



# **REGULATIONS ON ELIGIBILITY TO REPRESENT A MEMBER IN NATIONAL REPRESENTATIVE COMPETITIONS**

*(In force from 1 November 2019)*



## **Specific Definitions**

The words and phrases used in these Rules that are defined terms (denoted by initial capital letters) shall have the meanings specified in the Constitution and the General Definitions, or (in respect of the following words and phrases) the following meanings:

**"Applicable Persons"** has the meaning given to it in the Integrity Code of Conduct.

**"Area Official"** has the meaning given to it in the Constitution.

**"Chairperson"** has the meaning given to it in Clause 5.3 of these Regulations.

**"Competition Rules"** means the rules of World Athletics known as the Competition Rules.

**"First Member"** has the meaning given to it in Clause 3.1 of these Regulations.

**"Member Federation Official"** has the meaning given to it in the Specific Definitions of the Eligibility to Represent a Member Rules.

**"National Representative Competitions"** has the meaning given to it in the Competition Rules.

**"Nationality Review Panel"** has the meaning given to it in Clause 5.1 of these Regulations.

**"Other Relevant Competition"** has the meaning given to it in the Competition Rules.

**"Residence"** has the meaning given to it in the Eligibility to Represent a Member Rules.

**"Second Member"** has the meaning given to it in Clause 3.1 of these Regulations.

## 1. Overview

1.1 National Representative Competitions play a vital role in developing interest and participation in the sport of Athletics, and so in broadening the competitive playing base and encouraging the public interest that are vital to its long-term health and success. They incentivise Members to identify and develop athletic talent within their respective national jurisdictions, incentivise those athletes to aspire to excel at the highest levels of the sport, provide a showcase for the sport to a wide international audience, and generate commercial revenues that can be invested in development work at every level throughout the sport.

1.2 The Council therefore regards it as imperative:

1.2.1 to protect the credibility and regularity of National Representative Competitions, by ensuring that athletes on a national representative team have a genuine connection with the Country or Territory represented, and do not switch either abruptly or frequently to other national representative teams for purely mercenary reasons;

1.2.2 to encourage Members to invest in programmes that identify and develop athletic talent within their respective Countries/Territories to compete in National Representative Competitions (thereby contributing to the strength and the credibility of those competitions) without fear of losing such athletes to other Members before they have reaped the benefit of that investment;

1.2.3 to encourage young athletes to join a Member's development programmes, and to make the effort and sacrifices required to excel in the sport, without fear of the Member preferring to fill the national representative team with athletes recruited from other Countries/Territories; and

1.2.4 to ensure that the welfare of an athlete who transfers allegiance from one Member to another is adequately protected at all stages, including ensuring that the Member to which the athlete transfers fulfils any promises that it made to the athlete to induce him to transfer his allegiance.

1.3 World Athletics fully respects national laws conferring Citizenship, and also recognises that athletes may legitimately wish to take advantage of those laws to acquire a new Citizenship for a variety of personal and/or professional reasons (including, in some cases, in order to secure better opportunities to compete at international level in the sport). However, an athlete's eligibility to compete on behalf of a Member in National Representative Competitions cannot be determined solely by reference to Citizenship, because:

1.3.1 Members that represent Territories rather than Countries cannot grant Citizenship to their athletes;

1.3.2 some Countries permit dual Citizenship, whereas an athlete may only represent one Country or Territory in National Representative Competitions; and

1.3.3 some Countries have accelerated naturalisation processes enabling rapid acquisition of Citizenship in certain circumstances, where that is considered to be in the best national interests of the Country in question, but without taking into account any of the sporting imperatives identified above.

