

**THE
IRISH SPORTS
COUNCIL**
AN CHOMHAIRLE SPÓIRT



2015

The Irish Sports Council
Anti-Doping Rules

Index

INTRODUCTION	2
1. ARTICLE 1: APPLICATION OF RULES	4
2. ARTICLE 2: DEFINITION OF DOPING AND ANTI-DOPING RULE VIOLATIONS	7
3. ARTICLE 3: THE <i>PROHIBITED LIST</i>	9
4. ARTICLE 4: THERAPEUTIC USE EXEMPTIONS	10
5. ARTICLE 5: <i>TESTING</i> AND INVESTIGATIONS	12
6. ARTICLE 6: ANALYSIS OF <i>SAMPLES</i>	16
7. ARTICLE 7: RESULTS MANAGEMENT	17
8. ARTICLE 8: DISCIPLINARY PROCEEDINGS	22
9. ARTICLE 9: <i>DISQUALIFICATION</i> SANCTIONS ON INDIVIDUALS	25
10. ARTICLE 10: <i>INELIGIBILITY</i> SANCTIONS FOR INDIVIDUALS	26
11. ARTICLE 11: SANCTIONS FOR TEAMS	32
12. ARTICLE 12: SANCTIONS FOR <i>NATIONAL GOVERNING BODIES</i>	32
13. ARTICLE 13: APPEALS	33
14. ARTICLE 14: REPORTING AND PRIVACY	36
15. ARTICLE 15: PUBLIC DISCLOSURE	36
16. ARTICLE 16: APPLICATION AND RECOGNITION OF DECISIONS, GOVERNING LAW AND LIMITATIONS	37
17. ARTICLE 17: NOTICES	38
18. ARTICLE 18: MODIFICATION AND INTERPRETATION	38
19. ARTICLE 19: COMMENCEMENT AND TRANSITION	39
20. ARTICLE 20: MISCELLANEOUS	40
APPENDIX I - DEFINITIONS	42

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 pursuit of human excellence through the dedicated perfection of each person's natural talents. The spirit of sport is characterised, amongst other values, by ethics, fair play, honesty, health, team work, 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 seek to preserve the spirit of sport. 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.

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*
- (iii) Level 3: Models of Best Practice and Guidelines

The Irish Sport Anti-Doping Programme

The *Irish Sports Council* was established under the *Irish Sports Council Act, 1999* to perform the functions conferred on it by or under that Act. Its functions include:

- (i) encouraging the promotion, development and co-ordination of competitive sport and the achievement of excellence in competitive sport;
- (ii) facilitating, through the promulgation of guidelines and codes of practice, standards of good conduct and fair play in either or both competitive sport and recreational sport; and
- (iii) taking such action as it considers appropriate, including testing, to combat doping in sport.

In performance of these functions, the *Irish Sports Council* established and implemented the Irish Sport Anti-Doping Programme.

The Irish Anti-Doping Rules

These Rules are adopted and implemented by the *Irish Sports Council* in discharge of its statutory functions – in particular as they relate to the combating of doping in sport – and in accordance with its obligations under the *Code*. 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* or other *Persons* accept these Rules as a condition of participation in sport and shall be bound to these Rules. These sport-specific Rules, aimed at enforcing anti-doping rules and procedures in a 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 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

To fight doping by promoting the spirit of sport, the *Code* requires each *Anti-Doping Organisation* to develop and implement educational programmes for *Athletes*, including youth, and *Athlete Support Persons*. The *Irish Sports Council* shall, within its means and scope of responsibility and in co-operation with other *Signatories*, plan, implement, evaluate and monitor information and education programmes for doping-free sport. The basic principle for such programmes is to preserve the spirit of sport from being undermined by doping. The primary goal of such programmes is prevention and their objective shall be to prevent the *Use by Athletes of Prohibited Substances and Prohibited Methods* or other anti-doping rule violations, whether by *Athletes* or other *Persons*. The programmes shall promote the spirit of sport in order to establish an environment that is strongly conducive to doping-free sport and will have a positive and long-term influence on the choices made by *Athletes* or other *Persons*.

The *Irish Sports Council* shall co-operate with other *Signatories* and governments to encourage relevant competent professional associations and institutions to develop and implement appropriate codes of conduct, good practice and ethics related to sport practice regarding anti-doping, as well as sanctions, which are consistent with the *Code*. The *Irish Sports Council* and *Athletes* or other *Persons* shall co-operate with each other and with other *Signatories* and governments to co-ordinate their efforts in anti-doping information and education in order to share experiences and ensure the effectiveness of these programmes in preventing doping in sport.

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. The *Irish Sports Council* 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

- 1.1.1 As a condition of receiving financial and/or other assistance from the Government of Ireland and/or the *Irish Sports Council*, *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, the *Irish Sports Council*, the *Irish Sport Anti-Doping Disciplinary Panel* and *CAS* on all matters to which these Rules relate.
- 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 the *Irish Sports Council* 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 the *Irish Sports Council* to carry out Doping Control.
- 1.1.4 By its adoption of these Rules 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 the *Irish Sports Council*, the *Irish Sport Anti-Doping Disciplinary Panel* and *CAS*, as applicable.
- 1.1.5 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 the *Irish Sports Council* 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.
- 1.2.2 To require all *Athletes* and each *Athlete Support Person* who participates as coach, trainer, manager, team, staff, official, medical or para-medical personnel in a *Competition* or activity authorised or organised by the *National Governing Body* or of 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 the *Irish Sports Council* or other *Anti-Doping Organisation* results management authority in conformity with these Rules as a condition of such participation.
- 1.2.3 To report any information suggesting or relating to an anti-doping rule violation to the *Irish Sports Council* and to co-operate with and provide all possible assistance and information to the *Irish Sports Council* in relation to investigations carried out by the *Irish Sports Council* and any other *Anti-Doping Organisation* with authority to conduct an investigation.
- 1.2.4 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 the *Irish Sports Council* in presenting cases before the *Irish Sport Anti-Doping Disciplinary Panel* (whether at first instance or appeal) and the *CAS*.
- 1.2.5 To ensure that an *Athlete* or other *Person* who is *Provisionally Suspended* does not participate in any *Competition* during the period of *Provisional Suspension* or otherwise breach the *Provisional Suspension* and to ensure that an *Athlete* or other *Person* does not breach Article 10.8 and to ensure that Article 10.9 is observed.
- 1.2.6 To promote anti-doping education including conducting anti-doping education in co-ordination with the *Irish Sports Council*.

1.3 Application to *Athletes* or other *Persons*

1.3.1 These Rules apply to:

- 1.3.1.1 All *Athletes* and other *Persons* who are members or licence holders of a *National Governing Body* and/or of a member or affiliate organisation or licensee of a *National Governing Body* which shall be deemed to include a club, team, association or league; and
- 1.3.1.2 All *Athletes* and other *Persons* participating as such 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; and
- 1.3.1.3 All *Athletes* and other *Persons* who are subject to the authority and/or jurisdiction of a *National Governing Body*.

1.3.2 To be a member of a *National Governing Body* and/or of a member or affiliate organisation or licensee of a *National Governing Body*, or to be eligible to participate (in the case of an *Athlete*) or assist any participating *Athlete* (in the case of an *Athlete Support Person*) in any *Event, Competition* or other activity organised, convened, authorised or recognised by a *National Governing Body* or any of its member or affiliate organisations or licensees, a *Person* must agree to be bound by and to comply with these Rules. Accordingly, by becoming such a member or by so participating or assisting, an *Athlete* or *Athlete Support Person* shall be deemed to have agreed:

- 1.3.2.1 To be bound by and to comply strictly with these Rules, without prejudice to any other anti-doping rules applicable to him or her;
- 1.3.2.2 To submit to the authority of the *National Governing Body*, the *Irish Sports Council*, the *Irish Sport Anti-Doping Disciplinary Panel* and *CAS*, as applicable, to apply and enforce these Rules;
- 1.3.2.3 To provide all requested assistance to a *National Governing Body*, the *Irish Sports Council*, the *Irish Sport Anti-Doping Disciplinary Panel* 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 in relation to any suspected anti-doping rule violation;
- 1.3.2.4 To submit to the exclusive jurisdiction of any *Irish Sport Anti-Doping Disciplinary Panel* hearing panel convened under these Rules to hear and determine alleged anti-doping rule violations and related issues arising under these Rules;
- 1.3.2.5 To submit to the exclusive jurisdiction of any *Irish Sport Anti-Doping Disciplinary Panel* appeal panel and/or *CAS* panel convened under these Rules to hear and determine appeals made under these Rules; and
- 1.3.2.6 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 the *Irish Sport Anti-Doping Disciplinary Panel* and *CAS*.

1.3.3 If any *Athlete* or other *Person* is found to have committed an anti-doping rule violation, the *Consequences* shall apply. An *Athlete* or other *Person* sanctioned under these Rules remains subject to the sanction throughout the duration of the sanction regardless of that *Athlete'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* or other *Person* sanctioned retires during the period of the sanction, this shall include remaining subject to *Doping Control*.

1.3.4 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* to have retired from the sport so that he or she is no longer subject to the authority of the *National Governing Body*. Where the *Athlete* or other *Person* is an *Athlete* who is in the *Irish Sports Council Registered Testing Pool* at the time of such retirement, he or she must also send such notice to the *Irish Sports Council* in accordance with Article 5.9.3. The *National Governing Body*, the *Irish Sports Council*, 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.

- 1.3.5 Certain *Athletes* 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 other *Person* under such other Rules.

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 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.
- 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 the *Irish Sports Council* and any other *Anti-Doping Organisation* conducting investigations into possible anti-doping rule violations.
- 1.4.11 To disclose to the *Irish Sports Council* and applicable *International Federation* any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten (10) years.

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.
- 1.5.5 Not to *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.
- 1.5.6 To co-operate fully with the *Testing of Athletes*.
- 1.5.7 To use his or her influence on *Athletes'* values and behaviour to foster anti-doping attitudes.
- 1.5.8 To co-operate with the *Irish Sports Council* and any other *Anti-Doping Organisation* conducting investigations into possible anti-doping rule violations.
- 1.5.9 To disclose to the *Irish Sports Council* and applicable *International Federation* any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten (10) years.

2. ARTICLE 2: DEFINITION OF DOPING AND ANTI-DOPING RULE VIOLATIONS

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 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 each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. An *Athlete* is responsible for any *Prohibited Substance* or any of its *Metabolites* or *Markers* found to be present in his or her *Sample*. 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.

