



SPÓRT ÉIREANN
SPORT IRELAND

**THE
IRISH
ANTI-DOPING
RULES 2015**

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~~THE IRISH SPORTS COUNCIL~~

SPORT IRELAND

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INTRODUCTION

Doping is fundamentally contrary to the spirit of sport. The spirit of sport is the intrinsic value of sport. The spirit of sport is the celebration of the human spirit, body and mind and is the 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

All provisions of the Code are mandatory in substance and must be followed as applicable by each Anti-Doping Organisation and Athlete or other Person. The Code does not, however, replace or eliminate the need for comprehensive anti-doping rules to be adopted by each Anti-Doping Organisation. While some provisions of the Code must be incorporated without substantive change by each Anti-Doping Organisation in its own anti-doping rules, other provisions of the Code establish mandatory guiding principles that allow flexibility in the formulation of rules by each Anti-Doping Organisation or establish requirements that must be followed by each Anti-Doping Organisation but need not be repeated in its own anti-doping rules. Those Articles of the Code which must be incorporated into each Anti-Doping Organisation's rules without substantive change are set out in Article 23.2.2 of the Code*. It is critical for purposes of harmonisation that all Signatories to the Code base their decisions on the same list of anti-doping rule violations, the same burdens of proof and impose the same Consequences for the same anti-doping rule violations. These rules must be the same whether a hearing takes place before an International Federation, at the national level or before CAS.

The Irish Sport Anti-Doping Programme¹

Sport Ireland, is established under section 7 of the Sport Ireland Act, 2015. Sport Ireland is the designated National Anti-Doping Organisation in Ireland and performs the functions and obligations of a National Anti-Doping Organisation as referred to in the Code, the UNESCO Convention and these Rules. Under the Act, sport is defined as including recreational sport and competitive sport.

~~The Irish Sports Council was established under the Irish Sports Council Act, 1999 to perform~~

* These Articles have been reproduced in these Rules at Articles 2, 3.3, 3.4, 7.10, 8.4.1, 8.4.2, 8.4.4, 8.4.5, 8.4.6, 8.4.7, 8.4.8, 8.4.10, 9, 10, 11, 13.1, 13.2.1, 13.2.2, 13.2.5, 13.2.6, 13.2.7, 13.2.8, 13.2.11, 13.2.12, 13.2.13, 13.2.14, 1.3.4.5, 13.5, 16.1, 16.3, 18.2.2, 18.2.5, 18.2.6 and 18.2.9.

¹ It is intended that there should be a National Anti-Doping Organisation in each country, and that the National Anti-Doping Organisation should be independent in operational decisions and activities from all public and sports movement bodies. The principle of independence underpins anti-doping programs worldwide and ensures the integrity of the anti-doping work.

the functions of Sport Ireland are conferred on it by ~~or under that~~ section 8 of the Act. Its functions and include:

- (i) ~~encouraging the promotion, development and co-ordination of competitive sport and the achievement of excellence in competitive sport;~~(ii) facilitating to facilitate, through the promulgation of guidelines and codes of practice, standards of good conduct and fair play and the elimination of doping in ~~either or both competitive sport and recreational sport; and sport~~
- (iii)(ii) ~~taking to take~~ 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.~~

- (iii) to plan, implement, evaluate and monitor education and information programmes for good conduct, fair play and the elimination of doping in sport;
- (iv) in its capacity as the national doping organisation in the State, to direct the collection of samples, to manage the testing and test results of samples and attend hearings, as required

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.~~made by Sport Ireland under section 42(2) of the Act, having regard to its relevant purpose under the Act to preserve the integrity of sport through the detection, prevention and elimination of doping in sport including the application of sanctions in connection with doping, on such public interest grounds and for the benefit of sportspersons generally. Pursuant to Section 42(3) of the Act, these Rules may be amended at any time by Sport Ireland. 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 an international and harmonised way, are distinct in nature from criminal and civil proceedings. They are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human rights. When reviewing the facts and the law of a given case all courts, arbitral hearing panels and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the *Code* and in these *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~~Sport Ireland shall, within its means and scope of responsibility in the Code and the Act and in co-operation with other *Signatories*, plan, implement, evaluate and monitor education and information ~~and education~~ programmes for good conduct, fair play and the elimination of doping ~~free in~~ 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~~[Sport Ireland](#) 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~~[Sport Ireland](#) 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~~[Sport Ireland](#) 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 Bodies²

- 1.1.1 As a condition of receiving financial and/or other assistance from the Government of Ireland and/or ~~the Irish Sports Council~~[Sport Ireland](#), *National Governing Bodies* shall abide by the spirit and terms of the Irish Sport Anti-Doping Programme and these *Rules*, including application of sanctions to *Athletes* or other *Persons*, and shall respect the authority of, and co-operate with, ~~the Irish Sports Council~~[Sport Ireland](#), 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~~[Sport Ireland](#) for administering the Irish Sport Anti-Doping Programme (including conducting *Testing* of *Athletes*) in respect of all of the *Persons* to whom these *Rules* apply and authorises ~~the Irish Sports Council~~[Sport Ireland](#) 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~~[Sport Ireland](#), 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~~[Sport Ireland](#) in establishing and maintaining its *Registered Testing Pool*.

1.2 Roles and responsibilities of *National Governing Bodies*

~~1.2.1~~[1.2.1](#) To adopt, incorporate and implement these *Rules*.

~~1.2.2~~[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

² [Sport Ireland shall endeavour to ensure the acceptance and application of these *Rules* represents a pre-condition to a *National Governing Body's* receipt of any financial and/or other assistance from *Sport Ireland*, the Government and/or the Olympic Council of Ireland.](#)

be deemed to include a club, team, association or league, to agree to be bound by these *Rules* and ~~the Irish Sports Council~~ [Sport Ireland](#) or other *Anti-Doping Organisation* results management authority in conformity with these *Rules* as a condition of such participation.

~~1.2.3~~ 1.2.3 To report any information suggesting or relating to an anti-doping rule violation to ~~the Irish Sports Council~~ [Sport Ireland](#) and to co-operate with and provide all possible assistance and information to ~~the Irish Sports Council~~ [Sport Ireland](#) in relation to investigations carried out by ~~the Irish Sports Council~~ [Sport Ireland](#) and any other *Anti-Doping Organisation* with authority to conduct an investigation.

~~1.2.4~~ 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~~ [Sport Ireland](#) in presenting cases before the *Irish Sport Anti-Doping Disciplinary Panel* (whether at first instance or appeal) and the CAS.

~~1.2.5~~ 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~~ 1.2.6 To promote anti-doping education including conducting anti-doping education in co-ordination with ~~the Irish Sports Council~~ [Sport Ireland](#).

1.3 Application to *Athletes* or other *Persons* ³

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

~~1.3.1.1~~ 1.3.1.1 All *Athletes* and ~~other *Persons*~~ *Athlete Support Personnel* who are members or licence holders of a *National Governing Body* and/or of ~~a~~ any 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~~ 1.3.1.2 All *Athletes* and ~~other *Persons*~~ *Athlete Support Personnel* 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~~ 1.3.1.3 All *Athletes* ~~and/or~~ *Athlete Support Personnel* or other *Persons* who are subject to the authority and/or jurisdiction of a *National Governing Body*. ~~1.3.2~~ To be a member of and/or of any member or affiliate organisation or licensee of a *National Governing Body* which shall be deemed to include a club, team, association or league, for the purposes of anti-doping;

³ These organising bodies shall be incorporated into the national anti-doping program.

1.3.1.4 All Athletes and Athlete Support Personnel who participate in any capacity in any activity organised, held, convened or authorised by the organiser of a National Event or of a national league that is not affiliated with a National Governing Body 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; and

1.3.1.5 All Athletes who do not fall within one of the foregoing provisions of this Article 1.3.1 but who wish to be eligible to participate in International Events or National Events (and such Athletes must be available for testing under these Rules for at least six months before they will be eligible for such Events).

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

1.3.2.1 all Athletes who are nationals of or resident in the State;

1.3.2.2 all Athletes who represent or have the potential to represent the State and/or the Island of Ireland internationally or to become a member of a team representing the State or the Island of Ireland internationally; and

1.3.2.3 all Athletes who are present in the State, whether to compete or train or otherwise.

1.3.3 Persons falling within the scope of Article 1.3.1 and 1.3.2 shall be deemed to have agreed;

1.3.3.1 ~~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;

1.3.3.2 ~~1.3.2.2~~ To submit to the authority of the National Governing Body, ~~the Irish Sports Council~~ Sport Ireland, the Irish Sport Anti-Doping Disciplinary Panel and CAS, as applicable, to apply and enforce these Rules;

1.3.3.3 ~~1.3.2.3~~ To provide all requested assistance to a National Governing Body, ~~the Irish Sports Council~~ Sport Ireland, 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;

1.3.3.4 ~~1.3.2.4~~ To submit to the exclusive jurisdiction of any *Irish Sport Anti-Doping Disciplinary Panel hearing panel*Hearing Panel convened under these *Rules* to hear and determine alleged anti-doping rule violations and related issues arising under these *Rules*;

1.3.3.5 ~~1.3.2.5~~ To submit to the exclusive jurisdiction of any *Irish Sport Anti-Doping Disciplinary Panel appeal panel*Appeal Panel and/or CAS panel convened under these *Rules* to hear and determine appeals made under these *Rules*; and

1.3.3.6 ~~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.

1.3.4 ~~1.3.3~~ If any *Athlete* or Athlete Support Personnel or other *Person* is found to have committed an anti-doping rule violation, the *Consequences* shall apply ~~–An Athlete~~ and for the avoidance of doubt, in accordance with the Consequences and subject to these Rules, and as provided for in the Act shall not be eligible for funding from Sport Ireland or to represent the State in sport. An Athlete or Athlete Support Personnel or other *Person* sanctioned under these *Rules* remains subject to the sanction throughout the duration of the sanction regardless of that *Athlete's* or Athlete Support Personnel'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 Athlete Support Personnel or other *Person* sanctioned retires during the period of the sanction, this shall include remaining subject to *Doping Control*.

1.3.5 ~~1.3.4~~ Each *Athlete* or Athlete Support Personnel 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~~Sport Ireland *Registered Testing Pool* at the time of such retirement, he or she must also send such notice to ~~the Irish Sports Council~~Sport Ireland in accordance with Article 5.9.3. The *National Governing Body*, ~~the Irish Sports Council~~Sport Ireland, the *Irish Sport Anti-Doping Disciplinary Panel* and CAS shall continue to have jurisdiction over the *Athlete* or other *Person* under these *Rules* after retirement in respect of matters taking place prior to retirement.

1.3.6 ~~1.3.5~~ Certain *Athletes* or Athlete Support Personnel or other *Persons* may also be subject to the anti-doping rules of other *Anti-Doping Organisations*. These *Rules* are not intended to limit the responsibilities of any *Athlete* or Athlete Support Personnel 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~~ [Sport Ireland](#) and any other *Anti-Doping Organisation* conducting investigations into possible anti-doping rule violations.
- 1.4.11 To disclose to ~~the Irish Sports Council~~ [Sport Ireland](#) 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~~ [Sport Ireland](#) and any other *Anti-Doping Organisation* conducting investigations into possible anti-doping rule violations.

