

**THE
IRISH SPORTS COUNCIL**

**THE IRISH
ANTI-DOPING
RULES**

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INTRODUCTION

Doping is 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 characterised, amongst other values, by ethics, fair play, honesty, health and respect for, and compliance with, the spirit and letter of rules and laws. Anti-doping programmes seek to preserve the spirit of sport.

The World Anti-Doping Programme

In November 1999, the World Anti-Doping Agency (“*WADA*”) was established as a Foundation under the initiative of the International Olympic Committee to promote and coordinate the fight against doping in sport internationally. On the 5th day of March 2003, at the World Conference on Doping in Sport, *WADA* adopted the World Anti-Doping *Code* (“the *Code*”). The *Code* is the first document to harmonise regulations regarding anti-doping across all sports and all countries of the world. Its purposes are:

- (i) to protect the *Athlete’s* fundamental right to participate in doping-free sport and thus promote health, fairness and equality for *Athletes* world-wide; and
- (ii) to ensure harmonised, co-ordinated and effective anti-doping programmes at the international and national level with regard to detection, deterrence and prevention of doping.

By adopting the World Conference on Doping in Sport Resolution at the World Conference, the International Olympic Committee, the International Paralympic Committee, International Federations, *Major Event Organisations*, *National Olympic Committees*, and *National Anti-Doping Organisations* accepted the *Code* as the basis for the fight against doping in sport throughout the world and undertook to implement the *Code* before the first day of the Games of the XXVIII Olympiad in 2004 in Athens.

This unprecedented global harmonisation shall facilitate the effective fight against doping in

sport and will ensure that the spirit of sport is safeguarded for years to come.

The Copenhagen Declaration

In April 2003, the Minister for Arts, Sports and Tourism signed the Copenhagen Declaration on Anti-Doping in Sport on behalf of the Irish Government. The purpose of the Copenhagen Declaration is to articulate a political and moral understanding among *participants* at the *WADA* World Conference on Doping in Sport to:

- (i) recognise the role of, and support, *WADA*;
- (ii) support the *Code*;
- (iii) sustain international intergovernmental co-operation in advancing harmonisation in anti-doping policies and practices in sport; and
- (iv) support a timely process leading to a convention or other obligation on points specified in the Copenhagen Declaration, to be implemented through instruments appropriate to the constitutional and administrative contexts of each government on or before the Turin Winter Olympic Games.

By signing the Copenhagen Declaration, the Irish Government agreed to:

- (i) recognise the role of the *Code* as the foundation in the world-wide fight against doping in sport;
- (ii) seek to progressively adapt, where appropriate, national anti-doping policies and practices in sport to be in conformity with the provisions of the *Code*;
- (iii) to encourage national and international organisations engaged in anti-doping in sport to adopt the *Code* and to be in conformity with the *Code*, where appropriate;
- (iv) to take appropriate steps to withhold some or all governmental financial support

related to participation in sport from sport organisations, *Athletes* and *Athlete Support Personnel* that are not in compliance with the *Code* or applicable anti-doping rules adopted pursuant to the *Code*; and

- (v) support the role of *WADA* to co-ordinate, harmonise and standardise anti-doping efforts according to the *Code*.

The National Anti-Doping Programme

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

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

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

The *Irish Sports Council* has accepted the World Anti-Doping *Code*, (“the *Code*”) and adopted these Anti-Doping Rules. These Anti-Doping Rules are adopted and implemented by the *Irish Sports Council* in discharge of its statutory functions and duties – in particular as they relate to the combating of doping in sport – and in accordance with its obligations under the *Code*. These Anti-Doping Rules are the fundamental document upon which the National Sports Anti-Doping Programme is based.

The Irish Anti-Doping Rules

These Anti-Doping Rules, like *Competition* rules, are sports rules governing the conditions under which sport is played. *Participants* accept these rules as a condition of participation in sport. These Anti-Doping Rules are not intended to be subject to, or limited by, the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and minimum standards set forth in the *Code* and implemented in these Anti-Doping Rules represent the consensus of a broad spectrum of stakeholders with an interest in fair sport and should be respected by all courts and adjudicating bodies.

These Anti-Doping Rules implement the mandatory and other portions of the World Anti-Doping Programme, including the *Code*, the *International Standards* and the Models of Best Practice.

These Anti-Doping Rules were created for the benefit and assistance of *Participants* and *National Governing Bodies*. The adoption of these Anti-Doping Rules by *National Governing Bodies* will greatly assist *Participants* and *National Governing Bodies* in ensuring that they are in compliance with the Anti-Doping Rules of their International Federations and with the *Code*.

1. ARTICLE 1 APPLICATION OF RULES

1.1 Application to *National Governing Bodies*

- 1.1.1 The application of these Anti-Doping Rules to *Participants* is based on the contractual relationship that exists between *National Governing Bodies* and their members or *Participants* through those individuals' agreement to participate in sport according to its rules. As a condition of receiving financial and/or other assistance from the Government of Ireland and/or the *Irish Sports Council*, *National Governing Bodies* shall abide by the spirit and terms of the National Anti-Doping Programme and these Anti-Doping Rules, including application of its sanctions to individuals, and shall respect the authority of, and cooperate with, the *Irish Sports Council* and the *Irish Sport Anti-Doping*

Disciplinary Panel on all anti-doping matters.

- 1.1.2 *National Governing Bodies* shall therefore adopt these Anti-Doping Rules and incorporate these Anti-Doping Rules either directly or by reference into their governing documents, constitution and/or rules and thus as part of the rules of sport and the rights and obligations governing their members and *Participants*.
- 1.1.3 By the adoption of these Anti-Doping Rules and their incorporation into their governing documents and rules of sport, *National Governing Bodies* recognise the authority and responsibility of the *Irish Sports Council* for leading the National Anti-Doping Programme and authorise the *Irish Sports Council* to carry out *Doping Control* and their International Federations, members and *Participants* accordingly recognise and accept this authority and responsibility.
- 1.1.4 By the adoption of these Anti-Doping Rules and their incorporation into their governing documents and rules of sport, *National Governing Bodies* also formally submit the *National Governing Body* and all *Athletes* under its jurisdiction or control or subject to its governing documents or rules of sport to these Anti-Doping Rules and agree to abide by the decisions made pursuant to these Anti-Doping Rules, in particular the decisions of the *Irish Sport Anti-Doping Disciplinary Panel*, the *Irish Sport Anti-Doping Appeal Panel* and their International Federations, members and *Participants* accordingly recognise and accept this submission and agreement.

1.2 Application to *Persons*

- 1.2.1 The Irish Anti-Doping Rules apply to
 - 1.2.1.1 all *Persons* who are members of a *National Governing Body*, regardless of where they reside or are situated;
 - 1.2.1.2 all *Persons* who are members of a *National Governing*

Body's affiliated members, clubs, teams, associations or leagues; and

1.2.1.3 all *Persons* who participate in any capacity in any activity organised, held, convened or authorised by a *National Governing Body* or its affiliated members, clubs, teams, associations or leagues.

1.2.2 *Participants* including *Minors* are deemed to accept, submit to and abide by these Anti-Doping Rules by virtue of their participation in sport.

1.2.3 If any individual is found to have committed an anti-doping rules violation, the *Consequences* of these Anti-Doping Rules shall apply. An individual sanctioned under these Anti-Doping Rules remains subject to it throughout the duration of the sanction regardless of that individual's membership status in any *National Governing Body* or sports organisation and this shall include remaining subject to *Doping Control*.

2. ARTICLE 2 ANTI-DOPING RULE VIOLATIONS

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.8 of these Anti-Doping Rules (Anti-Doping Rule Violations). The following constitute anti-doping rule violations:

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

2.1.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their

bodily *Specimens*. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.

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

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

2.2 *Use or Attempted Use of a Prohibited Substance or a Prohibited Method.*

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

2.3 *Refusing, or failing without justification, to submit to Sample collection after notification in breach of these Anti-Doping Rules or otherwise evading Sample collection in breach of these rules.*

2.4 *Violation of applicable requirements regarding Athlete availability for Out-of-Competition Testing including failure to provide required whereabouts information set forth in Article 5.4 (Whereabouts Requirements).*

2.5 *Tampering, or Attempting to tamper, with any part of Doping Control.*

2.6 Possession of Prohibited Substances and Prohibited Methods:

2.6.1 *Possession* by an *Athlete* at any time or place of a substance that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* unless the *Athlete* establishes that the *Possession* is pursuant to a therapeutic use exemption granted in accordance with Article 4.4 (Therapeutic Use Exemptions) or other acceptable justification.

2.6.2 *Possession* of a substance that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* by *Athlete Support Personnel* in connection with an *Athlete*, *Competition* or training, unless the *Athlete Support Personnel* establishes that the *Possession* is pursuant to a therapeutic use exemption granted to an *Athlete* in accordance with Article 4.4 (Therapeutic Use Exemptions) or other acceptable justification.

2.7 Trafficking in any Prohibited Substance or Prohibited Method.

2.8 Administration or Attempted administration of a Prohibited Substance or Prohibited Method to any Athlete.

2.9 Assisting, encouraging, aiding, abetting, concealing, covering up or any other type of complicity or Attempt involving a breach of these Anti-Doping Rules, an anti-doping rule violation or any Attempted violation.

3. ARTICLE 3 PROOF OF DOPING

3.1 Burdens and Standards of Proof

3.1.1 The *National Governing Body* of the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation shall have the burden of

establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *National Governing Body* has established an anti-doping rule violation to the comfortable satisfaction of the hearing body bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is less than the standard of proof of beyond a reasonable doubt.