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following:

2.1.2.1 The presence of a *Prohibited Substance* or any of its *Metabolites* or *Markers* in the *Athlete's A Sample*, where the *Athlete* waives his or her right to have his or her B *Sample* analysed 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 B *Sample* confirms the presence of the *Prohibited Substance* or any of its *Metabolites* or *Markers* found in the A *Sample*; or

2.1.2.3 Where the *Athlete's B Sample* is split into two bottles and the analysis of the *Sample* in the second bottle confirms the presence of the *Prohibited Substance* or any of its *Metabolites* or *Markers* found in the *Sample* in the first bottle.

2.1.3 Except in the case of those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List* or other International Standard, the presence of any quantity of a *Prohibited Substance* or any of 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* or other *International Standard* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

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

2.2.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body and that he or she *Uses* no *Prohibited Method*. 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* under Article 2.2.

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.

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

Evading *Sample* collection, or without compelling justification, refusing or failing to submit to *Sample* collection after notification as authorised under these Rules or other applicable anti-doping rules.

2.4 Committing Three *Whereabouts Failures* in Twelve Months

- 2.4.1 Any combination of three (3) *Filing Failures* and/or *Missed Tests*, committed within a twelve (12) month period by an *Athlete* in a *Registered Testing Pool* shall constitute an anti-doping rule violation, irrespective of which *Anti-Doping Organisation* has declared each of the *Whereabouts Failures* in question.
- 2.4.2 The twelve (12) month period referred to in Article 2.4.1 starts to run on the date that an *Athlete* commits a *Whereabouts Failure*. A *Filing Failure* shall be deemed to have occurred on the first day of the quarter for which the *Athlete* fails to make the required *Whereabouts Filing*. If it is a subsequent *Filing Failure* in the same quarter, the *Filing Failure* shall be deemed to have occurred on the date that the deadline specified for such filing expires. A *Missed Test* shall be deemed to have occurred on the date that the *Sample* collection was unsuccessfully attempted.
- 2.4.3 The twelve (12) month period referred to in Article 2.4.1 is not affected by any successful *Sample* collection conducted with respect to that *Athlete* during the twelve (12) month period. If an *Athlete* who has committed one (1) *Whereabouts Failure* does not commit a further two (2) *Whereabouts Failures* within twelve (12) months of the first, at the end of that twelve (12) month period, the first *Whereabouts Failure* expires for the purposes of Article 2.4.1.
- 2.4.4 Where an *Athlete* retires from but then returns to sport, his or her period of non-availability for *Out-of-Competition Testing* shall be disregarded for purposes of calculating the twelve (12) month period referred to in Article 2.4.1.
- 2.4.5 For purposes of Articles 9 and 10, the anti-doping rule violation shall be deemed to have occurred on the date of the third *Whereabouts Failure* found to have occurred.
- 2.4.6 A *Whereabouts Failure* used as a basis of an alleged anti-doping rule violation pursuant to Article 2.4 may also be used as a basis of an alleged anti-doping rule violation pursuant to Article 2.3 and/or Article 2.5.

2.5 Tampering or Attempted Tampering with any Part of *Doping Control*

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, intentionally interfering or *Attempting* to interfere with a *Doping Control* official, providing fraudulent information to an *Anti-Doping Organisation* or intimidating or *Attempting* to intimidate a potential witness.

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

- 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 *TUE* granted in accordance with Article 4 or other acceptable justification.
- 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.

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

2.8 *Administration or Attempted Administration to any Athlete In-Competition of any Prohibited 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

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.8.1 by another *Person*.

2.10 Prohibited Association

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 an anti-doping rule violation 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 In order for this Article 2.10 to apply, it is necessary that the *Athlete* or other *Person* has previously been advised in writing by a *National Governing Body*, the *Irish Sports Council* or an *Anti-Doping Organisation* with jurisdiction over the *Athlete* or other *Person*, or by *WADA*, of the *Athlete Support Person's* disqualifying status and the potential *Consequences* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organisation* or *National Governing Body* shall also use reasonable efforts to advise the *Athlete Support Person* who is the subject of the notice to the *Athlete* or other *Person* that the *Athlete Support Person* may, within fifteen (15) days, come forward to the *Anti-Doping Organisation* or *National Governing Body* to explain that the criteria described in Articles 2.10.1.1 and 2.10.1.2 do not apply to him or her. Notwithstanding Article 19, this Article 2.10 applies even when the *Athlete Support Person's* disqualifying conduct occurred prior to the 1st day of January 2015.

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.

2.10.4 *Anti-Doping Organisations* or *National Governing Bodies* that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1, 2.10.2 or 2.10.3 shall submit that information to *WADA*.

3. ARTICLE 3: THE PROHIBITED LIST

3.1 Incorporation of the Prohibited List and the International Standard for the Prohibited List

3.1.1 These Rules adopt and incorporate the *Prohibited List* as revised from time to time and all *Athletes* and other *Persons* shall be deemed to accept the *Prohibited List* and all revisions thereto as binding upon them without further formality.

3.1.2 The *Prohibited List* may be revised by *WADA* from time to time and unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under these Rules three (3) months after publication of the *Prohibited List* by *WADA* without requiring any further action by the *Irish Sports Council* or any *National Governing Body*.

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*) 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 or by specific reference to a particular substance or method or sport.

3.3 Specified Substances

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

3.4 WADA's Determination of the Prohibited List

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

4. ARTICLE 4: THERAPEUTIC USE EXEMPTIONS

4.1 Therapeutic Use

4.1.1 These Rules adopt and incorporate the *International Standard* for Therapeutic Use Exemptions as revised from time to time and all *Athletes* and other *Persons* shall be deemed to accept the *International Standard* for Therapeutic Use Exemptions and all revisions of it as binding upon them without further formality.

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* validly granted to the *Athlete* in question in accordance with these Rules and the *International Standard* for Therapeutic Use Exemptions.

4.1.3 An *Athlete* who is a *National-Level Athlete* shall apply to the *Irish Sports Council* for a *TUE*.

4.1.3.1 If the *Irish Sports Council* denies the application, the *Athlete* may appeal exclusively to the *Irish Sport Anti-Doping Disciplinary Panel* as provided in Article 13.5.1.

4.1.3.2 *TUEs* granted by the *Irish Sports Council* are valid at national-level only and if an *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, the *TUE* will not be valid for those purposes unless it is recognised by the *Athlete's International Federation* or the relevant *Major Event Organisation*. Accordingly, it is the responsibility of an *Athlete* who is in an *International Federation's Registered Testing Pool* or an *Athlete* participating in an *International Event* to ascertain whether he or she needs to apply for a *TUE* from the *International Federation* or a *Major Event Organisation*, regardless of whether he or she has been granted a *TUE* under these Rules.

4.1.3.3 The *Irish Sports Council* has 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 *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. The *Irish Sports Council* 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 the *Irish Sports Council* is valid at national level only; it is not automatically valid for *International Events*. An *Athlete* who is or becomes an *International Level Athlete* should do the following:

- 4.1.4.1 Where the *Athlete* already has a *TUE* granted by the *Irish Sports Council* for the substance or method in question, the *Athlete* may apply to his or her *International Federation* to recognize that *TUE*, in accordance with Article 7 of the *International Standard* for Therapeutic Use Exemptions. If that *TUE* meets the criteria set out in the *International Standard* for Therapeutic Use Exemptions, then the *International Federation* shall recognize it for purposes of international-level *Competition* as well. If the *International Federation* considers that the *TUE* granted by the *Irish Sports Council* does not meet those criteria and so refuses to recognize it, the *International Federation* shall notify the *International-Level Athlete* and the *Irish Sports Council* promptly, with reasons. The *International-Level Athlete* and the *Irish Sports Council* shall have twenty-one (21) 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 the *Irish Sports Council* 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, the *TUE* becomes invalid for any purpose when the twenty-one (21) day review deadline expires.
- 4.1.4.2 If the *Athlete* does not already have a *TUE* granted by the *Irish Sports Council* for the substance or method in question, the *Athlete* must apply directly to the *International Federation* for a *TUE* in accordance with the process set out in the *International Standard* for Therapeutic Use Exemptions. If the *International Federation* grants the *Athlete's* application, it shall notify the *Athlete* and the *Irish Sports Council*. If the *Irish Sports Council* 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 (21) days from such notification to refer the matter to *WADA* for review. If the *Irish Sports Council* refers the matter to *WADA* for review, the *TUE* granted by the *International Federation* remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending *WADA*'s decision. If the *Irish Sports Council* 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 21-day review deadline expires.
- 4.1.4.3 *WADA* shall review any decision by an *International Federation* not to recognize a *TUE* granted by the *Irish Sports Council* that is referred to *WADA* by the *Athlete* or the *Irish Sports Council*. In addition, *WADA* shall review any decision by an *International Federation* to grant a *TUE* that is referred to *WADA* by the *Irish Sports Council*. *WADA* may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard* for Therapeutic Use Exemptions, *WADA* will not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* will reverse it.

4.2 Irish Sports Council TUE Committee

- 4.2.1 The *Irish Sports Council* shall appoint a committee of not less than three physicians to consider and determine requests 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 *Irish Sports Council* shall appoint a physician to be the Chair of the *TUE Committee*.

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 the *Irish Sports Council* from time to time.

4.4 Retroactive Therapeutic Use Exemptions

- 4.4.1 An application for a retroactive *TUE* may be made and shall be granted after a laboratory has reported an *Adverse Analytical Finding* in the following limited circumstances:
- 4.4.1.1 Where emergency treatment or treatment of an acute medical condition was necessary; or
 - 4.4.1.2 Where, due to other exceptional circumstances, there was insufficient time or opportunity for the *Athlete* to submit, or for the *TUE* Committee to consider, an application for a *TUE* prior to *Sample* collection; or
 - 4.4.1.3 Where the application was made by either an *Athlete* who, in accordance with Article 4.1.3.3, 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*.
 - 4.4.1.4 Where it is agreed by the *Irish Sports Council* and by *WADA* that fairness requires the grant of a retroactive *TUE*.
- 4.4.2 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.
- 4.4.3 Any *Athlete* who has applied for a *TUE* and who is denied such *TUE* may not thereafter apply for a retroactive *TUE*.

4.5 Expiration, Cancellation, 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 may be cancelled if the *Athlete* does not promptly comply with any requirements or conditions imposed by the *TUE* Committee upon grant of the *TUE*;
 - 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, cancellation, withdrawal or reversal of the *TUE*. The review pursuant to Article 7.2 or 7.4 of any subsequent *Adverse Analytical Finding* or *Adverse Passport Finding* shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date.

5. ARTICLE 5: TESTING AND INVESTIGATIONS

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

These Rules adopt and incorporate the *International Standard for Testing and Investigations* as revised from time to time and all *Athletes* and other *Persons* shall be deemed to accept the *International Standard for Testing and Investigations* and all revisions thereto as binding upon them without further formality.