- 1.5.9 To disclose to ~~the Irish Sports Council~~[Sport Ireland](#) 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 ~~2-~~ARTICLE 2 DEFINITION OF DOPING AND ANTI-DOPING RULE VIOLATIONS

Doping [in sport](#) is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 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](#)⁴.
- 2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following⁵:
- 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.

⁴ [An anti-doping rule violation is committed under this Article without regard to an *Athlete's Fault*. This rule has been referred to in various CAS decisions as "Strict Liability". An *Athlete's Fault* is taken into consideration in determining the *Consequences* of this anti-doping rule violation under Article 10 of these *Rules*. This principle has consistently been upheld by CAS.](#)

⁵ [The *Anti-Doping Organisation* with results management responsibility may, at its discretion, chose to have the *B Sample* analysed even if the *Athlete* does not request the analysis of the *B Sample*.](#)

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 Method⁶

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 committed⁷.

2.3 Evading, Refusing or Failing to Submit to Sample Collection⁸

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*,

⁶ It has always been the case that *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* may be established by any reliable means. As noted in the Comment to Article 8, unlike the proof required to establish an anti-doping rule violation under Article 2.1, *Use* or *Attempted Use* may also be established by other reliable means such as admissions by the *Athlete*, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the *Athlete* Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a *Prohibited Substance* under Article 2.1. For example, *Use* may be established based upon reliable analytical data from the analysis of an A *Sample* (without confirmation from an analysis of a B *Sample*) or from the analysis of a B *Sample* alone where the *Anti-Doping Organisation* provides a satisfactory explanation for the lack of confirmation in the other *Sample*.

⁷ Demonstrating the "Attempted Use" of a *Prohibited Substance* or a *Prohibited Method* requires proof of intent on the *Athlete's* part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 of these *Rules* and violations of Article 2.2 of these *Rules* in respect of *Use* of a *Prohibited Substance* or *Prohibited Method*.

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

⁸ For example, it would be an anti-doping rule violation of "evading *Sample* collection" if it were established that an *Athlete* was deliberately avoiding a *Doping Control* official to evade notification or *Testing*. A violation of "failing to submit to *Sample* collection" may be based on either intentional or negligent conduct of the *Athlete*, while "evading" or "refusing" *Sample* collection contemplates intentional conduct by the *Athlete*.

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 Control⁹

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 Method¹⁰

- 2.6.1 Possession by an *Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or Possession by an *Athlete*

⁹ For example, this Article would prohibit altering identification numbers on a *Doping Control* form during *Testing*, breaking the B bottle at the time of B *Sample* analysis, or altering a *Sample* by the addition of a foreign substance.

Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* which does not otherwise constitute *Tampering* shall be addressed in the disciplinary rules of the *National Governing Bodies*.

¹⁰ Acceptable justification would not include, for example, buying or Possessing a *Prohibited Substance* for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that *Person* had a physician's prescription, e.g., buying *Insulin* for a diabetic child.

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.¹¹

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 Association¹²

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

¹¹ [Acceptable justification would include, for example, a team doctor carrying *Prohibited Substances* for dealing with acute and emergency situations.](#)

¹² [Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.](#)

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~~ [Sport Ireland](#) 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 ~~3.~~ ARTICLE 3 THE PROHIBITED LIST

3.1 Incorporation of the *Prohibited List* and the *International Standard* for the *Prohibited List*¹³

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~~ [Sport Ireland](#) 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

¹³ The current *Prohibited List* is available on WADA's website at www.wada-ama.org.

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 Substances¹⁴

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 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~~ [Sport Ireland](#) for a *TUE*¹⁵. [Sport Ireland's TUE Policy is posted on its website at www.sportireland.ie .](#)

4.1.3.1 ~~If the Irish Sports Council~~ [If Sport Ireland](#) denies the application, the *Athlete* may appeal exclusively to the *Irish Sport Anti-Doping Disciplinary Panel* as provided in Article 13.5.1.

¹⁴ [The Specified Substances identified in Article 3.3 of these Rules should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by an Athlete for a purpose other than the enhancement of sport performance.](#)

¹⁵ [The submission of false or misleadingly incomplete information in support of a TUE application \(including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE\) may result in a charge of Tampering or Attempted Tampering under Article 2.5.](#)

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

4.1.3.2 TUEs granted by ~~the Irish Sports Council~~[Sport Ireland](#) 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~~ [Sport Ireland](#) in accordance with Article 5.1 of the [International Standard for Therapeutic Use Exemptions](#) 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 [National Level Athletes](#) in some or all of the non-priority sports, but it shall permit any such *Athlete* from whom a *Sample* is subsequently collected to apply for a retroactive TUE in accordance with this Article 4. ~~The Irish Sports Council~~[Sport Ireland](#) shall publicise any such policy on its website for the benefit of affected *Athletes*.¹⁶

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~~[Sport Ireland](#) 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~~[Sport Ireland](#) for the substance or method in question, the *Athlete* may apply to his or her *International Federation* to ~~recognize~~[recognise](#) 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~~[recognise](#) it for purposes of international-level *Competition* as well. If the *International Federation* considers that the TUE granted by ~~the Irish Sports Council~~[Sport Ireland](#) does not meet those criteria and so refuses to

¹⁶ [The International Standard for Therapeutic Use Exemptions also permits a National Anti-Doping Organisation to limit the grant of advance TUEs to certain categories of National-Level Athletes. If a National Anti-Doping Organisation chooses to collect a Sample from an Athlete who is a National-Level Athlete from whom the National Anti-Doping Organisation does not accept advance applications for TUEs, then the National Anti-Doping Organisation must also permit that Athlete to apply for a retroactive TUE, if necessary.](#)

~~recognize~~recognise it, the *International Federation* shall notify the *International-Level Athlete* and ~~the Irish Sports Council~~Sport Ireland promptly, with reasons. The *International-Level Athlete* and ~~the Irish Sports Council~~Sport Ireland 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~~Sport Ireland remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the twenty-one (21) day review deadline expires.¹⁷

4.1.4.2

If the *Athlete* does not already have a TUE granted by ~~the Irish Sports Council~~Sport Ireland 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~~Sport Ireland. ~~If the Irish Sports Council~~If Sport Ireland considers that the TUE granted by the *International Federation* does not meet the criteria set out in the *International Standard* for Therapeutic Use Exemptions, it has twenty-one (21) days from such notification to refer the matter to WADA for review. If ~~the Irish Sports Council~~Sport Ireland 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~~Sport Ireland does not refer the matter to WADA for review, the TUE granted by the *International Federation* becomes valid for national-level *Competition* as well when the 21-day review deadline expires.¹⁸

¹⁷ Further to Articles 5.6 and 7.1(a) of the *International Standard* for Therapeutic Use Exemptions, an *International Federation* may publish notice on its website that it will automatically recognise TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by *National Anti-Doping Organisations*. If an *Athlete's* TUE falls into a category of automatically recognised TUEs, then he/she does not need to apply to his/her *International Federation* for recognition of that TUE.

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

If an *International Federation* refuses to recognise a TUE granted by *Sport Ireland* only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the *International Standard* for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the *International Federation*.

¹⁸ The *International Federation* and *Sport Ireland* may agree that *Sport Ireland* will consider TUE applications on behalf of the *International Federation*.

- 4.1.4.3 WADA shall review any decision by an *International Federation* not to ~~recognize~~[recognise](#) a TUE granted by ~~the Irish Sports Council~~[Sport Ireland](#) that is referred to WADA by the Athlete or ~~the Irish Sports Council~~[Sport Ireland](#). 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~~[Sport Ireland](#). WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the *International Standard* for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.¹⁹

4.2 Irish Sports Council TUE Committee

- 4.2.1 ~~The Irish Sports Council~~[Sport Ireland](#) 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~~[Sport Ireland](#) 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~~[Sport Ireland](#) 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~~[Sport Ireland](#)

¹⁹ [In such cases, the decision being appealed is the *International Federation's* TUE decision, not WADA's decision not to review the TUE decision or \(having reviewed it\) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.](#)

[Ireland](#) 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 ~~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~~ [Sport Ireland](#) shall be in conformity with the *International Standard for Testing and Investigations* applicable at the time of *Testing*. ~~The Irish Sports Council~~ [Sport Ireland](#) 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~~ [Sport Ireland](#) 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~~[Sport Ireland](#) may conduct Testing on behalf of ~~the Irish Sports Council~~[Sport Ireland](#).

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~~[Sport Ireland](#) 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~~[Sport Ireland](#) or by any *Anti-Doping Organisation* with *Testing* jurisdiction at any time and any place.²⁰ 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~~[Sport Ireland](#) (either directly or through a *National Governing Body*), ~~the Irish Sports Council~~[Sport Ireland](#) may collect additional *Samples* or direct the laboratory to perform additional types of analysis at ~~the Irish Sports Council~~[Sport Ireland](#)'s expense. If additional *Samples* are collected or additional types of analysis are performed, ~~the Irish Sports Council~~[Sport Ireland](#) 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~~[Sport Ireland](#).

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~~[Sport Ireland](#) 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~~[Sport Ireland](#) or the *Athlete's National Governing Body* or any of their respective members, directors, officers, employees, agents or representatives for any inconvenience or loss arising on the part of the *Athlete* as a result of such *Testing*.

²⁰ [Unless the Athlete has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, Sport Ireland will not test an Athlete during that period unless it has serious and specific suspicions that the Athlete may be engaged in doping. A challenge to whether Sport Ireland had sufficient suspicion for Testing in that period shall not be a defence to an anti-doping rule violation based on such test or attempted test.](#)

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

5.8.4.1 giving the *Athlete* and/or other *Person* implicated in any potential anti-doping rule violation an opportunity, subject to compliance with such timeline as ~~the Irish Sports Council~~ Sport Ireland 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~~ Sport Ireland shall specify.

5.8.4.2 making a written demand to an Athlete or other Person to furnish to Sport Ireland any information, including relevant documentation, that may evidence, or lead to the discovery of evidence of an anti-doping rule violation, including (without limitation) requiring the Athlete or other Person to attend an interview and/or provide a written statement setting forth the Athlete or other Person's knowledge of the relevant facts and circumstances. The Athlete or other Person must furnish such information within ten (10) days of the making of such demand, or within such other deadline

as may be specified by Sport Ireland. Any information and or documentation furnished to Sport Ireland shall be kept confidential except when it becomes necessary to disclose such information and/or documentation to further the investigation of and or to bring proceedings relating to an anti-doping rule violation, or when such information is reported to administrative, professional or judicial authorities pursuant to an investigation or prosecution of non-sporting laws or regulations.

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.~~ Athletes and other Persons must co-operate fully with investigations conducted under these Rules. Where an Athlete or other Person fails or refuses to do so, without acceptable justification, Sport Ireland may refer the matter to the applicable National Governing Body for consideration under the applicable National Governing Body's rules of conduct and the Athlete or other Person may be sanctioned accordingly.

5.8.6 In addition to Article, 5.8.5, if an Athlete or other Person subverts or attempts to subvert the investigation process (e.g. by providing false, misleading or incomplete information and/or by destroying potential evidence) proceedings may be brought against him or her for violation of Article 2.5 (Tampering or Attempted Tampering).

5.8.7 Sport Ireland shall investigate Atypical Findings, Atypical Passport Findings and Adverse Passport Findings, in accordance with Articles 7.3 and 7.4 respectively.