- 3.1.2 Where these Rules place the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

3.2 Methods of Establishing Facts and Presumptions

- 3.2.1 Facts related to anti-doping rule violations may be established by any reliable means, including admissions.
- 3.2.2 *WADA*-accredited laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for Laboratories. The *Athlete* may rebut this presumption by establishing that a departure from this *International Standard* occurred. If the *Athlete* rebuts the preceding presumption by showing that a departure from this *International Standard* occurred, then the *Irish Sports Council* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.
- 3.2.3 Departures from the *International Standard* for Testing which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Athlete* establishes that departures from this *International Standard* occurred during *Testing* then the *Irish Sports Council* shall have the burden to establish that such departures did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation.

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

3.2.4.1 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

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

3.2.4.3 The facts stated in the certificate, notice, form or other such document.

4. ARTICLE 4 THE *PROHIBITED LIST*

4.1 Incorporation of the *Prohibited List*

4.1.1 These Anti-Doping Rules adopt and incorporate the *WADA International Standard* for the *Prohibited List* as amended from time to time and all *Participants* and *National Governing Bodies* shall be deemed to accept the amendments as binding upon them.

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

4.1.3 It is the responsibility of each *National Governing Body* to ensure that the current *Prohibited List* is available to its members and *Participants* and it shall be the responsibility of such members and *Participants* to familiarise themselves with the current *Prohibited List*.

4.1.4 The *Irish Sports Council* shall make available the most recently revised *Prohibited List* and shall furnish a copy of such *Prohibited List* to each *National Governing Body*. The *Irish Sports Council* may, at its absolute discretion, effect such notification by email, fax, post or telephone.

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

The *Prohibited List* identifies those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) and those substances and methods which are prohibited *In-Competition* only. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category or by specific reference to a particular substance or method.

4.3 *Criteria for Including Substances and Methods on the Prohibited List*

WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* shall not be subject to challenge by an *Athlete* or other *Person*.

4.4 *Therapeutic Use Exemptions*

4.4.1 These Anti-Doping Rules adopt and incorporate the *WADA International Standard* for Therapeutic Use Exemptions as amended from time to time and all *Participants* and *National Governing Bodies* shall be deemed to accept the amendments as binding upon them.

4.4.2 *Athletes* subject to these Anti-Doping Rules with a documented medical condition requiring the use of a *Prohibited Substance* or a *Prohibited Method* must obtain a therapeutic use exemption (“TUE”) from the *Irish Sports Council* or an International Federation as provided for in

this Article. The granting of a TUE to such an *Athlete* must occur prior to that *Athlete's* participation in any *Event*.

- 4.4.3 An *Athlete* subject to testing under these Anti-Doping Rules, who is granted a TUE by an International Federation, must immediately report the granting of the TUE to the *Irish Sports Council* and to the *National Governing Body* concerned and shall furnish to the *Irish Sports Council* all relevant information and documentation.

4.5 Therapeutic Use Exemptions for *International-Level Athletes* and *Athletes* Participating in *International Events*

- 4.5.1 *International-Level Athletes* and *Athletes* participating in *International Events* must obtain a TUE from the International Federation concerned in accordance with the Anti-Doping Rules of that International Federation, regardless of whether the *Athlete* previously has received a TUE from the *Irish Sports Council*.
- 4.5.2 *International-Level Athletes* should apply to the International Federation concerned for the TUE at the same time the *Athlete* first provides whereabouts information to the International Federation and, except in emergency situations, no later than twenty one (21) days before the *Athlete's* participation in an *International Event*, or as otherwise provided for in the Anti-Doping Rules of that International Federation.
- 4.5.3 *Athletes* participating in *International Events* who are not *International-Level Athletes* must, except in emergency situations, request a TUE from that International Federation no later than twenty one (21) days before the *Athlete's* participation in an *International Event*, or as otherwise provided for in the Anti-Doping Rules of that International Federation.

4.6 Therapeutic Use Exemptions for *National-Level Athletes* and *Athletes Participating in National Events*

- 4.6.1 *National-Level Athletes* and *Athletes* participating in *National Events* must obtain a TUE from the *Irish Sports Council*, unless the *Athlete* previously has received a TUE from an International Federation and has reported the granting of the TUE to the *Irish Sports Council* in accordance with Article 4.4.3.
- 4.6.2 *National-Level Athletes* should apply to the *Irish Sports Council* for the TUE at the same time the *Athlete* first provides whereabouts information to the *Irish Sports Council* pursuant to these Anti-Doping Rules and, except in emergency situations, no later than twenty one (21) days before the *Athlete's* participation in a *National Event*.
- 4.6.3 *Athletes* participating in *National Events* who are not included by the *Irish Sports Council* in the *Irish Sports Council Registered Testing Pool* must, except in emergency situations, request a TUE from the *Irish Sports Council* no later than twenty one (21) days before the *Athlete's* participation in a *National Event*.

4.7 *Irish Sports Council Therapeutic Use Exemption Committee*

- 4.7.1 The *Irish Sports Council* shall appoint a committee of not less than three physicians to consider requests for TUE's ("the TUE Committee"). The *Irish Sports Council* shall appoint a physician to be the Chair of the Committee.
- 4.7.2 Upon receipt by the *Irish Sports Council* of a TUE request, the Chair of the TUE Committee shall appoint one or more members of the TUE Committee (who may include the Chair), as appropriate to the request, to consider such request.
- 4.7.3 The TUE Committee member(s) so designated shall promptly evaluate

such a request in accordance with the *International Standard for Therapeutic Use Exemptions* and render a decision on such request, which shall be the decision of the *Irish Sports Council*.

4.7.4 The *Irish Sports Council* and the TUE Committee will conduct the administration and determination of applications for TUEs in strict confidence.

4.7.5 The TUE Committee may seek whatever medical or scientific expertise they deem appropriate in reviewing the circumstances of any application for a TUE. Should the assistance of external, independent experts be required, all details of the application will be circulated without identifying the *Athlete* involved.

4.7.6 The TUE Committee may request from the *Athlete* concerned such additional medical information as the TUE Committee deems necessary and it shall be the responsibility of the *Athlete* to fully comply with such request.

4.7.7 The decision of the TUE Committee shall be conveyed in writing to the *Athlete* by the *Irish Sports Council* and reported in accordance with the provisions of Article 14.1 (Reporting of Therapeutic Use Exemptions).

4.8 Criteria for Granting a Therapeutic Use Exemption

4.8.1 A TUE shall be granted only in strict accordance with the following criteria:

4.8.1.1 The *Athlete* would experience a significant impairment to health if the *Prohibited Substance* or *Prohibited Method* were to be withheld in the course of treating an acute or chronic medical condition.

4.8.1.2 The therapeutic use of the *Prohibited Substance* or *Prohibited Method* would produce no additional

enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition. The use of any *Prohibited Substance* or *Prohibited Method* to increase “low-normal” levels of any endogenous hormone is not considered an acceptable therapeutic intervention.

4.8.1.3 There is no reasonable therapeutic alternative to the use of the otherwise *Prohibited Substance* or *Prohibited Method*.

4.8.1.4 The necessity for the use of the otherwise *Prohibited Substance* or *Prohibited Method* cannot be a consequence, wholly or in part, of prior non-therapeutic use of any substance from the *Prohibited List*.

4.8.2 An application for a TUE will not be considered for retroactive approval except in cases where:

4.8.2.1 Emergency treatment or treatment of an acute medical condition was necessary; or

4.8.2.2 Due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit, or for the TUE Committee to consider, an application prior to *Doping Control*.

4.9 Applications for Therapeutic Use Exemptions

4.9.1 An application for a TUE will only be considered following the receipt of a completed application form in the approved format that includes all relevant documents, except as provided for in Article 4.10 (Abbreviated Therapeutic Use Exemption Application Process).

- 4.9.2 The application must list any previous and/or current requests for TUEs, the *Anti-Doping Organisation* to whom that request was made, and the decision of that organisation.
- 4.9.3 The application must include a comprehensive medical history and the results of all examinations, laboratory investigations and imaging studies relevant to the application.
- 4.9.4 Any additional relevant investigations, examinations or imaging studies requested by the TUE Committee will be undertaken at the expense of the *Athlete* or his or her *National Governing Body*. Although every reasonable effort will be made to avoid inconvenience to the *Athlete* in respect of such investigations, examinations or imaging studies, no liability for any inconvenience or loss resulting therefrom shall arise and no cause of action shall accrue.
- 4.9.5 The application must include a statement by an appropriately qualified physician attesting to the necessity of the otherwise *Prohibited Substance* or *Prohibited Method* in the treatment of the *Athlete* and describing why an alternative permitted medication cannot and could not be used in the treatment of this condition.
- 4.9.6 The dose, frequency, route and administration of the otherwise *Prohibited Substance* or *Prohibited Method* in question must be specified.
- 4.9.7 The *Athlete* must provide written consent for the transmission of all information pertaining to the application to members of the TUE Committee and, as required, other independent medical or scientific experts and to all necessary staff involved in the management, review or appeals of TUEs. The *Athlete* must also provide written consent for the decisions of the TUE Committee to be distributed to other relevant *Anti-Doping Organisations* under the provisions of the *Code*.

4.10 Abbreviated Therapeutic Use Exemption Application Process

- 4.10.1 It is acknowledged that some *Prohibited Substances* are used frequently to treat medical conditions frequently encountered in the *Athlete* population. In such cases, a full application as detailed in Article 4.9 (Applications for Therapeutic Use Exemptions) is unnecessary. A TUE for these *Prohibited Substances* may be applied for under this Article 4.10.
- 4.10.2 These *Prohibited Substances* are strictly limited to beta-2 agonists (formoterol, salbutamol, salmeterol and terbutaline) by inhalation, and glucocorticosteroids by non-systemic routes.
- 4.10.3 To use one of these *Prohibited Substances*, the *Athlete* shall provide to the *Irish Sports Council* a medical notification justifying the therapeutic necessity. Such medical notification shall be in the approved format and shall describe the diagnosis, any tests undertaken to establish that diagnosis, the name of the drug, dosage, route of administration and duration of the treatment.
- 4.10.4 Approval for use of *Prohibited Substances* subject to the abbreviated process is effective upon receipt by the *Irish Sports Council* of a complete notification. Incomplete notifications shall be returned to the *Athlete* concerned.
- 4.10.5 The TUE Committee may review a TUE granted pursuant to the abbreviated process at any time during the duration of the TUE. The *Athlete* shall be advised of the outcome of any such review.