- 1.4 Therefore, the Council has issued Eligibility to Represent a Member Rules to determine (a) an athlete's eligibility to compete on behalf of a Member in National Representative Competitions; and (b) the circumstances in which an athlete who has represented one Member in National Representative Competition may then transfer allegiance to another Member. Eligibility to Represent a Member Rules uses Citizenship as the starting-point in each case, and adds further conditions only to the extent necessary to protect/advance the sporting imperatives identified above.
- 1.5 These Regulations:
- 1.5.1 address the practical implementation of the Eligibility to Represent a Member Rules. They create a process for the monitoring and approval of declarations of eligibility and transfers of allegiance that is designed to ensure the orderly enforcement of the Eligibility to Represent a Member Rules in accordance with the objectives stated above, and to prevent manipulation and abuse;
  - 1.5.2 are binding on and must be complied with by all Members, Area Associations, athletes, Athlete Representatives, Member Federation Officials, Area Officials and other Applicable Persons;
  - 1.5.3 will come into effect on 27 July 2018 (the '**Effective Date**'), replacing and superseding the rules in force on this topic before that date. They will not disturb any eligibility that was established or any transfer of allegiance that was completed under the rules in force before the Effective Date. Instead, they will apply to all eligibility issues arising after the Effective Date and to all transfers of allegiance that were not yet completed as of the Effective Date. In accordance with Clause 4.1 of these Regulations, some or all of the requirements for a transfer of allegiance set out in the Eligibility to Represent a Member Rules may be waived or varied in respect of transfers that had been started but had not yet completed as of the Effective Date, where necessary to ensure fairness;
  - 1.5.4 apply globally, regulating the conditions for athletes to compete on behalf of Members in any National Representative Competitions, wherever they are held. As such, in order to ensure consistency, these Regulations are to be interpreted and applied not by reference to laws peculiar to particular nations or regions, but rather as an independent and autonomous text, based on laws of general application, and in a manner that protects and advances the imperatives identified above.
- 1.6 For the avoidance of doubt, these regulations do not govern an athlete's eligibility to be entered by a National Olympic Committee or other relevant body to compete in the Olympic Games or Youth Olympic Games or any other relevant competition. Instead, such eligibility will continue to be determined solely in accordance with the Eligibility Rules applicable to those competitions, such as the Olympic Charter, as amended by the IOC from time to time. The version of the relevant part of the Olympic Charter in force as of the date of issue of these Regulations (Rule 41 and its byelaw) is set out at Appendix 1.
- 2. Eligibility to Represent a Member in National Representative Competitions**
- 2.1 Further to Rule 1.2 of the Eligibility to Represent a Member Rules, an athlete who has never competed on behalf of a Country or Territory in a National Representative Competition or in any Other Relevant Competition shall be eligible to represent a Member in a National Representative Competition if:

- 2.1.1 they are a Citizen of the Country or Territory (as applicable) that the Member represents by virtue of:
- a. having been born or having a parent or grandparent who was born in the Country or Territory (as applicable); or
  - b. having Resided in the Country or Territory (as applicable) for at least three years; or
- 2.1.2 they have been granted refugee status or asylum status and permission to Reside in the Country of the Member (or in the parent Country of the Territory of the Member, where applicable); or
- 2.1.3 they are a Citizen of the Country or Territory (as applicable) that the Member represents, by virtue of marriage, by virtue of Residence for less than three years, or by virtue of another means of naturalisation not set out in Rule 1.2.1 of the Eligibility to Represent a Member Rules, and the approval of World Athletics is obtained, which approval shall be conditional upon:
- a. the athlete observing a waiting period of three years from the date that the application for approval is made to World Athletics (during which period the athlete must not represent any Member in National Representative Competition or compete in the Athletics programme of any Other Relevant Competition); and
  - b. the athlete demonstrating that they have a genuine, close, credible and established link to that Country or Territory (e.g., through Residence there) and/or will have such a link by the end of the waiting period.
- 2.2 Further to Rule 1.3 of the Eligibility to Represent a Member Rules, if an athlete is eligible to represent more than one Member under Rule 1.2 of the Eligibility to Represent a Member Rules, they may choose which Member to represent. That choice is made by competing on behalf of the Country or Territory of that Member in a National Representative Competition or Other Relevant Competition. After that, the athlete may not represent another Member in a National Representative Competition unless World Athletics permits them to transfer allegiance to that other Member in accordance with Rule 1.4 of the Eligibility to Represent a Member Rules.