5.8.8 ~~5.8.6 The Irish Sports Council~~ Sport Ireland 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~~ Sport Ireland shall define the criteria for Athletes to be included in ~~the Irish Sports Council~~ Sport Ireland Registered Testing Pool. From time to time ~~the Irish Sports Council~~ Sport Ireland shall publish those criteria as well as a list of the Athletes meeting those criteria and so included in ~~the Irish Sports Council~~ Sport Ireland 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~~ Sport Ireland 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~~ Sport Ireland for inclusion in ~~the Irish Sports Council~~ Sport Ireland 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~~[Sport Ireland](#) and, if applicable, to his or her *International Federation* to that effect or, in the alternative, he or she has been given written notice by ~~the Irish Sports Council~~[Sport Ireland](#) that he or she is no longer designated for inclusion in ~~the Irish Sports Council~~[Sport Ireland](#) Registered Testing Pool.

5.9.4 An *Athlete* who was previously included in ~~the Irish Sports Council~~[Sport Ireland](#) 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~~[Sport Ireland](#) 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~~[Sport Ireland](#), 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~~[Sport Ireland](#). WADA, in consultation with the relevant *International Federation* and ~~the Irish Sports Council~~[Sport Ireland](#), 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~~[Sport Ireland](#) 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~~[Sport Ireland](#), 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~~[Sport Ireland](#).

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~~[Sport Ireland](#) 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~~[Sport Ireland](#) Registered Testing Pool is required:

- 5.10.1.1 to make to ~~the Irish Sports Council~~Sport Ireland an accurate and complete quarterly *Whereabouts Filing* in the format and detail required by ~~the Irish Sports Council~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland *Registered Testing Pool* may choose to delegate the making of some or all of his or her required *Whereabouts Filings* and/or any updates to his or her *Whereabouts Filings* to a third party provided that the third party agrees to such delegation. ~~The Irish Sports Council~~Sport Ireland may require written notice of the delegation to be filed with it, signed by both the *Athlete* in question and the applicable third party.
- 5.10.3 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~~Sport Ireland 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~~Sport Ireland 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~~ If Sport Ireland 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~~ Sport Ireland or the applicable *National Governing Body* may withhold from an *Athlete* one quarterly instalment (or equivalent) of the annual sport-related financial support payable to that *Athlete* where an alleged *Whereabouts Failure* has been recorded against that *Athlete*, regardless of the *Anti-Doping Organisation* that has recorded the alleged *Whereabouts Failure*.
- 5.11.5 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~~Sport Ireland to establish all of the requisite elements of each *Whereabouts Failure*.

6 ~~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~~[Sport Ireland](#) pursuant to these *Rules* shall be analysed only in WADA-accredited laboratories chosen exclusively by ~~the Irish Sports Council~~[Sport Ireland](#) or laboratories otherwise approved by WADA and chosen exclusively by ~~the Irish Sports Council~~[Sport Ireland](#).²¹

6.3 Standard for Sample Analysis and Reporting²²

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 Samples²³

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~~[Sport Ireland](#) 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~~[Sport Ireland](#) 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~~[Sport Ireland](#) 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~~[Sport Ireland](#) 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~~[Sport Ireland and Sport Ireland](#), 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

²¹ [Violations of Article 2.1 may be established only by Sample analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.](#)

²² [The objective of this Article is to extend the principle of "intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analysed.](#)

²³ [For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.](#)

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 ~~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~~[Sport Ireland](#) initiated and directed *Sample* collection or, if no *Sample* collection is involved, where ~~the Irish Sports Council~~[Sport Ireland](#) 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~~[Sport Ireland](#) 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~~[Sport Ireland](#) 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 and Investigations* 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~~[Sport Ireland](#) 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~~ Sport Ireland 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~~ Sport Ireland 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~~ Sport Ireland 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~~ Sport Ireland 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~~ Sport Ireland shall so identify any such *Athlete* after first informing the *Athlete*.

7.3.5 ~~If the Irish Sports Council~~ If Sport Ireland determines that the B

Sample should be analysed prior to the conclusion of its investigation under Article 7.3.3, ~~the Irish Sports Council~~Sport Ireland 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~~Sport Ireland concludes that the Atypical Finding should not be considered an Adverse Analytical Finding, ~~the Irish Sports Council~~Sport Ireland shall advise the Athlete, the Athlete's National Governing Body, the Athlete's International Federation and WADA of that fact. ~~The Irish Sports Council~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland shall conduct any further investigation into the possible anti-doping rule violation which ~~the Irish Sports Council~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland shall as soon as practicable notify the *Athlete* or other *Person*, in such manner as ~~the Irish Sports Council~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland and the *Athlete* within ~~ten~~fourteen (~~10~~14) days of the ~~*Athlete's* receipt~~date 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~~Sport Ireland; 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~~ Sport Ireland as soon as possible, but in any event within fourteen (14) days of the ~~Athlete's or other Person's receipt~~ date 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~~ Sport Ireland 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~~ Sport Ireland shall send copies of the ~~notification~~ 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~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland (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~~Sport Ireland 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~~Sport Ireland and the *Athlete* or as specified by ~~the Irish Sports Council~~Sport Ireland, 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~~Sport Ireland, 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*.
- 7.7.2 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~~Sport Ireland 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~~Sport Ireland

Ireland, the *International Federation* and the *National Governing Body* concerned shall have to right to attend the analysis at their own cost.

7.7.3 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~~Sport Ireland 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~~Sport Ireland 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*.

7.7.4 If the B *Sample* analysis confirms the *Adverse Analytical Finding* in respect of the A *Sample*, then ~~the Irish Sports Council~~Sport Ireland 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*²⁴

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~~Sport Ireland 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~~Sport Ireland in the *Notification* unless ~~the Irish Sports Council~~Sport Ireland determines that a *Provisional Suspension* shall not apply and so specifies in the *Notification*.

7.8.3 **Appeals from Provisional Suspensions**

²⁴ *Athletes* and other *Persons* shall receive credit for a *Provisional Suspension* against any period of *Ineligibility* which is ultimately imposed. See Articles 10.7.3.1 and 10.7.3.2 of these *Rules*.

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 Sport²⁵

If an *Athlete* or other *Person* retires while a results management process under these *Rules* is underway, ~~the Irish Sports Council~~ [Sport Ireland](#) 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

²⁵ [Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organisation.](#)

conduct results management.

8 ~~8.~~ **ARTICLE 8 DISCIPLINARY PROCEEDINGS**

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

~~8.1.1~~ 8.1.1 ~~The Irish Sports Council~~ Sport Ireland shall appoint the *Irish Sport Anti-Doping Disciplinary Panel* ~~in accordance with the Panel Rules,~~ which shall comprise of the following:

8.1.1.1 A Chair and up to nine (9) Vice-Chairs, each of whom is a solicitor or barrister not less than five (5) years qualified or a retired judge; and

8.1.1.2 Up to ten (10) members each of whom is a medical practitioner not less than five (5) years qualified; and

8.1.1.3 Up to ten (10) members each of whom is or was a sports administrator or an *Athlete*.

8.1.1.4 Each member shall be appointed for a term of four (4) years. A member may be re-appointed by *Sport Ireland*.

8.1.2 If a member dies or resigns, *Sport Ireland* may appoint a new member to fill the resultant vacancy. The member so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy.

8.1.3 Each member shall be appointed on the basis that he or she is in a position to hear cases under Article 8 of the *Rules* and appeals under Article 13 of the *Rules* fairly and impartially.

8.1.4 *Sport Ireland* shall pay the remuneration and costs of the *Irish Sport Anti-Doping Disciplinary Panel* and its members incurred in the exercise of its functions.

~~The Panel Rules may be amended from time to time, by the Chair of~~

8.1.5 *Sport Ireland* shall also appoint a Registrar in accordance with the *Disciplinary Procedures* to assist 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~~ has been determined that an *Athlete* or other *Person* has ~~committed a violation of a case to answer under~~ these *Rules*, save where the matter is dealt with under Article 7.6.4, ~~the Irish Sports Council~~ *Sport Ireland* 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. [The Irish Sport Anti-Doping Disciplinary Panel Procedures, the Disciplinary Procedures, form part of these Rules and are contained in Appendix 2.](#)
- 8.2.3 The *Irish Sport Anti-Doping Disciplinary Panel* has all powers necessary for, and incidental to, the exercise of its functions ~~under the Act, the Code, these Rules, the Arbitration Act 2010 or otherwise.~~
- 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~~ [Proceedings](#)

- 8.3.1 ~~The Irish Sports Council~~ [Sport Ireland](#) 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~~ [Sport Ireland](#) 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~~ [Sport Ireland](#) shall have the right to join proceedings and attend hearings of the ~~hearing panel~~ [Hearing Panel](#) as a party.
- 8.3.3 ~~The Irish Sports Council~~ [Sport Ireland](#), 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~~ [Hearing Panel](#) as an observer.
- 8.3.4 Proceedings held in connection with *Events* may be conducted on an expedited basis.²⁶
- 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~~ [Sport Ireland](#), *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

²⁶ [For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping violation is necessary to determine the Athlete's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.](#)

requirement for a prior hearing.²⁷

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

8.4.1 ~~The Irish Sports Council~~ Sport Ireland (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~~ Sport Ireland (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~~ 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.²⁸

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~~ 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.

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

8.4.5 ~~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.

8.4.6 ~~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*

²⁷ Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need to incur the extra expense of two hearings. An Anti-Doping Organisation that wants to participate in the CAS hearing as a party or as an observer may condition its approval of a single hearing on being granted that right.

²⁸ This standard of proof required to be met by the Anti-Doping Organisation is comparable to the standard which is applied in most countries to cases involving professional misconduct.

rebutts 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~~ Sport Ireland (or a National Governing Body in cases under Article 8.3.2) shall have the burden of establishing that such departure did not cause the *Adverse Analytical Finding*.²⁹

8.4.7 ~~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~~ Sport Ireland (or a National Governing Body in cases under Article 8.3.2) 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.

8.4.8 ~~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.

8.4.9 ~~8.4.8~~ Any certificate, notice, form, or other such document shall be, until the contrary is proved, sufficient evidence of:

8.4.9.1 ~~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

8.4.9.2 ~~8.4.8.2~~ The authority of the official who signed the certificate, notice, form or other such document; and

8.4.9.3 ~~8.4.8.3~~ The facts stated in the certificate, notice, form or other such document.

8.4.10 ~~8.4.9~~ The ~~hearing panel~~ 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~~ Hearing Panel) and to answer questions from the ~~hearing panel~~ Hearing Panel and/or a party.

8.4.11 ~~8.4.10~~ Any other deviation from these *Rules* or the procedures referred to in these *Rules* shall not invalidate any finding, procedure,

²⁹ The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to Sport Ireland (or a National Governing Body in cases under Article 8.3.2) to prove to the comfortable satisfaction of the Hearing Panel that the departure did not cause the Adverse Analytical Finding.