4.11 Cancellation of Therapeutic Use Exemptions

- 4.11.1 A TUE granted by the *Irish Sports Council* shall be cancelled by the *Irish Sports Council* if:
- 4.11.1.1 The *Athlete* does not promptly comply with any

requirements or conditions imposed by the *Irish Sports Council*; or

4.11.1.2 The term for which the TUE was granted has expired;
or

4.11.1.3 The *Athlete* is advised that the *Irish Sports Council* has withdrawn the TUE.

4.11.1.4 *WADA* or *CAS* subsequently reverses the TUE granted.

4.12 Review of Therapeutic Use Exemptions

4.12.1 *WADA*, at the request of an *Athlete* or on its own initiative, may review the granting or denial of any TUE by the *Irish Sports Council*.

4.12.2 Where an *Athlete* requests a review of the denial of a TUE, the *Athlete* shall comply with all requirements of the *WADA* TUE Committee to include providing the *WADA* TUE Committee with all the information for a TUE as submitted initially to the *Irish Sports Council* accompanied by the prescribed application fee.

4.12.3 The *WADA* TUE Committee has the ability to request from the *Athlete* additional medical information as deemed necessary, the expenses of which shall be borne by the *Athlete* or his or her *National Governing Body*.

4.12.4 Until the review process has been completed, the original decision remains in effect.

4.12.5 If *WADA* determines that the grant or denial of a TUE did not comply with the *International Standard* for Therapeutic Use Exemptions in force at the time then *WADA* may reverse that decision and the TUE shall stand cancelled.

4.12.6 If the decision regarding the granting of a TUE is reversed on review,

the reversal shall not apply retroactively and shall not disqualify the *Athlete's* results during the period that the TUE had been granted and shall take effect no later than fourteen (14) days following notification of the decision to the *Athlete*.

4.12.7 Decisions on TUE's are subject to further appeal as provided in Article 13.8 (Appeals from Decisions Granting or Denying a Therapeutic *Use Exemption*) and pursuant to the rules of *CAS*.

5. **ARTICLE 5 TESTING**

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

These Anti-Doping Rules adopt and incorporate the *WADA International Standard for Testing* as amended from time to time and all *Participants* and *National Governing Bodies* shall be deemed to accept the amendments as binding upon them. *Testing* conducted by, or on behalf of, the *Irish Sports Council* and *National Governing Bodies* shall be in substantial conformity with the *International Standard for Testing* in force at the time of *Testing*.

5.2 **Testing**

All *Athletes* subject to these Anti-Doping Rules shall be subject to *In-Competition Testing* by their *National Governing Body*, its International Federation, the *Irish Sports Council* and any *Anti-Doping Organisation* responsible for *Testing* at a *Competition* or *Event* in which they participate. All *Athletes* subject to these Anti-Doping Rules shall also be subject to *Out-of-Competition Testing* at any time or place, with or without advance notice, by their *National Governing Body*, its International Federation, the *Irish Sports Council*, *WADA*, the *National Anti-Doping Organisation* of any country where the *Athlete* is present, the International Olympic Committee during the Olympic Games and the International Paralympic Committee during the Paralympic Games.

5.3 Testing at Events

At *International Events*, the collection of *Doping Control Samples* shall be initiated and directed by the international organisation that is the ruling body for the *Event*. If the international organisation decides not to conduct any *Testing* at such an *Event*, the *Irish Sports Council* may, in co-ordination with the international organisation or *WADA*, initiate and conduct such *Testing*. At *National Events*, the collection of *Doping Control Samples* shall be initiated and directed by the *Irish Sports Council*.

5.4 Whereabouts Requirements

5.4.1 The *Irish Sports Council* shall identify a *Registered Testing Pool*. The *Irish Sports Council* may revise its *Registered Testing Pool* from time to time as appropriate. Each *National Governing Body* shall assist the *Irish Sports Council* in identifying and maintaining the *Irish Sports Council Registered Testing Pool*.

5.4.2 The *Irish Sports Council* shall notify each *Athlete* of his or her inclusion in the *Registered Testing Pool*. Each *Athlete* in the *Registered Testing Pool* shall file quarterly reports with the *Irish Sports Council* on forms provided by the *Irish Sports Council* which specify on a daily basis the locations and times where the *Athlete* will be residing, training and competing. *Athletes* shall update this information as necessary so that it is current at all times.

5.4.3 The *Irish Sports Council* may withhold a quarterly moiety of all sport-related financial support from an *Athlete* where the *Athlete's* quarterly report is not received by the *Irish Sports Council* by the due date or is not fully and accurately completed.

5.4.4 Any *Athlete* in the *Irish Sports Council Registered Testing Pool* who

fails to timely submit a required quarterly whereabouts report after receipt of two formal written warnings from the *Irish Sports Council* to do so, in the preceding eighteen (18) months, shall be considered to have committed an anti-doping rule violation pursuant to Article 2.4 (Whereabouts Violations).

5.4.5 Any *Athlete* in the *Irish Sports Council Registered Testing Pool* who is unavailable for *Testing* on three attempts during any period of eighteen (18) consecutive months shall be considered to have committed an anti-doping rule violation pursuant to Article 2.4 (Whereabouts Violations). Notification shall be sent to the *Athlete* in respect of each unavailability.

5.4.6 Where agreed between the *Irish Sports Council* and a *National Governing Body*, the *Irish Sports Council*, instead of notifying the *Athlete* of his or her inclusion in the *Registered Testing Pool*, shall notify the *Athlete's National Governing Body*. The *National Governing Body* shall file the required quarterly reports with the *Irish Sports Council* and responsibility for providing whereabouts information shall rest on the *National Governing Body* concerned. The *National Governing Body* shall update this information as necessary so that it is current at all times.

5.4.7 A *National Governing Body* which fails to timely submit a required quarterly whereabouts, in accordance with Article 5.4.6, after receipt of two formal written warnings from the *Irish Sports Council* to do so, in the preceding eighteen (18) months, shall be considered not to have complied with these Anti-Doping Rules and may be sanctioned by the *Irish Sports Council* in accordance with Article 12 (Sanctions Against *National Governing Bodies*).

5.5 Retirement and Return to *Competition*

5.5.1 An *Athlete* who has been identified by the *Irish Sports Council* for

inclusion in the *Irish Sports Council's Registered Testing Pool* shall continue to be subject to these Anti-Doping Rules, including the obligation to be available for *No Advance Notice Out-of-Competition Testing*, unless and until the *Athlete* gives written notice to the *Irish Sports Council* and to his or her *National Governing Body* that he or she has retired for the purposes of these Anti-Doping Rules or until he or she no longer satisfies the criteria for inclusion in the *Irish Sports Council's Registered Testing Pool* and has been so informed by the *Irish Sports Council*.

5.5.2 An *Athlete* who has given notice of retirement may not resume competing unless he or she notifies the *Irish Sports Council* at least six (6) months before he or she expects to return to *Competition* and is available for *No Advance Notice Out-of-Competition Testing* during this period.

5.6 Selection of *Athletes* to be Tested

5.6.1 At *International Events*, the international organisation, which is the ruling body for the Event, shall determine the number of finishing placement tests, random tests and target tests to be performed.

5.6.2 At *National Events* and at *International Events* where the *Irish Sports Council* is conducting the *Testing*, the *Irish Sports Council* shall determine the number of *Athletes* selected for *Testing* in each *Competition* and the procedures for selecting the *Athletes* for *Testing*.

5.6.3 The *Irish Sports Council* may also select *Athletes* or teams for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate *Doping Control* purposes.

5.6.4 The *Irish Sports Council* shall select *Athletes* for *Out-of-Competition Testing* through a process that substantially complies with the *International Standard for Testing* in force at the time of selection. In

this regard, *No Advance Notice* shall be the preferred method for *Out-of-Competition Testing* whenever possible.

5.7 Liability for *Testing*

Although every reasonable effort will be made to avoid inconvenience to the *Athlete* being tested, no liability for any inconvenience or loss resulting therefrom shall arise and no cause of action shall accrue.

5.8 Responsibility for *Testing*

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

5.9 Testing of *Minors*

Testing under these Anti-Doping Rules may only be conducted on a *Minor* where a *Person* with legal responsibility for that *Minor* has given prior consent. The giving of such prior consent shall be a condition precedent to the participation of that *Minor* in sport, unless the rules of the relevant *National Governing Body* provide otherwise or unless otherwise agreed between the *Irish Sports Council* and the relevant *National Governing Body*.

5.10 Independent Observers

The *Irish Sports Council*, *National Governing Bodies* and the organisation committees for *Events* and their employees, contractors, officials and agents shall provide access to *Independent Observers* at *Events*.

6. ARTICLE 6 ANALYSIS OF SAMPLES

6.1 Incorporation of the *International Standard* for Laboratories

These Anti-Doping Rules adopt and incorporate the *WADA International Standard* for Laboratories as amended from time to time and all *Participants* and *National Governing Bodies* shall be deemed to accept the amendments as binding upon them.

6.2 Use of Approved Laboratories

The *Irish Sports Council* shall send *Doping Control Samples* collected under these Anti-Doping Rules for analysis only in *WADA*-accredited laboratories or as otherwise approved by *WADA*. The choice of the *WADA*-accredited laboratory (or other method approved by *WADA*) used for the Sample analysis shall be determined exclusively by the *Irish Sports Council*. Laboratories shall analyse *Doping Control Samples* and report results in substantial conformity with the *International Standard* for Laboratories.

