule violations remains confidential until such information is *Publicly Disclosed* in accordance with Article 15. *Sport Ireland* shall ensure that its employees (whether permanent or otherwise), contractors, agents, consultants, and *Delegated Third Parties* (and their employees) are subject to a fully enforceable contractual duty of confidentiality and to fully enforceable procedures for the investigation and disciplining of improper and/or unauthorised disclosure of such confidential information.

## 14.3 Privacy

Where necessary and appropriate to conduct its *Anti-Doping Activities* under the *Code*, these *Rules* and the *International Standards* (including specifically the *International Standard* for the Protection of Privacy and Personal Information (as revised from time to time)), *Sport Ireland* may process personal data relating to *Athletes* and other *Persons* and in doing so shall comply with applicable data protection and privacy laws.

# 15 ARTICLE 15 PUBLIC DISCLOSURE

- 15.1 Except as provided in Articles 15.2 and 15.3, *Sport Ireland*, a *National Governing Body*, an *Anti-Doping Organisation*, or a *WADA* accredited or approved laboratory, or official of any, shall not publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by, the *Athlete*, other *Person* or their entourage or representative(s).
- 15.2 After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard* for *Results Management*, and to the applicable *Anti-Doping Organisations* in accordance with Article 14.1.2 of the *Code*, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by *Sport Ireland*.
- 15.3 After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.2 or such appeal has been waived, or in a hearing in accordance with Article 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.7, *Sport Ireland* may make public such determination or decision and may comment publicly on the matter.

- 15.4** No later than twenty (20) days after it has been determined in an appellate decision under Article 13, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.7, or a new period of Ineligibility, or reprimand, has been imposed under Article 10.10.3, *Sport Ireland* shall *Publicly Disclose* the disposition of the matter including the sport, the anti-doping rule violation, the name of the *Athlete* or other *Person* who committed the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. *Sport Ireland* shall also *Publicly Disclose* within twenty (20) days the result of the appellate decision concerning an anti-doping rule violation, including the information described above.<sup>88</sup>
- 15.5** The mandatory *Public Reporting* required in Article 15.4 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor, Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor, Protection Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.
- 15.6** In any case where it is determined, after a hearing or an appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. *Sport Ireland* shall use reasonable efforts to obtain such consent. If consent is obtained, *Sport Ireland* shall *Publicly Disclose* the decision in its entirety or in such a redacted form as the *Athlete* or other *Person* may approve.
- 15.7** For purposes of this Article, publication shall, at a minimum, be accomplished at a minimum by placing the required information on *Sport Ireland's* website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

## **16 ARTICLE 16 IMPLEMENTATION OF DECISIONS, GOVERNING LAW AND LIMITATIONS**

### **16.1 Automatic Binding Effect of Decisions by Signatory Anti-Doping Organisations**

A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organisation*, an appellate body (Article 13.2.2 of the *Code*) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon *Sport Ireland* and any *National Governing Body* in Ireland, as well as every *Signatory* in every sport with the effects described below:

<sup>88</sup> Where *Public Disclosure* as required by Article 15.4 would result in a breach of other applicable laws, *Sport Ireland's* failure to make the *Public Disclosure* will not result in a determination of non-compliance with *Code* as set forth in Article 4.1 of the *International Standard* for the Protection of Privacy and Personal Information.

- 16.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.4.3 of the *Code*) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.10.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.
- 16.1.1.2 A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.10.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.
- 16.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.
- 16.1.1.4 A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 of the *Code* for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.
- 16.1.2 *Sport Ireland* and the *National Governing Bodies* shall recognise and implement a decision and its effects as required by Article 16.1.1, without any further action required, on the earlier of the date *Sport Ireland* receives notice of the decision or the date the decision is placed into *ADAMS*.
- 16.1.3 A decision by an *Anti-Doping Organisation*, an appellate body or CAS to suspend, or lift, *Consequences* shall be binding upon *Sport Ireland*, and the *National Governing Bodies*, without any further action required, on the earlier of the date *Sport Ireland* receives notice of the decision or the date the decision is placed into *ADAMS*.
- 16.1.4 Notwithstanding any provision in Article 15.1.1 of the *Code*, a decision of an anti-doping rule violation by a *Major Event Organisation* made in an expedited process during an *Event* shall not be binding on *Sport Ireland* or any *National Governing Body*, unless the rules of the *Major Event Organisation* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.<sup>89</sup>

## 16.2 Implementation of Other Decisions by *Anti-Doping Organisations*

*Sport Ireland* and *National Governing Bodies* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organisations* not described in Article 15.1.1 of the *Code*, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.<sup>90</sup>

<sup>89</sup> By way of example, where the rules of the *Major Event Organisation* give the *Athlete* or other *Person* the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the *Major Event Organisation* is binding on other *Signatories* regardless of whether the *Athlete* or other *Person* chooses the expedited appeal option.