### 3. Transfers of Allegiance

- 3.1 Further to Rule 1.4 of the Eligibility to Represent a Member Rules, an athlete who competed on behalf of the Country or Territory of a Member in a National Representative Competition or Other Relevant Competition (the '**First Member**') shall not be eligible to represent another Member in a National Representative Competition (the '**Second Member**'), except as follows:
- 3.1.1 in the following circumstances:
- a. if the Country or Territory of the First Member is subsequently incorporated in another Country that is or subsequently becomes a new Member, the athlete may represent the new Member with immediate effect; or

- b. if the Country or Territory of the First Member ceases to exist and the athlete becomes a Citizen as of right of a newly formed Country ratified by treaty or otherwise recognised at international level that subsequently becomes a new Member, they may represent the new Member with immediate effect; or
- c. if the Territory of a Member does not have a National Olympic Committee or other relevant body authorised to enter teams in Other Relevant Competitions, the athlete may compete for the Territory's parent Country in Other Relevant Competitions without affecting their eligibility to compete for the Member representing that Territory in National Representative Competitions;

3.1.2 Alternatively, an athlete may represent another Member with the approval of World Athletics, which approval shall be conditional upon:

- a. the athlete observing a waiting period of three years from the date that the application for approval is made to World Athletics (during which period the athlete must not represent any Member in National Representative Competition or compete in any Other Relevant Competition); and
- b. the athlete demonstrating that as at the end of the waiting period:
  - i. they are or will be aged twenty or over; and
  - ii. they are or will be a Citizen of the Country or of the Territory which the Member represents; and
  - iii. they have or will have a genuine, close, credible and established link to that Country or Territory (e.g., through Residence there).

3.2 Further to Rule 1.5 of the Eligibility to Represent a Member Rules, as a general rule an athlete will only be permitted to transfer allegiance in accordance with Rule 1.4 of the Eligibility to Represent a Member Rules once. In exceptional circumstances, World Athletics may permit the athlete to transfer allegiance a second time, but only back to the First Member.

3.3 For the avoidance of doubt, there is no limit on the number of athletes that a Member may field in a National Representative Competition who have transferred allegiance to that Member in accordance with Rule 1.4 of the Eligibility to Represent a Member Rules.

#### **4. Waiver or Variation of Requirements of the Eligibility to Represent a Member Rules**

4.1 Further to Rule 1.8 of the Eligibility to Represent a Member Rules, World Athletics will have discretion (which it may delegate to a committee or panel) to waive or vary in whole or in part any of the requirements of the Eligibility to Represent a Member Rules, where it considers (in its absolute discretion) that doing so will not damage the imperatives identified in Clause 1.2 of these Regulations). For the avoidance of doubt, Members may not agree between themselves on any waiver or variation of any of the requirements set out in these Regulations (e.g., a shortening of the waiting period) in a particular case.

4.2 The following is a non-exhaustive list of factors that World Athletics (or its delegate) may take into account in exercising the discretion conferred on it under Rule 1.8 of the Eligibility to Represent a Member Rules, should it see fit to do so:

4.2.1 where a Member applies for World Athletics approval of eligibility of an athlete based on Citizenship acquired after birth, or for World Athletics approval of a transfer of allegiance from another Member, and/or requests a waiver or variation of some or all of the requirements for such approval, factors relevant to the exercise of discretion may include:

- a. whether the application is motivated by circumstances outside of the athlete's control (e.g., war, refugee status) or by personal circumstances (e.g., a family move) that are unconnected to the athlete's sporting abilities;
- b. whether the application is motivated by the First Member being suspended from participation in International Competitions;
- c. whether the First Member agrees to the transfer, and what (if anything) the Second Member has offered to the First Member to secure such agreement;
- d. what (if anything) the Second Member has offered to the athlete to induce them to agree to the transfer (i.e., in addition to Citizenship); and/or
- e. whether the Second Member can show that the athlete would actively promote a development programme that the Second Member has in place for home-grown athletes, and would act as a role model for such athletes; and

4.2.2 it shall be a strong factor in favour of waiver or variation of some or all of the Rule 1.4 of the Eligibility to Represent a Member Rules requirements for transfers of allegiance if the athlete in question had already started to comply with the requirements of the regulations in force prior to these Regulations for such a transfer, and it would therefore be unfair to make them comply in full with the new requirements of these Regulations.

4.3 In addition, in the context of an application for approval made further to Rule 1.2.3 or 1.4.2 of the Eligibility to Represent a Member Rules, a Member is entitled to apply, further to Rule 1.8 of the Eligibility to Represent a Member Rules and Clause 4.7.4 of these Regulations, to have a period prior to the date of the application credited towards the waiting period, provided that it is able to demonstrate to the satisfaction of World Athletics that the requirements for approval have been met throughout the entire period (including the period pre-application). This may be particularly applicable, for example, where the athlete in question was born in Country A to nationals of Country B and as a result has to wait until a given age (e.g., the age of majority) to acquire the Citizenship of Country B.