6.3 Substances Subject to Detection

Doping Control Samples shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the Monitoring Programme described in Article 4.5 of the *Code*.

6.4 Research on Samples

No *Sample* may be used for any purpose other than the detection of substances (or classes of substances) or methods on the *Prohibited List*, or as otherwise

identified by *WADA* pursuant to its Monitoring Programme, without the *Athlete's* written consent.

7. ARTICLE 7 RESULTS MANAGEMENT

7.1 Responsibility for Results Management

7.1.1 Results management and the conduct of hearings for anti-doping rule violations arising from a test or discovery by the *Irish Sports Council* involving an *Athlete* who is subject to these Anti-Doping Rules shall proceed pursuant to these Anti-Doping Rules.

7.1.2 Results management and the conduct of hearings for anti-doping rule violations arising from a test or discovery by the *Irish Sports Council* involving an *Athlete* who is not subject to these Anti-Doping Rules shall be governed by the Anti-Doping Rules of the *Athlete's* International Federation.

7.1.3 International–Level *Athletes* or other *Athletes*, who are subject to these Anti-Doping Rules, who are tested at an *International Event*, may be subject to the results management of an international organisation. If so, the determination of anti-doping rule violations and *Consequences* shall be governed by the Anti-Doping Rules of the international organisation and in default, by these Anti-Doping Rules.

7.2 Initial Review Regarding *Adverse Analytical Findings*

Upon receipt of an *A Sample Adverse Analytical Finding*, the *Irish Sports Council* shall conduct a review to determine whether: (a) an applicable therapeutic use exemption has been granted, or (b) there is any apparent departure from the *International Standards for Testing or Laboratories* that undermines the validity of the *Adverse Analytical Finding*.

7.3 Notification After Initial Review

If the initial review under Article 7.2 (Initial Review Regarding *Adverse Analytical Findings*) does not reveal an applicable therapeutic use exemption or departure from the *International Standard for Testing* or the *International Standard for Laboratories* in force at the time of *Testing* or analysis that undermines the validity of the *Adverse Analytical Finding*, the *Irish Sports Council*, as soon as practicable, shall notify the *Athlete* and the applicable *National Governing Body* of:

- 7.3.1 the *Adverse Analytical Finding*;
- 7.3.2 the anti-doping rule allegedly violated, or, in a case under Article 7.5 (Further Review of *Adverse Analytical Finding* Where Required by the *Prohibited List*) or Article 7.6 (Review of Other Anti-Doping Rule Violations), a description of the additional investigation that will be conducted as to whether there is an anti-doping rule violation;
- 7.3.3 the *Athlete's* right, within fourteen (14) days of the date of notification, to request the analysis of the B *Sample* or, failing such request, that the B *Sample* analysis may be deemed waived;
- 7.3.4 the right of the *Athlete* and/or the *Athlete's* representative to attend the B *Sample* opening and analysis if such analysis is requested; and
- 7.3.5 the *Athlete's* right to request copies of the A and B *Sample* laboratory documentation package as defined by the *International Standard for Laboratories*.

7.4 B Sample Analysis Procedure

- 7.4.1 The *Irish Sports Council* shall make arrangements for *Testing* the B *Sample* within twenty-one (21) days of the date of receipt of the *Athlete's* request. An *Athlete* may accept the A *Sample* analytical results by waiving the requirement for B *Sample* analysis. The *Irish*

Sports Council may nonetheless elect to proceed with the B *Sample* analysis.

7.4.2 The *Athlete* and/or his or her representative shall be entitled to be present at the analysis of the B *Sample*. A representative of the *Athlete's National Governing Body* or International Federation as well as a representative of the *Irish Sports Council* shall be entitled to be present.

7.4.3 If the B *Sample* proves negative, the entire test shall be considered negative and the *Athlete* and his or her *National Governing Body* shall be so informed.

7.4.4 If a *Prohibited Substance* or the *Use* of a *Prohibited Method* is identified, the findings shall be reported to the *Athlete* and his or her *National Governing Body*.

7.5 Further Review of Adverse Analytical Finding where Required by the Prohibited List

The *Irish Sports Council* shall conduct any follow-up investigation as may be required by the *Prohibited List*. Upon completion of such follow-up investigation, the *Irish Sports Council* shall promptly notify the *Athlete* and the applicable *National Governing Body* regarding the results of the follow-up investigation and whether or not the *Irish Sports Council* alleges that an anti-doping rule was violated.

7.6 Review of Other Anti-Doping Rule Violations

For apparent anti-doping rule violations that do not involve *Adverse Analytical Findings*, the *Irish Sports Council* shall conduct any necessary follow-up investigation, including the seeking of any additional information. The *Irish Sports Council* shall then promptly notify the *Athlete* or *Person* concerned and the applicable *National Governing Body* of the anti-doping rule that appears to have

been violated and the basis of the violation.

7.7 Suspension of Financial Support

7.7.1 All sport-related financial support shall stand suspended from the notification under Article 7.3 (Notification After Initial Review), Article 7.5 (Further Review of *Adverse Analytical Finding* Where Required by the *Prohibited List*) or Article 7.6 (Review of Other Anti-Doping Rule Violations) as applicable of an alleged anti-doping rule violation, other than an anti-doping rule violation involving a specified substance described in Article 10.3 (Specified Substances). 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.

7.7.2 Where the final determination is that an anti-doping rule violation has not been committed, the suspended financial support shall be remitted to the *Person* as soon as practicable.

7.7.3 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 *Person* as soon as practicable.

7.7.4 Where the final determination is that an anti-doping rule violation has been committed and a period of *Ineligibility* has been imposed on the *Person*, the provisions of Article 10.9.1 shall apply.

7.8 Provisional Suspensions

7.8.1 Unless otherwise provided for in the Anti-Doping Rules of the applicable International Federation, a *National Governing Body* shall *Provisionally Suspend an Athlete* from the date of the notification under

Article 7.3 (Notification After Initial Review) based on an *Adverse Analytical Finding* from the *Athlete's A Sample* but prior to a hearing under Article 8 (Disciplinary Procedure).

- 7.8.2 If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis does not confirm the *A Sample* analysis, then the *Athlete* shall not be subject to any further disciplinary action and any sanction previously imposed shall be rescinded.
- 7.8.3 A *National Governing Body* may *Provisionally Suspend* an *Athlete* after the notification under Article 7.5 (Further Review of *Adverse Analytical Finding* Where Required by the *Prohibited List*) or Article 7.6 (Review of Other Anti-Doping Rule Violations) of an alleged anti-doping rule violation prior to a hearing under Article 8 (Disciplinary Procedure).
- 7.8.4 A *National Governing Body* may *Provisionally Suspend* an *Athlete* with immediate effect upon detection by breath analysis of alcohol where alcohol is a *Prohibited Substance* in the particular sport of that *National Governing Body*.
- 7.8.5 Where a *Provisional Suspension* is imposed, the hearing in accordance with Article 8 (Disciplinary Procedure) shall take place as soon as practicable in all the circumstances so as to avoid substantial prejudice to the *Athlete*.
- 7.8.6 A decision to impose a *Provisional Suspension* in violation of this Article 7.8 (*Provisional Suspensions*) may be appealed in accordance with Article 13.2.2.

8. ARTICLE 8 DISCIPLINARY PROCEDURE

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

- 8.1.1 The *Irish Sports Council* shall appoint the *Irish Sport Anti-Doping Disciplinary Panel* which shall comprise of the following:
- 8.1.2 Chair and two (2) Vice-Chairs, each of whom shall be legal practitioners of not less than ten (10) years standing; and
- 8.1.3 Three (3) medical practitioners of not less than ten (10) years standing ; and
- 8.1.4 Three (3) members each of whom is or was a sports administrator or an *Athlete*.
- 8.1.5 Each panel member shall be appointed for a term of four (4) years.
- 8.1.6 If a panel member dies or resigns, the *Irish Sports Council* may appoint a person to be a panel member to fill the resultant vacancy. The person so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy.
- 8.1.7 A panel member may be re-appointed by the *Irish Sports Council*.
- 8.1.8 The *Irish Sports Council* shall pay the remuneration and costs of the *Irish Sport Anti-Doping Disciplinary Panel* and its members incurred in the exercise of its functions.

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

- 8.2.1 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 these Anti-Doping Rules. In particular, the *Irish Sport Anti-Doping Disciplinary Panel* has the power to determine the

Consequences of Anti-Doping Rule Violations to be imposed pursuant to these Anti-Doping Rules.

- 8.2.2 The *Irish Sport Anti-Doping Disciplinary Panel* shall be impartial in the performance of its functions.
- 8.2.3 The *Irish Sport Anti-Doping Disciplinary Panel* has all powers necessary for, and incidental to, the exercise of its functions, except that the *Irish Sport Anti-Doping Disciplinary Panel* shall not have the power to award costs.
- 8.2.4 No final decision of, or *Consequences of Anti-Doping Rule Violations* imposed by, the *Irish Sport Anti-Doping Disciplinary Panel* shall be quashed, varied or held invalid, by any court, arbitrator, tribunal or other hearing body other than *CAS* for any reason including for reason of any defect, irregularity, omission or departure from the procedures set out in these Anti-Doping Rules provided there has been no miscarriage of justice.

8.3 Hearings Before the *Irish Sport Anti-Doping Disciplinary Panel*

- 8.3.1 When it appears, following the results management process described in Article 7 (Results Management), that these Anti-Doping Rules may have been violated, the *Irish Sports Council* shall refer the matter to the *Irish Sport Anti-Doping Disciplinary Panel* for adjudication as to whether a violation of these Anti-Doping rules has occurred and if so what *Consequences* should be imposed.
- 8.3.2 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. Each such hearing panel shall comprise the Chair or a Vice-Chair as chair of the hearing panel, one medical practitioner member and one sports administrator or *Athlete* member.