<sup>90</sup> *Anti-Doping Organisation* decisions under Article 15.1 of the *Code* are implemented automatically by other *Signatories* without the requirement of any decision or further action on the *Signatories'* part. For example, when a *National Anti-Doping Organisation* decides to *Provisionally Suspend* an *Athlete*, that decision is given automatic effect

### 16.3 Implementation of Decisions by Body that is not a Signatory

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by *Sport Ireland* and all *National Governing Bodies*, if *Sport Ireland* finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.<sup>91</sup>

### 16.4 Governing Law and Challenges to a Decision or these Rules

- 16.4.1 Subject to Article 16.4.2 and 16.4.3, these *Rules* and all matters and proceedings arising in connection with these *Rules* shall be governed by the laws of Ireland and the Courts of Ireland shall have exclusive jurisdiction in relation to these *Rules* and any decision made hereunder.
- 16.4.2 These *Rules* shall constitute an agreement to arbitrate and proceedings before a *Hearing Panel* pursuant to Article 8 and/or before CAS pursuant to Article 13, shall constitute arbitration proceedings with a seat in Ireland to which the provisions of the Arbitration Act 2010 (as amended from time to time) shall apply, which includes, without limitation, section 10 of the Arbitration Act 2010 (as amended from time to time).
- 16.4.3 To the greatest extent allowable under applicable law, any challenge to these *Rules* or to a decision made pursuant to these *Rules* shall be made exclusively in accordance with the provisions of Article 13 and shall not be made by recourse to any court or other forum and all *Athletes* and other *Persons* shall be deemed to have waived irrevocably any right to appeal against, to seek review of, or otherwise to challenge any decision made by a *Hearing Panel* or a CAS panel under these *Rules*.

### 16.5 Statute of Limitations

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

## 17 ARTICLE 17 EDUCATION

*Sport Ireland* shall plan, implement, evaluate and promote *Education* in line with the

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at the *International Federation* level. To be clear, the “decision” is the one made by the *National Anti-Doping Organisation*, there is not a separate decision to be made by the *International Federation*. Thus, any claim by the *Athlete* that the *Provisional Suspension* was improperly imposed can only be asserted against the *National Anti-Doping Organisation*. Implementation of *Anti-Doping Organisations’* decisions under Article 15.2 of the *Code* is subject to each *Signatory’s* discretion. A *Signatory’s* implementation of a decision under Articles 15.1 or 15.2 of the *Code* is not appealable separately from any appeal of the underlying decision. The extent of recognition of *TUE* decisions of other *Anti-Doping Organisations* shall be determined by Article 4.4 and the International Standard for *Therapeutic Use Exemptions*.

<sup>91</sup> Where the decision of a body that has not accepted the *Code* is in some respects *Code* compliant and in other respects not *Code* compliant, *Signatories* should attempt to apply the decision in harmony with the principles of the *Code*. For example, if in a process consistent with the *Code* a non-*Signatory* has found an *Athlete* to have committed an anti-doping rule violation on account of the presence of a *Prohibited Substance* in the *Athlete’s* body but the period of Ineligibility applied is shorter than the period provided for in the *Code*, then all *Signatories* should recognise the finding of an anti-doping rule violation and the *Athlete’s National Anti-Doping Organisation* should conduct a hearing consistent with Article 8 of the *Code* to determine whether the longer period of Ineligibility provided in the *Code* should be imposed. A *Signatory’s* implementation of a decision or its decision not to implement a decision under Article 15.3 of the *Code*, is appealable under Article 13 of the *Code*.

requirements of Article 18.2 of the *Code* and the *International Standard for Education*.

