

The MPAGB Anti-Doping Rules

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The MPAGB Anti-Doping Rules

Article 1: Scope and Application

1.1 Introduction

- 1.1.1 The MPAGB has adopted these Anti-Doping Rules (the ‘**Rules**’) to impose clear prohibitions and controls on doping in the sport of Modern Pentathlon in accordance with the mandatory provisions of the World Anti-Doping Code (the ‘**Code**’), in order to preserve the integrity of and values of fair play in the sport of Modern Pentathlon, and to protect the rights and health of participants in the sport.
- 1.1.2 The MPAGB is a member of and subject to the jurisdiction of the UIPM. In the event of a conflict between these Rules and the UIPM anti-doping rules (where applicable and invoked) the latter shall prevail.

1.2 Application

- 1.2.1 These Rules shall apply worldwide to:
- a. all individual members of the MPAGB, and to all members of affiliated Clubs and affiliate organisations of the MPAGB; and
 - b. all Persons participating in any capacity in Events, Competitions and other activities organised, convened or authorised by the MPAGB or any of its member or affiliate organisations or licensees, wherever held;

whether or not such member or other Person is a citizen of or resident in the United Kingdom.

- 1.2.2 To be a member of the MPAGB, or to be eligible to participate (in the case of an Athlete) or assist any Participant (in the case of Athlete Support Personnel) in any Event, Competition or other activity organised, convened or authorised by the MPAGB or any of its member or affiliate organisations or licensees, a Participant must agree to be bound by and to comply with these Rules. By becoming a member or by so participating or assisting, a Participant shall be deemed to have agreed:
- a. to be bound by and to abide strictly by these Rules and all other anti-doping rules applicable to him/her;
 - b. to submit to the authority of the MPAGB and any designee(s) of the MPAGB, including UK Sport, to apply, police and enforce these Rules;
 - c. to provide all requested assistance to the MPAGB and its designee(s), including UK Sport, in the application, policing and enforcement of these Rules, including (without limitation) cooperating fully with any investigation or proceedings being conducted pursuant to these Rules in relation to any suspected Doping Offence(s);
 - d. in the case of an Athlete, to make him/herself available for and to submit to Sample collection both In-Competition and Out-of-Competition;
 - e. to submit to the jurisdiction of any Anti-Doping Tribunal convened under these Rules to hear and determine charges brought by the MPAGB pursuant to these Rules;

- f. to submit to the jurisdiction of any Appeal Panel convened to hear and determine appeals made pursuant to these Rules;
- g. to submit to the jurisdiction of CAS to hear further appeals made pursuant to these Rules; and
- h. not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the Anti-Doping Tribunal, the Appeal Panel and CAS.

1.2.3 It is acknowledged that certain of the Persons that are subject to these Rules may also be subject to the anti-doping rules of other Anti-Doping Organisations, including (in the case of International-Level Athletes) the anti-doping rules of UIPM, and that the same conduct of such Persons may implicate not only these Rules but also the rules of such other Anti-Doping Organisations. The jurisdictional and other issues arising in such event shall be resolved in accordance with the rules of UIPM and the Code.

1.3 Core Responsibilities

1.3.1 Further to each Athlete's obligation to comply with these Rules, it is the responsibility of each Athlete:

- a. to acquaint him/herself, and to ensure that each Person from whom he/she takes advice (including medical personnel) is acquainted, with all of the provisions of these Rules (including any amendments thereto); and
- b. to take responsibility for what he/she ingests and uses; and
- c. to ensure that any medical treatment he/she receives does not infringe these Rules.

1.3.2 Further to the obligation of each Athlete Support Personnel to comply with these Rules, it is the responsibility of each Athlete Support Personnel:

- a. to acquaint him/herself with all of the provisions of these Rules (including any amendments thereto);
- b. to cooperate with the Testing of Athletes; and
- c. to use his/her influence on Athlete values and behaviour to foster anti-doping attitudes.

1.3.3 Each Participant shall continue to be bound by and required to comply with these Rules (including any amended or successor versions thereto) unless and until he/she is deemed by the MPAGB to have retired from the sport of Modern Pentathlon.

1.4 Interpretation

1.4.1 Save where otherwise indicated, capitalised terms used in these Rules shall have the meaning ascribed to them in the **Appendix** to these Rules, which shall be considered an integral part of these Rules.

1.4.2 The headings used in these Rules are for convenience only and are not to affect in any way the language of the provisions to which they refer.

1.4.3 These Rules recognise and have been adopted in accordance with the mandatory provisions of the Code and shall be interpreted in a manner that is consistent with those provisions. The comments sections annotating various provisions of the Code shall be used, where applicable, to assist in the understanding and interpretation of these Rules.

1.5 Commencement, Validity and Amendment

- 1.5.1 These Rules shall come into full force on 12 September 2006 and shall remain in force in their original form subject to such amendments as may be made by the Board from time to time and subject as provided in Article 1.5.2 below. They shall not apply retrospectively to matters arising prior to that date; but any offence found to have been committed under anti-doping rules in force prior to that date shall be taken into account as a prior doping offence when applying the sanctioning provisions set out at Article 10 of these Rules.
- 1.5.2 The MPAGB shall be responsible for overseeing the evolution and improvement of these Rules. Amendments by WADA to the Code, the Prohibited List and any International Standards shall come into effect as set out in the Code and require no further action from the MPAGB to become effective as from the date of first publication by WADA.
- 1.5.3 Amendments to these Rules made pursuant to Articles 1.5.1 and 1.5.2 above shall be binding upon all Persons to whom these Rules apply. In particular, Athletes and Athlete Support Personnel shall be deemed to accept such amendments as binding upon them without further formality.

Article 2: Doping Offences

Each of the acts or omissions set out in Articles 2.1 to 2.8 below shall constitute a Doping Offence under these Rules:

- 2.1 The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's bodily Specimen, unless the Athlete establishes that the presence is pursuant to a Therapeutic Use Exemption granted in accordance with Article 4 of these Rules.**
- 2.1.1 It is each Athlete's personal duty to ensure that no Prohibited Substance enters his/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 a Doping Offence under Article 2.1; nor is the Athlete's lack of intent, fault, negligence, or knowledge a valid defence to a charge that a Doping Offence has been committed under Article 2.1.
- 2.1.2 Except for 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 a Doping Offence, unless the Athlete establishes that such presence is pursuant to a Therapeutic Use Exemption granted in accordance with Article 4 of these Rules.
- 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.
- 2.1.4 The period of Ineligibility imposed for a Doping Offence as defined in Article 2.1 is set out at Article 10.2 of these Rules.
- 2.2 Use or Attempted Use of a Prohibited Substance or a Prohibited Method, unless the Athlete establishes that the Use or Attempted Use is pursuant to a Therapeutic Use Exemption granted in accordance with Article 4 of these Rules.**

- 2.2.1 The success or failure of the Use of a Prohibited Substance or Prohibited Method in affecting performance is not material. For a Doping Offence to be committed, it is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used.
- 2.2.2 The period of Ineligibility imposed for a Doping Offence as defined in Article 2.2 is set out at Article 10.2 of these Rules.
- 2.3 Refusing or failing, without compelling justification, to submit to Sample collection after notification, as authorised in these Rules or other applicable anti-doping rules, or otherwise evading Sample collection.**
- 2.3.1 The period of Ineligibility imposed for a Doping Offence as defined in Article 2.3 is set out at Article 10.4 of these Rules.
- 2.4 Failure to comply with applicable requirements regarding Athlete availability for Out-Of-Competition Testing, including (without limitation) failure to provide required whereabouts information (as set out in Article 5.5 of these Rules or in analogous provisions of other applicable rules) and missed tests which are declared based on the provisions of Article 5.5 of these Rules or in analogous provisions of other applicable rules.**
- 2.4.1 Articles 5.5.2, 5.5.3 and 5.5.4 of these Rules sets out the circumstances in which a failure by an Athlete to provide whereabouts information shall constitute a Doping Offence pursuant to this Article 2.4.
- 2.4.2 Article 5.5.5 of these Rules sets out the circumstances in which an Athlete's failure to be available for an Out-of-Competition Test shall constitute a Doping Offence pursuant to this Article 2.4.
- 2.4.3 Where an Athlete who is subject to these Rules is also subject to the specific requirements of UIPM or any other Anti-Doping Organisation regarding Athlete availability for Out-of-Competition Testing, a failure to satisfy such requirements may be relied upon (including in combination with any analogous failure under these Rules) as the basis for bringing proceedings against the Athlete under these Rules for breach of this Article 2.4.
- 2.4.4 The period of Ineligibility imposed for a Doping Offence as defined in Article 2.4 is set out at Article 10.4.3 of these Rules.
- 2.5 Tampering, or Attempting to Tamper, with any part of Doping Control.**
- 2.5.1 The period of Ineligibility imposed for a Doping Offence as defined in Article 2.5 is set out at Article 10.4 of these Rules.
- 2.6 Possession of Prohibited Substances and 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 is a Doping Offence under Article 2.6 unless the Athlete establishes that the Possession is pursuant to a Therapeutic Use Exemption granted in accordance with Article 4 of these Rules 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 is a Doping Offence under Article 2.6, 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 or other acceptable justification.

2.6.3 The period of Ineligibility imposed for a Doping Offence as defined in Article 2.6 is set out at Article 10.2 of these Rules.

2.7 Trafficking in any Prohibited Substance or Prohibited Method.

2.7.1 The period of Ineligibility imposed for a Doping Offence as defined in Article 2.7 is set out at Article 10.4.2 of these Rules.

2.8 Administration or Attempted administration of a Prohibited Substance or Prohibited Method to any Athlete (unless the Athlete establishes that the administration or Attempted administration was pursuant to a Therapeutic Use Exemption granted in accordance with Article 4 of these Rules), or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving a Doping Offence or any Attempted Doping Offence.

2.8.1 The period of Ineligibility imposed for a Doping Offence as defined in Article 2.8 is set out at Article 10.4.2 of these Rules.

Article 3: The Prohibited List

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

3.1.1 These Rules adopt and incorporate the Prohibited List and the WADA International Standard for the Prohibited List, as amended from time to time. It shall be the responsibility of Participants to familiarise themselves with the Prohibited List and related Standard and all amendments thereto.

3.1.2 The current Prohibited List is available on the websites of WADA (www.wada-ama.org) and UK Sport (www.uk sport.gov.uk) and is reproduced in full in the UK Sport Anti-Doping Procedures Guide for Sport.

3.1.3 The Prohibited List may be amended by WADA from time to time. Unless provided otherwise by WADA, such amendments shall come into effect under these Rules three (3) months after publication of the amendments by WADA without requiring any further action by the MPAGB.

3.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

3.2.1 The Prohibited List identifies those Prohibited Substances and Prohibited Methods which are prohibited at all times (both In-Competition and Out-of-Competition) and those additional substances and methods which are prohibited In-Competition only.

3.2.2 Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g. anabolic agents) or by specific reference to a particular substance or method or sport.

3.2.3 Upon the recommendation of UIPM, the Prohibited List may be expanded by WADA for the sport of Modern Pentathlon, in which case such special provision shall be expressly identified in the Prohibited List.