- 8.3.3 The appointed members shall have had no prior involvement with the case. Each member, upon appointment to a hearing panel, shall disclose to the Chair any circumstances likely to affect impartiality with respect to any of the parties.
- 8.3.4 If a member, appointed by the Chair to hear a case, is unwilling or unable, for whatever reason, to hear the case, the Chair may appoint a replacement or appoint a new hearing panel.
- 8.3.5 An *Athlete* or other *Person* may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting *Consequences* consistent with Article 9 (Automatic *Disqualification* of Individual Results) and Article 10 (Sanctions on Individuals) as determined by the *Irish Sport Anti-Doping Disciplinary Panel*.
- 8.3.6 The *Irish Sport Anti-Doping Disciplinary Panel* shall have the power, at its absolute discretion, to appoint an expert to assist or advise the panel as required by the panel.
- 8.3.7 The *Irish Sports Council* shall have the right to join proceedings and attend hearings of the *Irish Sport Anti-Doping Disciplinary Panel* as a party.
- 8.3.8 The International Federation of the *National Governing Body* concerned, if not a party to the proceedings, the *Irish Sports Council*, if not a party to the proceedings, and *WADA* shall each have the right to attend hearings of the *Irish Sport Anti-Doping Disciplinary Panel* as an observer.
- 8.3.9 Hearings pursuant to this Article should be completed expeditiously and in all cases within three (3) months of the completion of the results management process described in Article 7 (Results Management) save where exceptional circumstances apply.
- 8.3.10 If the completion of the hearing is delayed beyond three (3) months, the International Federation of the *National Governing Body* concerned may elect to bring the case directly to a single arbitrator from *CAS*, to

its own Doping Hearing Panel or as otherwise provided for in the Anti-Doping Rules of that International Federation and the hearing before the *Irish Sport Anti-Doping Disciplinary Panel* shall be immediately terminated.

8.3.11 Hearings held in connection with *Events* may be conducted on an expedited basis.

8.4 Proceedings of the *Irish Sport Anti-Doping Disciplinary Panel*

8.4.1 Subject to the provisions of these Anti-Doping Rules, the *Irish Sport Anti-Doping Disciplinary Panel* and its hearing panels shall have the power to regulate their procedures.

8.4.2 Hearings of the *Irish Sport Anti-Doping Disciplinary Panel* shall be confidential and held in private.

8.4.3 The *National Governing Body* of the *Person* concerned or its International Federation shall present the case against the *Person*.

8.4.4 A failure by any party or their representative to attend a hearing after notification shall not prevent the hearing panel from proceeding with the hearing in their absence.

8.4.5 Each party shall have the right to be represented at a hearing.

8.4.6 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the hearing panel.

8.4.7 Each party to the proceedings shall have the right to present evidence, make submissions, call witnesses and cross-examine the witnesses of the other parties (subject to the hearing panel's discretion to accept testimony by telephone, written statement or submission, whether by fax, email or other means).

- 8.4.8 The hearing panel may receive such evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.
- 8.4.9 The hearing panel may postpone or adjourn a hearing.
- 8.4.10 The hearing panel, at the request of one of the parties to the proceedings or on its own initiative, may require one or more parties to the proceedings, prior to the hearing, to supply it and/or the other party or other parties to the proceedings with further particulars of the case to be presented by that party at the hearing, including what witnesses they intend to call and that party shall comply with that direction.
- 8.4.11 Any failure by any party to the proceedings to comply with any requirement or direction of the hearing panel, including those requirements or directions to be complied with within a truncated time period for the purposes of an expedited hearing, shall not prevent the hearing panel from proceeding and such failure shall be taken into consideration by the hearing panel when making its decision.
- 8.4.12 All hearings shall be recorded and the *Irish Sports Council* shall retain the record. The record of the hearing panel shall be private and confidential to the *Irish Sports Council*, save as required by law and shall be furnished to a party to the proceedings on request subject to an undertaking that it will remain confidential.

8.5 Decisions of the *Irish Sport Anti-Doping Disciplinary Panel*

- 8.5.1 The deliberations of the hearing panel on its decision shall be private.
- 8.5.2 No minority or dissenting decisions shall be produced. In the event of a majority decision, this shall be the decision of the hearing panel.
- 8.5.3 The decision of the hearing panel shall be written, dated and signed and shall state brief reasons. In any case in which the period of *Ineligibility* is eliminated under Article 10.5.1 (*No Fault or Negligence*) or reduced

under Article 10.5.2 (*No Significant Fault or Negligence*) the decision shall explain the basis for the elimination or reduction. The signature of the Chair or Vice Chair as applicable shall suffice.

- 8.5.4 The decision of the hearing panel shall be advised to the parties to the proceedings and to the *Irish Sports Council* if not a party to the proceedings as soon as practicable after the conclusion of the hearing.
- 8.5.5 Decisions of the *Irish Sport Anti-Doping Hearing Panel* may be appealed as provided in Article 13 (Appeals).

8.6 National Governing Body Disciplinary Panel

- 8.6.1 A *National Governing Body* may, in agreement with the *Irish Sports Council*, determine that hearings pursuant to this Article shall be before its own disciplinary panel and for the purposes of the rules of the *National Governing Body* concerned all references to the *Irish Sport Anti-Doping Disciplinary Panel* in these Anti-Doping Rules shall be construed as referring to its disciplinary panel.
- 8.6.2 The *Irish Sports Council*, in so agreeing with a *National Governing Body*, may require the *National Governing Body* to comply with such conditions and terms regarding its disciplinary panel, as the *Irish Sports Council* considers appropriate in all the circumstances.
- 8.6.3 The *Irish Sports Council* may rescind an agreement with a *National Governing Body* regarding its disciplinary panel if the *Irish Sports Council* forms the view that any such term or condition has not been adhered to or that the *National Governing Body* or its disciplinary panel is not acting in compliance with the provisions of these Anti-Doping Rules.
- 8.6.4 The composition, procedures and decision-making processes of such disciplinary panel shall be in conformity with the provisions of this Article 8 (Disciplinary Procedure) and the disciplinary panel shall

determine the *Consequences of Anti-Doping Rule Violations* to be imposed in accordance with these Anti-Doping Rules.

8.6.5 Decisions of such disciplinary panel may be appealed as provided in Article 13 (Appeals).

9. ARTICLE 9 AUTOMATIC *DISQUALIFICATION* OF INDIVIDUAL RESULTS

A violation of these Anti-Doping Rules in connection with an *In-Competition* test automatically leads to *Disqualification* of the individual result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.

10. ARTICLE 10 SANCTIONS ON INDIVIDUALS

10.1 *Disqualification of Results in an Event During which an Anti-Doping Rule Violation Occurs*

10.1.1 A violation of these Anti-Doping Rules occurring during or in connection with an *Event* may lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.2.

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

10.2 *Imposition of Ineligibility for Prohibited Substances and Prohibited Methods*

Except for the specified substances identified in Article 10.3, the period of *Ineligibility* imposed for a violation of Article 2.1 (presence of *Prohibited*

Substance or its *Metabolites* or *Markers*), Article 2.2 (*Use* or *Attempted Use* of *Prohibited Substance* or *Prohibited Method*) and Article 2.6 (*Possession* of *Prohibited Substances* and *Methods*) shall be:

First violation: Two (2) years' *Ineligibility*.

Second violation: Lifetime *Ineligibility*.

However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing this sanction as provided in Article 10.5 (Elimination or Reduction of Period Of *Ineligibility* Based on Exceptional Circumstances).

10.3 Specified Substances

The *Prohibited List* may identify specified substances which are particularly susceptible to unintentional Anti-Doping Rules violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents. Where an *Athlete* can establish that the *Use* of such a specified substance was not intended to enhance sport performance, the period of *Ineligibility* found in Article 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) shall be replaced with the following:

First violation: At a minimum, a warning and reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, one (1) year's *Ineligibility*.

Second violation: Two (2) years' *Ineligibility*.

Third violation: Lifetime *Ineligibility*.

However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) this sanction as provided in Article 10.5 (Elimination or Reduction of Period Of *Ineligibility* Based on Exceptional Circumstances).

10.4 *Ineligibility* for Other Anti-Doping Rule Violations

The period of *Ineligibility* for other violations of these Anti-Doping Rules shall be:

10.4.1 For violations of Article 2.3 (refusing or failing to submit to *Sample* collection) or Article 2.5 (*Tampering* with *Doping Control*), the *Ineligibility* periods set forth in Article 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) shall apply.

10.4.2 For violations of Articles 2.7 (*Trafficking*) or 2.8 (administration of *Prohibited Substance* or *Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility*. An 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 specified substances referenced in Article 10.3 (Specified Substances), shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, violations of such Articles that also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

10.4.3 For violations of Article 2.4 (Whereabouts Violations), the period of *Ineligibility* shall be:

First Violation: Three (3) months to one (1) year *Ineligibility*

Second and Subsequent Violations: Two (2) years' *Ineligibility*.

10.5 Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances.

10.5.1 *No Fault or Negligence*

If the *Athlete* establishes in an individual case involving an anti-doping rule violation under Article 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*) or *Use* of a *Prohibited Substance* or

Prohibited Method under Article 2.2 that he or she bears *No Fault or Negligence* for the violation, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Markers* or its *Metabolites* is detected in an *Athlete's Specimen* in violation of Article 2.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation only for the limited purpose of determining the period of *Ineligibility* for multiple violations under Articles 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*), 10.3 (Specified Substances) and 10.6 (Rules for Certain Multiple Violations).

