

## **Authorised Neutral Athletes**

### **Guidelines for applications under Eligibility Rule 3.2**

1. Any athlete seeking exceptional eligibility for International Competition under Eligibility Rule 3.2 should apply in writing without delay by email to the following email address: [applications.neutralathletes@worldathletics.org](mailto:applications.neutralathletes@worldathletics.org) Any delay in making the application is at the athlete's own risk; World Athletics will process applications without delay but it cannot guarantee doing so by any particular deadline. Save in exceptional circumstances, World Athletics will not process applications if they are submitted less than 4 weeks before the entry deadline for the International Competition for which eligibility is sought.
2. The application must be submitted in the English language using the designated form and the applicant must arrange at the time of submitting his/her application for payment of the applicable application fee (if any). Legible and authentic copies of any documents that the applicant is relying on to demonstrate his/her satisfaction of the criterion/criteria should be filed along with the application, together with certified translations into English of any documents submitted in a foreign language. World Athletics may take steps to verify the authenticity of any documents forwarded as part of an application. The application should end with a signed and dated statement by the applicant affirming that the contents of the application (and any accompanying documents) are true, and that no facts have been omitted that a reasonable person would consider relevant. The applicant may be assisted in making the application by a representative of his or her choice and at his or her own expense. In all cases, the application must be accompanied by an official letter from each of the applicant's National Federation and National Anti-Doping Organisation (NADO), providing any relevant information that the federation or NADO (as applicable) holds for the applicant, and each specifically advising whether it agrees that the applicant meets all relevant requirements and whether it endorses the application.
3. The World Athletics Council has delegated its power to consider and determine applications for exceptional eligibility under Eligibility Rule 3.2 to the Doping Review Board. Upon receipt of an application, the World Athletics Secretariat (or its delegate) will check to ensure that it meets the requirements of these Guidelines. If it does not, the Secretariat will send it back to the applicant, explaining what changes/additions are needed to meet those requirements. If it does, and providing the application fee has been received, the Secretariat will send it without delay to the members of the Doping Review Board.
4. The current members of the Doping Review Board are Robert Hersh (chair), Abby Hoffman,<sup>1</sup> and Antti Pihlakoski. If they deem it necessary or appropriate, they may co-opt a further individual (e.g., a nominee of WADA) onto the Doping Review Board to assist

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<sup>1</sup> Due to her involvement as a member of the World Athletics Taskforce for Russia, Ms Hoffman will recuse herself from the Doping Review Board when it considers applications made by Russian athletes. Ms Sylvia Barlag has been appointed to replace her.

them in considering applications made pursuant to Eligibility Rule 3.2, and/or they may obtain legal advice/support in the discharge of their functions.

5. The members of the Doping Review Board will consider the application on the papers. If they see fit, they may contact the applicant for more information, and may ask the applicant to join a conference call with them to discuss the application/provide further information. In his/her application, the applicant may request that the Doping Review Board allow him/her to make oral submissions to it in support of the application, which request should be supported with a detailed explanation of why oral submissions are necessary in all the circumstances of that case. For the avoidance of doubt, however, the applicant shall not have a right to be heard orally by the Doping Review Board (in person or by telephone conference call), and so should ensure that all of the necessary information is provided to the Doping Review Board as part of his/her written application.
6. The Doping Review Board shall grant an application under Eligibility Rule 3.2 only when the applicant has demonstrated to its comfortable satisfaction that he/she fully satisfies the requirements set out in the sub-clause of Eligibility Rule 3.2 on which he/she is relying. The more important the International Competition in which the applicant is seeking to compete, the more corroborating evidence the applicant will have to provide in order to meet that burden.
7. Where the application is made pursuant to Eligibility Rule 3.2.2, and so requires the applicant to show that (i) he or she is not directly implicated in any way (knowingly or unknowingly) by the National Federation's failure to put in place adequate systems to protect and promote clean athletes, fair play, and the integrity and authenticity of the sport; and (ii) he or she has been subject to other, fully adequate, systems (including fully WADA Code-compliant drug-testing) for a sufficiently long period to provide substantial objective assurance of integrity, the Doping Review Board shall consider all such factors as it deems relevant to those issues, which may include (without limitation):
  - 7.1 The nature and extent of the applicant's contacts with officials, coaches, doctors, other support persons, and other appointees or representatives of his/her (now suspended) National Federation, and the period over which those contacts occurred.
  - 7.2 Any intelligence, investigation(s), and/or results management or other information or evidence of any kind impacting upon or implicating the applicant (whether to his or her knowledge or otherwise).
  - 7.3 Whether any coach, doctor or other support person with whom the applicant has worked has ever been implicated in the commission of any anti-doping rule violation(s).
  - 7.4 Whether any samples previously provided by the applicant are currently in storage and/or subject to re-testing (at RusAF's expense).