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

Article 4: Therapeutic Use Exemptions

4.1 Incorporation of the International Standard for TUEs

- 4.1.1 The Code permits Athletes and their physicians to apply for permission to Use, for therapeutic purposes, substances or methods on the Prohibited List whose Use is otherwise prohibited.
- 4.1.2 The International Standard for TUEs sets out the circumstances in which Athletes may claim such a therapeutic use exemption (or 'TUE'). These Rules adopt and incorporate that Standard, as amended from time to time. All Persons shall be deemed to accept the Standard and any amendments thereto as binding upon them without further formality.

4.2 Scope and Effect of TUEs

- 4.2.1 In order to excuse the presence or Use or Possession of a Prohibited Substance or Prohibited Method that would otherwise amount to a Doping Offence under Article 2 of these Rules, a TUE must be obtained that covers such presence or Use or Possession, in accordance with this Article 4.2.
- 4.2.2 Athletes in the International Registered Testing Pool should apply to UIPM for a TUE in accordance with the rules of UIPM, unless UIPM has agreed that UK Sport may process TUE applications for such Athletes in accordance with these Rules, in which case such applications may be made in accordance with Article 4.2.3.
- 4.2.3 Subject only to Article 4.7 (which identifies limited circumstances in which a TUE may be granted retrospectively):
- a. an Athlete in the National Registered Testing Pool must obtain a Therapeutic Use Exemption in accordance with Article 4.3 prior to Using or Possessing the Prohibited Substance or Prohibited Method in question; and
 - b. the MPAGB may also establish a further pool of Athletes not in the International or National Registered Testing Pools (the **Domestic Pool**) who are required to obtain a Therapeutic Use Exemption in accordance with Article 4.3 prior to Using or Possessing the Prohibited Substance or Prohibited Method in question.
- 4.2.4 If an Athlete outside of the International Registered Testing Pool, the National Registered Testing Pool and the Domestic Pool is tested pursuant to these Rules, and that Athlete has been Using a Prohibited Substance or Prohibited Method to treat a documented medical condition, then he/she may make a retrospective TUE application to UK Sport either:
- a. at the time of testing (for inclusion with Sample collection documentation); or
 - b. so that it is received by UK Sport no later than fifteen (15) working days after the test is completed.
- 4.2.5 For Events characterised in the UIPM Modern Pentathlon Competition Rules (including the Biathle Rules) as official UIPM competitions held in the UK under the jurisdiction of UIPM the TUE rules of the UIPM will apply.

- 4.2.6 An Athlete may not apply to more than one Anti-Doping organisation for a TUE. An Athlete subject to these Rules who applies for a TUE pursuant to the rules of UIPM or another Anti-Doping Organisation shall report the grant or denial of the application immediately to both the MPAGB and UK Sport, by sending them copies of the application and the decision.
- 4.2.7 In accordance with Article 15.4 (Mutual Recognition) of the Code, the MPAGB will recognise and respect any TUE granted to an Athlete by or on behalf of a Signatory, provided that the grant is consistent with the Code and is within that Signatory's authority. Otherwise, however, an Athlete subject to these Rules who requires a TUE must obtain one from UK Sport in accordance with this Article.

4.3 TUE Application Process

- 4.3.1 Save where Article 4.3.2 applies, an Athlete requiring a TUE must follow the process for standard TUE applications detailed in the UK Sport Anti-Doping Procedures Guide for Sport.
- 4.3.2 Where the International Standard for TUEs allows an abbreviated procedure to be used (generally in cases where the Prohibited Substance or Prohibited Method in question is recognised as appropriate for use to treat medical conditions frequently encountered in the Athlete population: see paragraph 8.2 of the International Standard for TUEs), the Athlete may follow the process for abbreviated TUE applications detailed in the UK Sport Anti-Doping Procedures Guide for Sport.

4.4 Grant of a Therapeutic Use Exemption

- 4.4.1 An application for a standard TUE will go before the UK Sport TUE Committee for prompt consideration in accordance with the UK Sport Anti-Doping Procedures Guide for Sport. The UK Sport TUE Committee will only grant the TUE in strict accordance with the following criteria, which it is the Athlete's burden to satisfy:
- a. Subject to Articles 4.2.4 and 4.7, the TUE application must be submitted to UK Sport as soon as the requirement for the TUE arises and (save in exceptional circumstances: see Article 4.7) no less than 21 days before participating in an Event or Competition.
 - b. The application must be completed in full, signed by the Athlete and the prescribing physician(s), and accompanied by all relevant medical information as specified in the UK Sport Anti-Doping Procedures Guide for Sport.
 - c. The Athlete would experience a significant impairment to health if the Prohibited Substance or Prohibited Method in question were to be withheld in the course of treating an acute or chronic medical condition.
 - d. The Therapeutic Use of the Prohibited Substance or Prohibited Method in question would produce no additional enhancement to 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.
 - e. There is no reasonable Therapeutic alternative to the Use of the otherwise Prohibited Substance or Prohibited Method.
 - f. The necessity for the Use of the otherwise Prohibited Substance or Prohibited Method cannot be a consequence, wholly or in part, of the Athlete's prior non-Therapeutic Use of any substance from the Prohibited List.

- 4.4.2 An abbreviated TUE will be deemed to have been granted on the date that UK Sport acknowledges receipt of a properly completed abbreviated TUE application; provided that the abbreviated TUE may be revoked at any time thereafter, in accordance with the provisions of the UK Sport Anti-Doping Procedures Guide for Sport, if it is subsequently determined that the criteria for its grant are not satisfied.
- 4.4.3 A TUE (abbreviated or standard) will have a specified duration as decided on a case by case basis by UK Sport or the UK Sport TUE Committee (as applicable). It may also be granted subject to such conditions or restrictions as UK Sport or the UK Sport TUE Committee (as applicable) may see fit. On expiry of the term of the TUE, an Athlete who wishes to continue to Use the Prohibited Substance or Prohibited Method in question must again apply for a TUE in accordance with this Article 4.4.
- 4.4.4 An Athlete may not assume that his/her application for a TUE (or for renewal of a TUE) will be granted. Any Use or Possession of a Prohibited Substance or Prohibited Method before an application has been granted shall be entirely at the Athlete's own risk.
- 4.4.5 The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) may result in the bringing of disciplinary charges for misconduct against those involved pursuant to the disciplinary rules of the MPAGB or other applicable rules.

4.5 Expiration or Cancellation of a TUE

- 4.5.1 A TUE granted pursuant to these Rules:
- a. shall expire in accordance with Article 4.4.3 at the end of any term for which the TUE was granted;
 - b. may be cancelled by UK Sport if the Athlete does not promptly comply with any requirements or conditions imposed by UK Sport or the UK Sport TUE Committee (as applicable) upon grant of the TUE; or
 - c. may be withdrawn by UK Sport or the UK Sport TUE Committee (as applicable) in accordance with Article 4.4.2 if it is subsequently determined that the criteria for grant of a TUE are not in fact met.
- 4.5.2 Expiration of a TUE pursuant to Article 4.5.1(a) shall take effect automatically at the end of the term for which the TUE was granted without the need for any further notice or other formality.
- 4.5.3 Cancellation of a TUE pursuant to Article 4.5.1(b) or withdrawal of a TUE pursuant to Article 4.5.1(c) shall be notified by UK Sport to the Athlete in accordance with Article 16.2 of these Rules, with copies to the MPAGB, UIPM and all other relevant Anti-Doping Organisations. Such notice shall take effect upon receipt, as specified in Article 16.2.
- 4.5.4 In the event of an expiration, cancellation or withdrawal of the TUE pursuant to Article 4.5.1, the Athlete shall not be subject to any Consequences based on his/her Use or Possession of the Prohibited Substance or Prohibited Method in question in accordance with the TUE at any time prior to the effective date of expiry, cancellation or withdrawal of the TUE. The review pursuant to Article 7.2.1 of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Method prior to that date, in which event there shall be no case to answer.

4.6 Review of Decision Granting or Denying TUE Application or Revoking or Withdrawing TUE

- 4.6.1 In accordance with Article 4.4 of the Code:
- a. upon the request of an Athlete whose application for a TUE has been denied by UK Sport or the UK Sport TUE Committee, WADA may reverse such denial if it determines that such denial did not comply with the applicable International Standard for Therapeutic Use Exemptions; and
 - b. on its own initiative, WADA may reverse any grant of a TUE if it determines that such grant did not comply with the applicable International Standard for Therapeutic Use Exemptions;

subject in each case to the right of the MPAGB or UK Sport “(or in the case of a reversal of the grant, the Athlete)” to appeal to CAS against WADA's decision, in accordance with Article 12.2.3 of these Rules.

- 4.6.2 Without prejudice to Article 4.6.1, an Athlete whose application for a TUE pursuant to these Rules is denied, or granted subject to conditions or restrictions, or subsequently revoked or withdrawn by UK Sport or the UK Sport TUE Committee, may appeal that decision to the UK TUE Appeal Panel in the manner set out in the UK Sport Anti-Doping Procedures Guide for Sport. Alternatively, if the Athlete is an International-Level Athlete, he/she may at his/her election appeal the decision to CAS in accordance with Article 12.8 of these Rules. The MPAGB, UK Sport and/or WADA may appeal to CAS against any decision of the UK TUE Appeal Panel overturning the original decision, in accordance with Article 12.2.2 of these Rules.

- 4.6.3 Until such time as the grant of a TUE application made pursuant to these Rules has been reversed by WADA pursuant to Article 4.6.1, or the denial of a TUE application made pursuant to these Rules has been reversed by WADA pursuant to Article 4.6.1 or overturned on appeal pursuant to Article 4.6.2, such grant or denial shall remain in full force and effect.

4.7 Emergency or Retrospective Approval of a Therapeutic Use Exemption

- 4.7.1 Save as set out in Article 4.2.4, emergency or retrospective approval of an application for a TUE may be granted only where:
- a. emergency treatment or treatment of an acute medical condition was necessary; or
 - b. due to exceptional circumstances, there was insufficient time or opportunity for the Athlete to submit, or for the UK Sport TUE Committee to consider, an application prior to Doping Control.

4.8 Athlete Consent

- 4.8.1 An Athlete who seeks a TUE pursuant to these Rules consents to the processing of the TUE application as set out in the UK Sport Anti-Doping Procedures Guide for Sport, including:
- a. the communication by UK Sport of the information in the application to members of the UK Sport TUE Committee and (as required) on an anonymised basis to other independent medical or scientific experts consulted by the UK Sport TUE Committee;
 - b. the disclosure by the Athlete's physician(s) of any further information required by UK Sport or the UK Sport TUE Committee to process his/her TUE application; and

- c. the communication of the grant or denial of a TUE, including the details of any conditions or restrictions on such grant, and any supporting documentation or information, to the MPAGB, UIPM, WADA and other Anti-Doping Organisations.
- 4.8.2 Should the Athlete wish to revoke the consent set out at Article 4.8.1, he/she must notify the MPAGB, UK Sport and his/her physician(s) in writing of the fact; provided that upon such revocation of consent the application for a TUE (or for renewal of an existing TUE) will be deemed denied.