5.2 Standard for *Testing*

Testing conducted by, or on behalf of, the *Irish Sports Council* shall be in conformity with the *International Standard for Testing and Investigations* applicable at the time of *Testing*. The *Irish Sports Council* shall implement its *Athlete Biological Passport* programme in accordance with the *International Standard for Testing and Investigations* and the *International Standard for Laboratories*, as revised by *WADA* from

time to time. The *Irish Sports Council* shall provide *WADA* upon request with a copy of its current test distribution plan.

5.3 Authority for Testing

Persons so authorised by the *Irish Sports Council* may conduct *Testing* on behalf of the *Irish Sports Council*.

5.4 Testing Jurisdiction

5.4.1 Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of the *Code*, the *Irish Sports Council* shall have *In-Competition* and *Out-of-Competition Testing* jurisdiction over all *Athletes* to whom these Rules apply and such *Athletes* must make themselves available for, and must submit to, *Testing* pursuant to these Rules by the *Irish Sports Council* or by any *Anti-Doping Organisation* with *Testing* jurisdiction at any time and any place. *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.8 of the *Code*.

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

5.5 In-Competition Testing

5.5.1 At *National Events* and other *Events* or *Competitions* under its jurisdiction which are not *International Events*, the collection of *Samples* shall be initiated and directed by the *Irish Sports Council*.

5.5.2 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 the *Irish Sports Council* to seek to initiate and conduct such *Testing* in accordance with Article 5.3.2 of the *Code*.

5.6 Liability for Testing

Although every reasonable effort will be made to avoid inconvenience to the *Athlete* being tested, no liability shall arise on the part of the *Irish Sports Council* 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*.

5.7 Testing of Minors

5.7.1 *Testing* of an *Athlete* who is a *Minor* shall be conducted in accordance with Annex C of the *International Standard for Testing* and Investigations.

5.7.2 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.

5.8 Investigations

5.8.1 The *Irish Sports Council* 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.

- 5.8.2 Investigations may be conducted in conjunction with and intelligence and/or information obtained in such investigations or otherwise may be shared with, other *Anti-Doping Organisations*, law enforcement authorities and other regulatory or disciplinary authorities.
- 5.8.3 *The Irish Sports Council* may also share with and receive intelligence and/or information from other *Anti-Doping Organisations*, law enforcement authorities and other regulatory or disciplinary authorities.
- 5.8.4 In its investigation as to whether there is a case to answer under Article 2 of these Rules, the *Irish Sports Council* may seek to obtain additional information from any source. This may include, without limitation, where the *Irish Sports Council* considers it appropriate to do so, giving the *Athlete* and/or other *Person* implicated in any potential anti-doping rule violation an opportunity, subject to compliance with such timeline as the *Irish Sports Council* shall specify, an opportunity to make such submissions as he or she may wish, in such format and by such method as the *Irish Sports Council* shall specify.
- 5.8.5 The *Irish Sports Council* shall investigate *Atypical Findings*, *Atypical Passport Findings* and *Adverse Passport Findings*, in accordance with Articles 7.3 and 7.4 respectively.
- 5.8.6 *The Irish Sports Council* shall investigate any other analytical or non-analytical information or intelligence that indicates a possible anti-doping rule violation, in accordance with Article 7.5, in order either to rule out the possible violation or to develop evidence that would support the initiation of an anti-doping rule violation proceeding.

5.9 Registered Testing Pool

- 5.9.1 The *Irish Sports Council* shall define the criteria for *Athletes* to be included in the *Irish Sports Council Registered Testing Pool*. From time to time the *Irish Sports Council* shall publish those criteria as well as a list of the *Athletes* meeting those criteria and so included in the *Irish Sports Council Registered Testing Pool* at the time of publication.
- 5.9.2 In addition to the general obligation on all *Athletes* to submit to *Testing*, an *Athlete* included in the *Irish Sports Council Registered Testing Pool* shall be subject to the whereabouts requirements set out in these Rules.
- 5.9.3 An *Athlete* who has been identified by the *Irish Sports Council* for inclusion in the *Irish Sports Council Registered Testing Pool* shall continue to be subject to the whereabouts requirements set out in these Rules unless and until the *Athlete* retires from *Competition* in the sport in question and gives written notice to the *Irish Sports Council* 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 the *Irish Sports Council* that he or she is no longer designated for inclusion in the *Irish Sports Council Registered Testing Pool*.
- 5.9.4 An *Athlete* who was previously included in the *Irish Sports Council Registered Testing Pool* who is not serving a period of *Ineligibility* and who has given notice of retirement may not return to *Competition* unless he or she has given his or her *National Governing Body*, the *Irish Sports Council* and his or her *International Federation* (if applicable) written notice of no less than six (6) months of his or her intent to return to *Competition* and during that notice period he or she has submitted to the application of these Rules and to the jurisdiction of the *National Governing Body*, the *Irish Sports Council*, the *Irish Sport Anti-Doping Disciplinary Panel* and *CAS* (as applicable) under these Rules, including by making himself or herself available for *Out-of-Competition Testing* and by providing such whereabouts information during the notice period as is required by the *Irish Sports Council*. *WADA*, in consultation with the relevant *International Federation* and the *Irish Sports Council*, may grant an exemption to the six (6) month written notice requirement where its strict application would be manifestly unfair to an *Athlete*. *WADA's* decision may be appealed under Article 13.
- 5.9.5 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, such that he or she is no longer bound by and required to comply with these Rules, that *Athlete* may not return to *Competition* unless he or she has given his or her *National Governing Body*, the *Irish Sports Council* and his or her *International Federation* (if applicable) written notice of no less than six (6) months (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six months) of his or her intent to return to *Competition* and during that notice period he or she has submitted to the application of these Rules and to the jurisdiction of the *National Governing Body*, the *Irish Sports Council*,

the *Irish Sport Anti-Doping Disciplinary Panel* and *CAS* (as applicable) under these Rules, including by making himself or herself available for *Out-of-Competition Testing* and by providing such whereabouts information during the notice period as is required by the *Irish Sports Council*.

5.9.6 Any competitive results obtained in violation of Articles 5.9.4 and 5.9.5 shall be *Disqualified*.

5.9.7 The *Irish Sports Council* can establish one or more further testing pool(s) for other *Athletes* subject to these Rules and may apply different whereabouts requirements to such pool(s) for purposes of Article 2.4.

5.10 Athlete Whereabouts Requirements

5.10.1 Each *Athlete* in the *Irish Sports Council Registered Testing Pool* is required:

5.10.1.1 to make to the *Irish Sports Council* an accurate and complete quarterly *Whereabouts Filing* in the format and detail required by the *Irish Sports Council* pursuant to Annex I of the *International Standard for Testing and Investigations* in relation to his or her whereabouts during the forthcoming quarter, including identifying where he or she will be living, training and competing during that quarter. If the *Athlete* fails to make to the *Irish Sports Council* each required *Whereabouts Filing* by the specified timeline or makes a *Whereabouts Filing* that is not accurate and 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;

5.10.1.2 to specify in his or her *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*. This shall not limit in any way the *Athlete's* obligation to be available for *Testing* at any time and place. Nor shall it limit his or her obligation to provide the information 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.

5.10.2 An *Athlete* in the *Irish Sports Council 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 that the third party agrees to such delegation. The *Irish Sports Council* may require written notice of the delegation to be filed with it, signed by both the *Athlete* in question and the applicable third party.

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

5.10.3.1 each *Athlete* remains ultimately responsible at all times for making accurate and complete *Whereabouts Filings* and updates as required by these Rules, whether he or she makes each *Whereabouts Filing* or update personally or delegates 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

5.10.3.2 each *Athlete* remains personally responsible at all times for ensuring that he or she is available for *Testing* at the specified location declared on his or her *Whereabouts Filing* or update, whether he or she 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.

5.11 Whereabouts Failures Results Management

5.11.1 An *Athlete* may only be declared to have committed a *Filing Failure* for the purposes of these Rules where the *Irish Sports Council* can establish that the conditions in Article I.3.6 of the *International Standard for Testing and Investigations* have been met.

- 5.11.2 An *Athlete* may only be declared to have committed a *Missed Test* for the purposes of these Rules where the *Irish Sports Council* can establish that the conditions in Article I.4.3 of the *International Standard for Testing and Investigations* have been met.
- 5.11.3 If the *Irish Sports Council* concludes that all of the conditions in Article I.3.6 of the *International Standard for Testing and Investigations* in relation to *Filing Failures* or Article I.4.3 of the *International Standard for Testing and Investigations* in relation to *Missed Tests*, as the case may be, are satisfied, then it shall follow the results management procedure provided for in Article I.5 of the *International Standard for Testing and Investigations*.
- 5.11.4 The *Irish Sports Council* 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*.
- 5.11.5 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 the *Irish Sports Council* 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 adopt and incorporate the *International Standard for Laboratories* as revised from time to time and all *Athletes* and other *Persons* shall be deemed to accept the *International Standard for Laboratories* and all revisions thereto as binding upon them without further formality.

6.2 Analysis in Accredited and Approved Laboratories

For purposes of these Rules, *Samples* collected by or on behalf of the *Irish Sports Council* pursuant to these Rules shall be analysed only in WADA-accredited laboratories chosen exclusively by the *Irish Sports Council* or laboratories otherwise approved by WADA and chosen exclusively by the *Irish Sports Council*.

6.3 Standard for *Sample Analysis and Reporting*

Laboratories shall analyse *Samples* collected and report the results of such analysis in conformity with the *Code* and the *International Standard for Laboratories* in force at the time of analysis.

6.4 Purpose of Analysis of *Samples*

Samples shall be analysed to detect *Prohibited Substances* (and their *Metabolites* and *Markers*) and *Prohibited Methods*, other substances as may be directed by WADA pursuant to the Monitoring Programme described in Article 4.5 of the *Code* and/or to assist the *Irish Sports Council* and/or another *Anti-Doping Organisation* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling, or for any other legitimate anti-doping purpose. *Samples* may be collected and stored for future analysis.

6.5 Further Analysis of *Samples*

- 6.5.1 Any *Sample* may be subject to further analysis by the *Irish Sports Council* at any time before both the A and B *Sample* analytical results (or A *Sample* result where B *Sample* analysis has been waived or will not be performed) have been communicated by the *Irish Sports Council* to the *Athlete* as the basis asserted for an Article 2.1 anti-doping rule violation.

6.5.2 *Samples* may be stored and subjected to further analyses for the purpose of Article 6.4 at any time exclusively at the direction of the *Irish Sports Council* or *WADA*. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories and the *International Standard* for *Testing* and Investigations.

6.6 Ownership of, and Research on, *Samples*

6.6.1 All *Samples* provided by an *Athlete* for the purposes of *Doping Control* under these Rules shall be the property of the *Irish Sports Council* and the *Irish Sports Council*, subject to Article 6.6.2, shall be entitled to determine all matters regarding the analysis and disposal of such *Samples*.