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~~Hearing Panel shall be advised to the parties to the proceedings, WADA and to ~~the Irish Sports Council~~Sport Ireland 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~~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~~Sport Ireland, determine that hearings pursuant to this Article shall be before its own disciplinary panel ~~and for~~ 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~~Hearing Panel elsewhere in these Rules shall be construed as referring to its disciplinary panel save for the references in Article 4.1.3.1, Article 8.1, Article 8.2.2 insofar as the reference relates to the power to hear appeals, Article 13.2.4, Article 13.2.7, Article 13.2.9, the definitions in Appendix 1 and the Disciplinary Procedures.
- 8.6.2 ~~The Irish Sports Council~~ Sport Ireland, in so agreeing with a *National Governing Body*, may require the *National Governing Body* to comply with such conditions and terms regarding its disciplinary panel as ~~the Irish Sports Council~~Sport Ireland considers appropriate in all the circumstances.
- 8.6.3 ~~The Irish Sports Council~~ Sport Ireland may rescind an agreement with a *National Governing Body* regarding its disciplinary panel if ~~the Irish Sports Council~~Sport Ireland forms the view that any such term or condition has not been adhered to or that the *National Governing Body* or its disciplinary panel is not acting in compliance with the provisions of these *Rules*.
- 8.6.4 The composition, jurisdiction, hearings, proceedings ~~and~~ and decision-making processes and time periods of such disciplinary panel shall be in conformity with the provisions of this Article 8 and the ~~Panel Rules~~Disciplinary Procedures and the disciplinary panel shall determine the *Consequences* to be imposed in accordance with these *Rules*.
- 8.6.5 The *National Governing Body* shall appoint the members of such disciplinary panel and 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 ~~9.~~ **ARTICLE 9 DISQUALIFICATION SANCTIONS ON INDIVIDUALS**

9.1 Automatic *Disqualification* of Individual Results³⁰

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 Results³¹

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.³²

10 ~~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

³⁰ [For *Team Sports*, any awards received by individual players will be *Disqualified*. However, *Disqualification* of the team will be as provided in Article 11\). In sports which are not *Team Sports* but where awards are given to teams, *Disqualification* or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the *International Federation*.](#)

³¹ [Whereas Article 9.1 *Disqualifies* the result in a single *Competition* in which the *Athlete* tested positive \(e.g., the 100 meter backstroke\), this Article may lead to *Disqualification* of all results in all races during the *Event* \(e.g., the FINA World Championships\).](#)

³² [Nothing in these *Rules* precludes clean *Athletes* or other *Persons* who have been damaged by the actions of a *Person* who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such *Person*.](#)

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~~ [Sport Ireland \(or a National Governing Body in cases under Article 8.3.2\)](#) 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.³³
- 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.³⁴

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.³⁵

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

³³ [Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organisations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.](#)

³⁴ [Where the "other Person" referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.](#)

³⁵ [This Article and Article 10.4.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: \(a\) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement \(Athletes are responsible for what they ingest \(Article 2.1.1\) and have been warned against the possibility of supplement contamination\); \(b\) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete \(Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance\); and \(c\) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates \(Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink\). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.4 based on No Significant Fault or Negligence.](#)

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.³⁶

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.³⁷

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

³⁶ [In assessing that *Athlete's* degree of *Fault*, it would, for example, be favourable for the *Athlete* if the *Athlete* had declared the product which was subsequently determined to be contaminated on his or her *Doping Control* form.](#)

³⁷ [Article 10.4.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation \(e.g., Article 2.5, 2.7, 2.8 or 2.9 or an element of a particular sanction \(e.g., Article 10.1\) or a range of *Ineligibility* is already provided in an Article based on the *Athlete* or other *Person's* degree of *Fault*.](#)

Anti-Doping Rule Violations³⁸

~~The Irish Sports Council~~ [Sport Ireland](#) 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~~ [Sport Ireland](#) has results management authority where the *Athlete* or other *Person* has provided *Substantial Assistance* to ~~the Irish Sports Council~~ [Sport Ireland](#) or another *Anti-Doping Organisation*, a criminal authority or professional disciplinary body which results in:

- 10.5.1.1 ~~the Irish Sports Council~~ [Sport Ireland](#) 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~~ [Sport Ireland](#).
- 10.5.1.3 After an appellate decision under Article 13 or the expiration of time to appeal, ~~the Irish Sports Council~~ [Sport Ireland](#) 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~~ [Sport Ireland](#) shall reinstate the original period of *Ineligibility*. If ~~the Irish Sports Council~~ [Sport Ireland](#) ~~Disciplinary Panel~~ [Sport Ireland](#) 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.

³⁸ [The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorised.](#)

- 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~~[Sport Ireland](#) or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, *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~~[Sport Ireland](#) suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then ~~the Irish Sports Council~~[Sport Ireland](#) 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 Evidence³⁹

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.

³⁹ [This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily.](#)

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~~ [Sport Ireland](#), 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:

[10.6.1.1](#) ~~(a)~~ Six (6) months;

[10.6.1.2](#) ~~(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

[10.6.1.3](#) ~~(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~~Sport Ireland (or a National Governing Body in cases under Article 8.3.2) 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~~Sport Ireland made reasonable efforts to give notice of the first anti-doping rule violation. If ~~the Irish Sports Council~~Sport Ireland (or a National Governing Body in cases under Article 8.3.2) 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~~Sport Ireland 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*⁴⁰

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

⁴⁰ In cases of anti-doping rule violations other than under Article 2.1 of these Rules, the time required for an Anti-Doping Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.

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~~ [Sport Ireland](#), 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* Served⁴¹

- 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.⁴²
- 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

⁴¹ [Article 10.6.3 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.](#)

⁴² [An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.](#)

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*⁴³

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 Training⁴⁴

⁴³ For example, subject to Article 10.8.2 below, an *Ineligible Athlete* cannot participate in a training camp, exhibition or practice organised by his or her *National Governing Body* or a club which is a member of that *National Governing Body* or which is funded by a governmental agency. Further, an *Ineligible Athlete* may not compete in a non-*Signatory* professional league, *Events* organised by a non-*Signatory International Event* organisation or a non-*Signatory* national-level event organisation without triggering the *Consequences* set forth in Article 10.8.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Article. *Ineligibility* imposed in one sport shall also be recognised by other sports (see Article 16.1).

⁴⁴ In many *Team Sports* and some individual sports, an *Athlete* cannot effectively train on his/her own so as to be ready to compete at the end of the *Athlete's* period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described in Article 10.8.1 other than 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~~ [Sport Ireland](#) 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, including but not limited to funding from Sport Ireland, and other sport-related benefits received by an *Athlete* or other *Person* shall be withheld by ~~the Irish Sports Council~~ [Sport Ireland](#) 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~~ [Sport Ireland](#).

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

10.11 Automatic Publication of Sanction⁴⁵

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

11 ~~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*.⁴⁶

12 ~~12.~~ ARTICLE 12 SANCTIONS FOR NATIONAL GOVERNING BODIES

12.1 Financial and/or other non-financial support from ~~the Irish Sports Council~~ [Sport](#)

⁴⁵ [Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the Athletes are professionals making a sizable income from the sport and in others the Athletes are true amateurs; in those sports where an Athlete's career is short, a standard period of Ineligibility has a much more significant effect on the Athlete than in sports where careers are traditionally much longer. A primary argument in favour of harmonisation is that it is simply not right that two Athletes from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organisations.](#)

⁴⁶ [For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.](#)

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

13 ~~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:

13.2.1.1 ~~(a)~~ a decision that an anti-doping rule violation was committed;

13.2.1.2 ~~(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;

13.2.1.3 ~~(c)~~ a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons;

13.2.1.4 ~~(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;

13.2.1.5 ~~(e)~~ a decision by WADA assigning results management under Article 7.1 of the *Code*;

13.2.1.6 ~~(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*;

13.2.1.7 ~~(g)~~ a decision by ~~the Irish Sports Council~~ Sport Ireland not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an alleged anti-doping rule violation, or a decision not to go forward with an alleged anti-doping rule violation after investigation under Article 7.5;

13.2.1.8 ~~(h)~~ a decision under Article 10.8.3;

13.2.1.9 ~~(i)~~ a decision by ~~the Irish Sports Council~~ Sport Ireland not to recognise another *Anti-Doping Organisation's* decision under Article 15 of the *Code*;

13.2.1.10 ~~(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~~ 13.2.1.11 Sport Ireland'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.⁴⁷

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 in accordance with Article 13.2.8 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,~~ Sport Ireland.

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

⁴⁷ CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.

licence holder, if different from ~~the Irish Sports Council~~[Sport Ireland](#);

- 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~~[Sport Ireland](#) 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~~[As provided for in](#) Article 13.2.3, ~~WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation~~[the parties listed in 13.2.6](#) 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~~[Sport Ireland](#) within twenty-one (21) days of the date of issuance of the written decision ~~from of~~ the *Irish Sport Anti-Doping Disciplinary Panel*.[or as applicable the disciplinary panel of a National Governing Body pursuant to Article 8.6.1.](#)
- 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*.⁴⁸

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.⁴⁹

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.⁵⁰

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*~~Organisations~~ 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*⁵¹

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~~Sport Ireland or the National Governing Body concerned in

⁴⁸ Where a decision has been rendered before the final stage of Sport Ireland's process (for example, a first hearing) and no party elects to appeal that decision to the next level of Sport Ireland's process, then WADA may bypass the remaining steps in Sport Ireland's internal process and appeal directly to CAS.

⁴⁹ CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.

⁵⁰ This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organisation appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.

⁵¹ Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for the Irish Sport Anti-Doping Disciplinary Panel to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Irish Sport Anti-Doping Disciplinary Panel and give the Irish Sport Anti-Doping Disciplinary Panel an opportunity to explain why it has not yet rendered a decision.

[cases under Article 8.6.1.](#)

13.4 Appeal Proceedings

- 13.4.1 A notice of appeal shall specify the decision being appealed and the [scope of the appeal including the](#) grounds upon which the appeal is being made.
- 13.4.2 The ~~appeal panel~~[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~~[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~~[Appeal Panel](#) shall have the same powers and functions as the ~~disciplinary panel~~[Hearing Panel](#) and subject to the provisions of these Rules, Article 8 and the ~~Panel Rules~~[Disciplinary Procedures](#), shall apply to proceedings before the ~~appeal panel~~[Appeal Panel](#) with changes deemed to have been made to reflect the different context.
- 13.4.4 The decision of the ~~appeal panel~~[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~~[Registrar](#) 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~~[Sport Ireland](#) denying *TUE* applications made under Article 4.1.3 may be appealed by the *Athlete* to the ~~appeal panel~~[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~~[Sport Ireland](#) may be appealed exclusively to *CAS* by the *Athlete*, the *International Federation* concerned or ~~the Irish Sports Council~~[Sport Ireland](#).
- 13.5.3 Any *TUE* decision by an *International Federation* (or by ~~the Irish Sports Council~~[Sport Ireland](#) where it has agreed to consider the application on behalf of an *International Federation*) that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or ~~the Irish Sports Council~~[Sport Ireland](#), exclusively to *CAS*.
- 13.5.4 Where ~~the Irish Sports Council~~[Sport Ireland](#) 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~~[Sport Ireland](#)'s failure to decide may be considered a denial of the application for the purposes of the appeal rights provided for in this Article.