## 18 MODIFICATION AND INTERPRETATION

### 18.1 Modification

- 18.1.1 *Sport Ireland* shall be responsible for overseeing the evolution and improvement of these *Rules*. *Athletes* and *National Governing Bodies* shall be invited to participate in such process.
- 18.1.2 Amendments to these *Rules* shall be approved by *Sport Ireland*. Amendments shall, unless provided otherwise, come into effect three months after such approval.
- 18.1.3 Amendments by *WADA* to the *Code*, the *Prohibited List* and any *International Standard* shall come into effect automatically in the manner set out in the *Code*.
- 18.1.4 Amendments shall be binding on all *Athletes* and other *Persons* without further formality and they shall be deemed to accept the amendments as binding upon them.

### 18.2 Interpretation

- 18.2.1 Nothing in these *Rules* shall be interpreted as limiting the rights, functions and obligations of *Sport Ireland* as a *Signatory* nor preventing *Sport Ireland* from undertaking *Doping Control*, investigations, results management and/or any other anti-doping activity in accordance with any right or obligation arising under the *Code* and/or in discharge of its statutory functions and/or in accordance with any agreement or arrangement with any other *Anti-Doping Organisation* or other *Signatory*.
- 18.2.2 The official text of the *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 of the *Code*, the English version of the *Code* shall prevail. Similarly, in the event of any conflict between these *Rules* and the *Code* or the *International Standards* (including their comments), the *Code* or *International Standard(s)*, as applicable, shall prevail.
- 18.2.3 The comments annotating various provisions of the *Code* shall be used to interpret the *Code* and these *Rules*.
- 18.2.4 The *Code* and these *Rules* shall be interpreted as independent and autonomous texts and not by reference to the existing law or statutes of *Signatories* or governments.
- 18.2.5 The headings used for the various Articles, Parts and Appendices of the *Code* and these *Rules* are for convenience only and save for Article 2 shall not be deemed part of the substance of the *Code* or these *Rules* or to affect in any way the language of the provisions to which they refer.
- 18.2.6 These *Rules* have been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner

that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code* and the *International Standards* shall be considered integral parts of these *Rules* and shall prevail in case of conflict.

- 18.2.7 Where the term “days” is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.
- 18.2.8 Save where otherwise indicated, references to Articles and the Appendix are references to the articles of, and Appendix 1 Definitions to, these *Rules* and defined terms used in these *Rules*, which are those words or phrases in italicised font, shall have the meaning given to them in Appendix 1 Definitions.
- 18.2.9 The Purpose, Scope and Organisation of the World Anti-Doping Programme and the *Code* and Appendix 1-Definitions shall be considered integral parts of the *Code*.
- 18.2.10 The Introduction to these *Rules*, the *Rules* and the Appendix to these *Rules* shall be considered integral parts of these *Rules*.
- 18.2.11 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as “first violations” or “second violations” for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.

## 19 ARTICLE 19 COMMENCEMENT AND TRANSITION

### 19.1 Commencement

These *Rules* shall come into full force and effect on 1 January 2021.

### 19.2 Application to Cases

Any anti-doping rule violation case pending as of 1 January 2021 or brought after 1 January 2021 based on an anti-doping rule violation which occurred prior to 1 January 2021 shall be governed by the substantive rules in force at the time the alleged anti-doping rule violation occurred, and not by the substantive rules set out in these *Rules*, unless the *Hearing Panel* or CAS panel hearing the case determines that the principle of “lex mitior” appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.8.4 and 16.5 if the statute of limitation period has not already expired by 1 January 2021 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in the 2021 *Code* (provided, however, that Article 16.5 shall only be applied retroactively if the statute of limitation period has not already expired by 1 January 2021).

### 19.3 Application to Decisions

With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to 1 January 2021, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of 1 January 2021, the *Athlete* or other *Person* may apply to *Sport Ireland* to consider a reduction in the period of *Ineligibility* in light of the provisions of these *Rules*. Such application must be made before the period of

*Ineligibility* has expired. The decision rendered by the *Sport Ireland* may be appealed pursuant to Article 13. The provisions of these *Rules* shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

#### 19.4 Application to Multiple Violations

Alleged anti-doping rule violations committed prior to 1 January 2021 whether under predecessor versions of these *Rules* and/or other relevant rules, count as prior violations for purposes of determining sanctions under Article 10. For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.8.1, where the sanction for the first violation was determined based on the pre 2021 *Code* or *Rules*, the period of *Ineligibility* which would have been assessed for that first violation had the 2021 *Code* been applicable, shall be applied.