6.6.2 No *Sample* may be used for research without the *Athlete's* written consent. A *Sample* used for purposes other than as described in Article 6.4 shall have any means of identification removed such that it cannot be traced back to a particular *Athlete*.

7. ARTICLE 7: RESULTS MANAGEMENT

7.1 Responsibility for Results Management

Results management and the investigation of potential anti-doping rule violations shall proceed pursuant to these Rules under Article 7.1 of the *Code* and Article 7.1 of these Rules where the *Irish Sports Council* initiated and directed *Sample* collection or, if no *Sample* collection is involved, where the *Irish Sports Council* first provides notice to an *Athlete* or other *Person* of the alleged anti-doping rule violation and then pursues that alleged anti-doping rule violation.

7.2 Review Regarding *Adverse Analytical Findings*

7.2.1 Upon receipt of an *Adverse Analytical Finding* in relation to an A *Sample*, the *Irish Sports Council* shall conduct a review of any *TUE* granted to the *Athlete* as well as of the documentation relating to the *Doping Control* and the A *Sample* analysis, and any other relevant documentation, to determine whether:

7.2.1.1 the presence of the *Prohibited Substance* or its *Metabolite* or *Marker* in the *Athlete's Sample* is consistent with a valid and applicable *TUE* held by the *Athlete* or a *TUE* which could be granted to the *Athlete* in accordance with Article 4 of these Rules or the *International Standard* for Therapeutic Use Exemptions; or

7.2.1.2 there has been any apparent departure from the *International Standard* for *Testing* and Investigations or from the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*.

7.2.2 If it is determined pursuant to Article 7.2.1 either that the *Adverse Analytical Finding* is consistent with a valid and applicable *TUE* held by the *Athlete* or with a retroactive *TUE*, or that there has been an apparent departure from either the *International Standard* for *Testing* and Investigations or the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*, then the entire test shall be considered negative and the *Athlete*, the *Athlete's National Governing Body*, the *Athlete's International Federation* and *WADA* shall be so informed. The *Irish Sports Council* need take no further action in relation to such *Adverse Analytical Finding*, provided, however, that the *Athlete* may subsequently be made the subject of *Target Testing*.

7.2.3 If it is determined pursuant to Article 7.2.1 that there is neither a valid and applicable *TUE* or retroactive *TUE* with which the *Adverse Analytical Finding* is consistent, nor a departure from either the *International Standard* for *Testing* or the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*, then there shall be deemed to be a case to answer under Article 2 and the *Irish Sports Council* shall send the *Athlete* a notification in accordance with Article 7.6.

7.3 Review of Atypical Findings

- 7.3.1 As provided in the *Prohibited List* and/or the *International Standard for Laboratories*, where a *Prohibited Substance* or its *Marker* or *Metabolite* that may also be produced endogenously is found to be present in an *A Sample*, in some circumstances laboratories are directed to report such presence as an *Atypical Finding* that should be investigated further. Upon receipt of an *Atypical Finding*, the *Irish Sports Council* shall conduct a review to determine whether:
- 7.3.1.1 the presence of the *Prohibited Substance* or its *Marker* or *Metabolite* in the *Athlete's Sample* is consistent with a valid and applicable *TUE* held by the *Athlete* or a *TUE* which could be granted to the *Athlete* in accordance with Article 4 of these Rules or the *International Standard for Therapeutic Use Exemptions*; or
 - 7.3.1.2 there has been any apparent departure from the *International Standard for Testing and Investigations* or from the *International Standard for Laboratories* that caused the *Atypical Finding*.
- 7.3.2 If it is determined pursuant to Article 7.3.1 either that the *Atypical Finding* is consistent with a valid and applicable *TUE* held by the *Athlete* or with a retroactive *TUE*, or that there has been an apparent departure from either the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Atypical Finding*, then the entire test shall be considered negative and the *Athlete*, the *Athlete's National Governing Body*, the *Athlete's International Federation* and *WADA* shall be so informed. The *Irish Sports Council* need take no further action in relation to such *Atypical Finding*, provided, however, that the *Athlete* may subsequently be made the subject of *Target Testing*.
- 7.3.3 If it is determined pursuant to Article 7.3.1 that there is neither a valid and applicable *TUE* or retroactive *TUE* with which the *Atypical Finding* is consistent or that there has been a departure from either the *International Standard for Testing and Investigations* or the *International Standard for Laboratories* that caused the *Atypical Finding*, then the *Irish Sports Council* may conduct any necessary follow-up investigation.
- 7.3.4 Pending the outcome of the investigation, the *Atypical Finding* shall be kept confidential save that if the *Irish Sports Council* receives a request, from the *Athlete's National Governing Body*, an *International Federation* or a *Major Event Organisation* shortly before one of its *International Events* or a request from a sport body responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Athlete* identified on a list provided by the *National Governing Body*, *International Federation*, *Major Event Organisation* or sport body has a pending *Atypical Finding*, the *Irish Sports Council* shall so identify any such *Athlete* after first informing the *Athlete*.
- 7.3.5 If the *Irish Sports Council* determines that the *B Sample* should be analysed prior to the conclusion of its investigation under Article 7.3.3, the *Irish Sports Council* may conduct the *B Sample* analysis after notifying the *Athlete*, with such notice to include (a) a description of the *Atypical Finding*; (b) the scheduled date, time and place for the *B Sample* analysis; (c) the *Athlete's* right to request copies of the *A* and *B Sample* laboratory documentation package; and (d) confirming the opportunity for the *Athlete* and/or the *Athlete's* representative to attend the *B Sample* opening and analysis.
- 7.3.6 If, after the investigation is completed, the *Irish Sports Council* concludes that the *Atypical Finding* should not be considered an *Adverse Analytical Finding*, the *Irish Sports Council* shall advise the *Athlete*, the *Athlete's National Governing Body*, the *Athlete's International Federation* and *WADA* of that fact. The *Irish Sports Council* need take no further action in relation to such *Atypical Finding*, provided, however, that the *Athlete* may subsequently be made the subject of *Target Testing*.
- 7.3.7 If, after the investigation is completed, the *Irish Sports Council* concludes that the *Atypical Finding* should be considered an *Adverse Analytical Finding*, such that there is a case to answer under Article 2, the *Irish Sports Council* shall send the *Athlete*, the *Athlete's International Federation* and *WADA* a notification in accordance with Article 7.6.

7.4 Review of Atypical Passport Findings and Adverse Passport Findings

The *Irish Sports Council* shall review *Atypical Passport Findings* and *Adverse Passport Findings* as provided in the *International Standard for Testing and Investigations* and the *International Standard for Laboratories*, as revised by *WADA* from time to time. If the *Irish Sports Council* is satisfied there is a case to answer under Article 2, it shall send the *Athlete*, the *Athlete's International Federation* and *WADA* a notification in accordance with Article 7.6.

7.5 Review of Other Anti-Doping Rule Violations

Where, following the conclusion of the results management procedure referred to in Article 5.11.3, the *Irish Sports Council* concludes that it is appropriate to allege that an *Athlete* or other *Person* has committed an anti-doping rule violation under Article 2.4, it shall send the *Athlete* a notification in accordance with Article 7.6. Where a matter arises that involves evidence of a potential anti-doping rule violation other than an *Adverse Analytical Finding*, an *Atypical Finding*, an *Atypical Passport Finding* or an *Adverse Passport Finding* the *Irish Sports Council* shall conduct any further investigation into the possible anti-doping rule violation which the *Irish Sports Council* considers appropriate including the seeking of any additional information it considers relevant from any *Persons* and/or the carrying out of such *Target Testing* as it considers appropriate. Where, following the conclusion of such investigation, the *Irish Sports Council* concludes that it is appropriate to allege that an *Athlete* or other *Person* has committed an anti-doping rule violation, it shall send the *Athlete* or other *Person* and his or her *International Federation* and *WADA* a notification in accordance with Article 7.6.

7.6 Notification

7.6.1 Where it is determined pursuant to Article 7 that an *Athlete* or other *Person* has a case to answer under Article 2, then, the *Irish Sports Council* shall as soon as practicable notify the *Athlete* or other *Person*, in such manner as the *Irish Sports Council* considers appropriate (the "Notification"), of:

7.6.1.1 the anti-doping rule violation(s) that the *Athlete* or other *Person* is alleged to have committed;

7.6.1.2 a summary of the facts and evidence relied upon by the *Irish Sports Council* in support of such alleged anti-doping rule violation. Where the alleged anti-doping rule violation is based upon an *Adverse Analytical Finding*, a copy of the *Adverse Analytical Finding* report from the laboratory shall be enclosed with the Notification and the *Athlete* shall be notified of his or her right to request a copies of the A and B *Sample* laboratory documentation packages which includes information as required by the *International Standard for Laboratories*;

7.6.1.3 where applicable, notice of the *Provisional Suspension* to be imposed on the *Athlete* or other *Person* pursuant to Article 7.8.1 or Article 7.8.2, along with an explanation of the *Athlete's* or other *Person's* rights under Articles 7.8.3 and 7.8.4 in relation to such *Provisional Suspension*;

7.6.1.4 the *Consequences* applicable under these Rules if it is established that the *Athlete* or other *Person* has committed the alleged anti-doping rule violation(s) (including identifying any discretion that may exist in relation to such *Consequences* under these Rules);

7.6.1.5 where the alleged anti-doping rule violation is based on an *Adverse Analytical Finding*:

7.6.1.5.1 the right of the *Athlete* to promptly request an analysis of the B *Sample* and, failing such request, the B *Sample* analysis shall be deemed to be waived;

7.6.1.5.2 notice that the place, time and date for the B *Sample* analysis, if requested by the *Athlete*, must be agreed between the *Irish Sports Council* and the *Athlete* within ten (10) days of the *Athlete's* receipt of the Notification, and in default of agreement, on such date and at such time and place as shall be specified by the *Irish Sports Council*; and

7.6.1.5.3 the right of the *Athlete* and/or the *Athlete's* representative to attend the analysis of the B *Sample*, in accordance with Article 7.7;

7.6.1.6 the right of the *Athlete* or other *Person* to respond to the Notification in one of the following ways:

7.6.1.6.1 to admit the alleged anti-doping rule violation(s), and accede to the *Consequences* specified in the Notification;

7.6.1.6.2 to admit the alleged anti-doping rule violation(s), but to dispute and/or seek to mitigate the *Consequences* specified in the Notification, and to have the *Consequences* determined at a hearing conducted in accordance with Article 8; or

7.6.1.6.3 to deny the alleged anti-doping rule violation(s), and to have the alleged anti-doping rule violation(s) and, if the alleged anti-doping rule violation is found to have been committed, any *Consequences* determined at a hearing conducted in accordance with Article 8;

provided that if the *Athlete* or other *Person* wishes to exercise his/her right to a hearing, he/she must submit a written request for such a hearing so that it is received by the *Irish Sports Council* as soon as possible, but in any event within fourteen (14) days of the *Athlete's* or other *Person's* receipt of the Notification. The request must also state how the *Athlete* or other *Person* responds to the alleged anti-doping rule violation in the Notification and must explain (in summary form) the basis for such response. In the event no such response is received by that deadline, the *Athlete* or other *Person* will be deemed to have admitted the alleged anti-doping rule violation(s), and, unless the *Irish Sports Council* at its sole discretion refers the determination of the applicable *Consequences* to a hearing conducted in accordance with Article 8, the *Athlete* or other *Person* shall also be deemed to have acceded to the *Consequences* specified in the Notification.