4.4 In the event that an issue arises in relation to eligibility to compete on behalf of a Member in National Representative Competitions that is not already addressed in these Regulations, Council will address it in a manner that protects and advances the imperatives identified in Clause 1.2 of these Regulations, and its decision will be final and binding on all parties.

## 5. Nationality Review Panel

### Authority

- 5.1 The Council delegates the powers and authority of World Athletics under these Regulations to a special panel (the '**Nationality Review Panel**'), including the power and authority:
- 5.1.1 to determine the eligibility of a particular athlete further to Rule 1.2 of the Eligibility to Represent a Member Rules to compete on behalf of a Member in National Representative Competitions, in case of any question or issue or dispute;
  - 5.1.2 to determine applications for World Athletics approval for an athlete to represent a Member made further to Rule 1.2.3 of the Eligibility to Represent a Member Rules;
  - 5.1.3 to determine applications for World Athletics approval of a transfer of allegiance made further to Rule 1.4.2 of the Eligibility to Represent a Member Rules;
  - 5.1.4 to determine whether to waive or vary any of the requirements of these Regulations in a particular case, further to Rule 1.8 of the Eligibility to Represent a Member Rules;
  - 5.1.5 to resolve any issue that arises in relation to eligibility to compete on behalf of a Member in National Representative Competitions that is not already addressed in these Regulations, further to Clause 3.4 of these Regulations; and
  - 5.1.6 to resolve any other issue arising under or in connection with these Regulations that requires decision;

although in cases falling within Clause 4.1.5 or Clause 4.1.6, the Council may decide (whether at the request of the Chief Executive Officer or their nominee, or at the request of the Chairperson of the Nationality Review Panel or otherwise) to consider and decide the issue itself.

- 5.2 The Nationality Review Panel may exercise its delegated powers and authority:
- 5.2.1 on application by a Member pursuant to this Clause 4;
  - 5.2.2 on referral of a matter to it by the Council or the Chief Executive Officer or their nominee; and/or
  - 5.2.3 in such other circumstances as the Council or the Chairperson of the Nationality Review Panel sees fit.

### Composition

- 5.3 The Council will appoint a pool of suitably qualified and experienced persons, and will designate one of them to act as the Chairperson (the '**Chairperson**'). When an application or other matter arises under these Regulations that requires consideration by the Nationality Review Panel, the Chief Executive Officer or their nominee will inform the Chairperson, who will designate three persons from the pool (one of whom

may be the Chairperson, if they sees fit) to sit as the Nationality Review Panel for that matter.

- 5.4 No one with an interest in (including any allegiance to or the same nationality as the Members involved in) a particular application or other matter will be appointed to the Nationality Review Panel for that application or matter.
- 5.5 If the Chairperson is not on the Nationality Review Panel for a particular application or other matter, they will designate one of the three chosen members to act as the Chairperson of the Nationality Review Panel for the application or matter.

### **Member Applications**

- 5.6 An athlete may not apply to the Nationality Review Panel.
- 5.7 A Member may by written application ask the Nationality Review Panel:
  - 5.7.1 to determine the eligibility of a particular athlete to compete on behalf of a Member in National Representative Competitions, further to Rule 1.2 of the Eligibility to Represent a Member Rules;
  - 5.7.2 to approve an athlete's representation of a Member further to Rule 1.2.3 of the Eligibility to Represent a Member Rules;
  - 5.7.3 to approve a transfer of allegiance further to Rule 1.4.2 of the Eligibility to Represent a Member Rules;
  - 5.7.4 for a waiver or variation of some or all of the requirements of these Regulations in a particular case, further to Rule 1.8 of the Eligibility to Represent a Member Rules;
  - 5.7.5 to resolve an issue that has arisen in relation to eligibility to compete on behalf of a Member in National Representative Competitions that is not already addressed in these Regulations, further to Clause 3.4 of these Regulations; and/or
  - 5.7.6 to resolve any other issue that arises under or in connection with these Regulations that requires decision, further to Clause 4.1.6 of these Regulations.
- 5.8 A Member should make an application in accordance with Clause 4.7 as soon as reasonably practicable. Any delay in making an application, and in particular any consequent inability to satisfy the Nationality Review Panel that all of the requirements set out in these Regulations have been met, shall be at the risk of the Member concerned.
- 5.9 World Athletics may specify an administration fee to be paid by the Member to cover World Athletics' costs of dealing with the Member's application.
- 5.10 Each such application must be filed with the Chief Executive Officer or their nominee and must:

- 5.10.1 be in the form prescribed by World Athletics;
  - 5.10.2 be in English or French, with any supporting documents that are in another language being accompanied by a certified translation into English or French;
  - 5.10.3 set out the grounds for the decision requested, e.g.:
    - a. the basis on which it is claimed that an athlete should be ruled eligible under these Regulations to compete on behalf of the Member in National Representative Competitions under Rule 1.2 of the Eligibility to Represent a Member Rules;
    - b. the basis on which it is claimed that the requirements of Rule 1.2.3 of the Eligibility to Represent a Member Rules are met, or the basis on which it is claimed that the requirements of Rule 1.4.2 of the Eligibility to Represent a Member Rules are met;
    - c. the basis for any requested waiver or variance of the requirements of Rule 1 of the Eligibility to Represent a Member Rules; and/or
    - d. the basis for any ruling requested on an issue that has arisen that is not already addressed in the Regulations;
  - 5.10.4 be accompanied by certified documentation and/or other reliable evidence required to establish the facts relied on in the application, including proof of relevant Citizenship, evidenced by a valid passport and/or other official document(s) issued by the relevant authorities of the Country or Territory in question;
  - 5.10.5 disclose what compensation or other consideration (if any) the Second Member has offered to the First Member to induce it to agree to the transfer;
  - 5.10.6 disclose what compensation or other consideration (if any) the Second Member has offered to the athlete to induce them to agree to the transfer;
  - 5.10.7 be accompanied by a statement sworn by the athlete (e.g., an affidavit or an affirmation) setting out the basis for their claim to be eligible to compete on behalf of a particular Member in National Representative Competitions and/or (if applicable) the reasons for their proposed representation of a Member based on Citizenship acquired after birth, or for their proposed transfer of allegiance to a Second Member, including a description of the athlete's ties to the Country or Territory represented by the Member;
  - 5.10.8 be signed by a duly authorised officer of the Member, attesting to the veracity and the completeness of the information provided (including the authenticity of any documentation) in support of the application; and
  - 5.10.9 be accompanied by proof (a) of payment of the administration fee specified by the Chief Executive Officer or their nominee; and (b) that the application has been copied in full to any other Member and/or Area Association with a direct interest in the application.
- 5.11 Upon receipt, the Chief Executive Officer or their nominee will review the application. Incomplete applications will be sent back to the Member to be completed and re-submitted.

5.12 Once an application that has been submitted is complete:

- 5.12.1 Where applicable (and subject always to Clause 3.3 of these Regulations), the waiting period specified in Rule 1.2.3 of the Eligibility to Represent a Member Rules or Rule 1.4.2 of the Eligibility to Represent a Member Rules will start running.
- 5.12.2 The Chief Executive Officer or their nominee will send the application to the Chairperson of the Nationality Review Panel, and thereafter to the members of the Nationality Review Panel appointed by the Chairperson to consider the application, along with any recommendations that the Chief Executive Officer or their nominee deems appropriate.
- 5.12.3 The athlete who is the subject of the application may not compete on behalf of any Member in any National Representative Competition or Other Relevant Competition until a final and binding decision has been issued on the application, but they may continue to participate in all other competitions.

5.13 The athlete may withdraw their support for an application submitted by a Member under Clause 4.7 at any time prior to the grant of the application, by written notification to the Chief Executive Officer or their nominee, copying any other Member(s) and Area Association(s) with a direct interest in the application. In this case the application will be deemed withdrawn without having been approved, and the athlete may compete again for the First Member in National Representative Competitions.

5.14 The Member that submitted an application in accordance with Clause 4.7 may withdraw the application at any time prior to the grant of the application, by written notification to the Chief Executive Officer or their nominee, copying any other Member(s) and Area Association(s) with a direct interest in the application. The notification of withdrawal from the Member must also include written notification from the athlete confirming their agreement to the withdrawal. In this case the application will be deemed withdrawn without having been approved, and the athlete may compete again for the First Member in National Representative Competitions.