14.1 Reporting

- 14.1.1 Pursuant to Article 14.5 of the Code, ~~the Irish Sports Council~~Sport Ireland 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~~Sport Ireland. 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~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland 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~~Sport Ireland 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 ~~15~~-ARTICLE 15 PUBLIC DISCLOSURE

- 15.1 The identity of any *Athlete* or other *Person* who is alleged by ~~the Irish Sports Council~~Sport Ireland 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~~Sport Ireland, a *National Governing Body*, an *Anti-Doping Organisation*, or a *WADA* accredited or approved laboratory, or official of any, shall not publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to 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~~Sport Ireland 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~~ Sport Ireland 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~~ Sport Ireland shall use reasonable efforts to obtain such consent. If consent is obtained, ~~the Irish Sports Council~~ Sport Ireland shall *Publicly Disclose* the decision in its entirety or in such a redacted form as the *Athlete* or other *Person* may approve.
- 15.6 For purposes of this Article, publication shall be accomplished at a minimum by placing the required information on ~~the Irish Sports Council~~ Sport Ireland's website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

16 ~~16.~~—ARTICLE 16 APPLICATION AND RECOGNITION OF DECISIONS, GOVERNING LAW AND LIMITATIONS

16.1 Recognition of Decisions of Other Organisations⁵²

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~~ Sport Ireland, 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*.⁵³

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

⁵² The extent of recognition of TUE decisions of other Anti-Doping Organisations shall be determined by Article 4.1.4 and the International Standard for Therapeutic Use Exemptions.

⁵³ Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Sport Ireland and the applicable National Governing Bodies concerned shall use its best endeavours to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in these Rules, then Sport Ireland shall recognise the finding of an anti-doping rule violation and may conduct a hearing consistent with Article 8 of the Code to determine whether the longer period of Ineligibility provided in these Rules should be imposed.

before ~~an Irish Sport Anti-Doping Disciplinary Hearing~~ Panel ~~hearing panel~~ pursuant to Article 8, or before an ~~Irish Sport Anti-Doping Disciplinary Appeal~~ Panel ~~appeal panel~~ pursuant to Article 13, shall constitute arbitration proceedings with a seat in Ireland to which the provisions of the Arbitration Act 2010 shall apply. which includes, without limitation, section 10 of the Arbitration Act 2010.

- 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 Hearing Panel~~ hearing panel, ~~an Irish Sports Anti-Doping Disciplinary~~ an Appeal 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 ~~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~~ Sport Ireland Registered Testing Pool shall provide ~~the Irish Sports Council~~ Sport Ireland 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~~ Sport Ireland with such amended details.
- 17.3 Subject to Article 17.5, notice to an *Athlete* in ~~the Irish Sports Council~~ Sport Ireland 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 Sport Ireland (or a National Governing Body in cases under Article 8.3.2) 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.~~

17.4 ~~17.6~~ Notice or other communications to ~~the Irish Sports Council~~Sport Ireland (or a National Governing Body in cases under Article 8.3.2) 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~~Sport Ireland (or a National Governing Body in cases under Article 8.3.2) and/or the *Irish Sport Anti-Doping Disciplinary Panel*, actual receipt must be proved.

18 ~~18.~~ARTICLE 18 MODIFICATION AND INTERPRETATION

18.1 Modification

- 18.1.1 ~~The Irish Sports Council~~Sport Ireland shall be responsible for overseeing the evolution and improvement of these *Rules*. *Athletes* and *National Governing Bodies* shall be invited to participate in such process.
- 18.1.2 Amendments to these *Rules* shall be approved by ~~the Irish Sports Council~~Sport Ireland. 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~~Sport Ireland as a *Signatory* nor preventing ~~the Irish Sports Council~~Sport Ireland from undertaking *Doping Control*, investigations, results management and/or any other anti-doping activity in accordance with any right or obligation arising under the *Code* and/or in discharge of its statutory functions and/or in accordance with any agreement or arrangement with any other *Anti-Doping Organisation* or other *Signatory*.
- 18.2.2 The official text of the Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions of the Code, the English version of the Code shall prevail.
- 18.2.3 The comments annotating various provisions of the Code shall be used to interpret the Code.
- 18.2.4 The comments are incorporated by reference into these Rules, and shall be treated as if set out in full herein, and shall be used to interpret the Rules.

18.2.5 ~~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.

18.2.6 The headings used for the various Articles, Parts and Appendices of the Code and these Rules are for convenience only and shall not be deemed part of the substance of the Code or these Rules or to affect in any way the language of the provisions to which they refer.

18.2.7 ~~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.~~

18.2.8 ~~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.

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

18.2.10 ~~18.2.6~~ The Introduction to these *Rules*, ~~and Appendix 1-Definitions~~ the Rules and the Appendices to these *Rules* shall be considered integral parts of these *Rules*.

18.2.11 ~~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 ~~19.~~ ARTICLE 19 COMMENCEMENT AND TRANSITION

19.1 Commencement

~~These~~ The *Rules* shall come into full force and effect on ~~the 4st day of 01~~ January 2015.

19.2 Application to Cases

Any case pending prior to the ~~4st day of 01~~ January 2015 or brought after the ~~4st day of 01~~ January 2015 based on an anti-doping rule violation which occurred prior to the ~~4st day of 01~~ January ~~2015, 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 ~~4st 01~~ 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~~01 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~~01 January 2015.

19.4 Application to Multiple Violations

Anti-doping rule violations committed prior to the ~~1st day of~~01 January ~~2015, 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 ~~the pre-~~ 2015 ~~Code rules~~Rules, the period of *Ineligibility* which would have been assessed for that first violation had ~~the~~ 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~~01 January 2015 will expire (for purposes of Article 2.4) twelve (12) months after the date of its occurrence.

20 ~~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~~Sport Ireland 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 - DEFINITIONS⁵⁴

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

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

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories 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~~ This includes for example 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.

Appeal Panel: The panel whose members are drawn from the Irish Anti-Doping Disciplinary Panel appointed to hear and determine each appeal as referred to in rule 4.3 of the Disciplinary Procedures.

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.⁵⁵

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

⁵⁴ Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.

⁵⁵ This definition makes it clear that all International-Level and National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international- and national-level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organisations, respectively. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping programme beyond International- or National-Level Athletes to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organisation could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Athletes who engage in fitness activities but never compete is left to the National Anti-Doping Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.

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.

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

Disqualification: See *Consequences* above.

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal 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 10.4.2⁵⁶

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.

Hearing Panel: [The panel whose members are drawn from the Irish Anti-Doping Disciplinary Panel appointed to hear and determine each case as referred to in rule 4.3 of the Disciplinary Procedures, or as applicable the panel whose members are drawn from the disciplinary Panel of a National Governing Body, pursuant to Article 8.6.1, to hear and determine each case.](#)

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.⁵⁷

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

⁵⁶ [The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.4.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.](#)

⁵⁷ [An International Federation or ruling body for an Event may establish an "In-Competition" period that is different than the Event Period.](#)

and Investigations.⁵⁸

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~~ [Sport Ireland](#) 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~~ [Sport Ireland](#) is the designated entity.

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

National-Level Athlete: An *Athlete* in ~~the Irish Sports Council~~ [Sport Ireland's](#) *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~~ [Sport Ireland](#) and/or which is recognised by ~~the Irish Sports Council~~ [Sport Ireland](#) as a national governing body for a sport in Ireland or part thereof.

National Olympic Committee: The organisation recognised by the International Olympic

⁵⁸ Consistent with the *International Standard for Testing and Investigations*, the *International Federation* is free to determine the criteria it will use to classify *Athletes* as *International-Level Athletes*, e.g., by ranking, by participation in particular *International Events*, by type of license, etc. However, it must publish those criteria in clear and concise form, so that *Athletes* are able to ascertain quickly and easily when they will become classified as *International-Level Athletes*. For example, if the criteria include participation in certain *International Events*, then the *International Federation* must publish a list of those *International Events*.

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.⁵⁹

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.⁶⁰

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

⁵⁹ [For Cannabinoids, an Athlete may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance.](#)

⁶⁰ [Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organisation must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organisation must establish that the Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.](#)

Prohibited 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 Disclose: 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.

Rules: [The Irish Anti-Doping Rules 2015 which on commencement of the Act and pursuant to section 45 of the Act continued in being and were deemed to be the Irish Anti-Doping Rules made by Sport Ireland under Section 42 of the Act, as may be amended from time to time by Sport Ireland.](#)

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

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.

Sport Ireland: [means the body established under section 7\(1\) of the Act.](#)

Substantial Assistance: For the purposes of Article ~~10.6.4~~,[10.5.1](#), 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~~[Sport Ireland](#), the *Irish Sport Anti-Doping Disciplinary Panel*, an *Anti-Doping Organisation* or other hearing panel. Further, the information provided must be credible and must comprise an important part of any case 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~~ [2005](#).

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.

~~Irish Sport Anti-Doping Disciplinary Panel Rules~~ APPENDIX 2- IRISH SPORT ANTI-DOPING DISCIPLINARY PANEL PROCEDURES

1. Interpretation

- 1.1. ~~1.1~~ These ~~Rules are the "Panel Rules"~~ Disciplinary Procedures are the Irish Sport Anti-Doping Disciplinary Panel Procedures made under section 42(2) of the *Act* as part of the Rules.
- 1.2. ~~1.2~~ The ~~"Rules"~~ means the ~~Irish Anti-Doping Rules.~~ References to "a Party" or "the Parties" shall be construed as persons who are parties to the case in accordance with the Rules. Any function or step to be carried out by a Party may be carried out by the Party's legal representatives.
- 1.3. An "ADRV" shall mean an anti-doping rule violation.
- 1.4. A "Notice of Appeal" means the document referred to as such in rule 11.5 of the Disciplinary Procedures.
- 1.5. "Registrar" shall mean the person appointed by Sport Ireland to assist the Irish Sport Anti-Doing Disciplinary Panel.
- 1.6. ~~1.3~~ Unless otherwise indicated, references to an Article are to an Article of the *Rules*.
- 1.7. ~~1.4~~ Italicised terms with an initial capital letter are as defined in the *Rules*.
- 1.8. ~~1.5~~ Unless otherwise indicated, references to a rule are to a rule of the ~~Panel Rules~~ Disciplinary Procedures.
- ~~1.6~~ 1.9 In the case of any conflict between the ~~Rules~~ Articles and the ~~Panel Rules~~, rules in these Disciplinary Procedures, the Articles in the Rules shall prevail.

2. Jurisdiction

- 2.1. 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 the *Rules*. In particular, the *Irish Sport Anti-Doping Disciplinary Panel* has the power to hear and determine:
- 2.1.1. a case referred to it under the *Rules* by *Sport Ireland* as to whether an anti-doping rule violation ("ADRV") has been committed and/or the *Consequences* to be imposed pursuant to the *Rules*;
 - 2.1.2. an appeal by an *Athlete* or other *Person* of a *Provisional Suspension* imposed upon him or her pursuant to the *Rules*, such an appeal to be heard by the Chair of the *Irish Sport Anti-Doping Disciplinary Panel* or a Vice-Chair appointed by the Chair for that purpose in accordance with Article 13.2.4;
 - 2.1.3. an appeal brought by a person or persons referred to in Article 13.2.6 against a decision referred to in Article 13.2.1 (whether made by a ~~hearing panel~~ Hearing Panel of the *Irish Sport Anti-Doping Disciplinary Panel* at first instance or otherwise); and/or
 - 2.1.4. an appeal by an *Athlete* of a decision by *Sport Ireland* denying a *TUE* application made under Article 4.1.3.

2.2. As provided therein, the *Rules* constitute an agreement to arbitrate and proceedings under the ~~Panel~~ *Rules* shall constitute arbitration proceedings with a seat or legal place in Ireland to which the Arbitration Act 2010 shall apply.

2.3. Where the *Rules* confer jurisdiction over a matter on the *Irish Sport Anti-Doping Disciplinary Panel*, the persons who are parties to the matter in accordance with the *Rules* (~~"the Parties"~~) shall be taken to have agreed that such matter shall be heard and resolved in accordance with the ~~Panel~~-*Rules* as amended from time to time.