Article 5: Testing

5.1 Incorporation of the International Standard for Testing

- 5.1.1 These Rules adopt and incorporate the WADA International Standard for Testing, as amended from time to time. All Persons shall be deemed to accept that Standard and any amendments thereto as binding upon them without further formality.

5.2 Jurisdiction to Test

- 5.2.1 All Athletes who are subject to these Rules must make themselves available for and must submit to Doping Control (urine and/or blood and/or breath) at any time (whether In-Competition or Out-of-Competition, with notice or with No Advance Notice) pursuant to these Rules, whether in the UK or overseas.
- 5.2.2 Testing conducted pursuant to these Rules shall be carried out in substantial conformity with the International Standard for Testing in force at the time of Testing.
- 5.2.3 Other Anti-Doping Organisations may also have jurisdiction to test Athletes who are subject to these Rules, in accordance with Article 15 of the Code. The MPAGB shall recognise such Testing in accordance with Article 15.4 (Mutual Recognition) of the Code and may bring proceedings against an Athlete pursuant to these Rules for a Doping Offence arising in relation to such Testing.

5.3 In-Competition Testing

- 5.3.1 At National Events, the MPAGB, in consultation with UK Sport, other relevant Anti-Doping Organisations or WADA, shall determine the number of Athletes to be selected for Testing in each Competition and the procedures for selecting the Athletes for Testing.
- 5.3.2 The MPAGB shall provide Independent Observers with access to Testing conducted at National Events pursuant to these Rules, subject to reasonable advance notice.
- 5.3.3 In the event that the Testing produces evidence that suggests that the Athlete's participation in a Competition or Event may present a risk to the Athlete or other participants, the MPAGB may stop the Athlete participating in the Competition or Event pending further investigation.
- 5.3.4 At International Events, the collection of Samples shall be initiated and directed by the organiser of the Event. If the organiser of the Event decides not to conduct any Testing at an International Event taking place in the UK, then by agreement with UIPM or WADA, UK Sport may initiate and conduct such Testing pursuant to these Rules.

5.4 Out-of-Competition Testing

- 5.4.1 In addition to the general Article 5.2.1 obligation on all Athletes who are subject to these Rules to submit to Testing, including Out-of-Competition Testing:
- a. UIPM shall establish a pool (the **International Registered Testing Pool**) of Athletes who are required to provide up-to-date whereabouts information to UIPM and to make themselves available for Testing at such whereabouts in accordance with its rules; and
 - b. UK Sport, in consultation with the MPAGB, shall establish, and may revise from time to time, a pool of Athletes subject to these Rules (the **National Registered Testing Pool**) who are required to provide up-to-date whereabouts information to UK Sport and to make themselves available for Testing at such whereabouts in accordance with Article 5.5 of these Rules. An Athlete subject to these Rules may be included in the National Registered Testing Pool notwithstanding that he/she is also included in an International Registered Testing Pool;
- and the failure by an Athlete in such pool(s) to satisfy such filing requirements and/or to be available for Testing at such whereabouts according to the applicable rules may be relied upon as the basis for the bringing of proceedings against the Athlete for breach of Article 2.4 of these Rules.
- 5.4.2 The MPAGB or UK Sport will notify an Athlete in writing of his/her inclusion in the National Registered Testing Pool.

5.5 Additional Obligations on Athletes in a Testing Pool

- 5.5.1 Each Athlete, on notification of selection into the National Registered Testing Pool, shall provide personal details required for carrying out Testing, including details of any registered or other disabilities (including intellectual, sensorial or physical), in accordance with the UK Sport Anti-Doping Procedures Guide for Sport.
- 5.5.2 Each Athlete in the International Registered Testing Pool shall file whereabouts information, and shall make him/herself available for Testing at such whereabouts in accordance with the anti-doping rules of UIPM. A failure by any Athlete in the International Registered Testing Pool who is also subject to these Rules to satisfy such requirements shall be counted as a failure under these Rules for purposes of Articles 5.5.4 and 5.5.5 respectively and may therefore form the basis for the bringing of proceedings against the Athlete for breach of Article 2.4 of these Rules.
- 5.5.3 Each Athlete in the National Registered Testing Pool shall file quarterly reports with UK Sport in the manner set out in the UK Sport Anti-Doping Procedures Guide for Sport, specifying a minimum of one (1) location a day, for a minimum of five (5) days a week, identifying times on those days when an Athlete will be at that location for not less than one (1) hour. Locations could include, but are not limited to an Athlete's place of residence, work or training venue. Athletes shall update this information as necessary so that it is current at all times. In accordance with Article 14.3 of the Code, UK Sport may provide such information on a confidential basis to WADA for purposes of Out-of-Competition testing by other Anti-Doping Organisations.
- 5.5.4 An Athlete in the National Registered Testing Pool who receives a written warning from UK Sport for failure to submit a required quarterly whereabouts report or any necessary update as required by Article 5.5.3 and yet fails to file such report or update within 7 working days of receipt of the warning shall be deemed to have failed to comply with Article 5.5.3. It shall be a Doping Offence pursuant to Article 2.4 of these Rules for an Athlete to fail three separate times in any period of eighteen (18) consecutive months to comply with Article 5.5.3.

- 5.5.5 It shall be a Doping Offence pursuant to Article 2.4 of these Rules for any Athlete in the National Registered Testing Pool to miss a test (ie to be unavailable for Testing at his/her declared whereabouts), without compelling justification, on three occasions during any period of eighteen (18) consecutive months. Notice shall be sent to the Athlete in respect of each attempt which the MPAGB proposes to count as a missed test, inviting the Athlete to provide a written explanation for missing the test. If the MPAGB, acting in consultation with UK Sport or other relevant Anti-Doping Organisation, considers that the explanation provided shows that the Athlete was reasonably prevented from updating his/her most recent whereabouts report to notify UK Sport that he/she would not be available at that location, or that there were exceptional circumstances why he/she was not available at that location, the attempt will not be counted as a missed test. Otherwise, however, the attempt will be counted as a missed test for purposes of Article 2.4. Such determination shall be without prejudice to the Athlete's right to submit such explanation as part of his/her defence to any proceedings subsequently brought against him/her pursuant to Article 2.4.
- 5.5.6 An Athlete is personally responsible for compliance with the provisions of this Article 5.5. It shall not be a defence to proceedings brought further to Article 2.4 of these Rules that an Athlete delegated responsibility for compliance to another Person (e.g. a team coach) and that Person failed to ensure compliance.
- 5.5.7 An Athlete who is in the National Registered Testing Pool shall continue to be subject to the additional requirements set out in this Article 5.5 unless and until:
- a. he/she gives written notice to the MPAGB and UK Sport that he/she has retired from the sport of Modern Pentathlon; or
 - b. UK Sport and/or the MPAGB have informed him/her that he/she no longer satisfies the criteria for inclusion in the National Registered Testing Pool.
- 5.5.8 An Athlete who has retired from competition in the sport of Modern Pentathlon may not resume competing unless he/she makes him/herself available, by written notification of whereabouts information to the MPAGB and UK Sport, for Out-of-Competition Testing.

5.6 Selection of Athletes for a Test

- 5.6.1 The MPAGB, acting in consultation with UK Sport or other relevant Anti-Doping Organisations, will select Athletes for Testing using Target Testing, Weighted and random selection methods, in accordance with the International Standard for Testing in force at the time of selection.
- 5.6.2 As a minimum, the MPAGB shall consider Target Testing of Athletes based on the following information:
- a. injury;
 - b. withdrawal or absence from expected Competition;
 - c. coming out of retirement;
 - d. behaviour indicating doping;
 - e. sudden major improvements in performance;
 - f. changes in the Athlete's whereabouts information that can indicate a potential increase in the risk of doping, including moving to a remote location;
 - g. the Athlete's sport performance history;
 - h. details of the Athlete's past Doping Controls;
 - i. the Athlete's reinstatement after a period of Ineligibility; and
 - j. ostensibly reliable information from a third party.
- 5.6.3 In order to preserve the ability to conduct No Advance Notice Testing, those who become aware of the selection of an Athlete for Testing shall only disclose such

information on a strictly need-to-know basis. Any failure to comply with this requirement may result in the bringing of disciplinary charges for misconduct against those involved pursuant to the disciplinary rules of the MPAGB or other applicable disciplinary rules.

5.7 Testing of Minors

- 5.7.1 Testing under these Rules may only be conducted on a Minor where a Person with legal responsibility for that Minor has given prior written consent.
- 5.7.2 Where the Minor is included in the National Registered Pool or the Domestic Pool, such consent must be provided upon notification of inclusion in the pool as a pre-condition to further participation in the sport. In all other cases, such consent must be provided at the time of the Testing in question as a pre-condition to further participation in the sport. In addition, the rules of a particular Event may require the provision of consent pursuant to Article 5.7.1 as a pre-condition of participation by any Minor in the Event.

Article 6: Analysis of Samples

6.1 Incorporation of the International Standard for Laboratories

- 6.1.1 These Rules adopt and incorporate the WADA International Standard for Laboratories, as amended from time to time. All Persons shall be deemed to accept that Standard and any amendments thereto as binding upon them without further formality.

6.2 Use of Approved Laboratories

- 6.2.1 Samples collected under these Rules shall be sent for analysis only to WADA-accredited laboratories or as otherwise approved by WADA.
- 6.2.2 Laboratories shall analyse Samples collected under these Rules and shall report analytical results in substantial conformity with the International Standard for Laboratories applicable at the time of analysis.

6.3 Substances Subject to Detection

- 6.3.1 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

- 6.4.1 All Samples provided by an Athlete for the purposes of Doping Control under these Rules shall be the property of the MPAGB, and the MPAGB shall be entitled (subject to Article 6.4.2) to determine all matters regarding the analysis and disposal of such Samples.
- 6.4.2 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.

- 6.4.3 For the avoidance of doubt, a Sample may be stored after initial analysis and subsequently re-analysed where considered appropriate based on the development of new knowledge or information arising after the initial analysis of the Sample.

6.5 Reporting by Laboratories

- 6.5.1 The results of the analysis of a Sample collected under these Rules shall be set out in a report signed by an authorised representative of the laboratory. The report shall include a documentation package enclosing all of the information required by the International Standard for Laboratories.
- 6.5.2 Any Adverse Analytical Findings reported by the laboratory shall be dealt with in accordance with the provisions of Article 7 of these Rules.

Article 7: Results Management

7.1 Responsibility for Results Management

- 7.1.1 Results management and the investigation of possible Doping Offences shall proceed pursuant to these Rules where the Person involved is subject to these Rules and the conduct in question (ie the Adverse Analytical Finding, the failure to file whereabouts information, the missed test or other apparent Doping Offence):
- a. was identified by a Doping Control conducted pursuant to these Rules or otherwise arose in relation to these Rules; or
 - b. was identified by a Doping Control conducted pursuant to other applicable rules (e.g. at an International Event) or otherwise arose in relation to those other rules (e.g. a failure to satisfy the whereabouts requirements applicable under those rules), and the Anti-Doping Organisation that issued such rules requests or it is otherwise appropriate in all of the circumstances for the MPAGB to take jurisdiction over the matter.
- 7.1.2 In accordance with Article 15.3.1 of the Code, UIPM may provide for different rules to apply for results management and the conduct of hearings in relation to Athletes under the jurisdiction of the MPAGB who are not citizens of or resident in the UK.