10.5.2 *No Significant Fault or Negligence*

This Article 10.5.2 applies only to anti-doping rule violations involving Article 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Use of a Prohibited Substance or Prohibited Method* under Article 2.2, failing to submit to *Sample* collection under Article 2.3, or administration of a *Prohibited Substance* or *Prohibited Method* under Article 2.8. If an *Athlete* establishes in an individual case involving such violations that he or she bears *No Significant Fault or Negligence*, then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of Article 2.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to

have the period of *Ineligibility* reduced.

10.5.3 *Athlete's Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations by Athlete Support Personnel and Others*

The period of *Ineligibility* may also be reduced in an individual case where the *Athlete* has provided substantial assistance to an *Anti-Doping Organisation* which results in the *Anti-Doping Organisation* discovering or establishing an anti-doping rule violation by another *Person* involving *Possession* under Article 2.6.2 (*Possession by Athlete Support Personnel*), Article 2.7 (*Trafficking*), or Article 2.8 (administration to an *Athlete*). The reduced period of *Ineligibility* may not, however, be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years.

10.6 Rules for Certain Potential Multiple Violations

- 10.6.1 For purposes of imposing sanctions under Articles 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*), 10.3 (Specified Substances) and 10.4 (*Ineligibility* for Other Anti-Doping Rule Violations), a second anti-doping rule violation may be considered for purposes of imposing sanctions only if the *Irish Sports Council* or the applicable *National Governing Body* can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice, or after the *Irish Sports Council* or the applicable *National Governing Body* made a reasonable *Attempt* to give notice, of the first anti-doping rule violation. If neither the *Irish Sports Council* or the applicable *National Governing Body* can establish this, the violations shall be considered as one single

first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

10.6.2 Where an *Athlete*, based on the same *Doping Control*, is found to have committed an anti-doping rule violation involving both a specified substance under Article 10.3 (Specified Substances) and another *Prohibited Substance* or *Prohibited Method*, the *Athlete* shall be considered to have committed a single anti-doping rule violation, but the sanction imposed shall be based on the *Prohibited Substance* or *Prohibited Method* that carries the most severe sanction.

10.6.3 Where an *Athlete* is found to have committed two separate anti-doping rule violations, one involving a specified substance governed by the sanctions set forth in Article 10.3 (Specified Substances) and the other involving a *Prohibited Substance* or *Prohibited Method* governed by the sanctions set forth in Article 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) or a violation governed by the sanctions in Article 10.4.1, the period of *Ineligibility* imposed for the second offence shall be at a minimum two years' *Ineligibility* and at a maximum three years' *Ineligibility*. Any *Athlete* found to have committed a third anti-doping rule violation involving any combination of specified substances under Article 10.3 (Specified Substances) and any other anti-doping rule violation under 10.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*) or 10.4.1 shall receive a sanction of lifetime *Ineligibility*.

10.7 *Disqualification of Results in Competitions Subsequent to Sample Collection*

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9 (Automatic *Disqualification* of Individual Results), all other competitive results obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any

Provisional Suspension or *Ineligibility* period, shall, unless there are compelling reasons established by the *Athlete* be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

10.8 Commencement of *Ineligibility* Period

- 10.8.1 The period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed.
- 10.8.2 Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.
- 10.8.3 Where required by fairness, such as delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete*, the period of *Ineligibility* may be started at an earlier date commencing as early as the date of Sample collection.

10.9 Status During *Ineligibility*

- 10.9.1 No *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 programmes) authorised or organised by any *National Governing Body* or International Federation. In addition, for any anti-doping rule violation not involving specified substances described in Article 10.3 (Specified Substances), all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by the *Irish Sports Council*, the *National Governing Body* and any other sports organisation concerned.

10.9.2 A *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport *Events* in a sport other than the sport in which the *Person* committed the anti-doping rule violation, but only so long as the local sport *Event* is not at a level that could otherwise qualify such *Person* directly or indirectly to compete in (or accumulate points toward) a *National Event* or *International Event*.

10.10 Reinstatement Testing

10.10.1 As a condition of regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by the *Irish Sports Council*, the applicable *National Governing Body* and/or any *Anti-Doping Organisation* having *Testing* jurisdiction, and must, if requested, provide current and accurate whereabouts information as provided in Article 5.4 (Whereabouts Requirements).

10.10.2 If an *Athlete* subject to a period of *Ineligibility* retires from sport and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified the *Irish Sports Council*, the applicable *National Governing Body* and relevant *Anti-Doping Organisations* and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of the period set forth in Article 5.5.2 or the period of *Ineligibility* remaining as of the date the *Athlete* had retired. During such remaining period of *Ineligibility*, the *Athlete* must undergo *Out-of-Competition Testing* in accordance with the relevant provisions of the Anti-Doping Rules of the applicable International Federation. If the Anti-Doping Rules of the applicable International Federation do not specify the *Out-of-Competition Testing* required, the *Irish Sports Council* shall determine the number and frequency of *Testing*.

10.10.3 The *Irish Sports Council* shall be responsible for conducting the *Out-of-Competition Testing* required under this Article but *Testing* by any *Anti-Doping Organisation* may be used to satisfy the requirement.

10.10.4 Once the period of an *Athlete's* suspension has expired, and the *Athlete* has fulfilled the conditions of reinstatement then the *Athlete* will become automatically re-eligible and no application by the *Athlete* or by the *Athlete's National Governing Body* will then be necessary.

11. ARTICLE 11 CONSEQUENCES TO TEAMS

Where more than one team member in a *Team Sport* has been notified of a possible anti-doping rule violation under Article 7 (Results Management) in connection with an *Event*, the Team shall be subject to *Target Testing* for the *Event*. If more than one team member in a *Team Sport* is found to have committed an anti-doping rule violation during the *Event*, the team may be subject to *Disqualification* or other disciplinary action. 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 for in these Anti-Doping Rules or the applicable rules of the International Federation.

12. ARTICLE 12 SANCTIONS AGAINST NATIONAL GOVERNING BODIES

12.1 Financial and/or other non-financial support from the *Irish Sports Council* may be withheld in whole or in part from *National Governing Bodies* which are not in compliance with, or fail in the implementation of, these Anti-Doping Rules.

12.2 Decisions of the *Irish Sports Council* pursuant to this Article 12 (Sanctions against *National Governing Bodies*) may be appealed as provided for in Article 13.9 (Appeals from Decisions Pursuant to Article 12).

13. ARTICLE 13 APPEALS

13.1 Decisions Subject to Appeal

Decisions made under these Anti-Doping Rules may be appealed as set forth in this Article. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

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

13.2.1 A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* for an anti-doping rule violation, a decision that no anti-doping rule violation was committed, a decision that an *Anti-Doping Organisation* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*, may be appealed exclusively to the *Irish Sport Anti-Doping Appeal Panel* and therefrom to *CAS* pursuant to the rules of *CAS*.

13.2.2 A decision to impose a *Provisional Suspension* in violation of Article 7.8 (*Provisional Suspensions*) may be appealed exclusively, in the first instance, to the Chair of the *Irish Sport Anti-Doping Disciplinary Panel*, therefrom to the Chair of the *Irish Sport Anti-Doping Appeal Panel* and therefrom to *CAS* in pursuant to the rules of *CAS*.

13.2.3 In cases under Article 13.2.1 the following parties shall have the right to appeal:

13.2.3.1 the *Athlete* or other *Person* who is the subject of the decision being appealed;

13.2.3.2 the *National Governing Body* concerned;

13.2.3.3 the *Irish Sports Council*,

13.2.3.4 the relevant International Federation;

13.2.3.5 any other *Anti-Doping Organisation* under whose rules a sanction could have been imposed;

13.2.3.6 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

13.2.3.7 *WADA*.

13.2.4 In cases under Article 13.2.2, the only *Person* who may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

13.3 The *Irish Sport Anti-Doping Appeal Panel*

13.3.1 The *Irish Sports Council* shall appoint the *Irish Sport Anti-Doping Appeal Panel* which shall comprise of the following:

13.3.2 A Chair and one (1) Vice-Chair, both of whom shall be legal practitioners of not less than ten (10) years standing; and

13.3.3 Two (2) medical practitioners of not less than ten (10) years standing; and

13.3.4 Two (2) members each of whom is or was a sports administrator or a former *Athlete*.

13.3.5 Each panel member shall be appointed for a term of four (4) years.

13.3.6 If a panel member dies or resigns, the *Irish Sports Council* may appoint a person to be a panel member to fill the resultant vacancy. The person so appointed shall be appointed for the remainder of the term of the member who occasioned the vacancy.

- 13.3.7 A panel member may be re-appointed by the *Irish Sports Council*.
- 13.3.8 The *Irish Sports Council* shall pay the remuneration and costs of the *Irish Sport Anti-Doping Appeal Panel* and its members incurred in the exercise of its functions.

13.4 Jurisdiction of the *Irish Sport Anti-Doping Appeal Panel*

- 13.4.1 The *Irish Sport Anti-Doping Appeal Panel* has the power to hear and determine all issues arising from any matter which is appealed to it pursuant to these Anti-Doping Rules. In particular, the *Irish Sport Anti-Doping Appeal Panel* has the power to determine the *Consequences of Anti-Doping Rule Violations* to be imposed pursuant to these Anti-Doping Rules.
- 13.4.2 The *Irish Sport Anti-Doping Appeal Panel* shall be impartial in the performance of its functions.
- 13.4.3 The *Irish Sport Anti-Doping Appeal Panel* has all powers necessary for, and incidental to, the exercise of its functions, except that the *Irish Sport Anti-Doping Appeal Panel* shall not have the power to award costs.
- 13.4.4 No final decision of, or *Consequences of Anti-Doping Rule Violations* imposed by, the *Irish Sport Anti-Doping Appeal Panel* shall be quashed, varied or held invalid, by any court, arbitrator, tribunal or other hearing body other than *CAS* for any reason including for reason of any defect, irregularity, omission or departure from the procedures set out in these Anti-Doping Rules provided there has been no miscarriage of justice.