#### 19.5 Application to Whereabouts Failures

Any *Whereabouts Failure* that occurred prior to 1 January 2021 may be relied upon, prior to expiry, in accordance with the *International Standard for Results Management*, but it shall be deemed to have expired (for purposes of Article 2.4) twelve months after the date of its occurrence.

#### 19.6 Changes to Prohibited List

Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to *Sport Ireland* or other *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 the removal of the substance or method from the *Prohibited List*.

## 20 ARTICLE 20 MISCELLANEOUS

#### 20.1 Time Periods

Unless otherwise specified, time periods in these *Rules* are total consecutive calendar days irrespective of weekends or holidays. When a deadline falls on a weekend or a statutory holiday, the next working day shall be the deadline for the purpose of these *Rules*.

#### 20.2 Validity of Acts Done

All acts done in good faith by any *Person* in the implementation of these *Rules*, notwithstanding that it is afterwards discovered that there was some defect in the appointment or authority of such *Person* so acting, shall be as valid as if every such *Person* had been duly appointed or authorised.

#### 20.3 Limitation of Liability

None of the *National Governing Bodies*, *Sport Ireland* or the *Irish Sport Anti-Doping*

*Disciplinary Panel* or any of their respective members, the Registrar of the *Irish Sport Anti-Doping Disciplinary Panel*, directors, officers, employees, agents, representatives and other *Persons* involved in the implementation of these *Rules* shall be liable to any *Person* in any way, in relation to acts done in good faith or omitted to be done in good faith in connection with these *Rules*.

#### **20.4 Severability**

If any part of these *Rules* is held invalid, unenforceable or illegal for any reason, these *Rules* shall remain otherwise in full force apart from such part which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

#### **20.5 Matters Not Otherwise Provided For**

Where a matter arises that is not otherwise provided for in these *Rules*, the *Person* or body called upon to resolve the matter shall have discretion to do so in such manner as he or she or it sees fit, provided that such resolution does not materially undermine the reliability of proceedings under these *Rules* or otherwise cause material injustice to the *Athlete* or other *Person* to whom these *Rules* are being applied.

## APPENDIX I - DEFINITIONS<sup>92</sup>

**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.

**Act:** Sport Ireland Act 2015, as may be amended from time to time.

**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 shall 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 shall 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, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

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

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

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

**Anti-Doping Organisation:** WADA or a *Signatory* that is responsible for adopting

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<sup>92</sup> Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.

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*, *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* nor *National-Level Athletes*, an *Anti-Doping Organisation* may elect to: conduct limited *Testing* or no *Testing* at all; analyse *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organisation* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* 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*.<sup>93</sup>

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

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

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

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

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

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

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

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<sup>93</sup> Individuals who participate in sport may fall in one of five categories: 1) *International-Level Athlete*, 2) *National-Level Athlete*, 3) individuals who are not *International-* or *National-Level Athletes* but over whom the *International Federation* or *National Anti-Doping Organisation* has chosen to exercise authority, 4) *Recreational Athlete*, and 5) individuals over whom no *International Federation* or *National Anti-Doping Organisation* has, or has chosen to, exercise authority. All *International-* and *National-Level Athletes* are subject to the anti-doping rules of the *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*.

**Competition:** A single race, match, game or singular sport contest. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable *International Federation*.

**Consequences of Anti-Doping Rule Violations (“Consequences”):** An *Athlete's* or other *Person's* anti-doping rule violation may result in one or more of the following: (a) **Disqualification** means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, titles, points and prizes; (b) **Ineligibility** means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.10; (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; (e) **Public Disclosure** means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with these *Rules*. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

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

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

**Delegated Third Party:** Any *Person* to which *Sport Ireland* delegates any aspect of *Doping Control* or anti-doping *Education* programmes including, but not limited to, third parties or other *Anti-Doping Organisations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Educational* programmes for *Sport Ireland*, or individuals serving as independent contractors who perform *Doping Control* services for *Sport Ireland* (e.g. non-employee *Doping Control* officers or chaperones). This definition does not include CAS.

**Disciplinary Procedures:** The procedures of the *Irish Sport Anti-Doping Disciplinary Panel* made under section 42(2) of the *Act*, as may be amended from time to time.