7.2 Initial Review Regarding Adverse Analytical Findings

- 7.2.1 Upon receipt of an Adverse Analytical Finding in relation to an A Sample, UK Sport on behalf of the MPAGB shall conduct a review as soon as reasonably practicable of any TUE file maintained in relation to the Athlete as well as of the documentation relating to the Doping Control and the A Sample analysis to determine whether:
- a. the Athlete holds a valid and applicable TUE; or
 - b. there has been a departure from the International Standard for Testing or the International Standard for Laboratories in force at the time of Testing or analysis of the Sample in question;
- and in the event of such departure then the MPAGB shall determine, in consultation with UK Sport, whether the departure undermines the validity of the Adverse Analytical Finding.
- 7.2.2 If it is determined pursuant to Article 7.2.1 either that the Athlete holds a valid and applicable TUE, or that there has been a departure from either the applicable

International Standard for Testing or the applicable International Standard for Laboratories that undermines the validity of the Adverse Analytical Finding, then no further action shall be taken in relation to such Adverse Analytical Finding; provided, however, that the Athlete may subsequently be made the subject of Target Testing.

7.2.3 If it is determined pursuant to Article 7.2.1 that there is neither a valid and applicable TUE nor a departure from either the applicable International Standard for Testing or the applicable International Standard for Laboratories that undermines the validity of the Adverse Analytical Finding, then there shall be deemed to be a case to answer under Article 2 of these Rules and the matter shall proceed as set out in Article 7.5; save that where the Prohibited List requires further investigation be undertaken in relation to an Adverse Analytical Finding to determine whether there is a case to answer, the MPAGB shall first write to the Athlete, advising him/her of:

- a. the Adverse Analytical Finding;
- b. the determination made pursuant to Article 7.2.1; and
- c. the further investigation that is required to be undertaken to determine whether there is a case to answer.

7.2.4 The Athlete shall co-operate fully with the further investigation required by the Prohibited List so that it may be determined as soon as reasonably practicable whether there is a case to answer in relation to the Adverse Analytical Finding. Any failure to do so:

- a. may, if it involves refusal to submit to Doping Control, constitute a separate Doping Offence under these Rules; and
- b. without prejudice thereto, may result in the bringing of disciplinary charges for misconduct against the Athlete pursuant to the disciplinary rules of the MPAGB or other applicable disciplinary rules.

7.2.5 If it is determined following further investigation in accordance with Article 7.2.4 that there is a case to answer under Article 2 of these Rules, then the matter shall proceed as set out in Article 7.5. If it is determined following such further investigation that there is no case to answer, however, then no further action shall be taken in relation to the Adverse Analytical Finding and the Athlete shall be advised accordingly; provided, however, that the Athlete may subsequently be made the subject of Target Testing.

7.3 Review of Evidence Other Than Adverse Analytical Findings

7.3.1 Where a matter arises that involves evidence of a Doping Offence other than an Adverse Analytical Finding, then the MPAGB shall conduct any further investigation required in order to determine whether there is a case to answer under Article 2 of these Rules, including the seeking of any additional information. This may include, where the MPAGB considers it appropriate to do so, giving the Person(s) implicated in the alleged Doping Offence an opportunity, subject to compliance with a strict time-table, to make such submissions as he/she may wish. If the MPAGB decides to invite such submissions, a formal hearing is not required to be held. Instead, the MPAGB shall determine how the submissions should be made, such as (for example) in writing, or by telephone conference.

7.3.2 Failure by any Participant to cooperate in full with an investigation undertaken in accordance with Article 7.3.1 may result in the bringing of disciplinary charges for misconduct against those involved pursuant to the disciplinary rules of the MPAGB or other applicable disciplinary rules.

7.3.3 Where, following the conclusion of any investigation and assessment of the evidence, the MPAGB concludes that there is no case to answer under Article 2 of these Rules, no

further action shall be taken; provided, however, that the Athlete may subsequently be made the subject of Target Testing.

- 7.3.4 Where, following the conclusion of any investigation and assessment of the evidence, the MPAGB concludes that there is a case to answer under Article 2 of these Rules, the matter shall proceed as set out in Article 7.5 of these Rules.

7.4 Provisional Suspensions

- 7.4.1 Upon a determination pursuant to Article 7.2.3 or 7.2.5 or 7.3.4 that there is a case to answer under Article 2 of these Rules, the MPAGB may Provisionally Suspend the Athlete with immediate effect.

- 7.4.2 In the event that the MPAGB Provisionally Suspends an Athlete pursuant to Article 7.4.1, the Athlete shall be notified as soon as practicable (by sending him/her notice as set out in Article 7.5) and shall be advised that he/she has the choice of:

EITHER

- a. the right to a full hearing on the charge(s) against him/her pursuant to Article 8, to take place (save in exceptional circumstances) no later than fourteen days after the date of imposition of the Provisional Suspension, unless otherwise agreed by the Athlete;

OR

- b. the right, pending a full hearing on the charge(s) against him/her pursuant to Article 8, to make submissions to the Chairman of the Anti-Doping Tribunal convened to hear his/her case, showing cause why the Provisional Suspension should be lifted in advance of the full hearing; Provided That:
- i. the submissions shall be made in writing or (if the Chairman so orders) by a telephone conference. There shall be no right to personal attendance before the Chairman, unless he/she so orders;
 - ii. the Provisional Suspension shall remain in place pending the decision of the Chairman of the Anti-Doping Tribunal, sitting alone;
 - iii. the Chairman shall seek the comments of the MPAGB on the Athlete's submissions prior to making such decision; and
 - iv. the Provisional Suspension shall not be lifted unless there are exceptional circumstances, such as clear mistaken identity or other patent flaw in the case against the Athlete. The fact that the Provisional Suspension will stop the Athlete competing in a particular Competition or Event shall not of itself qualify as exceptional circumstances for these purposes;

AND

- c. if the Chairman of the Anti-Doping Tribunal upholds the Provisional Suspension, the right to an expedited appeal against that decision to the Chairman of the Anti-Doping Panel, to be heard on the same basis as the Chairman of the Anti-Doping Tribunal heard the initial challenge;

provided that if the case arises from competition in an International Event or involves an International-Level Athlete, then the Athlete may forego the foregoing appeals in favour of an appeal to CAS in accordance with Article 12.3.

- 7.4.3 A Person who is subject to a Provisional Suspension may not, during the period of Provisional Suspension, participate in any capacity in a Competition or Event organised, convened or authorised by the MPAGB or by any body that is a member of, or affiliated

to, or licensed by the MPAGB, wherever held. In addition, the MPAGB shall seek to have the Provisional Suspension recognised by other Anti-Doping Organisations pursuant to Article 15.4 (Mutual Recognition) of the Code.

7.5 Notice of Charge

7.5.1 Where it is determined, pursuant to Article 7.2.3, Article 7.2.5 or Article 7.3.4, that a Participant has a case to answer under Article 2 of these Rules, then the MPAGB shall as soon as practicable notify the Participant in writing of:

- a. the Doping Offence(s) that the Participant is charged with committing;
- b. a summary of the facts and evidence relied upon by the MPAGB in support of such charge. Where the charge is based upon an Adverse Analytical Finding, a copy of the A Sample laboratory documentation package, which shall include the information required by the International Standard for Laboratories, shall be enclosed with the written notice;
- c. confirmation of any Provisional Suspension that has been imposed on the Participant pursuant to Article 7.4, along with an explanation of his/her Article 7.4.2 rights in relation to such Provisional Suspension;
- d. the Consequences arising under these Rules if it is established that the Participant has committed the Doping Offence(s) charged (including identifying any discretion that may exist in relation to such Consequences under these Rules);
- e. where the charge is based on an Adverse Analytical Finding, the right of the Athlete to request the analysis of the B Sample (and to attend the opening of the B Sample and its analysis), which request must be received by the MPAGB within 14 days of the date of the Article 7.5.1 notice, or else it shall be deemed waived and the Adverse Analytical Finding in respect of the A Sample shall be deemed to have been accepted by the Athlete;
- f. the right of the Participant, if so advised, to admit the Doping Offence(s) charged, together with confirmation that in such case the matter shall proceed as set out in Article 8.1.2; and
- g. alternatively, the right of the Participant, if so advised, to deny the Doping Offence(s) charged and to have the charge heard by an Anti-Doping Tribunal, in which case the matter shall proceed as set out in Article 8.1 (or, where the charge is based on an Adverse Analytical Finding and the Athlete exercises his/her right to analysis of the B Sample, as set out in Article 7.6).

7.5.2 The MPAGB shall send copies of the Article 7.5.1 notice to UK Sport, UIPM and WADA in accordance with Article 13.1.1.

7.5.3 The Participant must ensure that the MPAGB receives his/her written reply to the Article 7.5.1 notice within fourteen (14) days of the date of the Article 7.5.1 notice. Otherwise, the Participant shall be deemed to have admitted the charge set out in the Article 7.5.1 notice and to have waived his/her right to analysis of the B Sample (where applicable) and to a hearing, and the matter shall proceed as set out in Article 8.1.2. In his/her reply, the Participant must either:

- a. admit the Doping Offence(s) charged, in which case the reply must set out in summary form any contentions that the Participant wishes to advance as to the Consequences that should be imposed (if any) for such offence, and the matter shall proceed as set out in Article 8.1.2;
- b. deny the Doping Offence(s) charged, in which case the reply must set out in summary form the arguments, facts and evidence upon which such denial is

based. In that event, the matter shall proceed to a hearing as set out in Article 8.1.1, unless the charge is based on an Adverse Analytical Finding and the Athlete has exercised his/her right to have an analysis conducted of the B Sample, in which case the matter shall proceed as set out in Article 7.6.

7.6 B Sample Analysis

- 7.6.1 Where the Athlete timely exercises his/her right to have the B Sample analysed, or (if the Athlete waives such right) where the MPAGB sees fit, the MPAGB or its nominee will arrange for the B Sample to be analysed at the same laboratory as analysed the A Sample (although not by the analyst who tested the A Sample).
- 7.6.2 The B Sample analysis shall take place as soon as reasonably practicable, on a date arranged by the MPAGB or UK Sport with the laboratory, and the Athlete and/or his or her representative shall have a right to attend on that date at their cost to witness the opening and analysis of the B Sample, as shall representatives of the MPAGB, UIPM and UK Sport. There shall be no right to an adjournment of the date. If the Athlete or his/her representative is unable to attend on the designated date, then the laboratory shall arrange for an independent witness to attend the B Sample analysis in accordance with the International Standard for Laboratories.
- 7.6.3 If the B Sample analysis tests negative for the Prohibited Substance or Prohibited Method that was found in relation to the A Sample, the entire test shall be considered negative and the Athlete and the MPAGB will be so informed. In such circumstances, any Provisional Suspension previously imposed on the Athlete pursuant to Article 7.4 shall expire automatically and no further disciplinary action shall be taken against the Athlete in relation to the original Adverse Analytical Finding; provided, however, that he/she may subsequently be made the subject of Target Testing.
- 7.6.4 In circumstances where the Athlete or the Athlete's team has been removed from a Competition as a result of the Athlete's Adverse Analytical Finding, but the subsequent B Sample analysis tests negative for the Prohibited Substance or Prohibited Method that was found in relation to the A Sample, if it is still possible, without otherwise affecting the Competition, for the Athlete or team to be reinserted, the Athlete or team may continue to take part in the Competition.
- 7.6.5 If the B Sample analysis tests positive for the Prohibited Substance or Prohibited Method that was found in relation to the A Sample, then the MPAGB shall provide the B Sample laboratory documentation package (including information required by the International Standard for Laboratories) to the Athlete, and the matter shall proceed as set out in Article 8.1.1 of these Rules.
- 7.6.6 If the B Sample analysis tests negative for the Prohibited Substance or Prohibited Method that was found in relation to the A Sample, the MPAGB shall be responsible for the costs of the B Sample analysis. If the B Sample analysis tests positive for the Prohibited Substance or Prohibited Method that was found in relation to the A Sample, however, then the MPAGB may require the Athlete to pay the costs of the B Sample analysis.