7.6.2 The *Irish Sports Council* shall send copies of the notification in Article 7.6.1 to the *Athlete's* or other *Person's National Governing Body* and *International Federation* and to *WADA* and, if the *Athlete* or other *Person* exercises his or her rights under Articles 7.6.1.6.2 or 7.6.1.6.3, to the *Irish Sport Anti-Doping Disciplinary Panel*.

7.6.3 In the Notification, and/or at any other time prior to the determination of the alleged anti-doping rule violation at a hearing, the *Irish Sports Council* may communicate with the *Athlete* or other *Person* as it sees fit in relation to any matter pertaining to these Rules including inviting the *Athlete* or other *Person* to admit the alleged anti-doping rule violation(s) and accede to specified *Consequences*.

7.6.4 In the event that the *Irish Sports Council* withdraws the Notification, or the *Athlete* or other *Person* admits the alleged anti-doping rule violation(s) and accedes to the *Consequences* specified by the *Irish Sports Council* (or is deemed to have done so in accordance with Article 7.6.1), neither B *Sample* analysis nor a hearing is required. Instead, the *Irish Sports Council* shall promptly issue a reasoned decision confirming the commission of the anti-doping rule violation(s) and the imposition of the specified *Consequences*, shall send notice of the decision to the *Athlete* or other *Person* and to the *Athlete's* or other *Person's National Governing Body* and *International Federation*, *WADA* and the *Irish Sport Anti-Doping Disciplinary Panel*, and shall publish the decision in accordance with Article 15.

7.7 B Sample Analysis

7.7.1 If the *Athlete* exercises the right to have his or her B *Sample* analysed, such analysis shall be conducted on the date and at the time and place agreed to between the *Irish Sports Council* and the *Athlete* or as specified by the *Irish Sports Council*, as the case may be, in accordance with Article 7.6.1.5.2, and the *Athlete* and/or his or her representative shall have a right to attend on that date at the *Athlete's* cost to witness the opening and analysis of the B *Sample*, as shall representatives of the *Irish Sports Council*, the *International Federation* and the *National Governing Body* concerned (at their own cost). The *Athlete* shall have no right to an adjournment of the agreed date. If the *Athlete* or his or her representative is unable to attend on the agreed or specified date, as the case may be, then the laboratory shall arrange for an independent witness to attend the B *Sample* analysis to verify, in accordance with the *International Standard* for Laboratories, that the B *Sample* container shows no signs of tampering and that the identifying numbers correspond to those on the *Sample* collection documentation. Where an *Athlete* has been provisionally suspended, he or she shall remain provisionally suspended notwithstanding the fact that he or she has requested the analysis of his or her B *Sample*.

- 7.72 If the *Athlete* admits the alleged anti-doping rule violation(s), and/or does not exercise his or her right to the *B Sample* analysis, he or she shall be deemed to have waived his/her right to have the *B Sample* analysed and to have accepted the *Adverse Analytical Finding* based on the *A Sample* analysis alone. The *Irish Sports Council* may nonetheless proceed with the *B Sample* analysis at any time. The *Athlete* and/or his or her representative shall have a right to attend on that date at the *Athlete's* cost to witness the opening and analysis of the *B Sample*. Representatives of the *Irish Sports Council*, the *International Federation* and the *National Governing Body* concerned shall have to right to attend the analysis at their own cost.
- 7.73 If the analysis of the *B Sample* analysis does not confirm the *Adverse Analytical Finding* in respect of the *A Sample*, then, unless the *Irish Sports Council* alleges the anti-doping rule violation of *Use* against the *Athlete* under Article 2.2, the entire test shall be considered negative and the *Athlete*, the *Athlete's National Governing Body* and *International Federation* and *WADA* shall be so informed. In such circumstances, the Notification will be withdrawn, the proceedings instituted against the *Athlete* shall be discontinued, any *Provisional Suspension* previously imposed on the *Athlete* pursuant to Article 7.8 shall be deemed automatically vacated with immediate effect, and no further disciplinary action shall be taken against the *Athlete* by the *Irish Sports Council* in relation to the original *Adverse Analytical Report*. In circumstances where the *Athlete* (or the *Athlete's* team as may be provided in the rules of the applicable *International Federation* or *Major Event Organisation*) has been removed from a *Competition* based solely on the *Adverse Analytical Finding*, if, without otherwise affecting the *Competition*, it is still possible for the *Athlete* or team to be re-instated, the *Athlete* or team may continue to take part in the *Competition*.
- 7.74 If the *B Sample* analysis confirms the *Adverse Analytical Finding* in respect of the *A Sample*, then the *Irish Sports Council* shall provide the *B Sample* laboratory documentation package to the *Athlete*, if requested, and the matter shall proceed to a hearing as set out in Article 8.

7.8 Provisional Suspensions

7.8.1 Mandatory Provisional Suspension after Adverse Analytical Finding

When an *Adverse Analytical Finding* is issued against an *Athlete* for a *Prohibited Substance* or for evidence of a *Prohibited Method*, other than a *Specified Substance*, and it has been concluded, in accordance with Article 7.2 that the *Athlete* has a case to answer under Article 2, then (subject only to Article 7.8.3) a *Provisional Suspension* will come into effect automatically on the date specified by the *Irish Sports Council* in the Notification.

7.8.2 Discretionary Provisional Suspension

In all other case where it is determined pursuant to Articles 7.2, 7.3, 7.4 or 7.5 that an *Athlete* or other *Person* has a case to answer under Article 2, then (subject only to Article 7.8.3) a *Provisional Suspension* will come into effect automatically on the date specified by the *Irish Sports Council* in the Notification unless the *Irish Sports Council* determines that a *Provisional Suspension* shall not apply and so specifies in the Notification.

7.8.3 Appeals from Provisional Suspensions

The imposition of a *Provisional Suspension* may be appealed exclusively in accordance with Article 13.2.4. The *Provisional Suspension* shall not be lifted unless the *Athlete* or other *Person* establishes that:

- 7.8.3.1 the *Provisional Suspension* has been imposed in violation of these Rules;
- 7.8.3.2 he or she is likely to establish *No Fault or Negligence* for the alleged anti-doping rule violation under Article 10.3 so that any period of *Ineligibility* that might otherwise be imposed for such violation is likely to be completely eliminated; or
- 7.8.3.3 the violation is likely to have involved a *Contaminated Product*.

7.8.4 Right to Expedited Hearing

An *Athlete* who is subject to a *Provisional Suspension* has the right, if he or she so wishes, to an expedited hearing pursuant to Article 8.

7.9 Suspension of Financial Support

All sport-related financial support to an *Athlete* shall stand suspended from the Notification of that *Athlete* under Article 7.6 of an alleged anti-doping rule violation, other than an anti-doping rule violation involving a *Specified Substance*. 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:

- 7.9.1 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.
- 7.9.2 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.
- 7.9.3 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 10.9 shall apply.

7.10 Retirement from Sport

If an *Athlete* or other *Person* retires while a results management process under these Rules is underway, the *Irish Sports Council* retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process under these Rules has begun, the *Anti-Doping Organisation* which 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, has authority to conduct results management.

8. ARTICLE 8: DISCIPLINARY PROCEEDINGS

8.1 Appointment of the *Irish Sport Anti-Doping Disciplinary Panel*

The *Irish Sports Council* shall appoint the *Irish Sport Anti-Doping Disciplinary Panel* in accordance with the *Panel Rules*.

The *Panel Rules* may be amended from time to time, by the Chair of the *Irish Sport Anti-Doping Disciplinary Panel* following agreement with the *Irish Sports Council*, in order to reflect any changes made to the *Code* and otherwise as required to ensure they remain fit for purpose. Any amendments shall be published by the *Irish Sports Council*, which shall confirm the date upon which such amendments shall come into effect, as well as any transitional arrangements.

8.2 Jurisdiction of the *Irish Sport Anti-Doping Disciplinary Panel*

- 8.2.1 When it is alleged that an *Athlete* or other *Person* has committed a violation of these Rules, save where the matter is dealt with under Article 7.6.4, the *Irish Sports Council* shall refer the matter to the *Irish Sport Anti-Doping Disciplinary Panel* for adjudication as to whether the *Athlete* or other *Person* has committed a violation of these Rules and if so what *Consequences* should be imposed.
- 8.2.2 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 or appeal 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.
- 8.2.3 The *Irish Sport Anti-Doping Disciplinary Panel* has all powers necessary for, and incidental to, the exercise of its functions.

8.2.4 The *Irish Sport Anti-Doping Disciplinary Panel* shall not have the power to award costs save as provided in Article 10.10 and as follows:

8.2.4.1 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

8.2.4.2 the *Irish Sport Anti-Doping Disciplinary Panel* considers it appropriate to award some or all of his or her costs to the *Athlete* or other *Person*, having considered all the circumstances of the case.

8.3 Procedure

8.3.1 The *Irish Sports Council* shall present the case against the *Athlete* or other *Person*.

8.3.2 Where agreed between the *National Governing Body* of the *Athlete* or other *Person* concerned and the *Irish Sports Council* in advance, the *National Governing Body* shall present the case against the *Athlete* or other *Person* concerned. In such a case the *Irish Sports Council* shall have the right to join proceedings and attend hearings of the hearing panel as a party.

8.3.3 The *Irish Sports Council*, if not a party to the proceedings in accordance with Article 8.3.2, the relevant *International Federation* and *WADA* shall each have the right to attend hearings of the hearing panel as an observer.

8.3.4 Proceedings held in connection with *Events* may be conducted on an expedited basis.

8.3.5 Anti-doping rule violations asserted against *International-Level Athletes* or *National-Level Athletes* may, with the consent of the *Athlete*, the *Irish Sports Council*, *WADA*, and any other *Anti-Doping Organisation* that would have had a right to appeal a first instance hearing decision to *CAS*, be heard directly at *CAS*, with no requirement for a prior hearing.