**Disqualification:** See *Consequences* above.

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management* and investigations or proceedings relating to violations of Article 10.10 (Status during *Ineligibility* or *Provisional Suspension*).

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

**Event:** A series of individual *Competitions* conducted together under one ruling body (e.g. the Olympic Games, World Championships of an *International Federation*, or Pan

American Games).

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

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

**Fault:** *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behaviour. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in 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.<sup>94</sup>

**Filing Failure:** A failure by the *Athlete* (or by a third party to whom the *Athlete* has delegated this task) to make an accurate and complete *Whereabouts Filing* that enables the *Athlete* to be located for *Testing* at the times and locations set out in the *Whereabouts Filing* or to update that *Whereabouts Filing* where necessary to ensure that it remains accurate and complete, all in accordance with Article 4.8 of the *International Standard for Testing and Investigations* and Annex B.2 of the *International Standard for Results Management*.

**Financial Consequences of Anti-Doping Rule Violations:** See *Consequences* above.

**Hearing Panel:** (i) The panel whose members are drawn from the *Irish Sport Anti-Doping Disciplinary Panel* appointed to hear and determine a case and (ii) a single arbitrator as regards *Provisional Hearings* under Article 7.5.3.

**In-Competition:** The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all *Major Event Organisations* for that particular sport.<sup>95</sup>

**Individual Sport:** Any sport that is not a *Team Sport*.

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<sup>94</sup> The criteria for assessing an *Athlete's* degree of *Fault* is 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.

<sup>95</sup> Having a universally accepted definition for *In-Competition* provides greater harmonisation among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for *In-Competition Testing*, avoids inadvertent *Adverse Analytical Findings* in between *Competitions* during an *Event* and assists in preventing any potential performance enhancement benefits from substances prohibited *Out-of-Competition* being carried over to the *Competition* period.

**Ineligibility:** See *Consequences of Anti-Doping Rule Violations* above.

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

**International Event:** An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an *International Federation*, a *Major Event Organisation*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*.

**International Federation:** An international non-governmental organisation administering one or more sports at the world level.

**International-Level Athlete:** An *Athlete* who competes in sport at an international level, as defined by each *International Federation* consistent with the *International Standard for Testing and Investigations*.<sup>96</sup>

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

**Irish Sport Anti-Doping Disciplinary Panel:** The panel appointed by *Sport Ireland* pursuant to Article 8 to hear and determine all issues referred to it including *Provisional Hearings* and cases of alleged anti-doping rule violations under these *Rules*.

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

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

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

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

**Minor:** A natural *Person* under the age of eighteen (18).

**Missed Test:** A failure by the *Athlete* to be available for *Testing* at the location and time specified in the sixty (60) minute time slot identified in their *Whereabouts Filing* for the day in question, in accordance with Article 4.8 of the *International Standard* for

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<sup>96</sup> 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 licence, 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*, then the *International Federation* must publish a list of those *International Events*.

Testing and Investigations and Annex B.2 of the *International Standard for Results Management*.

**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*, manage test results and conduct *Results Management*, at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee. For the purposes of these *Rules Sport Ireland* is the designated entity.

**National Event:** An *Event* or *Competition* involving *International-Level* or *National-Level Athletes* that is not an *International Event*.

**National Governing Body:** An organisation receiving financial and/or other assistance from the Government of Ireland and/or *Sport Ireland* and/or which is recognised by *Sport Ireland* as a *National Governing Body* for a sport in Ireland or part thereof.

**National-Level Athlete:** An *Athlete* who competes 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, which, in Ireland, is the Olympic Federation of Ireland. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

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

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

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

panel or individuals otherwise involved in the decision of the *Hearing Panel* or appeal panel, are not involved in the investigation of, or decisions to proceed with, the case.

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

**Participant:** Any *Athlete* or *Athlete Support Person*.

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

**Possession:** The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Athlete* or other *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises or property in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall 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.<sup>97</sup>

**Prohibited List:** The Prohibited List published as an *International Standard* by WADA identifying the *Prohibited Substances* and *Prohibited Methods*.