- 7.5 What, in all of the circumstances of the case, including the nature and timing of the International Competition(s) for which eligibility is sought, is a 'sufficiently long period' for the athlete to have been subject to other (fully adequate) systems (including fully WADA Code-compliant drug-testing) for purposes of Eligibility Rule 3.2 (the '**Relevant Period**').
- 7.6 To what extent the applicant was subject to other, fully adequate, anti-doping systems during the Relevant Period. For example:
- 7.6.1 Was he or she in a Registered Testing Pool (as that term is defined in WADA's International Standard for Testing and Investigations) or providing other whereabouts during the Relevant Period? If so, to whom, and what was the quality of that whereabouts information? For example, how many unsuccessful attempts were made to test the applicant based on that information, and were any whereabouts failures declared against the applicant?
- 7.6.2 During the Relevant Period, how many samples (urine, blood, and/or Athlete Biological Passport [ABP] samples), if any, were collected from the applicant for drug-testing purposes? In each case, who was the Testing Authority and who was the Sample Collection Agency (as those terms are defined in WADA's International Standard for Testing and Investigations)? Where were the samples collected? Where were the samples sent for analysis?
- 7.6.3 For applicants seeking to compete in a senior World Championships event or the Olympic Games, has the applicant, in the ten months prior to the competition, undergone at least three no notice out-of-competition tests, including (if they compete in any middle distance event from 800m upwards, a long distance event, a combined event or a race walk event) at least one ABP and one EPO test, all such tests to be conducted no less than three weeks apart.
- 7.6.4 Were there any times during the Relevant Period when the applicant was not subject to testing by the Athletics Integrity Unit (on behalf of World Athletics) or any other Testing Authority?
- 7.6.5 To the extent that the applicant was outside of the Country of the National Federation during the Relevant Period, was he or she there in an individual capacity, or was he/she under the control or supervision of the National Federation (for example, as part of a team or delegation representing the National Federation, or attending a training camp organised by the National Federation)?
- 7.7 Where the applicant has provided samples for the purposes of drug-testing during the Relevant Period, have there been any atypical findings, requiring

further investigation? Where the applicant has been subject to ABP testing, have any concerns been raised about his/her ABP profile (steroidal and/or haematological modules)?

8. The Doping Review Board may issue specific guidance in relation to particular International Competitions, in addition to or in place of some or all of the factors set out above.
9. The Doping Review Board will issue its decision on the application as soon as reasonably practicable. It shall provide brief reasons for its decision, which will be communicated to the applicant. Where the application is granted, the Doping Review Board will specify in the decision the conditions of the grant of eligibility, including (without limitation) the need for the applicant to sign an agreement with World Athletics in accordance with Eligibility Rule 2.1.2.
10. The Doping Review Board may reconsider a decision to grant or deny eligibility where it deems it appropriate to do so, e.g., if new facts or new evidence emerge.
11. An athlete whose application is granted and has met all specified conditions will as a result hold special eligibility to compete in the International Competition(s) in question in an individual capacity, as a Neutral Athlete (as defined in the Eligibility Rules). However, in order to compete in that competition, in addition to complying with all of the other eligibility requirements under the Eligibility Rules, that athlete will still have to obtain an invitation to participate in the International Competition(s) in question from the organiser of that competition. It will also be for the organiser of the International Competition to resolve all logistical and practical arrangements for the participation of such athlete in that competition.
12. The decision of the Doping Review Board on any application made under Eligibility Rule 3.2 will be subject to appeal to the Court of Arbitration for Sport (CAS) in accordance with the CAS Code of Sports-related Arbitration. The language of the appeal proceedings shall be English. If an applicant whose application is denied appeals to CAS and loses, RusAF shall pay the costs incurred by World Athletics in the appeal if the CAS does not order the applicant to pay them, or if the CAS so orders, but the applicant does not pay.

30 April 2020