7.7 Statute of Limitations

- 7.7.1 Notwithstanding any other provision of these Rules, no charge may be brought against an Athlete or other Person for a Doping Offence as defined in Article 2 of these Rules more than eight (8) years after the date that the alleged Doping Offence occurred.

Article 8: Disciplinary Proceedings

8.1 Hearings before an Anti-Doping Tribunal

- 8.1.1 Where the Person who is the subject of an Article 7.5 notice (referred to sometimes hereafter as a **'Respondent'**) denies a charge that he/she has committed a Doping Offence, a hearing shall be held before an Anti-Doping Tribunal in accordance with the provisions of this Article 8 for the Tribunal to determine whether a Doping Offence has been committed, and (if so) what the Consequences (if any) shall be.
- 8.1.2 Where a Respondent admits a charge that he/she has committed a Doping Offence:
- a. if he/she seeks to rely on Article 10.3 and/or Article 10.5 of these Rules and/or if the Consequences specified under these Rules for such offence are not automatic (i.e. if discretion exists in relation to any of such Consequences), then a hearing shall be held before an Anti-Doping Tribunal in accordance with the provisions of this Article 8 for the Tribunal to determine what the Consequences (if any) shall be; provided that in circumstances where the MPAGB and the Respondent have a joint view as to the Consequences that should be imposed, then by agreement of the parties the matter may be heard by the Chairman of the Anti-Doping Tribunal sitting alone, and/or on written submissions alone. For the avoidance of doubt, however, the Chairman/Tribunal shall not be bound in any way by the parties' joint view but will retain the discretion conferred by these Rules in relation to the Consequences to be imposed;
 - b. if he/she does not seek to rely on Article 10.3 and/or Article 10.5 of these Rules and if the Consequences specified under these Rules for such offence are automatic (i.e. no discretion exists in relation to any of the Consequences), or if he/she does not seek the exercise of such discretion in his/her favour, then no Anti-Doping Tribunal shall be convened to hear the matter but instead the Chair of the Anti-Doping Panel, at the request of the MPAGB, shall issue a written decision confirming the commission of the Doping Offence charged and the imposition of the maximum Consequences specified in these Rules for such offence.

8.2 Convening the Anti-Doping Tribunal

- 8.2.1 Where a matter is referred to a hearing pursuant to Article 8.1, the MPAGB shall advise the Chair of the Anti-Doping Panel, who shall appoint three (3) members of the Anti-Doping Panel to sit as the Anti-Doping Tribunal convened to hear and determine the matter. The MPAGB may provide reasonable compensation and reimbursement of expenses to Tribunal members.
- 8.2.2 The Anti-Doping Tribunal shall be impartial and at a minimum shall comprise the following:
- a. a Chair who is an experienced practising or retired solicitor or barrister or judge; and
 - b. two other members each of whom has legal, disciplinary, medical, scientific and/or anti-doping expertise, sports administration experience, or experience as an Athlete or Athlete Support Personnel in the sport of Modern Pentathlon or another sport, or who is otherwise competent to resolve the issues to be determined by the Tribunal.
- 8.2.3 The appointed members of the Anti-Doping Tribunal shall have had no prior involvement with the matter. Each member, upon appointment to the Tribunal, shall disclose to the Chair of the Anti-Doping Panel any prior involvement in the matter and any circumstances likely to affect his/her impartiality with respect to any of the parties to the matter, and the Chair of the Anti-Doping Panel shall determine whether that member should serve on the Tribunal nevertheless.

- 8.2.4 In addition to the requirements of Article 8.2.3, the Respondent shall be advised of the identities of the appointed members of the Anti-Doping Tribunal and asked if he/she has any legitimate objection to any of them hearing and determining the charge(s) against him/her. Any unjustified delay in raising any such objection shall constitute a waiver thereof. If any objection is made, the Chair of the Anti-Doping Panel shall rule on its legitimacy.
- 8.2.5 If, because of a legitimate objection or for any other reason, a member of the Anti-Doping Tribunal appointed to hear a particular matter is or becomes unwilling or unable to hear the matter, then the Chair of the Anti-Doping Panel may, in his/her absolute discretion, either:
- a. appoint another member of the Anti-Doping Panel to fill the vacancy on the Tribunal; or
 - b. authorise the remaining members to hear (or to continue to hear) the matter on their own.

8.3 Proceedings of the Anti-Doping Tribunal

- 8.3.1 The parties to the proceedings before the Anti-Doping Tribunal are the MPAGB and the Respondent. Each of them shall be entitled, at their own expense, to be represented by legal counsel.
- 8.3.2 In addition, the MPAGB shall keep UIPM, WADA and UK Sport advised of the status of the proceedings before the Anti-Doping Tribunal, in accordance with Article 13.1.1 of these Rules, and each of them is entitled to attend the hearing to observe the proceedings.
- 8.3.3 The Chair of the Anti-Doping Tribunal shall, as soon as practicable, convene a preliminary meeting with the MPAGB and the Respondent in order to take jurisdiction formally over the matter and to settle any pre-hearing issues. In particular, the Chair shall:
- a. determine the date(s) upon which the hearing shall be held. Subject to Article 7.4.2(a), save where fairness requires or the parties otherwise agree, the hearing should take place no later than forty (40) days after the date of the Respondent's Article 7.5.3 reply to the Article 7.5.1 notice of charge;
 - b. establish a schedule for the MPAGB to confirm the details of its prima facie case, for the Respondent to respond with details of his/her defence or mitigation and for the MPAGB to reply with details of how it responds to the defence or mitigation. In each case, the details supplied shall include identification of any witnesses relied upon and at a minimum a summary of each witness's evidence; and
 - c. make such order as he/she shall consider appropriate in relation to the production of relevant documents and/or other materials between the parties; provided that save for good cause shown no documents and/or other materials shall be ordered to be produced in relation to the laboratory analysis resulting in an Adverse Analytical Finding beyond the documents that are required, pursuant to the International Standard for Laboratories, to be included in the laboratory report pack.
- 8.3.4 The meeting referred to at Article 8.3.3 may be held in person or by telephone conference call. The non-attendance of the Respondent or his/her representative at the meeting, after proper notice of the meeting has been provided, shall not prevent the Chair of the Anti-Doping Tribunal from proceeding with the meeting in the Respondent's absence, whether or not any written submissions are made on the Respondent's behalf.

8.4 Conduct of Hearings Before the Anti-Doping Tribunal

- 8.4.1 Subject to the Anti-Doping Tribunal's discretion to order otherwise for good cause shown, hearings before the Anti-Doping Tribunal shall be conducted:
- a. on a private and confidential basis; and
 - b. at a venue provided by and at the cost of the MPAGB.
- 8.4.2 The hearing shall be conducted in English. The Respondent shall have the right to use an interpreter approved by the Anti-Doping Tribunal, and any party wishing to offer as evidence documents written in another language shall also submit official English translations of such documents. The Anti-Doping Tribunal shall have discretion as to who shall pay the costs of the interpreter and the translations.
- 8.4.3 The Respondent has the right to be present and to be heard at the hearing. The Respondent may choose not to appear in person at the hearing, but rather to make a written submission to the Anti-Doping Tribunal, in which case the Tribunal shall consider the submission in its deliberations. However, the non-attendance of the Respondent or his/her representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the Anti-Doping Tribunal from proceeding with the hearing in his/her absence, whether or not written submissions have been made on his/her behalf.
- 8.4.4 The procedure followed at the hearing of the matter shall be at the discretion of the Chair of the Anti-Doping Tribunal, provided always that the hearing is conducted in a fair manner, with a reasonable opportunity provided for each party to present evidence (including the right to call and to question witnesses), address the Tribunal and present his/her or its case. The Tribunal shall have discretion as to whether to receive evidence from witnesses in person, by telephone or in writing.
- 8.4.5 The Anti-Doping Tribunal shall have all powers necessary for, and incidental to, the exercise of its functions under these Rules, including (without limitation):
- a. the power to appoint an expert to assist or advise the Tribunal as required, at the cost of the MPAGB; and
 - b. the power to expedite or to adjourn, postpone or suspend its proceedings, where fairness so requires.

8.5 Burdens and Standards of Proof

- 8.5.1 The MPAGB shall have the burden of establishing that the Respondent has committed a Doping Offence. The standard of proof shall be whether the MPAGB has established the Respondent's commission of a Doping Offence to the comfortable satisfaction of the Anti-Doping Tribunal, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.
- 8.5.2 Where these Rules place the burden of proof upon the Respondent to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.

8.6 Methods of Establishing Facts and Presumptions

- 8.6.1 The Anti-Doping Tribunal shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to Doping Offences may be established by any reliable means, including admissions.

- 8.6.2 The following rules shall apply at the hearing and in any appeal proceedings:
- a. WADA-accredited laboratories shall be presumed to have conducted Sample analysis and custodial procedures in accordance with the applicable International Standard for Laboratories. The Respondent may rebut this presumption by establishing that a departure from this International Standard occurred. If the Respondent rebuts the presumption by showing that a departure from this International Standard occurred, then the MPAGB shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding or the factual basis for another Doping Offence.
 - b. Departures from the International Standard for Testing which did not cause an Adverse Analytical Finding or the factual basis for another Doping Offence shall not invalidate such evidence. If the Respondent establishes that departures from the International Standard occurred during Testing, then the MPAGB shall have the burden of establishing that such departures did not cause the Adverse Analytical Finding or the other factual basis for the Doping Offence charged.
 - c. Any other deviation from these Rules or the procedures referred to herein shall not invalidate any finding, decision or result under these Rules unless it was such as to cast material doubt on that finding, decision or result.