2.4. The ~~Panel~~-*Rules* including these *Disciplinary Procedures* may be amended from time to time, by ~~the Chair of the Irish Sport Anti-Doping Disciplinary Panel following agreement with~~ Sport Ireland, 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 Sport Ireland, which shall confirm the date upon which such amendments shall come into effect, as well as any transitional arrangements.

3. **Composition**

3.1. Sport Ireland shall appoint the Irish Sport Anti-Doping Disciplinary Panel, ~~which shall comprise of the following:~~

~~3.1.1 — A Chair and up to nine (9) Vice-Chairs, each of whom is a solicitor or barrister not less than five (5) years qualified or a retired judge; and~~

~~3.1.2 — Up to ten (10) members each of whom is a medical practitioner not less than five (5) years qualified; and~~

~~3.1.3 — Up to ten (10) members each of whom is or was a sports administrator or an Athlete.~~

~~3.2 — Each member shall be appointed for a term of four (4) years. A member may be re-appointed by Sport Ireland.~~

~~3.3 — If a member dies or resigns, Sport Ireland may appoint a new member to fill the resultant vacancy. The member so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy.~~

~~3.4 — Each member shall be appointed on the basis that he or she is in a position to hear cases under Article 8 of the Rules and appeals under Article 13 of the Rules fairly and impartially.~~ in accordance with Article 8 of the Rules.

~~3.5 — Sport Ireland shall pay the remuneration and costs of the Irish Sport Anti-Doping Disciplinary Panel and its members incurred in the exercise of its functions.~~

4. **Disciplinary Proceedings**

4.1. When it is alleged that an *Athlete* or other *Person* has committed an ADRV, save as provided in Article 7.6.4, Sport Ireland shall refer the matter to the *Irish Sport Anti-Doping Disciplinary Panel* for adjudication as to whether the *Athlete* or other *Person* has committed an ADRV and if so what *Consequences* should be imposed.

4.2. Appeals may be referred to the *Irish Sport Anti-Doping Disciplinary Panel* in

accordance with Article 13 by the persons identified in Article 13.2.6 in relation to decisions referred to in Article 13.2.1.

4.3. The Chair of the *Irish Sport Anti-Doping Disciplinary Panel* or in his/her absence, a Vice-Chair, shall appoint three (3) members from the panel to hear and determine each case or appeal. Each such ~~hearing panel and appeal panel~~ Hearing Panel or Appeal Panel shall comprise the Chair or a Vice-Chair as chair of the ~~hearing panel or appeal panel~~, Hearing Panel or Appeal Panel one medical practitioner member and one sports administrator or *Athlete* member.

4.4. The appointed members shall have had no prior involvement with the case or appeal, save for the chair of a ~~hearing panel~~ Hearing Panel who may have heard an appeal on a decision to impose a *Provisional Suspension* pursuant to Article 13.2.4. Each member, upon appointment to a ~~hearing panel or appeal panel~~ Hearing Panel or Appeal Panel as applicable, shall disclose to the Chair any circumstances likely to affect his or her independence or impartiality with respect to any of the Parties to the case or appeal.

4.5. The ~~Secretary~~ Registrar to the *Irish Sports Anti-Doping Disciplinary Panel* shall advise the Parties of the identity of the members of the ~~hearing panel or appeal panel~~ Hearing Panel or Appeal Panel appointed to hear and determine the case or appeal. Any Party having an objection to such appointment(s) must communicate their objection to the Chair via the ~~Secretary~~ Registrar to the *Irish Sport Anti-Doping Disciplinary Panel*. The Chair shall rule on the legitimacy of any such objection and his or her decision shall be final.

4.6. If a member, appointed by the Chair to hear a case or appeal, is unwilling or unable, for whatever reason, to hear the case or appeal, the Chair shall revoke that member's appointment and may at the Chair's discretion either appoint another member to the ~~hearing panel~~ Hearing Panel or ~~appeal panel~~ Appeal Panel or, with the agreement of the remaining members and having regard to the circumstances of the case or appeal and the stage of the proceedings, authorise the remaining members to continue to hear and determine the matter themselves.

4.7. Subject to the Rules including these ~~Rules~~ Disciplinary Procedures, the ~~hearing panel or appeal panel~~ Hearing Panel or Appeal Panel as the case may be shall have the power to regulate its procedures.

4.8. Where a Party requires to contact the chair of a ~~hearing panel~~ Hearing Panel or ~~appeal panel~~ Appeal Panel such contact shall be made via the ~~Secretary~~ Registrar to the *Irish Sport Anti-Doping Disciplinary Panel*, copying all other Parties.

5. **Appeal of Provisional Suspension**

5.1. The imposition of a *Provisional Suspension* may be appealed by the *Athlete* or other *Person* concerned to the Chair of the *Irish Sport Anti-Doping Disciplinary Panel* or a Vice-Chair appointed by the Chair for that purpose in accordance with Article 13.2.4.

5.2. The only three grounds upon which the imposition of a *Provisional Suspension* may be lifted are that the *Athlete* or other *Person* establishes that (i) the *Provisional Suspension* has been imposed in violation of the *Rules*, (ii) he or she is likely to establish *No Fault or Negligence* for the alleged ADRV 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 (iii) the violation is likely to have involved a *Contaminated Product*.

5.3. Upon such appeal:

5.3.1. any submissions of the Parties shall be made in writing and/or, if the Chair or

Vice-Chair (as applicable) so orders, orally whether in person or during a telephone or video conference. There shall be no right to personal attendance before the Chair or Vice-Chair, unless he or she so orders;

5.3.2. the Chair or Vice-Chair shall give *Sport Ireland* or *National Governing Body*, as applicable, an opportunity to comment on the submissions of the *Athlete* or other *Person* making the appeal prior to making such decision; and

5.3.3. subject to the foregoing, the application shall be determined on an expedited basis.

6. Powers and Procedures

6.1. 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 the *Rules*. In particular, the *Irish Sport Anti-Doping Disciplinary Panel* has the power to hear and determine a case or appeal arising under the *Rules* and to determine whether an ADRV has been committed and/or the *Consequences* to be imposed pursuant to the *Rules* for an ADRV found to have been committed.

6.2. The *Irish Sport Anti-Doping Disciplinary Panel* (and ~~hearing panels~~Hearing or ~~appeal panels~~Appeal Panels) has all powers necessary for, and incidental to, the discharge of its responsibilities under the *Rules* including (without limitation) the power, whether on the application of a Party or of its own motion:

6.2.1. to appoint an expert to assist or advise the ~~hearing panel~~Hearing Panel or ~~appeal panel~~Appeal Panel on a specific issue or issues, such expert to be and remain impartial and independent of the parties;

6.2.2. to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it shall determine, where fairness so requires;

6.2.3. to extend or abbreviate any time-limit provided by the *Rules*, by the ~~Panel Rules~~Disciplinary Procedures, or by the ~~hearing panel~~Hearing Panel's or ~~appeal panel~~Appeal Panel's own orders;

6.2.4. to conduct such enquiries as appear necessary or expedient in order to ascertain the facts;

6.2.5. to direct one or more Parties to supply it and/or the other Party or Parties with further particulars of the case of that Party, including details of all witnesses that Party intends to call at any hearing together with details of the evidence to be given by those witnesses and that Party shall comply with that direction;

6.2.6. to ~~direct~~require one or more of the Parties to ~~disclose~~produce relevant documents and/or other relevant materials in the possession or control of that Party, provided that, save for good cause shown, no documents and/or other materials shall be ordered to be disclosed in relation to the laboratory analysis resulting in an *Adverse Analytical Finding* beyond the documents that the *International Standard* for Laboratories requires to be in the laboratory documentation package and that Party shall comply with that ~~direction~~requirement;

6.2.7. to order that preliminary questions be heard and determined in advance of other issues in the case or appeal;

6.2.8. subject to the consent of the Parties, to consolidate the proceedings with other substantially similar or related proceedings and/or order that concurrent hearings be held in relation to such proceedings;

6.2.9. to rule on its own jurisdiction.

7. Registrar

7.1. Sport Ireland shall appoint a Registrar who, in addition to assisting the Irish Sport Anti-Doping Disciplinary Panel administratively, for the purposes of his or her functions in this rule 7 shall have the powers and functions referred to in the Disciplinary Procedures.

7.2. ~~6.3~~ As soon as practicable after ~~the formation of the hearing panel or appeal panel, the chair~~ a case is referred to the Irish Sport Anti-Doping Disciplinary Panel, the Registrar shall issue directions to the Parties in relation to the procedure and time-table to be followed. Where the ~~chair~~ Registrar deems appropriate, he or she shall hold a directions hearing prior to issuing such directions. The directions hearing may be held in person or by telephone or video conference call. The non-attendance of any Party or their representative at the directions hearing, after proper notice of the directions hearing has been provided, shall not prevent the ~~chair~~ Registrar from proceeding with the meeting in such Party's absence, whether or not written submissions are made by or on behalf of that Party. The directions issued by the ~~chair~~ Registrar may:

7.2.1. ~~6.3.1~~ fix the date, time and venue of the hearing;

7.2.2. ~~6.3.2~~ establish a schedule for the exchange of written submissions and evidence, including witness statements and/or expert reports, in advance of the hearing, including confirmation by *Sport Ireland* or the *National Governing Body* of the details of ~~its prima facie~~ the case to answer, confirmation by the *Athlete* or other *Person* of the details of his or her defence and/or mitigation, and provision for *Sport Ireland* or the *National Governing Body* to reply to the *Athlete's* or other *Person's* defence and/or mitigation; and

~~6.3.3~~ ~~make such order as he or she deems appropriate in relation to the manner and form in which any witness or expert evidence should be produced, provided that:~~

~~6.3.3.1~~ ~~a Party intending to rely upon the evidence of a witness or expert shall serve a statement or report setting out the proposed evidence of such witness or expert at a date in advance of the hearing that is specified by the chair, unless the chair expressly dispenses with the requirement for a written report; and~~

~~6.3.3.2~~ ~~the hearing panel or appeal panel shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any witness or expert.~~

7.3. The Registrar shall hold call overs at regular intervals to case manage matters referred to Irish Sport Anti-Doping Disciplinary Panel pursuant to the Rules:

7.3.1. All Athletes, other Persons or their legal representatives will be invited to attend such call overs for the portion of the call over that relates to their ongoing matter before the Irish Sport Anti-Doping Disciplinary Panel. Such call overs may be conducted in person, via telephone conference call or by circulation of papers at the discretion of the Registrar.