8.4 Burdens and Standards of Proof and Methods of Establishing Facts and Presumptions

8.4.1 The *Irish Sports Council* (or the *National Governing Body* in cases under Article 8.3.2) shall have the burden of proving the alleged anti-doping rule violation(s). The standard of proof shall be whether the *Irish Sports Council* (or the *National Governing Body* in cases under Article 8.3.2) has established the 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.

8.4.2 Where these Rules place the burden of proof upon the *Athlete* or other *Person* concerned to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

8.4.3 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.

8.4.4 Analytical methods or decision limits approved by *WADA* after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge. *CAS* on its own initiative may also inform *WADA* of any such challenge. At *WADA's* request, the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of *WADA's* receipt of such notice, and *WADA's* receipt of the *CAS* file, *WADA* shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.

- 8.4.5 WADA-accredited laboratories, and other laboratories approved by WADA, shall be presumed to have conducted *Sample* analysis and custodial procedures in accordance with the applicable *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 the *Irish Sports Council* shall have the burden of establishing that such departure did not cause the *Adverse Analytical Finding*.
- 8.4.6 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or these Rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results. If the *Athlete* or other *Person* establishes that a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation, then the *Irish Sports Council* shall have the burden of establishing that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.
- 8.4.7 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.
- 8.4.8 Any certificate, notice, form, or other such document shall be, until the contrary is proved, sufficient evidence of:
- 8.4.8.1 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
 - 8.4.8.2 The authority of the official who signed the certificate, notice, form or other such document; and
 - 8.4.8.3 The facts stated in the certificate, notice, form or other such document.
- 8.4.9 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 and/or a party.
- 8.4.10 Any other deviation from these Rules or the procedures referred to in these Rules shall not invalidate any finding, procedure, decision or result under these Rules unless the *Person* relying on such deviation establishes that it casts material doubt on the validity of such finding, procedure, decision or result and the other parties to the proceedings cannot rebut that doubt or otherwise establish the validity of such finding, procedure, decision or result.

8.5 Disciplinary Decisions

- 8.5.1 The decision of the hearing panel shall be advised to the parties to the proceedings, WADA and to the *Irish Sports Council* if not a party to the proceedings as soon as practicable after the conclusion of the hearing.
- 8.5.2 The decision of the hearing panel shall be final and binding on all of the *Persons* identified in Article 13.2.5 and may only be appealed in accordance with Article 13.

8.6 National Governing Body Disciplinary Panel

- 8.6.1 A *National Governing Body* may, in agreement with the *Irish Sports Council*, 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 in this Article shall be construed as referring to its disciplinary panel.

- 8.6.2 The *Irish Sports Council*, 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 the *Irish Sports Council* considers appropriate in all the circumstances.
- 8.6.3 The *Irish Sports Council* may rescind an agreement with a *National Governing Body* regarding its disciplinary panel if the *Irish Sports Council* 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.
- 8.6.4 The composition, jurisdiction, hearings, proceedings and decision-making processes of such disciplinary panel shall be in conformity with the provisions of this Article 8 and the *Panel Rules* and the disciplinary panel shall determine the *Consequences* to be imposed in accordance with these Rules.
- 8.6.5 The *National Governing Body* shall pay the remuneration and costs of such disciplinary panel and its members incurred in the exercise of its functions.
- 8.6.6 All decisions issued by such disciplinary panel shall be final and binding on all of the parties identified in Article 13.2.5 and may only be appealed in accordance with Article 13.

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.

9.2 *Disqualification* of Event Results

- 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 results in the *Competition* which produced the positive *Sample* under Articles 9.1 and 9.2 as applicable, all other competitive results of the *Athlete* obtained from the date the positive *Sample* in question 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.

10. ARTICLE 10: *INELIGIBILITY* SANCTIONS FOR INDIVIDUALS

The appropriate sanction shall be determined in a sequence of four steps. First, the *Irish Sport Anti-Doping Disciplinary Panel* shall determine which of the basic *Ineligibility* sanctions (Article 10.1 or 10.2) apply to the particular anti-doping rule violation. Second, if the basic *Ineligibility* sanction provides for a range of sanctions, the *Irish Sport Anti-Doping Disciplinary Panel* shall determine the applicable sanction within that range according to the *Athlete* or other *Person's* degree of *Fault* (Article 10.3 or Article 10.4). In a third step, the *Irish Sport Anti-Doping Disciplinary Panel* shall establish whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.5). Finally, the *Irish Sport Anti-Doping Disciplinary Panel* shall decide on the commencement of the period of *Ineligibility* under Article 10.7.

10.1 *Ineligibility for the presence, Use or Attempted Use, or Possession of a Prohibited Substances or Prohibited Method*

10.1.1 The period of *Ineligibility* imposed for a violation of Article 2.1, Article 2.2 or Article 2.6, shall, subject to the conditions for a potential reduction or suspension in Articles 10.3, 10.4 or 10.5, be four (4) years' where:

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

10.1.1.2 The anti-doping rule violation involves a *Specified Substance* and the *Irish Sports Council* can establish that the anti-doping rule violation was intentional.

10.1.2 Where Articles 10.1.1.1 and 10.1.1.2 do not apply, the period of *Ineligibility* shall be two (2) years.

10.1.3 As used in Articles 10.1 and 10.2, the term "intentional" is used to identify those *Athletes* who cheat. The term, therefore, requires that the *Athlete* or other *Person* engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition*:

10.1.3.1 shall be rebuttably presumed not to be "intentional" if the substance is a *Specified Substance* and the *Athlete* can establish that the *Specified Substance* 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.

10.2 *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 10.4 or 10.5 are applicable:

10.2.1 For violations of Article 2.3 or 2.5, the *Ineligibility* period shall be four (4) years unless, in the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.1.3), in which case the period of *Ineligibility* shall be two (2) years.

10.2.2 For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete's* degree of *Fault*. This reduction 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* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances* shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. 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.

10.2.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to four (4) years, depending on the seriousness of the violation.

10.2.5 For violations of Article 2.10, the period of *Ineligibility* imposed shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete's* or other *Person's* degree of *Fault* and other circumstances of the case.

10.3 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. Except in the case of a *Minor*, 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 his or her system.

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

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

10.4.1.1 *Specified Substance*

Where the anti-doping rule violation involves a *Specified Substance*, and the *Athlete* or other *Person* can establish *No Significant Fault or Negligence* then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years' *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*. Except in the case of a *Minor*, 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 his or her system.

10.4.1.2 *Contaminated Products*

In cases where the *Athlete* or other *Person* can establish *No Significant Fault or Negligence* and that the detected *Prohibited Substance* 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 (2) years' *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*. Except in the case of a *Minor*, 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 his or her system.

10.4.2 Application of *No Significant Fault or Negligence* beyond the application of Article 10.4.1

If an *Athlete* or other *Person* establishes in an individual case where Article 10.4.1 is not applicable, that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.5, 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 (8) years.

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

10.5.1 *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations

The *Irish Sports Council* may, prior to an appellate decision under Article 13 or the expiration of the time to appeal to *CAS*, suspend a part of the period of *Ineligibility* imposed in an individual case in which the *Irish Sports Council* has results management authority where the *Athlete* or other *Person* has provided *Substantial Assistance* to the *Irish Sports Council* or another *Anti-Doping Organisation*, a criminal authority or professional disciplinary body which results in:

- 10.5.1.1 the *Irish Sports Council* or other *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*; or
- 10.5.1.2 a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *Irish Sports Council*.
- 10.5.1.3 After an appellate decision under Article 13 or the expiration of time to appeal, the *Irish Sports Council* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA* and the applicable *International Federation*.
- 10.5.1.4 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. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years.
- 10.5.1.5 If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Ineligibility* was based, the *Irish Sports Council* shall reinstate the original period of *Ineligibility*. If the *Irish Sports Council Anti-Doping Disciplinary Panel* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under Article 13.
- 10.5.1.6 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance to Anti-Doping Organisations*, at the request of the *Irish Sports Council* or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, *WADA* may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided elsewhere in this Article 10.5.1, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. *WADA's* approval shall be subject to reinstatement of sanction, as otherwise provided in this Article 10.5.1. Notwithstanding Article 13, *WADA's* decisions in the context of this Article 10.5.1 may not be appealed by any other *Anti-Doping Organisation*.
- 10.5.1.7 If the *Irish Sports Council* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then the *Irish Sports Council* shall provide a written justification for its decision to each *Anti-Doping Organisation* having a right to appeal the decision.
- 10.5.1.8 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.

10.5.2 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 Notification of the alleged 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.

10.5.3 Prompt Admission of Anti Doping Rule Violation after being Confronted with a Violation Sanctionable under Articles 10.1.1 or 10.2.1

An *Athlete* or other *Person* potentially subject to a four (4) year sanction under Article 10.1.1 or 10.2.1 (for evading or refusing *Sample* collection or *Tampering* with *Sample* collection), by promptly admitting the asserted anti-doping rule violation after being confronted by an *Anti-Doping Organisation*, and also upon the approval and at the discretion of both *WADA* and *the Irish Sports Council*, may receive a reduction in the period of *Ineligibility* down to a minimum of two (2) years, depending on the seriousness of the violation and the *Athlete's* or other *Person's* degree of *Fault*.

10.5.4 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 10.3, 10.4 or 10.5, before applying any reduction or suspension under Article 10.5, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.1, 10.2, 10.3 and 10.5. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.5, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

10.6 Multiple Violations

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

- (a) Six (6) months;
- (b) One-half of the period of *Ineligibility* imposed for the first anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.5; or
- (c) Twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.5.

The period of *Ineligibility* established above may then be further reduced by the application of Article 10.5.

10.6.2 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 10.3 or 10.4 or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

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

10.6.4 Additional Rules for Certain Potential Multiple Violations

- 10.6.4.1 For the purposes of imposing sanctions under Article 10.6 an anti-doping rule violation will only be considered a second violation if the *Irish Sports Council* can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received Notification pursuant to Article 7, or after the *Irish Sports Council* made reasonable efforts to give notice of the first anti-doping rule violation. If the *Irish Sports Council* 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.

10.6.4.2 If, after the imposition of a sanction for a first anti-doping rule violation, the *Irish Sports Council* discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then the *Irish Sport Anti-Doping Disciplinary Panel* shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation shall be *Disqualified* as provided in Article 9.3.

10.6.5 Multiple Anti-Doping Rule Violations During Ten (10) Year Period

For the purpose of Article 10.6, each anti-doping rule violation must take place within the same ten (10) year period in order to be considered multiple violations.

10.7 Commencement of *Ineligibility* Period

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

10.7.1 Delays Not Attributable to the *Athlete* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, the period of *Ineligibility* may start 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*.