8.7 Decisions of the Anti-Doping Tribunal

- 8.7.1 Once the parties have completed their respective submissions, the Anti-Doping Tribunal shall retire to determine in private whether it is satisfied to the required standard that the Respondent has committed the Doping Offence charged. The Anti-Doping Tribunal shall make its decisions unanimously or by majority. No member of the Tribunal may abstain. Where it is decided that a Doping Offence has been committed, the Tribunal shall impose any Consequences mandated by these Rules. Where these Rules confer discretion on the Anti-Doping Tribunal as to any of the Consequences to be imposed for the Doping Offence found to have been committed, the Anti-Doping Tribunal shall also fix such Consequences within the specified range, after considering any submissions on the subject that the parties may wish to make.
- 8.7.2 Where the Anti-Doping Tribunal finds that an argument advanced by a Respondent in defence or mitigation was frivolous or otherwise entirely without merit, the Tribunal may award costs as it considers appropriate against the Respondent. Otherwise, however, the MPAGB shall pay the costs of convening the Anti-Doping Tribunal and of staging the hearing, and each of the parties shall bear its own costs, legal, expert or otherwise, and (subject only to Article 8.4.2) the Anti-Doping Tribunal shall not have the power to order any other party to pay such costs.
- 8.7.3 Save in exceptional circumstances, the Anti-Doping Tribunal shall announce its decision in writing, dated and signed by at least the Chairman of the Tribunal within five (5) working days of the end of the hearing and shall issue its reasoned decision in writing, dated and signed, within fifteen (15) working days of the end of the hearing. Copies of the decision shall be sent to the parties, to UK Sport and (by the MPAGB) to any other party that has a right of appeal against the decision pursuant to Article 12 of these Rules. The decision shall set out and explain:
- a. the Anti-Doping Tribunal's findings, with reasons, as to what Doping Offence(s), if any, has/have been committed;
 - b. what Consequences, if any, the Anti-Doping Tribunal is imposing as a result of such findings. In any case in which the period of Ineligibility is eliminated under Article 10.5.1 or reduced under Article 10.5.2, the reasoned decision shall explain in detail the basis for the elimination or reduction. In a case in which the Tribunal exercises discretion conferred on it (such as under Article

9.3.1 or Article 10.3), the reasoned decision shall explain the basis on which the Tribunal has determined that such discretion was triggered as well as the basis for the manner in which such discretion was exercised; and

- c. the rights of appeal applicable pursuant to Article 12 of these Rules.
- 8.7.4 Decisions of the Anti-Doping Tribunal may be challenged only by appeal as set out in Article 12 of these Rules. Subject thereto, the decision shall be the full, final and complete disposition of the matter and will be binding on all parties identified in Article 12.2.1.
- 8.7.5 Where the Anti-Doping Tribunal has determined that a Doping Offence has been committed, the MPAGB shall disclose the decision publicly no later than twenty (20) days after the date of the decision, unless the Respondent appeals against the decision, in which case there shall be no public disclosure pending resolution of the appeal.
- 8.7.6 Where the decision of the Anti-Doping Tribunal is that a Doping Offence has not been committed, then the MPAGB shall not disclose the decision publicly unless the Respondent consents to such disclosure. Where the Respondent does not so consent, the MPAGB may publicly disclose a summary of the decision, provided that what is disclosed does not enable the public to identify the Respondent.

Article 9: Disqualification of Results

9.1 Disqualification of Results in Relation to an In-Competition Test

- 9.1.1 A Doping Offence in connection with an In-Competition test automatically leads to Disqualification of the individual result obtained by the Athlete in that Competition with all resulting consequences, including forfeiture of any medals, points and prizes.

9.2 Disqualification of Results in Event in Relation to Which a Doping Offence Occurs

- 9.2.1 Subject to Article 9.2.2, where an Athlete is found to have committed a Doping Offence during or in connection with a Competition in an Event in which the Athlete also participated in other Competitions, then in addition to the consequences set out at Article 9.1 the organiser of the Event may provide in the Event rules that the commission of the Doping Offence mandates Disqualification of all of the Athlete's individual results obtained in the other Competitions in that Event with all resulting consequences, including forfeiture of all medals, points and prizes.
- 9.2.2 If the Athlete establishes to the satisfaction of the Anti-Doping Tribunal that he/she bears No Fault or Negligence for the Doping Offence, the Athlete's individual results in other Competitions in the same Event as the Competition during or in connection with which the Doping Offence occurred shall not be Disqualified unless the Anti-Doping Tribunal is satisfied that the Athlete's results in those other Competitions were likely to have been affected by the Athlete's Doping Offence.
- 9.2.3 Article 9.2 implements Article 10.1 of the Code.

9.3 Disqualification of Results in Competitions Subsequent to Sample Collection

- 9.3.1 Unless fairness requires otherwise, in addition to the automatic Disqualification under Article 9.1 of the Athlete's individual result in the Competition which produced the positive Sample, all other competitive results obtained by the Athlete from the date a positive Sample was collected (whether In-Competition or Out-of-Competition) or other Doping Offence occurred, until the commencement of any Ineligibility period,

shall be disqualified with all of the resulting consequences including forfeiture of any medals, points and prizes.

9.3.2 Article 9.3.1 implements Article 10.7 of the Code.

9.4 Effect on Team Results

9.4.1 If the Competition during or in connection with which the Athlete committed the Doping Offence at issue was a team Competition, the consequences (if any) of the Athlete's commission of a Doping Offence for the results obtained by the team in that Competition and subsequently shall be determined by the rules of UIPM or (in default thereof) by the applicable Event or Competition rules.

9.4.2 Further consequences for teams fielding Athletes who commit Doping Offences are set out at Article 11 of these Rules.

9.5 Impact on Opponent's Results

9.5.1 There will be no adjustment of results, medals, points, prizes or other consequences for the opponent of an Athlete (or the team of an Athlete) subsequently found to have committed a Doping Offence unless specific provision is made for such adjustment in the rules of UIPM or in the rules of the relevant Competition or Event.

Article 10: Ineligibility Sanctions for Individuals

10.1 Intentionally left blank

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 Doping Offence under Article 2.1 (presence of a Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) or Article 2.6 (Possession of Prohibited Substances and Methods) shall be:

First offence: Two (2) years' Ineligibility.

Second offence: Lifetime Ineligibility.

However, the Respondent shall have the opportunity in each case, before a period of Ineligibility is imposed, to establish the basis for eliminating or reducing this sanction on the grounds of exceptional circumstances as set out in Article 10.5.

10.3 Specified Substances

The Prohibited List may identify specified substances which are particularly susceptible to unintentional Doping Offences 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 shall be replaced with the following:

First offence: As a minimum, a warning and reprimand and no period of Ineligibility from future Events, and as a maximum, one (1) year's Ineligibility.

Second offence: Two (2) years' Ineligibility.

Third offence: Lifetime Ineligibility.

However, the Respondent 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 offence) this sanction on the grounds of exceptional circumstances, as provided in Article 10.5.

10.4 Ineligibility for Other Doping Offences

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 are:

First offence: Two (2) years' Ineligibility.

Second offence: Lifetime Ineligibility.

10.4.2 For violations of Article 2.7 (Trafficking) or Article 2.8 (Administration of a Prohibited Substance or Prohibited Method), the period of Ineligibility shall be:

A minimum of four (4) years and a maximum of lifetime Ineligibility.

A Doping Offence involving a Minor shall be considered a particularly serious offence, and, if committed by Athlete Support Personnel in relation to Doping Offences other than those involving specified substances referenced in Article 10.3, shall result in lifetime Ineligibility for such Athlete Support Personnel. In addition, Doping Offences which also infringe non-sporting laws and regulations may 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 offence: Minimum of three (3) months and a maximum of one (1) years Ineligibility any fine to the MPAGB associated with a whereabouts violation will be passed down to the individual concerned.

Second offence: One (1) year's Ineligibility.

Subsequent offences: 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 a Doping Offence under Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers) or Article 2.2 (Use of a Prohibited Substance or Prohibited Method) that he/she bears No Fault or Negligence for the offence, the otherwise applicable period of Ineligibility shall be eliminated.

When the case involves a Doping Offence under Article 2.1 (Presence of Prohibited Substance or its Markers or Metabolites), the Athlete must also establish how the Prohibited Substance entered his/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 Doping Offence shall not be considered an offence for the limited purpose of determining the period of Ineligibility for multiple offences under Articles

10.2 (Imposition of Ineligibility for Prohibited Substances and Prohibited Methods), 10.3 (Specified Substances) and 10.6 (rules for Certain Multiple Offences).

10.5.2 No Significant Fault or Negligence

This Article applies only to Doping Offences involving Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers), Article 2.2 (Use of a Prohibited Substance or Prohibited Method), Article 2.3 (Failing to submit to Sample collection) or Article 2.8 (Administration of a Prohibited Substance or Prohibited Method).

If an Athlete establishes in an individual case involving any such offence 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 Article may be no less than 8 years.

When the Doping Offence in question arises under Article 2.1 (Presence of Prohibited Substance or its Metabolites or Markers), the Athlete must also establish how the Prohibited Substance entered his/her system in order to have the period of Ineligibility reduced.

10.5.3 Athlete's Substantial Assistance in Discovering or Establishing Doping Offences by Athlete Support Personnel and Others

The period of Ineligibility in an individual case may also be reduced by an Anti-Doping Tribunal where the Athlete has provided substantial assistance to the MPAGB, UK Sport or another Anti-Doping Organisation which results in the MPAGB, UK Sport or the other Anti-Doping Organisation discovering or establishing a Doping Offence by another Person involving 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 Article may be no less than eight (8) years.

10.6 Rules for Certain Potential Multiple Offences

10.6.1 For purposes of imposing sanctions under Article 10.2 (Imposition of Ineligibility for Prohibited Substances and Prohibited Methods), Article 10.3 (Specified Substances) and/or Article 10.4 (Ineligibility for Other Doping Offences), a second Doping Offence may be considered by an Anti-Doping Tribunal for the purposes of imposing sanctions only if the MPAGB can establish that the Respondent committed the second Doping Offence after the Respondent received notice, or after the MPAGB or its designee made a reasonable attempt to give notice, of the first Doping Offence. If the MPAGB cannot establish this, the Doping Offences shall be considered as one single first Doping Offence, and the sanction imposed shall be based on the Doping Offence that carries the more severe sanction.

10.6.2 When an Athlete, based on the same Doping Control, is found to have committed a Doping Offence involving both a specified substance under Article 10.3 and another Prohibited Substance or Prohibited Method, the Athlete shall be considered to have committed a single Doping Offence, 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 Doping Offences, one involving a specified substance governed by the sanctions set out in Article 10.3 and the other involving a Prohibited Substance or Prohibited Method governed by the sanctions set out in Article 10.2 or a Doping Offence governed by the sanctions set out 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 Doping Offence involving any combination of specified

substances under Article 10.3 and any other Doping Offence under Article 10.2 or Article 10.4.1 shall receive a sanction of lifetime Ineligibility. In each case, the Ineligibility periods for the separate offences shall run sequentially, not concurrently.

- 10.6.4 Where provision is made in these Rules for an increased sanction for a second or subsequent doping offence, such provision will be triggered by any previous offence, whether or not of the same type as the offence since found by the Anti-Doping Tribunal.

10.7 Intentionally Left Blank

10.8 Commencement of Ineligibility Period

- 10.8.1 The period of Ineligibility shall start on the date of the written decision of the Anti-Doping Tribunal providing for Ineligibility.
- 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 Anti-Doping Tribunal may provide that the period of Ineligibility shall start at an earlier date, commencing as early as the date of Sample collection.