13.5 Hearings Before the *Irish Sport Anti-Doping Appeal Panel*

- 13.5.1 A *Person* entitled to appeal a decision of the *Irish Sport Anti-Doping Disciplinary Panel* who wishes to do so shall lodge notice of the appeal with the *Irish Sport Anti-Doping Appeal Panel* within fourteen (14) days of the date of the decision of the *Irish Sport Anti-Doping Disciplinary Panel*.
- 13.5.2 The Chair of the *Irish Sport Anti-Doping Appeal Panel* or in his or her absence, the Vice-Chair, shall appoint three (3) members from the panel to hear and determine each case. Each such appeal panel shall comprise the Chair or Vice-Chair as chair of the appeal panel, one medical practitioner member and one sports administrator or *Athlete* member.
- 13.5.3 The appointed members shall have had no prior involvement with the case. Each member, upon appointment to an appeal panel, shall disclose to the Chair any circumstances likely to affect impartiality with respect to any of the parties.
- 13.5.4 If a member, appointed by the Chair to hear a case, is unwilling or unable, for whatever reason, to hear the case, the Chair may appoint a replacement or appoint a new hearing panel.
- 13.5.5 An *Athlete* or other *Person* may forego a hearing by acknowledging the violation of these Anti-Doping Rules and accepting *Consequences* consistent with Article 9 (Automatic *Disqualification* of Individual Results) and Article 10 (Sanctions on Individuals) as determined by the *Irish Sport Anti-Doping Appeal Panel*.
- 13.5.6 The *Irish Sport Anti-Doping Appeal Panel* shall have the power, at its absolute discretion, to appoint an expert to assist or advise the panel as required by the panel.
- 13.5.7 The *Irish Sports Council* shall have the right to join proceedings and attend hearings of the *Irish Sport Anti-Doping Appeal Panel* as a party.
- 13.5.8 The International Federation of the *National Governing Body* concerned, if not a party to the proceedings, the *Irish Sports Council*, if

not a party to the proceedings, and *WADA* shall each have the right to attend hearings of the *Irish Sport Anti-Doping Appeal Panel* as an observer.

13.5.9 Hearings pursuant to this Article should be completed expeditiously and in all cases within three (3) months of the date of the decision of the *Irish Sport Anti-Doping Disciplinary Panel* save where exceptional circumstances apply.

13.5.10 Hearings held in connection with *Events* may be conducted on an expedited basis.

13.6 Proceedings of the *Irish Sport Anti-Doping Appeal Panel*

13.6.1 Subject to the provisions of these Anti-Doping Rules, the *Irish Sport Anti-Doping Appeal Panel* and its appeal panels shall have the power to regulate their procedures.

13.6.2 Hearings of the *Irish Sport Anti-Doping Appeal Panel* shall be confidential and held in private.

13.6.3 The appellant shall present their case and the respondent party or parties shall present their cases in reply.

13.6.4 A failure by any party or their representative to attend a hearing after notification shall not prevent the appeal panel from proceeding with the hearing in their absence.

13.6.5 Each party shall have the right to be represented at a hearing.

13.6.6 Every party shall have the right to an interpreter at the hearing, if deemed necessary by the appeal panel.

13.6.7 Each party to the proceedings shall have the right to present evidence, make submissions, call witnesses and cross-examine the witnesses of the other parties (subject to the appeal panel's discretion to accept testimony by telephone, written statement or submission, whether by

fax, email or other means).

- 13.6.8 The appeal panel may receive such evidence, including hearsay, as it thinks fit and shall be entitled to attach such weight to that evidence as it deems appropriate.
- 13.6.9 The appeal panel may postpone or adjourn a hearing.
- 13.6.10 The appeal panel, at the request of one of the parties to the proceedings or on its own initiative, may require one or more parties to the proceedings, prior to the hearing, to supply it and/or the other party or parties to the proceedings with further particulars of the case to be presented by that party at the hearing, including what witnesses they intend to call and that party shall comply with that direction.
- 13.6.11 Any failure by any party to the proceedings to comply with any requirement or direction of the appeal panel, including those requirements or directions to be complied with within a truncated time period for the purposes of an expedited hearing, shall not prevent the appeal panel from proceeding and such failure shall be taken into consideration by the appeal panel when making its decision.
- 13.6.12 All hearings shall be recorded and the *Irish Sports Council* shall retain the record. The record of the appeal panel shall be private and confidential to the *Irish Sports Council*, save as required by law and shall be furnished to a party to the proceedings on request subject to an undertaking that it will remain confidential.

13.7 Decisions of the *Irish Sport Anti-Doping Appeal Panel*

- 13.7.1 The deliberations of the appeal panel on its decision shall be private.
- 13.7.2 No minority or dissenting decisions shall be produced. In the event of a majority decision, this shall be the decision of the appeal panel.
- 13.7.3 The decision of the appeal panel shall be written, dated and signed and

shall state brief reasons. In any case in which the period of *Ineligibility* is eliminated under Article 10.5.1 (*No Fault or Negligence*) or reduced under Article 10.5.2 (*No Significant Fault or Negligence*) the decision shall explain the basis for the elimination or reduction. The signature of the Chair or Vice Chair as applicable shall suffice.

13.7.4 The decision of the appeal panel shall be advised to the parties to the proceedings and to the *Irish Sports Council* if not a party to the proceedings as soon as practicable after the conclusion of the hearing.

13.8 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

13.8.1 Decisions by the *Irish Sports Council* denying therapeutic use exemptions, which are not reversed by *WADA*, may be appealed exclusively to *CAS* by the *Athlete*.

13.8.2 Decisions by *WADA* reversing the grant or denial of a therapeutic use exemption may be appealed exclusively to *CAS* by the *Athlete*, the *Irish Sports Council*, or the International Federation concerned as applicable.

13.9 Appeals from Decisions Pursuant to Article 12

Decisions of the *Irish Sports Council* pursuant to Article 12 (Sanctions Against *National Governing Bodies*) may be appealed exclusively to *CAS* by the *National Governing Body* concerned.

13.10 Time for Filing Appeals

The time to file an appeal to *CAS* is thirty (30) days from the date of the decision.

13.11 Legal Challenge to a Decision or to these Anti-Doping Rules

There shall be no legal challenge or appeal to a decision made under these Anti-Doping Rules or to any provision of these Anti-Doping Rules except pursuant to the hearings and appeals procedures as specified in these Anti-Doping Rules.

14. ARTICLE 14 REPORTING

14.1 Reporting of Therapeutic Use Exemptions

14.1.1 The *Irish Sports Council* shall report any TUE granted to an *Athlete* to the applicable International Federation, to the *Athlete's National Governing Body* and to *WADA*.

14.1.2 TUE's granted by International Federations shall be reported by the International Federation to the *Irish Sports Council*, the *Athlete's National Governing Body* and to *WADA*.

14.2 Reporting of Testing

14.2.1 The *Irish Sports Council* shall submit to *WADA* current *Athlete* whereabouts information. *WADA* shall make this information accessible to other *Anti-Doping Organisations* having authority to test the *Athlete*.

14.2.2 The *Irish Sports Council* shall report all *In-Competition* and *Out-of-Competition* tests to *WADA* as soon as possible after such tests have been conducted.

14.2.3 This information shall be maintained in strict confidence at all times, shall be used exclusively for purposes of planning, co-ordinating or conducting *Testing* and shall be destroyed after it is no longer relevant for these purposes.

14.3 Reporting Regarding Results Management

- 14.3.1 When a *National Governing Body* has received an *Adverse Analytical Finding* on one of its *Athletes*, the *Irish Sports Council*, on its behalf, shall report the following information to its International Federation and *WADA* within fourteen (14) days of the process described in Article 7.2 (Initial Review Regarding *Adverse Analytical Findings*) and Article 7.3 (Notification after Initial Review), Article 7.5 (Further Review of *Adverse Analytical Finding* Where Required by the *Prohibited List*) or Article 7.6 (Review of Other Anti-Doping Rule Violations) as applicable: the *Athlete's* name, country, sport and discipline within the sport, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection and the analytical result reported by the laboratory.
- 14.3.2 Where the *Athlete* requests the analysis of the B *Sample* the *Irish Sports Council* shall report the result of such analysis to the International Federation and to *WADA*.
- 14.3.3 Each *National Governing Body* shall report such further information as may be required by the rules of its International Federation.
- 14.3.4 In any case in which the period of *Ineligibility* is eliminated under Article 10.5.1 (*No Fault or Negligence*) or reduced under Article 10.5.2 (*No Significant Fault or Negligence*) the *Irish Sports Council* shall provide the International Federation and *WADA* with a copy of the written reasoned decision.
- 14.3.5 Neither the International Federation concerned nor *WADA* shall disclose this information beyond those persons within their organisations with a need to know until the *Irish Sports Council* has *Publicly Disclosed* or has failed to *Publicly Disclose* as required in Article 15 (Public Disclosure).

14.4 Reporting Under the Code

14.4.1 The *Irish Sports Council* shall report to *WADA* on the compliance with the *Code* by the *Irish Sports Council* and shall explain reasons for any non-compliance.

14.4.2 The *Irish Sports Council* shall publish annually, within six (6) months of the end of the calendar year, a general statistical report of its *Doping Control* activities during the calendar year with a copy provided to *WADA*.

15. ARTICLE 15 PUBLIC DISCLOSURE

The *Irish Sports Council*, any *National Governing Body*, the *Irish Sport Anti-Doping Disciplinary Panel* or any other *Person* shall not *Publicly Disclose or Publicly Report* the identity of *Athletes* whose *Samples* have resulted in *Adverse Analytical Findings*, or of *Persons* who are alleged to have committed an anti-doping rule violation pursuant to these Anti-Doping Rules until it has been determined in accordance with Article 8 (Disciplinary Procedure) that an Anti-Doping Rule violation has occurred. No later than twenty (20) days after it has been determined in a hearing in accordance with Article 8 (Disciplinary Procedure) that an anti-doping rule violation has occurred or such hearing has been waived, the *Irish Sports Council* shall publicly report the disposition of the anti-doping matter.