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

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

**Protected Person:** An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen years; (ii) has not reached the age of eighteen years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.<sup>98</sup>

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<sup>97</sup> Under this definition, anabolic steroids found in an *Athlete's* car would constitute a violation unless the *Athlete* establishes that someone else used the car; in that event, the *Anti-Doping Organisation* must establish that, even though the *Athlete* did not have exclusive control over the car, the *Athlete* knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an *Athlete* and spouse, the *Anti-Doping Organisation* must establish that the *Athlete* knew the anabolic steroids were in the cabinet and that the *Athlete* intended to exercise control over them. The act of purchasing a *Prohibited Substance* alone constitutes *Possession*, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.

<sup>98</sup> The *Code* treats *Protected Persons* differently than other *Athletes* or *Persons* in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an *Athlete* or other *Person* may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the *Code*. This would include, for example, a Paralympic *Athlete* with a documented lack of legal capacity due to an intellectual impairment. The term "open category" is meant to exclude competition that is limited to junior or age group categories.

**Provisional Hearing:** For purposes of Article 7.5.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.<sup>99</sup>

**Provisional Suspension:** See *Consequences of Anti-Doping Rule Violations* above.

**Publicly Disclose:** See *Consequences of Anti-Doping Rule Violations* above.

**Recreational Athlete:** A natural *Person* as may be defined by *Sport Ireland* from time to time in consultation with each *National Governing Body*; provided, however, the term shall not include any *Person* who, within the five years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organisation* consistent with the *International Standard for Testing and Investigations*), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organisation*.<sup>100</sup>

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

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

**Rules:** The Irish Anti-Doping Rules 2021 which are made by *Sport Ireland* under Section 42 of the Act, as may be amended from time to time by *Sport Ireland*.

**Sample or Specimen:** Any biological material collected for the purposes of *Doping Control*.<sup>101</sup>

**Signatories:** Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23 of the *Code*.

**Specified Method:** See Article 3.3.

**Specified Substance:** See Article 3.3.

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<sup>99</sup> 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 7.5.3, is a full hearing on the merits conducted on an expedited time schedule.

<sup>100</sup> The term "open category" is meant to exclude competition that is limited to junior or age group categories.

<sup>101</sup> 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.

**Sport Ireland:** means the body established under section 7(1) of the *Act*.

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

**Substance of Abuse:** See Article 3.4.

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

**Tampering:** Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organisation* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organisation* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*<sup>102</sup>.

**Target Testing:** The selection of specific *Athletes* for *Testing* based on criteria set forth in the *International Standard for Testing and Investigations*.

**Team Sport:** A sport in which the substitution of players is permitted during a *Competition*.

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

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

**Testing Pool:** The tier below the *Registered Testing Pool* which includes *Athletes* from whom some whereabouts information is required in order to locate and *Test* the *Athlete*

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<sup>102</sup> For example, this definition would prohibit altering identification numbers on a *Doping Control* form during *Testing*, breaking the B bottle at the time of B *Sample* analysis, altering a *Sample* by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the *Doping Control* process. *Tampering* includes misconduct which occurs during the *Results Management* process. See Article 10.8.3.3. However, actions taken as part of a *Person's* legitimate defence to an anti-doping rule violation charge shall not be considered *Tampering*. Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* which does not otherwise constitute *Tampering* shall be addressed in the disciplinary rules of sport organisations.

*Out-of-Competition.*

**Therapeutic Use Exemption (TUE):** A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to *Use* a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4 and the *International Standard for Therapeutic Use Exemptions* are met.

**Trafficking:** Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, an *Athlete Support Person* or any other *Person* subject to the authority of an *Anti-Doping Organisation* to any third party; provided, however, this definition shall 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 shall 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.

**UNESCO Convention:** The International Convention against Doping in Sport adopted by the 33<sup>rd</sup> session of the UNESCO General Conference on 19 October 2005, including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

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

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

**Whereabouts Failure:** A *Filing Failure* or a *Missed Test*.

**Whereabouts Filing:** Information provided by or on behalf of an *Athlete* in a *Registered Testing Pool* (or *Testing Pool* if applicable) that sets out the *Athlete's* whereabouts during the following quarter, in accordance with Article 4.8 of the *International Standard for Testing and Investigations*.

**Without Prejudice Agreement:** For purposes of Articles 10.6.1 and 10.7.2, a written agreement between an *Anti-Doping Organisation* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organisation* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalised, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organisation* against the *Athlete* or the other *Person* in an *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organisation* in this particular setting may not be used by the *Athlete* or the other *Person* against the *Anti-Doping Organisation* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organisation*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.