- 7.3.2. A letter of invitation to the call over, usually issued by the Registrar, will inform the Athlete, other Person or his/her legal representatives and Sport Ireland's solicitors of the date and time of the call over.
- 7.3.3. The Parties shall set out in writing in advance of the call over any applications they wish to make. Such written applications should be furnished to the Registrar copying the other Party pursuant to the time line set out in correspondence from Sport Ireland's solicitors in the letter of invitation to the call over.
- 7.3.4. If an application for an adjournment is to be made at a call over, it should be brought to the attention of the Registrar and the other Parties at the earliest opportunity. The Registrar will hear submissions from any of the Parties who wish to make submissions in relation to such applications. Without prejudice to any decision by the Registrar, the Parties should endeavour to identify alternative suitable hearing dates in advance of any such application.
- 7.3.5. On conclusion of a call over, the Registrar will write to the Parties setting out his/her decision and or directions.
- 7.4. A failure by any Party or their representative to attend a call over after notification shall not prevent the Registrar from proceeding with the application in their absence, whether or not written submissions have been made by or on behalf of that Party.
- 7.5. Call overs are envisaged as being held at regular interval as a means to deal with procedural issues with a view to facilitating effective and efficient case management of cases referred to the Irish Sport Anti-Doping Disciplinary Panel. However, nothing shall prevent the parties writing to the Registrar and seeking directions / making applications and the Registrar hearing or dealing with such applications (whether in writing or otherwise), other than at the call over.
- 7.6. The Registrar shall be entitled to consult with the chair if he or she thinks it necessary or desirable to do so before issuing any directions.
- 7.7. Any power or function of the Registrar as referred to in the Disciplinary Procedures may be carried out by the chair of the Hearing Panel or Appeal Panel (as the case may be) and such chair shall, in his or her discretion, be entitled to revoke or amend any directions which may have been issued by the Registrar at any time if the chair considers that it is appropriate in the interests of efficiency, fairness and/or natural justice to do so.
- 7.8. The Registrar shall have the same powers and functions in relation to any appeal from a decision of a Hearing Panel (whether such decision be a preliminary or procedural ruling or the substantive decision on the alleged ADRV) as he or she has in relation to a matter before a Hearing Panel.
- 7.9. The Registrar shall assist the Hearing Panel or the Appeal Panel in the drafting of its decisions as set out in rule 10.3 of these Disciplinary Procedures. The Registrar's role is to assist in the drafting of these decisions and has no role in the making of the decisions.

8. 7.-Appeals from a preliminary or procedural rulings

- 8.1. ~~7.1~~ A preliminary or procedural ruling by ~~hearing panel or appeal panel~~ Hearing Panel, Appeal Panel or the Registrar shall not be subject to appeal unless such ruling amounts to a final resolution of the case or appeal or such ruling is subsequently incorporated into a final decision in which case the ruling may be appealed in accordance with the Rules.

9. ~~8.~~ Hearings and Appeals

- 9.1. ~~8.1~~ Each Party shall have the right to be legally represented at a hearing or appeal at their own expense, and to present evidence, make submissions, call witnesses and cross-examine the witnesses of the other Parties. ~~The hearing panel or appeal panel~~
- 9.2. ~~A Party intending to rely upon the evidence of a witness or expert shall serve a statement or report setting out the proposed evidence of such witness or expert at a date in advance of the hearing that is specified under these Disciplinary Procedures, unless the chair expressly dispenses with the requirement for a written report.~~
- 9.3. ~~The Hearing Panel or Appeal Panel shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any witness or expert.~~
- 9.4. ~~The Hearing Panel or Appeal Panel~~ as the case may be shall have discretion as to whether to receive evidence from witnesses in person, by telephone, by video conference or in writing and shall have the right to question such witnesses and to control the questioning of witnesses by a Party.
- 9.5. ~~8.2~~ The ~~hearing panel or appeal panel~~ Hearing Panel or Appeal 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 ADRVs may be established by any reliable means, including admissions.
- 9.6. ~~8.3~~ Any failure by any Party to the proceedings to comply with any requirement or direction of the ~~hearing panel or appeal panel, Registrar, chair, Hearing Panel or Appeal Panel~~ including those requirements or directions to be complied with within a truncated time schedule, shall not prevent the ~~hearing panel or appeal panel~~ Hearing Panel or Appeal Panel from proceeding and such failure may be taken into consideration by the ~~hearing panel or appeal panel~~ Hearing Panel or Appeal Panel when making its decision.
- 9.7. ~~8.4~~ A failure by any Party or their representative to attend a hearing or appeal after notification shall not prevent the ~~hearing panel or appeal panel~~ Hearing Panel or Appeal Panel from proceeding with the hearing or appeal in their absence, whether or not written submissions have been made by or on behalf of that Party.
- 9.8. ~~8.5~~ All hearings and appeals shall be conducted on a private and confidential basis, attended only by the Parties and their representatives, the *National Governing Body* of the *Athlete* or other *Person* alleged to have committed an ADRV if not a Party, and any person permitted to observe under the *Code* or the *Rules*.
- 9.9. ~~8.6~~ Hearings and appeals shall be conducted in English. An *Athlete* or other *Person* alleged to have committed an ADRV shall be entitled to have an interpreter provided by *Sport Ireland* at the hearing or appeal, if deemed necessary by the ~~hearing panel or appeal panel~~ Hearing Panel or Appeal Panel. Any Party wishing to rely upon documents written in a language other than English shall produce official English translations of such documents at their own cost.

10. ~~9.~~ Timelines and Decisions

- 10.1. ~~9.1~~ An *Athlete* or other *Person* who is *Provisionally Suspended* has the right to an expedited hearing which should take place as soon as possible and in any event no later than thirty (30) calendar days from the date the matter is referred to the *Irish Sport Anti-Doping Disciplinary Panel* save where impractical or fairness requires or the Parties otherwise agree.

10.2. ~~9.2~~ Subject to rule ~~9.1,10.1~~, the hearing should take place no later than ninety (90) calendar days from the date the matter is referred to the *Irish Sport Anti-Doping Disciplinary Panel* save where impractical or fairness requires or the Parties otherwise agree.

10.3. ~~9.3~~ Save with the permission of the Chair of the *Irish Sport Anti-Doping Disciplinary Panel* (which permission shall be notified to the Parties in writing), the ~~hearing panel or appeal panel~~Hearing Panel or Appeal Panel shall announce its decision to the Parties in writing, dated and signed by at least the ~~hearing panel or appeal panel~~Hearing Panel or Appeal Panel chair within ~~fifteen~~twenty (15/20) working days of the end of the hearing of the case or appeal. The written decision of the ~~hearing panel or appeal panel~~Hearing Panel or Appeal Panel shall contain:

10.3.1. ~~9.3.1~~ the ~~hearing panel or appeal's panel~~Hearing Panel or Appeal Panel's findings with reasons, as to what ADRV(s), if any, the *Athlete* or other Person has committed;

10.3.2. ~~9.3.2~~ what *Consequences* the ~~hearing panel or appeal panel~~Hearing Panel or Appeal Panel is imposing as a result of such findings, with reasons; and

10.3.3. ~~9.3.3~~ the rights of appeal that lie in respect of the decision.

10.4. ~~9.4~~ The *Irish Sport Anti-Doping Disciplinary Panel* shall not have the power to award costs save:

10.4.1. ~~9.4.1~~ in accordance with Article 10.10 of the *Rules*, if 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*;

10.4.2. ~~9.4.2~~ in accordance with Article 8.2.4 of the *Rules*, where the *Irish Sport Anti-Doping Disciplinary Panel* finds that there has been no ADRV by the *Athlete* or other *Person* concerned and it 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.

10.5. ~~9.5~~ The ~~Secretary~~Registrar to the *Irish Sport Anti-Doping Disciplinary Panel* shall send copies of the decision to the Parties and to any other person who has a right of appeal against the decision.

10.6. ~~9.6~~ Proceedings under the ~~Panel~~*Rules* are confidential and no arbitrator, Party, observer or witness may disclose any facts or other information relating to the proceedings, save as provided in the *Rules*.

11. ~~10.~~ Appeals from *Hearing Panel* Decisions

11.1. ~~10.1~~ Decisions of a ~~hearing panel~~Hearing Panel shall be final and binding, subject to any rights of appeal. They may be appealed to an ~~appeal panel~~Appeal Panel by a person who is given such a right of appeal in Article 13.2.6 of the *Rules*. The decision being appealed shall remain in full force and effect pending determination of the appeal, unless the ~~appeal panel~~Appeal Panel orders otherwise.

11.2. ~~10.2~~ In accordance with Article 16.2.3, to the greatest extent allowable under applicable law, any challenge to the *Rules* or to a decision made pursuant to the *Rules* shall be made exclusively in accordance with the provisions of Article 13.

11.3. ~~10.3~~ The scope of review on appeal before an ~~appeal panel~~Appeal Panel includes all issues relevant to the matter ~~on a de-novo basis (i.e. the appeal panel shall hear the matter over again from the beginning, without being bound in any way by the~~

~~decision being appealed~~) and is expressly not limited to the issues or scope of review before the ~~hearing panel~~. Hearing Panel or, as applicable, a National Governing Body disciplinary panel in cases under Article 8.6.1. In particular, depending on the nature of the appeal, the *appeal panel* shall determine on a de novo basis whether an ADRV has been committed and/or what *Consequences* should be imposed pursuant to the *Rules* for an ADRV found to have been committed.

11.4. ~~10.4~~ For the avoidance of doubt, an ~~appeal panel~~ Appeal Panel shall have the power to increase, decrease or remove, in accordance with the Rules, any *Consequences* imposed by a ~~hearing panel in accordance with the Rules.~~ Hearing Panel or, as applicable, a National Governing Body disciplinary panel in cases under Article 8.6.1.

11.5. ~~10.5~~ Any person who wishes to appeal to an ~~appeal panel~~ Appeal Panel must lodge a document ("Notice of Appeal") with the Chair of the *Irish Sport Anti-Doping Disciplinary Panel* within twenty-one (21) days of the decision being appealed, save as otherwise provided for in Article 13. The Notice of Appeal shall:

11.5.1. ~~10.5.1~~ specify the decision being appealed;

11.5.2. ~~10.5.2~~ provide a statement of the grounds upon which the appeal is being made;

11.5.3. ~~10.5.3~~ state whether interim relief is sought and/or whether expedited proceedings are required; and

11.5.4. ~~10.5.4~~ confirm that a copy of the Notice of Appeal is being served simultaneously on any person entitled to notification pursuant to Article 13.

11.6. ~~10.6~~ Appeals should be conducted expeditiously.

12. ~~11.~~ Appeals from *Appeal Panel* Decisions

12.1. ~~11.1~~ Decisions of an ~~appeal panel~~ Appeal Panel are final and binding, subject to any rights of appeal.

12.2. ~~11.2~~ Appeals from ~~appeal panel~~ Appeal Panel decisions shall be as per the *Rules*.

13. ~~12.~~ Miscellaneous

13.1. ~~12.1~~ Where a matter arises that is not provided for in the ~~Panel Rules or these Disciplinary Procedures,~~ the Chair (or, at the request of the Chair, a Vice-Chair) shall resolve the matter as he or she sees fit.

13.2. ~~12.2~~ None of the *Irish Sport Anti-Doping Disciplinary Panel*, its members, the Chair, the Vice-Chairs, the ~~Secretary~~ Registrar to the *Irish Sport Anti-Doping Disciplinary Panel* or any expert appointed to assist a ~~hearing panel or appeal panel~~ Hearing Panel or Appeal Panel 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 any proceedings conducted under ~~these Panel~~ the Rules which include these Disciplinary Procedures.

APPENDIX 3 – EXAMPLES OF THE APPLICATION OF ARTICLE 10

EXAMPLE 1.

Facts: An Adverse Analytical Finding results from the presence of an anabolic steroid in an In-Competition test (Article 2.1); the Athlete promptly admits the anti-doping rule violation; the Athlete establishes No Significant Fault or Negligence; and the Athlete provides Substantial Assistance.