10.7.2 Timely Admission

Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the alleged anti-doping rule violation(s) by the *Irish Sports Council*, 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 10.7.2 is applied, the *Athlete* or other *Person* shall actually serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of the decision imposing a sanction or the date the sanction is otherwise imposed. Further, this Article 10.7.2 shall not apply where the period of *Ineligibility* has already been reduced under Article 10.5.3.

10.7.3 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

10.7.3.1 If a *Provisional Suspension* is imposed and 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 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.

10.7.3.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing 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.

10.7.3.3 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 his or her team.

10.7.3.4 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.

10.8 Status during *Ineligibility*

10.8.1 Prohibition Against Participation During *Ineligibility*

10.8.1.1 No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation, or 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.

10.8.1.2 An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the jurisdiction 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 *Minors*.

10.8.1.3 An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

10.8.2 Return to Training

As an exception to Article 10.8.1, 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.

10.8.3 Violation of the Prohibition of Participation during *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.8.1, 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* may be adjusted based on the *Athlete* 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.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, the *Irish Sports Council* shall allege an anti-doping rule violation of Article 2.9 for such assistance.

10.9 Withholding of Financial Support during *Ineligibility*

For any anti-doping rule violation not involving a reduced sanction as described in Articles 10.3 or 10.4, all sport-related financial support and other sport-related benefits received by an *Athlete* or other *Person* shall be withheld by the *Irish Sports Council* and the applicable *National Governing Body* and its affiliates, members and/or licensees.

10.10 Financial Consequences

In cases where the principle of proportionality is satisfied the *Irish Sports Anti-Doping Disciplinary Panel* (either at first instance or appeal) 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.

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

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

10.11 Automatic Publication of Sanction

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

11. ARTICLE 11: SANCTIONS FOR TEAMS

11.1 Testing of Team Sports

Where more than one member of a team in a *Team Sport* has received Notification 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.

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.

11.3 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*.

12. ARTICLE 12: SANCTIONS FOR NATIONAL GOVERNING BODIES

12.1 Financial and/or other non-financial support from the *Irish Sports Council* 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.

- 12.2** Recognition of a *National Governing Body* by the *Irish Sports Council* may be withdrawn or withheld from a *National Governing Body* that is not in compliance with, or fails in the implementation of, these Rules.
- 12.3** Compliance with, and implementation of, these Rules by each *National Governing Body* shall be monitored by the *Irish Sports Council*. To facilitate monitoring, each *National Governing Body* shall report to the *Irish Sports Council* upon request on its compliance with, and/or implementation of, these Rules and shall provide to the *Irish Sports Council* all relevant documentation and information with such report. Failure by a *National Governing Body* to provide a report, documentation or information requested by the *Irish Sports Council* may be considered by the *Irish Sports Council* to be non-compliance by that *National Governing Body* with these Rules.

13. ARTICLE 13: APPEALS

13.1 Decisions Subject to Appeal and Scope of Appeal

Decisions made under 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.

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

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

- (a) a decision that an anti-doping rule violation was committed;
- (b) 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;
- (c) a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons;
- (d) a decision by WADA not to grant an exception to the six (6) months' notice requirement for a retired *Athlete* to return to *Competition* under Article 5.9.4;
- (e) a decision by WADA assigning results management under Article 7.1 of the *Code*;
- (f) a decision that the *Irish Sport Anti-Doping Disciplinary Panel* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*;
- (g) a decision by the *Irish Sports Council* 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 under Article 7.5;
- (h) a decision under Article 10.8.3;
- (i) a decision by the *Irish Sports Council* not to recognise another *Anti-Doping Organisation's* decision under Article 15 of the *Code*;
- (j) a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under Article 10.5.1; and
- (k) the *Irish Sports Council's* failure to comply with article 7.9.

- 13.2.2 In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS.
- 13.2.3 In cases not arising from participation in an *International Event* or involving *International-Level Athletes*, the decision may be appealed as provided for in Article 13.4, with a further appeal to CAS.
- 13.2.4 A decision to impose a *Provisional Suspension* may be appealed exclusively to the Chair of the *Irish Sport Anti-Doping Disciplinary Panel* or a Vice-Chair appointed by the Chair for that purpose, with a further appeal to CAS save where the decision was made by the Chair or Vice-Chair not to eliminate a *Provisional Suspension* on account of an *Athlete's* assertion regarding a *Contaminated Product*.
- 13.2.5 In cases under Articles 13.2.2 the following parties shall have the right to appeal to CAS:
- 13.2.5.1 the *Athlete* or other *Person* who is the subject of the decision being appealed;
 - 13.2.5.2 the other party to the case in which the decision was rendered;
 - 13.2.5.3 the *Irish Sports Council*,
 - 13.2.5.4 the relevant *International Federation*;
 - 13.2.5.5 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 the *Irish Sports Council*;
 - 13.2.5.6 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
 - 13.2.5.7 WADA.
- 13.2.6 In cases under Article 13.2.3, the following parties shall have the right to appeal:
- 13.2.6.1 the *Athlete* or other *Person* who is the subject of the decision being appealed;
 - 13.2.6.2 the other party to the case in which the decision was rendered;
 - 13.2.6.3 the relevant *International Federation*;
 - 13.2.6.4 the *Irish Sports Council* and (if different) the *National Governing Body* of the *Person's* country of residence;
 - 13.2.6.5 the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
 - 13.2.6.6 WADA.
- 13.2.7 For cases under Article 13.2.3, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant *International Federation* shall also have the right to appeal to CAS from the appeal decision of the *Irish Sport Anti-Doping Disciplinary Panel*. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organisation* whose decision is being appealed and the information shall be provided if CAS so directs.
- 13.2.8 Notwithstanding any other provision herein, the only *Person* who may appeal the imposition of a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.
- 13.2.9 Save as provided in Articles 13.2.10, 13.2.11 and 13.2.12, a *Person* entitled to appeal a decision who wishes to do so shall file a notice of the appeal with the Chair of the *Irish Sport Anti-Doping Disciplinary Panel* c/o the *Irish Sports Council* within twenty-one (21) days of the date of issuance of the written decision from the *Irish Sport Anti-Doping Disciplinary Panel*.

- 13.2.10 Any party filing an appeal who was not a party to the proceedings that led to the decision being appealed, within fifteen (15) days from notice of the decision shall have the right to request a copy of the case file from the body that issued the decision. If such request is made, within the fifteen (15) day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file a notice of appeal.
- 13.2.11 Where WADA has a right to appeal under this Article and no other party has appealed a final decision made under these Rules, WADA may appeal such decision directly to CAS without having to exhaust other remedies available under these Rules.
- 13.2.12 The filing deadline for an appeal or intervention filed by WADA shall be the later of:
- 13.2.12.1 Twenty-one (21) days after the last day on which any other party in the case could have appealed, or
- 13.2.12.2 Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.
- 13.2.13 In making its decision regarding an appeal under these Rules, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.
- 13.2.14 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.
- 13.2.15 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 Organizations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

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* 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* 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 the *Irish Sports Council*.

13.4 Appeal Proceedings

- 13.4.1 A notice of appeal shall specify the decision being appealed and the grounds upon which the appeal is being made.
- 13.4.2 The appeal panel shall hear and determine all issues arising from any matter within the scope of the appeal to it pursuant to these Rules on a de novo basis. In particular, depending on the nature of the appeal, the appeal panel shall determine on a de novo basis whether an anti-doping rule violation has been committed and/or what *Consequences* should be imposed pursuant to these Rules for an anti-doping rule violation found to have been committed.
- 13.4.3 The appeal panel shall have the same powers and functions as the disciplinary panel and subject to the provisions of these Rules, Article 8 and the *Panel Rules*, shall apply to proceedings before the appeal panel with changes deemed to have been made to reflect the different context.
- 13.4.4 The decision of the appeal panel shall be final and binding on all of the *Persons* identified in Article 13.2.5 and may only be further appealed in accordance with this Article 13.
- 13.4.5 Upon receipt the *Irish Sports Council* 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 13.2.5.

13.5 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

- 13.5.1 Decisions by the *Irish Sports Council* denying *TUE* applications made under Article 4.1.3 may be appealed by the *Athlete* to the appeal panel provided for under Article 13.4.
- 13.5.2 A decision by *WADA* reversing the grant or denial of a *TUE* application by the *Irish Sports Council* may be appealed exclusively to *CAS* by the *Athlete*, the *International Federation* concerned or the *Irish Sports Council*.
- 13.5.3 Any *TUE* decision by an *International Federation* (or by the *Irish Sports Council* 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 the *Irish Sports Council*, exclusively to *CAS*.
- 13.5.4 Where the *Irish Sports Council* fails to take action on a properly submitted *TUE* application for grant or recognition of a *TUE* within a reasonable time, the *Irish Sports Council'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 AND PRIVACY

14.1 Reporting

- 14.1.1 Pursuant to Article 14.5 of the *Code*, the *Irish Sports Council* shall report the results of *Testing* conducted under these Rules as soon as possible after such results have been received by the *Irish Sports Council*. 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 The *Irish Sports Council* shall report anti-doping reviews, alleged anti-doping violations, proceedings and decisions as and when required by these Rules, the *Code* and *International Standards*, on the confidential basis set out in Article 14.1.5 of the *Code*, to the *Athlete's National Governing Body*, the *Athlete's International Federation*, *WADA* and, where applicable, the *Athlete's Anti-Doping Organisation* and any other *Anti-Doping Organisation* that has a right of appeal under Article 13.2.5.
- 14.1.3 The *Irish Sports Council* shall publish annually, within six (6) 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*. The *Irish Sports Council* shall report to *WADA* on its compliance with the *Code* in accordance with Article 23.5.2 of the *Code*.

14.2 Privacy

The *Irish Sports Council* shall comply with the *Code* and *International Standards* (including specifically the *International Standard* for the Protection of Privacy and Personal Information (as revised from time to time)) and with applicable data protection and privacy laws in respect of the handling of personal information provided to it under these Rules.

15. ARTICLE 15: PUBLIC DISCLOSURE

- 15.1 The identity of any *Athlete* or other *Person* who is alleged by the *Irish Sports Council* to have committed an anti-doping rule violation may be *Publicly Disclosed* only after Notification has been provided to the *Athlete* or other *Person* in accordance with Article 7, and to the applicable *Anti-Doping Organisations*.
- 15.2 The *Irish Sports Council*, 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 the *Athlete* or other *Person* or his or her representative or representatives.