### **Consideration of an Application**

5.15 Where it considers that doing so may be necessary or helpful, and/or to ensure fairness in relation to a particular matter (whether brought before it on application by a Member or otherwise), the Nationality Review Panel may (without limitation):

- 5.15.1 appoint an independent ombudsman to assist the athlete in question to understand and address the requirements of the Regulations;
- 5.15.2 request additional information from the applicant Member and/or the athlete (e.g., further proof of Citizenship and/or of Residence, where applicable);
- 5.15.3 require the athlete and/or appropriate representatives of the applicant Member to attend for interview to answer questions arising;
- 5.15.4 invite any other Member or Area Association concerned to make submissions and/or provide the Nationality Review Panel with specific information;
- 5.15.5 commission an investigation into a matter and/or to monitor/confirm the facts on which an application is based; and/or

- 5.15.6 obtain further information or legal or other advice from third parties (e.g., on the Citizenship requirements of a particular Country).
- 5.16 The Member(s), the Area Association(s) and the athlete concerned must cooperate fully with the Nationality Review Panel's investigations and enquiries, and satisfy in full all of the Nationality Review Panel's requirements.
- 5.17 The Nationality Review Panel will conduct its review fairly and impartially, and base its decision solely on its assessment of the evidence before it.
- 5.18 The burden will be on the applicant Member to satisfy the Nationality Review Panel, on the balance of probabilities, that the facts on which the application is based are true, and that the application should be granted.

### **Decision**

- 5.19 The Nationality Review Panel will issue its decision as soon as reasonably practicable. However, it does not guarantee that it will issue its decision by any particular date. It is up to the Member and the athlete to make any application as far in advance as possible of the first National Representative Competition in which they want the athlete to represent the Member, which should in any event be at least three months prior to the final entry date for that competition.
- 5.20 The Nationality Review Panel will issue its decision in writing, with reasons. The Chief Executive Officer or their nominee will notify the decision to the Member(s), Area Association(s), and athlete concerned, and may also publish the decision (or a summary thereof) on World Athletics' 's official website and/or in World Athletics' official newsletter and other official publications.
- 5.21 The Nationality Review Panel may reconsider a final decision after it has been issued where it deems it appropriate to do so, e.g., if new facts or new evidence emerge.

### **Finality**

- 5.22 Unless otherwise specified, the decision issued by the Nationality Review Panel (a) will come into effect on the date it is issued; and (b) subject always to Clause 4.20, will be the full and final disposition of the matter in question on behalf of World Athletics.
- 5.23 A Member and/or athlete aggrieved by a final decision issued by the Nationality Review Panel under these Regulations may appeal that decision to the CAS in accordance with Clause 6.2 below. No other challenge to the decision may be issued, in any forum.

## **6. Compliance**

- 6.1 As per Clause 1.5.2 of these Regulations, these Regulations are binding on and must be complied with by all Members, Area Associations, athletes, Athlete Representatives, Member Federation Officials, and other Applicable Persons.
- 6.2 Any breach of these Regulations amounts to a breach of the Integrity Code of Conduct and will accordingly be subject to investigation and prosecution by the Athletics Integrity Unit under the Athletics Integrity Unit Reporting, Investigation and Prosecution Rules (Non-Doping) and possible enforcement proceedings under the Disciplinary Tribunal Rules.