16. ARTICLE 16 RECOGNITION OF DECISIONS

16.1 Recognition of Decisions Pursuant to these Rules

Any decision of the *Irish Sport Anti-Doping Disciplinary Panel*, the *Irish Sport Anti-Doping Appeal Panel* or *CAS* regarding a violation of these Anti-Doping Rules shall be recognised by all *Anti-Doping Organisations* and each of their affiliated organisations, each of which shall take all necessary action to render such results effective.

16.2 Recognition of Decisions of Other Organisations

16.2.1 Subject to any applicable right to appeal, the *Testing*, TUEs and hearing results or other final adjudications of any *Signatory* to the *Code* which are consistent with the *Code* and are within the *Signatory's* authority, shall be recognised and respected by the *Irish Sports Council*, the *National Governing Bodies*, the *Irish Sport Anti-Doping Disciplinary Panel* and the *Irish Sport Anti-Doping Appeal Panel*.

16.2.2 The *Irish Sports Council* and *National Governing Bodies* may recognise the same actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

17. ARTICLE 17 TIME LIMITS

No action may be commenced under these Anti-Doping Rules against an *Athlete* or other *Person* for a violation of an anti-doping rule contained in the these Anti-Doping Rules unless such action is commenced within eight years from the date the violation occurred.

18. ARTICLE 18 AMENDMENT AND INTERPRETATION

18.1 Amendment

- 18.1.1 The *Irish Sports Council* shall be responsible for overseeing the evolution and improvement of these Anti-Doping Rules. *Participants* and *National Governing Bodies* shall be invited to participate in such process.
- 18.1.2 Amendments to these Anti-Doping Rules initiated by the *Irish Sports Council* shall, after appropriate consultation, be approved by the *Irish Sports Council*. The *Irish Sports Council* shall notify *National Governing Bodies* promptly of all such amendments.
- 18.1.3 Amendments shall, unless provided otherwise in the amendment, go into effect and shall be implemented by *National Governing Bodies* three months after such approval.

18.2 Interpretation

- 18.2.1 The headings used in these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.
- 18.2.2 The INTRODUCTION and the APPENDIX 1 DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.
- 18.2.3 These Anti-Doping Rules have been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The comments annotating various provisions of the *Code* may be required, where applicable, to assist in the understanding and interpretation of these Anti-Doping Rules.
- 18.2.4 In the event of a material conflict between the provisions of these Anti-

Doping 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*.

19. ARTICLE 19 INFORMATION AND NOTICES

19.1 Information

Any person who submits information including data or medical information to any organisation or person in accordance with these Anti-Doping Rules shall be deemed to have agreed that such information may be utilised by such organisation or person for the purposes of the implementation of these Anti-Doping Rules.

19.2 Notices

19.2.1 All notices referred to in these Anti-Doping Rules shall be governed by the provisions of this Article 19.2 (Notices).

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

19.2.3 Notice to an *Athlete* in the *Irish Sports Council Registered Testing Pool* shall be delivered by post to the address provided to the *Irish Sports Council* by that *Athlete*. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.

19.2.4 Notice to any other *Athlete* or other *Person* shall be accomplished by posting the notice by post to the address furnished by that *Athlete* or

Person. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.

19.2.5 The *Irish Sports Council* may at its discretion, as an alternative to, or in conjunction with, notice by post, use any other method of communication available, including, but not limited to, facsimile, email, and telephone.

20. ARTICLE 20 COMMENCEMENT, VALIDITY AND GOVERNING LAW

20.1 Commencement

20.1.1 These Anti-Doping Rules shall come into full force and effect on, and shall be adopted and incorporated by *National Governing Bodies* pursuant to Article 1.1 (Application to *National Governing Bodies*) by, the 1st day of June 2004.

20.1.2 These Anti-Doping Rules shall not apply retrospectively to matters pending before the date of coming into effect of these Anti-Doping Rules.

20.2 Validity

20.2.1 Any deviation from these Anti-Doping Rules or the procedures referred to therein shall not invalidate any finding, decision or result unless it was such as to cast material doubt on that finding, decision or result.

20.2.2 If any clause or provision of these Anti-Doping Rules is held invalid, unenforceable or illegal for any reason, these Anti-Doping Rules shall remain otherwise in full force apart from such clause or provision which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.

20.2.3 All acts bona fide done by any person in the implementation of these Anti-Doping Rules, notwithstanding that it be afterwards discovered that there was some defect in the appointment, qualification or authority of such person so acting, shall be as valid as if every such person had been duly appointed, qualified or authorised.

20.3 Governing Law

20.3.1 Irish Law governs these Anti-Doping Rules.

DEFINITIONS

Adverse Analytical Finding: A report from a laboratory or other approved *Testing* entity that identifies in a Specimen 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*.

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

Athlete: For purposes of *Doping Control*, any *Person* who participates in sport at the international level (as defined by each International Federation) or national level (as defined by each *National Anti-Doping Organisation*) and any additional *Person* who participates in sport at a lower level if designated by the *Person's National Anti-Doping Organisation*. For purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any Signatory, government, or other sports organisation accepting the *Code*.

Athlete Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel working with or treating *Athletes* participating in or preparing for sports competition.

Attempt: Engaging in conduct that constitutes a substantial step in a course of conduct which could or did 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*.

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code adopted by *WADA* on the 5th March 2003.

Competition: A single race, match, game or singular athletic contest. For stage races and other athletic 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 relevant International Federation, or *National Governing Body* as applicable, or in the absence of such provision, as determined by the *Irish Sports Council*.

Consequences of Anti-Doping Rules Violations: An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.9 (Status During *Ineligibility*); and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 (Disciplinary Procedure).

Disqualification: See *Consequences of Anti-Doping Rules Violations* above.

Doping Control: The process including test distribution planning, Sample collection and handling, laboratory analysis, results management, hearings and appeals

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

In-Competition: For purposes of differentiating between *In-Competition* and *Out-of-Competition Testing*, unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organisation*, an *In-Competition* test is a test where an *Athlete* is selected for *Testing* in connection with a specific *Competition*.

Independent Observer Programme: A team of observers, under the supervision of *WADA*, who observe the *Doping Control* process at certain *Events* and report on observations. If *WADA* is *Testing In-Competition* at an *Event*, the observers shall be supervised by an independent Organisation.

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

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

International-Level Athlete: An *Athlete* designated by one or more International Federations as being within the *Registered Testing Pool* for an International Federation.

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

Irish Sport Anti-Doping Appeal Panel: The standing panel appointed by the *Irish Sports Council* to adjudicate on appeals from decisions of the *Irish Sport Anti-Doping Disciplinary Panel*.

Irish Sport Anti-Doping Disciplinary Panel: The standing panel appointed by the *Irish Sports Council* to adjudicate on alleged violations of these Anti-Doping Rules.

Irish Sports Council: The *Irish Sports Council* established pursuant to the *Irish Sports Council Act 1999*.

Major Event Organisations: This term refers to 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 parameters that indicates the *Use* of a *Prohibited Substance* or *Prohibited Method*.

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural *Person* who has not reached the age of majority as established by the applicable laws of his or her country of residence.

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

National Event: A sport *Event* so designated by the *Irish Sports Council*, in consultation with the *National Governing Body* concerned, or an *Event* involving *International-Level Athletes* or *National-Level Athletes* that is not an *International Event*.

National Governing Body: Any national, provincial or territorial *Person* receiving financial and/or other assistance from the Government of Ireland and/or the *Irish Sports Council* which governs sport in the Republic of Ireland or part thereof and includes that *Person's* affiliated members, clubs, teams, associations and leagues.

National-Level Athlete: An *Athlete*, other than an *International-Level Athlete*, who is designated by the *Irish Sports Council* as being within the *Irish Sports Council Registered Testing Pool*.

National Olympic Committee: The organisation recognised by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

No Advance Notice: A *Doping Control* which takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through Sample provision.

No Fault or Negligence: The *Athlete'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*.

No Significant Fault or Negligence: The *Athlete'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.

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

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

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

Possession: The actual, possession, or the constructive possession (which shall be found only if the person has control over the *Prohibited Substance/Method* or the premises or property in which a *Prohibited Substance/Method* exists); provided, however, that if the person does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive possession shall only be found if the person knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on possession if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* no longer intends to have *Possession* and has renounced the *Person's* previous *Possession*.

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

Prohibited Method: Any method included in the *WADA* List of *Prohibited Substances* and *Prohibited Methods*.

Prohibited Substance: Any substance included in the *WADA* List of *Prohibited Substances* and *Prohibited Methods*.

Provisional Suspension: See *Consequences* above.

Publicly Disclose or Publicly Report: To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with Article 15 (Public Disclosure).

Registered Testing Pool: The pool of top level *Athletes* established separately by each International Federation and *National Anti-Doping Organisation* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or Organisation's test distribution plan.

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

Signatories: Those entities signing the *Code* and agreeing to comply with the *Code*, including the International Olympic Committee, International Federations, International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organisations*, *National Anti-Doping Organisations*, and *WADA*.

Tampering: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring.

Target Testing: Selection of *Athletes* for *Testing* where specific *Athletes* or groups of *Athletes* are selected on a non-random basis for *Testing* at a specified time.

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: To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to an *Athlete* directly or indirectly or through one or more third parties, but excluding the prescription, dispensing, sale or distribution (by medical personnel or by *Persons* other than an *Athlete's Support Personnel*) of a *Prohibited Substance* for genuine and

legal therapeutic purposes.

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

WADA: The World Anti-Doping Agency.