- 15.3** No later than twenty (20) days after it has been determined in a final 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, the *Irish Sports Council* shall *Publicly Report* 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 applicable) and the *Consequences* imposed. The *Irish Sports Council* shall also *Publicly Report* within twenty (20) days the result of the final appeal decision concerning an anti-doping rule violation, including the information described above.
- 15.4** The mandatory *Public Reporting* required in Article 15.1 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*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.
- 15.5** In any case where it is determined, after a hearing or an appeal, that an anti-doping rule violation has not been committed and the *Athlete* or other *Person* concerned does not consent to the publication of the decision in accordance with Article 15.1, or, in a case where the *Irish Sport Anti-Doping Disciplinary Panel* so directs, the *Irish Sports Council* shall use reasonable efforts to obtain such consent. If consent is obtained, the *Irish Sports Council* shall *Publicly Disclose* the decision in its entirety or in such a redacted form as the *Athlete* or other *Person* may approve.
- 15.6** For purposes of this Article, publication shall be accomplished at a minimum by placing the required information on the *Irish Sports Council'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: APPLICATION AND RECOGNITION OF DECISIONS, GOVERNING LAW AND LIMITATIONS

16.1 Recognition of Decisions of Other Organisations

Subject to the right of appeal provided in Article 13, the *Testing*, hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority shall be applicable worldwide and shall be recognised and respected by the *Irish Sports Council*, each *National Governing Body*, its member and affiliate organisations, its licensees and all *Athletes* or other *Persons* to whom these Rules apply, without further formality. Measures taken by other bodies which have not accepted the *Code* shall also be recognised and respected if such measures are consistent with the *Code*.

16.2 Governing Law and Challenges to a Decision or these Rules

- 16.2.1 Subject to Article 18.2.2 and 18.2.3, these Rules and all matters and proceedings arising in connection with these Rules shall be governed by the laws of Ireland.
- 16.2.2 These Rules shall constitute an agreement to arbitrate and proceedings before an *Irish Sport Anti-Doping Disciplinary Panel* hearing panel pursuant to Article 8, or before an *Irish Sport Anti-Doping Disciplinary Panel* appeal panel pursuant to Article 13, shall constitute arbitration proceedings with a seat in Ireland to which the Arbitration Act 2010 shall apply.
- 16.2.3 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 an *Irish Sports Anti-Doping Disciplinary Panel* hearing panel, an *Irish Sports Anti-Doping Disciplinary Panel* appeal panel, or a CAS panel under these Rules.

16.2.4 Subject strictly to Article 16.2.2 and Article 16.2.3, the Courts of Ireland shall have exclusive jurisdiction in relation to these Rules and any decision made hereunder.

16.3 Statute of Limitations

No anti-doping rule violation proceeding 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 (10) years from the date the violation is alleged to have occurred.

17. ARTICLE 17: NOTICES

17.1 All written notices or other written communications given or made under or referred to in these Rules shall be governed by the provisions of this Article 17.

17.2 Each *Athlete* in the *Irish Sports Council Registered Testing Pool* shall provide the *Irish Sports Council* with a complete postal address to which notice may be delivered. In the event of a change of address it is the responsibility of the *Athlete* to provide the *Irish Sports Council* with such amended details.

17.3 Subject to Article 17.5, notice to an *Athlete* in the *Irish Sports Council Registered Testing Pool* shall be delivered by registered post to the address provided by that *Athlete* pursuant to Article 17.2. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.

17.4 Subject to Article 17.5, notice to any other *Person* shall be accomplished by sending the notice by registered post to the address provided by that *Person* to his or her *National Governing Body*, or to the last known address of that *Person*, as applicable. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.

17.5 The *Irish Sports Council* and the *Irish Sport Anti-Doping Disciplinary Panel* each may, at its discretion, as an alternative to or in conjunction with notice by post, use any other method of secure and confidential communication available, including but not limited to courier, facsimile, email, SMS text and/or telephone. In the case of such means of communication, notice shall be deemed to have been received upon the expiry of one (1) working days after the date of sending.

17.6 Notice or other communications to the *Irish Sports Council* and/or the *Irish Sport Anti-Doping Disciplinary Panel* given or made under or referred to in these Rules may be accomplished by any means of communication. There shall be no deemed receipt and, if disputed by the *Irish Sports Council* and/or the *Irish Sport Anti-Doping Disciplinary Panel*, actual receipt must be proved.

18. ARTICLE 18: MODIFICATION AND INTERPRETATION

18.1 Modification

18.1.1 The *Irish Sports Council* 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 the *Irish Sports Council*. Amendments shall, unless provided otherwise, come into effect three (3) 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 the *Irish Sports Council* as a *Signatory* nor preventing the *Irish Sports Council* 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 *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.

18.2.3 These Rules shall be interpreted in a manner that is consistent with applicable provisions of the *Code*.

18.2.4 The comments annotating various provisions of the *Code* and Appendix 2 of the *Code* are incorporated by reference into these Rules, and shall be treated as if set out in full herein, and shall be used to interpret these Rules.

18.2.5 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.

18.2.6 The Introduction to these Rules, and Appendix 1 Definitions to these Rules shall be considered integral parts of these Rules.

18.2.7 In the event of a material conflict between these Rules and the anti-doping rules of the applicable *International Federation*, the anti-doping rules of the *International Federation* shall prevail, provided the anti-doping rules of the *International Federation* concerned are consistent with the *Code*. The onus of establishing the conflict is on the *Person* asserting it and the anti-doping rules of the *International Federation* shall prevail only if it is established by that *Person*, on the balance of probabilities, that the conflict exists and is material.

19. ARTICLE 19: COMMENCEMENT AND TRANSITION

19.1 Commencement

These Rules shall come into full force and effect on the 1st day of January 2015.

19.2 Application to Cases

Any case pending prior to the 1st day of January 2015 or brought after the 1st day of January 2015 based on an anti-doping rule violation which occurred prior to the 1st day of January 2015, shall be governed by the rules in force at the time the alleged anti-doping rule violation occurred save that Article 10.6.5 and 16.3 (if the statute of limitation period has not already expired by 1st January 2015) shall apply retroactively. Further, the *Irish Sport Anti-Doping Disciplinary Panel* or *CAS*, as the case may be, may decide to apply other provisions from these Rules as well where doing so benefits the *Athlete* or other *Person* alleged to have committed the anti-doping rule violation, based on the principle of *lex mitior*.

19.3 Application to Decisions

With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the 1st day of January 2015, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the 1st day of January 2015, the *Athlete* or other *Person* may apply to the *Irish Sport Anti-Doping Disciplinary Panel* 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 *Irish Sport Anti-Doping Disciplinary Panel* 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 prior to the 1st day of January 2015.

19.4 Application to Multiple Violations

Anti-doping rule violations committed prior to the 1st day of January 2015, 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 10.6.1, where the sanction for the first violation was determined based on pre-2015 Code rules, the period of *Ineligibility* which would have been assessed for that first violation had 2015 Code rules been applicable, shall be applied.

19.5 Application to *Whereabouts Failures*

Any *Whereabouts Failure* that occurred prior to the 1st day of January 2015 will expire (for purposes of Article 2.4) twelve (12) months after the date of its occurrence.

20. ARTICLE 20: MISCELLANEOUS

20.1 Time Periods

Unless otherwise specified, time periods in these Rules are total consecutive 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*, the *Irish Sports Council* or the *Irish Sport Anti-Doping Disciplinary Panel* or any of their respective members, directors, officers, employees, agents, representatives and other *Persons* involved in the administration of these Rules shall be liable to any *Person* in any way, in relation to acts done 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

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 and related technical documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

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

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

Athlete: Any person who competes at any level in any sport under the authority of any *Signatory*, government or other sports organisation accepting the *Code*, including any *Person* who competes in sport at the international level (as defined by each *International Federation*) or the national level.

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, nutritionist, 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.

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: 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 10.8; (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) *Publicly Report* 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; and (f) *Consequences* for teams in *Team Sports* 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.

Disqualification: See *Consequences* above.

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

Event: A series of individual *Competitions* conducted together under one ruling body.

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* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Minor*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behaviour. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.4.1 or 10.4.2

Filing Failure: A failure by an *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 the *International Standard for Testing and Investigations* and these Rules.

Financial Consequences: See *Consequences* above.

In-Competition: The period commencing twelve (12) hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*, unless provided otherwise in the rules of the *International Federation* or the ruling body of the *Event* in question.

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

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

Ineligibility: See *Consequences* above.

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 *Competition* or appoints the technical officials for the *Event* or *Competition*.

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

International Standard: A standard adopted by WADA in support of the *Code* (including any technical documents issued pursuant to such standard). 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 the *Irish Sports Council* pursuant to Article 8 to hear and determine all issues referred to it including cases of alleged anti-doping rule violations and appeals from decisions under these Rules.

Irish Sports Council: The *Irish Sports Council* established pursuant to the *Irish Sports Council Act 1999*, as amended, replaced or substituted.

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.

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 his or her *Whereabouts Filing* for the day in question.

National Anti-Doping Organisation: The entity designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings, at the national level. If this designation has not been made by the competent public authorities, the entity shall be the country's *National Olympic Committee* or its designee. For the purposes of these Rules the *Irish Sports Council* is the designated entity.

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

National-Level Athlete: An *Athlete* in the *Irish Sports Council Registered Testing Pool*.

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

National Olympic Committee: The organisation recognised by the International Olympic Committee. 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* 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 *Minor*, 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 his or her system.

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

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

Panel Rules: The rules issued by the *Irish Sport Anti-Doping Disciplinary Panel*, as amended from time to time, setting out the procedures to be followed by *Irish Sport Anti-Doping Disciplinary Panel* as regards hearings and appeals in matters referred to them under these Rules.

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 *Athlete* or other *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 *Athlete* or other *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 *Athlete* or other *Person* has committed an anti-doping rule violation, the *Athlete* or other *Person* has taken concrete action demonstrating that the *Athlete* or other *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 *Athlete* or other *Person* who makes the purchase.

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*.

Provisional Suspension: See *Consequences* above.

Publicly Report: See *Consequences* above.

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 5.6 of the *Code* and the *International Standard* for Testing and Investigations.

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

Signatory: Those entities that have signed and agreed to comply with the *Code*, as provided in Article 23 of the *Code*.

Specified Substance: See Article 3.3.

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 all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including testifying at a hearing if requested to do so by the *Irish Sports Council*, 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 which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Tampering: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

Target Testing: 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*.

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

Trafficking: Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, an *Athlete Support Person* or any other *Person* subject to the jurisdiction 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.

TUE: A Therapeutic Use Exemption as described in Article 4 of these Rules.

UNESCO Convention: The International Convention against Doping in Sport adopted by the 33rd 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* that sets out the *Athlete's* whereabouts during the following quarter.

**THE
IRISH SPORTS
COUNCIL**
AN CHOMHAIRLE SPÓIRT



Irish Sports Council, Top Floor Block A, Westend Office Park, Dublin 15

Tel: + 353-1-860 8800 | Fax: + 353-1-860 8860

Email: antidoping@irishsportsCouncil.ie | Website: www.irishsportsCouncil.ie