Application of Consequences:

1. The starting point would be Article 10.1. Because the Athlete is deemed to have No Significant Fault that would be sufficient corroborating evidence (Articles 10.1.1 and 10.1.3) that the anti-doping rule violation was not intentional, the period of Ineligibility would thus be two years, not four years (Article 10.1.2).
2. In a second step, the Irish Sport Anti-Doping Disciplinary Panel would analyse whether the Fault-related reductions (Articles 10.3 and 10.4) apply. Based on No Significant Fault or Negligence (Article 10.4.2) since the anabolic steroid is not a Specified Substance, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two year sanction). The Irish Sport Anti-Doping Disciplinary Panel would then determine the applicable period of Ineligibility within this range based on the Athlete's degree of Fault. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of Ineligibility of 16 months.)
3. In a third step, the Irish Sport Anti-Doping Disciplinary Panel would assess the possibility for suspension or reduction under Article 10.5 (reductions not related to Fault). In this case, only Article 10.5.1 (Substantial Assistance) applies. (Article 10.5.3, Prompt Admission, is not applicable because the period of Ineligibility is already below the two-year minimum set forth in Article 10.5.3.) Based on Substantial Assistance, the period of Ineligibility could be suspended by three-quarters of 16 months.* The minimum period of Ineligibility would thus be four months. (Assume for purposes of illustration in this example that the Irish Sport Anti-Doping Disciplinary Panel suspends ten months and the period of Ineligibility would thus be six months.)
4. Under Article 10.7, the period of Ineligibility, in principle, starts on the date of the final hearing decision. However, because the Athlete promptly admitted the anti-doping rule violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event the Athlete would have to serve at least one-half of the Ineligibility period (i.e., three months) after the date of the hearing decision (Article 10.7.2).
5. Since the Adverse Analytical Finding was committed in a Competition, the Irish Sport Anti-Doping Disciplinary Panel would have to automatically Disqualify the result obtained in that Competition (Article 9).
6. According to Article 9.3, all results obtained by the Athlete subsequent to the date of the Sample collection until the start of the period of Ineligibility would also be Disqualified unless fairness requires otherwise.
7. The information referred to in Article 15.3 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 10.11).
8. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the

Athlete's period of Ineligibility (Article 10.8.1). However, the Athlete may return to train with a team or to use the facilities of a club or other member organisation of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 10.8.2). Thus, the Athlete would be allowed to return to training one and one-half months before the end of the period of Ineligibility.

EXAMPLE 2

Facts: An Adverse Analytical Finding results from the presence of a stimulant which is a Specified Substance in an In-Competition test (Article 2.1); the Anti-Doping Organisation is able to establish that the Athlete committed the anti-doping rule violation intentionally; the Athlete is not able to establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance; the Athlete does not promptly admit the anti-doping rule violation as alleged; the Athlete does provide Substantial Assistance.

Application of Consequences:

1. The starting point would be Article 10.1. Because the Anti-Doping Organisation can establish that the anti-doping rule violation was committed intentionally and the Athlete is unable to establish that the substance was permitted Out-of-Competition and the Use was unrelated to the Athlete's sport performance (Article 10.1.3), the period of Ineligibility would be four years (Article 10.1.1.2).
2. Because the violation was intentional, there is no room for a reduction based on Fault (no application of Articles 10.3 and 10.4). Based on Substantial Assistance, the sanction could be suspended by up to three-quarters of the four years.* The minimum period of Ineligibility would thus be one year.
3. Under Article 10.7, the period of Ineligibility would start on the date of the final hearing decision.
4. Since the Adverse Analytical Finding was committed in a Competition, the Irish Sport Anti-Doping Disciplinary Panel would automatically Disqualify the result obtained in the Competition.
5. According to Article 9.3, all results obtained by the Athlete subsequent to the date of Sample collection until the start of the period of Ineligibility would also be Disqualified unless fairness requires otherwise.
6. The information referred to in Article 15.3 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 10.11).
7. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 10.8.1). However, the Athlete may return to train with a team or to use the facilities of a club or other member organisation of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 10.8.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of Ineligibility.

EXAMPLE 3.

Facts: An Adverse Analytical Finding results from the presence of an anabolic steroid in an Out-of-Competition test (Article 2.1); the Athlete establishes No Significant Fault or Negligence; the Athlete also establishes that the Adverse Analytical Finding was caused by a Contaminated Product.

Application of Consequences:

1. The starting point would be Article 10.1. Because the Athlete can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, i.e., he had *No Significant Fault in Using a Contaminated Product* (Articles 10.1.1.1 and 10.1.3), the period of *Ineligibility* would be two years (Article 10.1.2).
2. In a second step, the *Irish Sport Anti-Doping Disciplinary Panel* would analyse the *Fault*-related possibilities for reductions (Articles 10.3 and 10.4). Since the Athlete can establish that the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with *No Significant Fault or Negligence* based on Article 10.4.1.2, the applicable range for the period of *Ineligibility* would be reduced to a range of two years to a reprimand. The *Irish Sport Anti-Doping Disciplinary Panel* would determine the period of *Ineligibility* within this range, based on the Athlete's degree of *Fault*. (Assume for purposes of illustration in this example that the *Irish Sport Anti-Doping Disciplinary Panel* would otherwise impose a period of *Ineligibility* of four months.)
3. According to Article 9.3, all results obtained by the Athlete subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.
4. The information referred to in Article 15.3 must be *Publicly Disclosed*, unless the Athlete is a *Minor*, since this is a mandatory part of each sanction (Article 10.11).
5. The Athlete is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the Athlete's period of *Ineligibility* (Article 10.8.1). However, the Athlete may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the Athlete's period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.8.2). Thus, the Athlete would be allowed to return to training one month before the end of the period of *Ineligibility*.

EXAMPLE 4.

Facts: An Athlete who has never had an *Adverse Analytical Finding* or been confronted with an anti-doping rule violation spontaneously admits that she *Used an anabolic steroid* to enhance her performance. The Athlete also provides *Substantial Assistance*.

Application of Consequences:

1. Since the violation was intentional, Article 10.1.1 would be applicable and the basic period of *Ineligibility* imposed would be four years.
2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Articles 10.3 and 10.4).
3. Based on the Athlete's spontaneous admission (Article 10.5.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the Athlete's *Substantial Assistance* (Article 10.5.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years.* Under Article 10.5.4, in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.

4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Article 10.7). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Article 10.7.2 would not be permitted. The provision seeks to prevent an *Athlete* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Article 10.7.2 may still be applied, and the period of *Ineligibility* started as early as the *Athlete's* last Use of the anabolic steroid.
5. According to Article 9.3, all results obtained by the *Athlete* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Article 15.3 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.11).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.8.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of: (a) the last two months of the *Athlete's* period of *Ineligibility*, or (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.8.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

EXAMPLE 5.

Facts:

An *Athlete Support Person* helps to circumvent a period of *Ineligibility* imposed on an *Athlete* by entering him into a *Competition* under a false name. The *Athlete Support Person* comes forward with this anti-doping rule violation (Article 2.9) spontaneously before being notified of an anti-doping rule violation by an *Anti-Doping Organisation*.

Application of Consequences:

1. According to Article 10.2.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the *Irish Sport Anti-Doping Disciplinary Panel* would otherwise impose a period of *Ineligibility* of three years.)
2. There is no room for *Fault*-related reductions since intent is an element of the anti-doping rule violation in Article 2.9 (see comment to Article 10.4.2).
3. According to Article 10.5.2, provided that the admission is the only reliable evidence, the period of *Ineligibility* may be reduced down to one-half. (Assume for purposes of illustration in this example that the *Irish Sport Anti-Doping Disciplinary Panel* would impose a period of *Ineligibility* of 18 months.)
4. The information referred to in Article 15.3 must be *Publicly Disclosed* unless the *Athlete Support Person* is a *Minor*, since this is a mandatory part of each sanction (Article 10.11).

EXAMPLE 6.

Facts: An *Athlete* was sanctioned for a first anti-doping rule violation with a period of *Ineligibility* of 14 months, of which four months were suspended by *Sport Ireland* because of *Substantial Assistance*. Now, the *Athlete* commits a second anti-doping rule violation

resulting from the presence of a stimulant which is not a Specified Substance in an In-Competition test (Article 2.1); the Athlete establishes No Significant Fault or Negligence; and the Athlete provided Substantial Assistance. If this were a first violation, the Irish Sport Anti-Doping Disciplinary Panel would sanction the Athlete with a period of Ineligibility of 16 months and Sport Ireland would suspend six months for Substantial Assistance.

Application of Consequences:

1. Article 10.6 is applicable to the second anti-doping rule violation because Article 10.6.4.1 and Article 10.6.5 apply.
2. Under Article 10.6.1, the period of Ineligibility would be the greater of:
 - (a) six months;
 - (b) one-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6 (in this example, that would equal one-half of 14 months, which is seven months); 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 (in this example, that would equal two times 16 months, which is 32 months).

Thus, the period of Ineligibility for the second violation would be the greater of (a), (b) and (c), which is a period of Ineligibility of 32 months.

3. In a next step, the Irish Sport Anti-Doping Disciplinary Panel would assess the possibility for suspension or reduction under Article 10.5 (non-Fault-related reductions). In the case of the second violation, only Article 10.5.1 (Substantial Assistance) applies. Based on Substantial Assistance, the period of Ineligibility could be suspended by three-quarters of 32 months.* The minimum period of Ineligibility would thus be eight months. (Assume for purposes of illustration in this example that Sport Ireland suspends eight months of the period of Ineligibility for Substantial Assistance, thus reducing the period of Ineligibility imposed to two years.)
4. Since the Adverse Analytical Finding was committed in a Competition, the Irish Sport Anti-Doping Disciplinary Panel would automatically Disqualify the result obtained in the Competition.
5. According to Article 9.3, all results obtained by the Athlete subsequent to the date of Sample collection until the start of the period of Ineligibility would also be Disqualified unless fairness requires otherwise.
6. The information referred to in Article 15.3 must be Publicly Disclosed, unless the Athlete is a Minor, since this is a mandatory part of each sanction (Article 10.11).
7. The Athlete is not allowed to participate in any capacity in a Competition or other sport-related activity under the authority of any Signatory or its affiliates during the Athlete's period of Ineligibility (Article 10.8.1). However, the Athlete may return to train with a team to use the facilities of a club or other member organisation of a Signatory or its affiliates during the shorter of: (a) the last two months of the Athlete's period of Ineligibility, or (b) the last one-quarter of the period of Ineligibility imposed (Article 10.8.2). Thus, the Athlete would be allowed to return to training two months before the end of the period of Ineligibility

* Upon the approval of WADA in exceptional circumstances, the maximum suspension of the period of Ineligibility for Substantial Assistance may be greater than three-quarters, and reporting and publication may be delayed.

APPENDIX 4 – REVISION HISTORY

| <u>Version</u> | <u>Date</u> | <u>Description</u> | <u>Source</u> |
|----------------|------------------------|--------------------------------|----------------------|
| <u>1.0</u> | <u>01 January 2015</u> | <u>Official Release</u> | <u>Sport Ireland</u> |
| <u>2.0</u> | <u>01 January 2019</u> | <u>Amendments to the Rules</u> | <u>Sport Ireland</u> |

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| Legend: | |
| <u>Insertion</u> | |
| Deletion | |
| Moved from | |
| <u>Moved to</u> | |
| Style change | |
| Format change | |
| Moved deletion | |
| Inserted cell | |
| Deleted cell | |
| Moved cell | |
| Split/Merged cell | |
| Padding cell | |