10.9 Status During Ineligibility

- 10.9.1 A Person who has been declared Ineligible may not, during the period of Ineligibility, participate in any capacity in a Competition or other activity (other than authorised anti-doping education or rehabilitation programmes) organised, convened or authorised by the MPAGB or by any body that is a member of, or affiliated to, or licensed by the MPAGB. In addition, save where the Doping Offence involved specific substances as described in Article 10.3, the MPAGB shall withhold some or all financial supports or benefits (if any) that it might have otherwise provided to the Person.
- 10.9.2 Further to Article 10.9 of the Code, a Person subject to a period of Ineligibility from the sport of Modern Pentathlon longer than four years may, after completing four years of the period of Ineligibility, participate in local sport events in another sport, 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 championship 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/herself available for Out-of-Competition Testing by the MPAGB, UK Sport and any other Anti-Doping Organisation having Testing jurisdiction over him/her and must, if requested, provide current and accurate whereabouts information as provided in Article 5.5 of these Rules for purposes of Out-of-Competition Testing.
- 10.10.2 If an Athlete subject to a period of Ineligibility retires from the sport of Modern Pentathlon and later seeks reinstatement, the Athlete shall not be eligible for reinstatement until the Athlete has notified UK Sport, the MPAGB and other Anti-Doping Organisations with Testing jurisdiction over him/her of his/her desire for reinstatement and has been subject to potential Out-of-Competition Testing for a period of time equal to the period of Ineligibility remaining as of the date that the Athlete retired.

10.10.3 Testing by any Anti-Doping Organisation with Testing jurisdiction may be used to satisfy the Testing requirements of this Article 10.10.

10.10.4 Once the period of an Athlete's Ineligibility has expired and the Athlete has fulfilled all conditions of reinstatement, then provided the Athlete has satisfied in full all forfeiture penalties due under Article 9, the Athlete will become automatically re-eligible to compete and no application by the Athlete for reinstatement will then be necessary (unless the Athlete is otherwise ineligible for reasons not related to the Doping Offence for which the expired period of Ineligibility was imposed).

10.11 Additional Consequences

10.11.1 The imposition of Consequences pursuant to these Rules shall be without prejudice to the right of the MPAGB to adopt criteria for a Participant's qualification for team selection or financial support for International Events based on whether the Participant has committed a(ny) Doping Offence(s).

10.11.2 The imposition of Consequences pursuant to these Rules shall also be without prejudice to the right of UK Sport and/or any Home Country Sports Council ('**HCSC**') to withdraw, and/or withhold in the future, financial and/or other support, whether provided directly or indirectly, from the Person who has committed a Doping Offence. In particular:

- a. where it is determined, pursuant to Article 7.2.3, Article 7.2.5 or Article 7.3.4, that a Person has a case to answer under Article 2 of these Rules, and that Person is a recipient (directly or indirectly) of funding support or services from UK Sport or any HCSC, UK Sport/the HCSC shall be entitled to suspend any direct funding or other support to the Person pending final determination of the case. The MPAGB shall cooperate with UK Sport/the HCSC with respect thereto, and in addition shall, on demand by UK Sport/HCSC, suspend access for that Person to any Sports Council funding or support services pending final determination of the case; Provided That if it is finally determined that no offence has been committed, or that an offence has been committed that does not warrant the imposition of any period of Ineligibility, then any suspended payments shall be remitted to the Person as soon as possible and the MPAGB shall reinstate access for that person to Sports Council funding or support services;
- b. if it is finally determined that an offence has been committed that warrants imposition of a period of Ineligibility, then the suspended payments referenced in the foregoing paragraph shall be retained by UK Sport/the HCSC, and access for the Person to Sports Council funding or support services shall not be reinstated by the MPAGB unless and until authorised by UK Sport/the HCSC.

Article 11: Consequences To Teams

11.1 Where more than one member of a team has been notified of a possible Doping Offence under Article 7 of these Rules in connection with an Event, the team shall be subject to Target Testing for the Event.

11.2 If more than one member of a team is found to have committed a Doping Offence during the Event, then the rules of UIPM or (in default thereof) of the organiser of the Event may provide that the team shall be subject to Disqualification or other disciplinary action. In addition, misconduct charges may be brought against the team or its management under the disciplinary rules of the MPAGB or other applicable rules.

Article 12: Appeals

12.1 Decisions Subject to Appeal

Subject only to Article 15.2 of these Rules, decisions made under these Rules may be challenged only by appeal exclusively as set out in this Article 12. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

12.2 Appeals from Decisions Relating to a Therapeutic Use Exemption

12.2.1 TUE decisions by UK Sport or the UK Sport TUE Committee may be appealed to the UK TUE Appeal Panel in accordance with Article 4.6.2 of these Rules. Alternatively, an International-Level Athlete may appeal such decisions to CAS in accordance with Article 12.8 of these Rules.

12.2.2 If the UK TUE Appeal Panel reverses a decision to deny a TUE, or to impose conditions or restrictions on that grant, the MPAGB, UK Sport and/or WADA may appeal that reversal to CAS pursuant to Article 12.8 of these Rules.

12.2.3 In accordance with Article 13.3 of the Code, a decision by WADA reversing the grant or denial of a TUE pursuant to these Rules may be appealed exclusively to CAS by the Athlete, UK Sport or the MPAGB, in accordance with Article 12.8 of these Rules, or by UIPM, in accordance with its rules.

12.3 Appeals from Decisions Imposing Provisional Suspensions

12.3.1 Only a Participant upon whom a Provisional Suspension is imposed may appeal against the decision to impose the Provisional Suspension.

12.3.2 In a case arising from competition in an International Event or involving an International-Level Athlete, the Athlete who is Provisionally Suspended may appeal, at his/her election, either:

- a. to CAS in accordance with Article 12.8; or
- b. to the Chair of the Anti-Doping Tribunal, with a further potential appeal to the Chair of the Anti-Doping Panel, in accordance with Article 7.4.2.

12.3.3 In all other cases, the Athlete who is Provisionally Suspended shall have the appeal rights set out at Article 7.4.2 of these Rules.

12.4 Appeals from Decisions Regarding Doping Offences and Consequences

12.4.1 A decision that a Doping Offence was committed, a decision imposing Consequences for a Doping Offence, a decision that no Doping Offence was committed and/or a decision that an Anti-Doping Organisation lacks jurisdiction to rule on an alleged Doping Offence or its Consequences, may be appealed by any of the following parties exclusively as provided in this Article 12:

- a. the Athlete or other Person who is the subject of the decision being appealed;
- b. the MPAGB;
- c. UK Sport;

- d. UIPM;
- e. any other Anti-Doping Organisation under whose rules a sanction could have been imposed for the Doping Offence charged;
- f. 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
- g. WADA.

12.4.2 An appeal pursuant to Article 12.4.1 shall be made as follows:

- a. in a case arising from competition in an International Event or involving an International-Level Athlete, the appeal shall be made to CAS, in accordance with Article 12.8; and
- b. in all other cases, the appeal shall be made to the Appeal Panel, in accordance with Article 12.5, subject to a further appeal to CAS, in accordance with Article 12.7.4.

12.5 Filing an Appeal with the Appeal Panel

12.5.1 A party who wishes to appeal a decision pursuant to Article 12.4.1 to an Appeal Panel must lodge notice of the appeal with the Chair of the Anti-Doping Panel, specifying the grounds of the appeal, within fourteen (14) days of the date of receipt of the reasoned decision of the Anti-Doping Tribunal that is being challenged on appeal.

12.5.2 An appellant who was not a party to the proceedings that led to the decision being appealed shall have the right to a copy of the record of the proceedings that led to the decision. If such request is made, then the MPAGB shall supply the record to such party as soon as reasonably practicable.

12.5.3 The Appeal Panel shall hear and determine all issues arising from any matter which is appealed to it pursuant to these Rules on a *de novo* basis, ie it shall hear the matter over again, from the beginning, without being bound in any way by the decision being appealed. In particular, the Appeal Panel shall determine on a *de novo* basis whether a Doping Offence has been committed and/or what Consequences (if any) should be imposed pursuant to these Rules for a Doping Offence found to have been committed.

12.6 Convening an Appeal Panel

12.6.1 Where a notice of appeal is filed in accordance with Article 12.5.1, the Chair of the Anti-Doping Panel shall appoint three (3) members from the Anti-Doping Panel to sit as the Appeal Panel to hear and determine the appeal.

12.6.2 The Appeal Panel shall be independent and impartial (provided always that the MPAGB may provide reasonable compensation and reimbursement of expenses to the Appeal Panel members) and at a minimum shall comprise the following:

- a. a Chair who is an experienced practising or retired solicitor or barrister or judge; and
- b. two other members, each of whom has legal, disciplinary, medical, scientific and/or anti-doping expertise, experience of sports administration or experience as an Athlete or Athlete Support Personnel in the sport of Modern Pentathlon or another sport, or who is otherwise competent to resolve the issues arising on appeal.

- 12.6.3 The appointed members of the Appeal Panel shall have had no prior involvement with the matter. Each member, upon appointment to the Appeal Panel, shall disclose to the Chair any prior involvement in the matter and any circumstances likely to affect his/her independence or impartiality with respect to any of the parties to the appeal, and the Chair of the Appeal Panel shall determine whether that member should serve on the Panel nevertheless.
- 12.6.4 In addition to the requirements of Article 12.6.3, the parties to the appeal shall be advised of the identities of the appointed members of the Appeal Panel and asked if they have any legitimate objection to any of those members hearing and determining the appeal. Any unjustified delay in raising any such objection shall constitute a waiver thereof. If any objection is made, the Chair of the Anti-Doping Panel shall rule on its legitimacy.
- 12.6.5 If, because of a legitimate objection or for any other reason, a member of the Appeal Panel appointed to hear a particular appeal is or becomes unwilling or unable to hear the appeal, then the Chair of the Anti-Doping Panel may, at his/her absolute discretion, either:
- a. appoint another member of the Anti-Doping Panel to fill the vacancy on the Appeal Panel; or
 - b. authorise the remaining members of the Appeal Panel to hear (or to continue to hear) the appeal on their own.

12.7 Proceedings before the Appeal Panel

- 12.7.1 The provisions of Article 8.3 to 8.7, applicable to proceedings before the Anti-Doping Tribunal, shall apply *mutatis mutandis* (i.e with changes appropriate to reflect the different context) to proceedings before the Appeal Panel.
- 12.7.2 Appeal hearings pursuant to this Article 12 should be completed expeditiously. Save where all parties agree or fairness requires, the appeal hearing shall be commenced no later than forty (40) days after the date of the reasoned decision being appealed.
- 12.7.3 Each of UIPM, UK Sport and WADA, if not party to the appeal, shall have the right to be kept apprised by the MPAGB of the status of the appeal, in accordance with Article 13.1.1, as well as the right to attend hearings of the Appeal Panel as an observer.
- 12.7.4 Decisions of the Appeal Panel may be challenged by the original Respondent, by the MPAGB, by UK Sport, by WADA or UIPM, by appeal to CAS in accordance with the provisions of Article 12.8 of these Rules. Subject thereto, such decisions shall be the full, final and complete disposition of the appeal and will be binding on all of the parties identified in Article 12.2.1 of these Rules.
- 12.7.5 Where an Appeal Panel decides that a Doping Offence has been committed, the MPAGB shall disclose the decision publicly no later than twenty (20) days after the date of the decision, unless the Respondent appeals against the decision, in which case there shall be no public disclosure pending resolution of the appeal.
- 12.7.6 Where the decision of the Appeal Panel is that a Doping Offence has not been committed, then the MPAGB will not disclose the decision publicly unless the Respondent consents to such disclosure. Where the Respondent does not so consent, the MPAGB may publicly disclose a summary of the decision, provided that what is disclosed does not enable the public to identify the Respondent.