- 6.3 In accordance with Eligibility Rule 2.2, the eligibility of an athlete under these Regulations to compete on behalf of a Member in National Representative Competitions shall at all times be guaranteed by the Member in question. Accordingly, a Member must always be ready to produce proof of such eligibility to World Athletics or an Area Association (as applicable) in respect of each/any athlete in any squad or on any team entered by the Member in a National Representative Competition.
- 6.4 Without limitation, it shall be a breach of these Regulations:
- 6.4.1 for an athlete to represent a Member in a National Representative Competition who is not eligible to do so under these Regulations;
  - 6.4.2 for a Member to be unable to provide, upon demand, appropriate documentation demonstrating definitively that an athlete that has been selected to represent that Member in a National Representative Competition is eligible to do so under these Regulations;
  - 6.4.3 to enter into a sham arrangement in order to contrive an athlete's eligibility to represent a Member in a National Representative Competition;
  - 6.4.4 for a Member Federation Official to accept money or other consideration in exchange for encouraging or facilitating a transfer of allegiance;
  - 6.4.5 to provide information to World Athletics under these Regulations that is (a) inaccurate; and/or (b) misleadingly incomplete;
  - 6.4.6 for a Member to fail to provide to an athlete all of the benefits and support and/or other consideration promised to the athlete to induce them to transfer their allegiance to the Member, or otherwise to act in an abusive manner towards the athlete; and/or
  - 6.4.7 to fail to comply, in letter and/or in spirit, with any other aspect of these Regulations. Liability for such breaches is strict, i.e., it is not necessary to show that the breach was due to fault or negligence of the Member and/or the athlete concerned; and nor is a lack of fault or negligence a defence to a charge of breach. Instead, the degree of fault or negligence will be relevant to only the sanctions to be applied for such breach. Where appropriate, a Member and an athlete may be considered jointly and severally liable for a breach.
- 6.5 The Council, the Chief Executive Officer or their nominee, and/or the Chairperson of the Nationality Review Panel may refer any potential breach of these Regulations for investigation by the Athletics Integrity Unit under the Athletics Integrity Unit Reporting, Investigation and Prosecution Rules (Non-Doping) and possible proceedings for breach pursuant to the Disciplinary Tribunal Rules (or, in relation to Members, pursuant to the relevant provisions of the Constitution).
- 6.6 All Applicable Persons must cooperate fully with investigations conducted by the Athletics Integrity Unit (and any investigator appointed by the Athletics Integrity Unit). The following will constitute a violation of the Integrity Code of Conduct:
- 6.6.1 Refusing or failing, in either case without compelling justification, to cooperate with an investigation conducted by the Athletics Integrity Unit, including refusing or failing to provide accurately, completely and without undue delay

- any information and/or documentation and/or access or assistance as may be requested by the Athletics Integrity Unit (or its designee); and
- 6.6.2 Obstructing or delaying an investigation conducted by the Athletics Integrity Unit, including concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.
- 6.7 All Members must cooperate fully with investigations conducted by the Athletics Integrity Unit (and any investigator appointed by the Athletics Integrity Unit). If a Member refuses or fails (in either case without compelling justification) to cooperate with an investigation conducted by the Athletics Integrity Unit, or obstructs or delays such an investigation, it shall constitute a serious breach of the Rules which shall be reported to Council or Congress as appropriate and in respect of which Council or Congress may exercise their respective suspensive powers and other powers under the Constitution to sanction the Member involved.
- 6.8 Without prejudice to its other sanctioning powers under the Disciplinary Tribunal Rules, if an athlete competes on behalf of a Member in a National Representative Competition when they are not eligible to do so under these Regulations, the Disciplinary Tribunal shall disqualify the athlete from the competition, with all resulting consequences, including forfeiture of all titles, awards, medals, points and prize and appearance money, and, where an athlete competed as a member of a relay team, the Disciplinary Tribunal shall disqualify that relay team from the competition, with all resulting consequences for the relay team, including the forfeiture of all titles, awards, medals, points and prize and appearance money.
- 6.9 Any athlete who wishes to compete on behalf of a Member in National Representative Competitions agrees (and upon request by World Athletics they will confirm in writing, in such form as may be requested by World Athletics, that they agree):
- 6.9.1 to comply in full with these Regulations;
- 6.9.2 to cooperate promptly and in good faith with the Chief Executive Officer or their nominee, the Nationality Review Panel and the Athletics Integrity Unit in the discharge of their respective responsibilities under these Regulations, including providing them with all of the information and evidence they request (and/or the consents and/or waivers they need to obtain such information and evidence) in order to determine their eligibility under these Regulations, and to monitor their continuing compliance with the eligibility conditions; and
- 6.9.3 to follow solely and exclusively the procedures set out in Clause 6 of these Regulations to resolve any disputes arising in connection with these Regulations and/or to challenge these Regulations or to appeal or challenge decisions made under these Regulations, and not to bring any proceedings in any court or other forum that are inconsistent with the requirements of Clause 6 of these Regulations.
- 6.10 All personal data submitted by Members and athletes will be processed in accordance with applicable data protection laws. It is acknowledged and agreed that personal data is processed by World Athletics for the purposes of administering its competitions, enforcing the Regulations and its Rules and maintaining the integrity of the sport.

## **7. Dispute Resolution**

- 7.1 Any dispute arising between World Athletics and a Member or athlete or Athlete Representative, Member Federation Official, or other Applicable Person(s) in connection with these Regulations will be submitted to arbitration before the CAS, to the exclusion of any other court or forum. In particular, the validity, legality and/or proper interpretation or application of the Regulations may only be challenged (a) by way of ordinary proceedings filed before the CAS; and/or (b) as part of an appeal to the CAS made pursuant to Clause 6.2 of these Regulations.
- 7.2 A Member or athlete may appeal a final decision made by the Nationality Review Panel under these Regulations to the CAS, in accordance with Clause 6 of these Regulations, by filing a Statement of Appeal with the CAS and with World Athletics within thirty days of the date of communication of the written reasons for the decision. World Athletics will be the respondent to the appeal.
- 7.3 The CAS will hear and determine the dispute or appeal definitively in accordance with the relevant provisions of the CAS Code of Sports-Related Arbitration, provided that in any appeal the athlete will have fifteen days from the filing of the Statement of Appeal to file their Appeal Brief, and World Athletics will have thirty days from its receipt of the Appeal Brief to file its Answer. The law governing the dispute or appeal will be the Constitution and the Rules, with the laws of Monaco applying subsidiarily. In the case of any conflict between any of the above instruments and the CAS Code then in force, the above instruments will take precedence. The proceedings before the CAS will be conducted in English, unless the parties agree otherwise. Pending determination of the dispute or appeal by the CAS, the Regulations under challenge and/or the decision under appeal (as applicable) will remain in full force and effect unless the CAS orders otherwise.
- 7.4 The decision of the CAS determining the dispute or appeal will be final and binding on all parties. All parties waive irrevocably any right to any form of appeal, review or recourse by or in any court or judicial authority in respect of such decision, insofar as such waiver may be validly made.

## **8. Costs**

- 8.1 A Member, Area Association, athlete, Athlete Representative, Member Federation Official, Area Official and any other Applicable Person shall be responsible for any costs they incur in complying with these Regulations, in making/commenting on any application and in cooperating with the Nationality Review Panel in its consideration of any matter, in implementing any decision, and (subject to any CAS costs-shifting rules) in relation to any proceedings before the CAS.
- 8.2 In addition to the processing fee referred to at Clause 4.9 of these Regulations, the Member making an application shall pay any costs incurred by the Nationality Review Panel and/or the Council in obtaining information or advice from third parties further to Clause 4.15 of these Regulations.
- 8.3 World Athletics will pay the costs of any ombudsman appointed in accordance with Clause 4.15.1 of these Regulations.

## Appendix 1

**Extract from the Olympic Charter**

*(in force from 26 June 2019)*

**Rule 41 Nationality of competitors**

1. Any competitor in the Olympic Games must be a national of the country of the NOC which is entering such competitor.
2. All matters relating to the determination of the country which a competitor may represent in the Olympic Games shall be resolved by the IOC Executive Board.

**Bye-law to Rule 41**

1. *A competitor who is a national of two or more countries at the same time may represent either one of them, as he may elect. However, after having represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the relevant IF, he may not represent another country unless he meets the conditions set forth in paragraph 2 below that apply to persons who have changed their nationality or acquired a new nationality.*
2. *A competitor who has represented one country in the Olympic Games, in continental or regional games or in world or regional championships recognised by the relevant IF, and who has changed his nationality or acquired a new nationality, may participate in the Olympic Games to represent his new country provided that at least three years have passed since the competitor last represented his former country. This period may be reduced or even cancelled, with the agreement of the NOCs and IF concerned, by the IOC Executive Board, which takes into account the circumstances of each case.*
3. *If an associated State, province or overseas department, a country or colony acquires independence, if a country becomes incorporated within another country by reason of a change of border, if a country merges with another country, or if a new NOC is recognised by the IOC, a competitor may continue to represent the country to which he belongs or belonged. However, he may, if he prefers, elect to represent his country or be entered in the Olympic Games by his new NOC if one exists. This particular choice may be made only once.*
4. *Furthermore, in all cases in which a competitor would be eligible to participate in the Olympic Games, either by representing another country than his or by having the choice as to the country which such competitor intends to represent, the IOC Executive Board may take all decisions of a general or individual nature with regard to issues resulting from nationality, citizenship, domicile or residence of any competitor, including the duration of any waiting period.*