12.8 Appeals to CAS

- 12.8.1 Where these Rules create a right of appeal to CAS, such appeal shall be conducted in accordance with CAS's Code of Sports-Related Arbitration, provided that:

- a. in the case of an appeal by an Athlete from the decision of an Appeal Panel, CAS shall only review the materials before the Appeal Panel and its decision, and shall only overturn the decision if it finds that the Appeal Panel has misdirected itself, or otherwise reached an erroneous conclusion;
- b. in all other cases, CAS shall have power to consider the matter *de novo*, i.e. to hear the matter over again, from the beginning, without being bound in any way by the decision being appealed;
- c. the governing law shall be English law, and the proceedings shall be conducted in English; and
- d. the decision of CAS shall be final and binding on all parties.

Article 13: Reporting

13.1 Reporting of Pending Cases

13.1.1 The notice given to UK Sport, UIPM and WADA of pending cases pursuant to Articles 7.5.1, 8.3.2, 8.7.3 and 12.7.3 shall be provided to them on the confidential basis set out in Article 14.1 of the Code.

13.1.2 Save where a Provisional Suspension has been imposed pursuant to Article 7.4 of these Rules, the MPAGB shall not publicly disclose the identity of any Respondent unless and until it has been determined pursuant to Article 8 or Article 12 of these Rules that the Respondent has committed a Doping Offence.

13.2 Reporting of Testing

To ensure efficient use of anti-doping resources, completed tests conducted pursuant to these Rules shall be reported through the WADA Clearinghouse as soon as possible after such tests have been conducted.

13.3 Reporting under the Code

The number of Adverse Analytical Findings and Doping Offences arising under these Rules shall be publicly reported as a minimum on a quarterly basis.

13.4 Reporting of Decisions

Decisions of Anti-Doping Tribunals pursuant to Article 8 and of Appeal Panels pursuant to Article 12 of these Rules shall be disclosed to the public only in accordance with Articles 8.7.6 and 12.7.6 respectively of these Rules.

Article 14: Recognition of Decisions

14.1 Subject to any applicable right of appeal, the Testing, TUEs and hearing results or other final adjudications of any Signatory that are consistent with the Code and are within that Signatory's authority shall be recognised and respected by the MPAGB, its member and affiliate organisations, its licensees and all those subject to these Rules.

- 14.2 The same actions of non-Signatories shall also be recognised and respected if such actions are consistent with the Code.

Article 15: Challenges to a Decision or these Rules

- 15.1 Subject to Article 1.8 of these Rules and Article 24.3 of the Code, these Rules and all issues arising thereunder shall be governed by the laws of England and Wales.
- 15.2 These Rules shall constitute an agreement to arbitrate, and proceedings before an Anti-Doping Tribunal pursuant to Article 8 of these Rules, before an Appeal Panel pursuant to Article 12.5 of these Rules, or before CAS pursuant to Article 12.8 of these Rules, shall constitute arbitration proceedings, for the purpose of triggering the application of the Arbitration Act 1996.
- 15.3 To the greatest extent allowable under applicable law, any challenge to these Rules or to a decision made pursuant to these Rules shall be made exclusively in accordance with the provisions of Article 12 of these Rules, and shall not be made by recourse to any court or other forum.
- 15.4 Subject strictly to Article 15.3, the relevant courts of England and Wales shall have exclusive jurisdiction in relation to these Rules and any decision made hereunder.
- 15.5 If any clause or provision of these Rules is held invalid, unenforceable or illegal for any reason, these 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.

Article 16: Miscellaneous

16.1 Information

- 16.1.1 Any Person who submits information including personal data to any Person in accordance with these Rules shall be deemed to have agreed, both pursuant to the Data Protection Act 1998 and otherwise, that such information may be collected, processed and disclosed by such Person in accordance with, and for the purposes of the implementation of, these Rules.

16.2 Notices

- 16.2.1 All written notices or other written communications given or made under or referred to in these Rules shall be governed by the provisions of this Article.
- 16.2.2 Each Athlete in the National Registered Testing Pool or Domestic Pool shall provide the MPAGB and UK Sport with a proper postal address to which notice may be delivered. In the event of a change of address, it is the responsibility of the Athlete to provide the MPAGB and UK Sport with such amended details.
- 16.2.3 Notice to an Athlete in the National Registered Testing Pool or Domestic Pool shall be delivered by first class registered post to the address provided by that Athlete pursuant to Article 16.2.2. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.
- 16.2.4 Notice to any other Athlete or Athlete Support Personnel shall be accomplished by sending the notice first class registered post to the address provided by that Athlete or Athlete Support Person, or to the last known address of such Athlete or Athlete Support

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

- 16.2.5 The MPAGB may, at its discretion, as an alternative to, or in conjunction with notice by post, use any other method of secure and confidential communication available, including but not limited to facsimile, email and/or telephone; provided that notice sent by such means shall only be deemed to have been received if and when proved by the MPAGB to have actually been received by the Person to whom it was sent.
- 16.2.6 Written notice or other written communications to the MPAGB given or made under or referred to in these Rules shall be effected by hand delivery or by first class registered post to the MPAGB as follows:

Chief Executive
MPAGB
Norwood House
University of Bath
Bath BA2 7AY

and when such notice is given a further copy shall if possible be sent by Fax to: 01225 386 995

notwithstanding that e-mail notice is not of itself sufficient notice for the purpose of these Rules; provided that the hardcopy notice or communication shall be treated as given to or served on the MPAGB on the day of delivery, if delivered by hand before 5 pm on a business day; otherwise, on the next business day.

- 16.2.7 Written notices or other written communications given or made under, or referred to in these Rules, other than as set out in the preceding sub-articles, shall be accomplished by sending the notice by first class registered post to the address of the addressee.

16.3 Matters not otherwise provided for

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

Appendix: 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, UIPM, and National Anti-Doping Organisations such as UK Sport.

Anti-Doping Panel:

A panel of persons competent (in light of the provisions of Article 8.2.2 and Article 12.5.2) to serve on an Anti-Doping Tribunal or Appeal Panel, to hear and determine a case or appeal arising under these Rules. The MPAGB shall appoint Persons to the panel and shall designate one of them as the Chair of the Anti-Doping Panel. Members may be appointed at any time and shall serve for a four (4) year renewable period. Each of them shall be appointed on the basis that they are in a position to hear cases and appeals fairly and impartially. In addition, sufficient of them shall also be independent of the MPAGB so as to be eligible to sit not only on Anti-Doping Tribunals but also on Appeal Panels convened under these Rules.

Anti-Doping Tribunal:

A tribunal of three persons selected from the Anti-Doping Panel to hear and determine a case arising under these Rules.

Appeal Panel:

A panel of three persons selected from the Anti-Doping Panel to hear and determine an appeal arising under these Rules.

Athlete:

For the purposes of Doping Control, any Person who competes at any level in the sport of Modern Pentathlon. For purposes of anti-doping information and education, any Person who participates in the sport of Modern Pentathlon under the authority of any Signatory, government, or other sports organisation accepting the Code.

Athlete Support Personnel:

Any personnel working with or treating Athletes participating in or preparing for sports competition, including but not limited to a coach, trainer, manager, agent, team staff, official, nutritionist, medical or para-medical personnel.

Attempt:

Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of a Doping Offence. Provided, however, there shall be no Doping Offence based solely on an Attempt 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 in Lausanne, Switzerland.

Competition:

A single race, match, game or other athletic contest.

Consequences:

A Doping Offence 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; and
- c. **Provisional Suspension** means the Athlete or other Person is barred temporarily from participating in any Competition pending the hearing of a charge that he or she has committed a Doping Offence, as provided in Article 7.4.3.

Disqualification:

See Consequences of Doping Offences, above.

Domestic Pool:

See Article 4.2.3(b).

Doping Control:

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

Doping Offence:

The commission of one of the prohibited acts or omissions set out at Article 2 of the Rules.

Event:

A series of individual Competitions conducted together under one ruling body (e.g. the Olympic Games).

In-Competition:

For purposes of differentiating between In-Competition and Out-of-Competition Testing, unless provided otherwise in the rules of UIPM or another 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 Doping Offences, above.

International Event:

An Event where the International Olympic Committee, the International Paralympic Committee, an International Federation, 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 Athletes:

Athletes designated by UIPM as being within its Registered Testing Pool.

International Registered Testing Pool:

See Article 5.4.1(a).

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.

Major Event Organisation:

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.

Modern Pentathlon: The 5 constituent elements of the sport of Modern Pentathlon or any combination thereof including Biathlon.

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 Event:

An Event held in the UK that does not qualify as an International Event.

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.

National Registered Testing Pool:

See Article 5.4.1(b) of these Rules.

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 relation to the Doping Offence.

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, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control over the Prohibited Substance/Method or the premises in which a Prohibited Substance/Method exists or 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 Doping Offence based solely on Possession if, prior to receiving notification of any kind that he/she has committed an Doping Offence, the Person has taken concrete action demonstrating that he/she no longer intends to have Possession and has renounced his/her previous Possession.

Prohibited List:

The Prohibited List issued by WADA, identifying the Prohibited Substances and Prohibited Methods, as amended from time to time.

Prohibited Method:

Any method so described on the Prohibited List.

Prohibited Substance:

Any substance so described on the Prohibited List.

Provisional Suspension:

See Consequences of Doping Offences, above.

Respondent:

A Person who has been charged with the commission of a Doping Offence under these Rules.

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.

Testing:

The parts of the Doping Control process involving test distribution planning, Sample Collection, Sample handling, and Sample transport to the laboratory.

Therapeutic:

Of or relating to the treatment of a medical condition by remedial agents or methods, or providing or assisting in a cure.

Trafficking:

To sell, give, administer, transport, send, deliver or distribute a Prohibited Substance or Prohibited Method to an Athlete either directly or through one or more third parties, but excluding the 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.

TUE:

Therapeutic Use Exemption.

UK Sport Anti-Doping Procedures Guide for Sport:

The document of that name issued by UK Sport, as amended by UK Sport from time to time.

UK Sport TUE Committee:

The committee established by UK Sport pursuant to the UK Sport Anti-Doping Procedures Guide for Sport to review standard TUE applications.

UK Sport TUE Appeal Panel

The panel established by UK Sport pursuant to the UK Sport Anti-Doping Procedures Guide for Sport to hear an appeal regarding a denial or conditional grant of a TUE.

Use:

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

WADA:

The World Anti-Doping Agency.

Weighted:

A ranking method of selecting Athletes using criteria where the ranking is based on the potential risk of doping and possible doping patterns.