

5 February 2009

MA 18/2
**TO: All Winter Sport Olympic Governing Body Chief Executives
All Winter Sport NOC Members
All Vancouver Team Leaders**

2010 OLYMPIC WINTER GAMES - ELIGIBILITY DUE TO DOPING OFFENCES

The IOC has issued a new regulation in relation to anti-doping rule violations committed **on or after 1 July 2008**. The regulation states that if a person is given a suspension of more than six months by any anti-doping organisation for an anti-doping rule violation, that person may not participate in the next edition of the Olympic Games and Olympic Winter Games. Therefore, if this applies to any athlete from your sport he/she will be ineligible to participate at the Olympic Winter Games in Vancouver even if his/her sanction has expired by the time of the Games. A copy of the Regulation is enclosed for your information.

Furthermore, the BOA has a Bye-Law (a copy of which is enclosed) which precludes any athlete found guilty by his or her National Governing Body, International Federation or any other competent body of any doping offence on or after 25th March 1992 from being eligible for consideration as a member of the Great Britain Olympic Team at any future Olympic Games.

The BOA's Bye-Law states under paragraph 1:

1. *Any person who has been found guilty of a doping offence either*
 - (i) *by the National Governing Body of his/her sport in the United Kingdom; or*
 - (ii) *by any sporting authority inside or outside the United Kingdom whose decision is recognised by the World Anti Doping Agency shall not, subject as provided below, thereafter be eligible for consideration as a member of a Team GB or be considered eligible by the BOA to receive or continue to benefit from any accreditation as a member of the Team GB delegation for or in relation to any Olympic Games, any Olympic Winter Games or any European Olympic Youth Festival.*

The Bye-law sets out an appeals procedure. The BOA is keen however to address any appeals which Governing Bodies or athletes are intending to make at the earliest opportunity.

Furthermore there are certain practicalities concerning the deadline for team entries to be lodged with the Organising Committee in Vancouver, VANOC, which necessitate a specific deadline after which appeals for the forthcoming Olympic Games will not be heard.

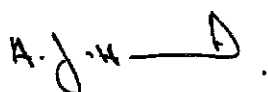
To this end any Governing Body, athlete or individual wishing to lodge an appeal in respect of an athlete or official who has been found guilty of a doping offence before 1 July 2008 shall do so no later than 1 September 2009. In all cases any ban or sanction must have been fully served before the Opening Ceremony on 12 February 2010. For the avoidance of doubt an appeal under the BOA's Bye-Law can be heard before a ban has expired.

The BOA's Delegation Registration Meeting will take place on 29th January 2010 after which time VANOC will allow no further changes (other than in exceptional circumstances and only in accordance with the IOC's Late Athlete Replacement Policy).

Any Governing Body who has any athletes or officials on the team long or short lists whose inclusion is or would become dependent upon a successful appeal under the BOA's Bye-Law are required to inform the athletes or officials of the need to lodge a timely appeal with the BOA.

If you have any questions regarding Olympic eligibility following a doping offence please do not hesitate to contact either Sara Friend or Mahdi Choudhury in the BOA's Legal Department.

Your support and co-operation are much appreciated.



Andrew Hunt

**Chief Executive
British Olympic Association**

Encs

Cc: Mark England
Mike Hay
Clive Woodward
BOA Legal Department



BRITISH OLYMPIC ASSOCIATION
BYE-LAW OF THE NATIONAL OLYMPIC COMMITTEE
ELIGIBILITY FOR MEMBERSHIP OF TEAM GB OF PERSONS FOUND GUILTY
OF A DOPING OFFENCE

WHEREAS

- (1) the British Olympic Association (the “BOA”) is responsible for the selection of athletes and other support personnel to represent Great Britain and other territories as specified by the International Olympic Committee (“Team GB”);
- (2) the BOA strongly disapproves of doping in sport and does not regard it as appropriate that Team GB should include athletes or other individuals (including but not limited to coaches, medical and administrative staff) who have doped or been found guilty of a doping offence including but not limited to the supply or trafficking of prohibited substances;
- (3) the BOA, in compliance with the World Anti Doping Code (“the WADC”), recognises adjudication of competent authorities under the WADC by not selecting athletes or other individuals for accreditation to Team GB while they are subject to a ban from competition under such adjudications;
- (4) the BOA does not regard it as appropriate to select athletes or other individuals for accreditation to Team GB who have at any point committed a serious doping offence involving fault or negligence and without any mitigating factors;
- (5) the BOA regards it as appropriate to take as a starting point that any athlete or individual guilty of a doping offence at any point should be ineligible for selection for

Team GB, but to provide that an athlete or individual who can establish before an Appeals Panel that on the balance of probabilities his or her offence was minor or committed without fault or negligence or that there were mitigating circumstances for it, may be declared eligible for selection;

(6) the BOA has accordingly adopted this bye-law.

1. Any person who has been found guilty of a doping offence either
 - (i) by the National Governing Body of his/her sport in the United Kingdom; or
 - (ii) by any sporting authority inside or outside the United Kingdom whose decision is recognised by the World Anti Doping Agency (a "Sporting Authority")

shall not, subject as provided below, thereafter be eligible for consideration as a member of a Team GB or be considered eligible by the BOA to receive or to continue to benefit from any accreditation as a member of the Team GB delegation for or in relation to any Olympic Games, any Olympic Winter Games or any European Olympic Youth Festivals.

2. The Executive Board of the BOA shall establish an Appeals Panel made up of three individuals (two of whom shall be drawn from members of the Executive Board or elsewhere and the third of whom, the chairman, shall be appointed by the Sports Dispute Resolution Panel ("SDRP")) to consider any appeal by a person made ineligible pursuant to paragraph 1 above. The respondent to the appeal will be the British Olympic Association. None of the members of an Appeals Panel shall (a) be from or connected with the National Governing Body of the appellant, (b) have presented an appeal under this bye-law for and/or on behalf of the BOA or (c) discuss any appeal in progress with any member of the BOA, the BOA Executive Board or the National Olympic Committee unless such member is a member of such an Appeals Panel hearing such an appeal.

3. The Executive Board shall instruct the SDRP to act as secretariat to the Appeals Panel. The costs associated with SDRP carrying out its duties as secretariat will be borne by the BOA.
4. The Appeals Panel shall first consider written submissions by or on behalf of the appellant and the respondent and shall, where possible, render its decision based on those submissions. If the Appeals Panel is not minded to allow an appeal based on written submissions or if requested by an appellant the Appeals Panel shall allow the parties to appear in person and/or be represented before it. Subject thereto, it shall regulate its own procedure as set out in the BOA's Rules for the Appeal Panel under the BOA Bye-law (in force at the time any appeal is commenced).
5. A person made ineligible pursuant to paragraph 1 above may appeal on one or more of the following grounds (but not otherwise)
 - i) the doping offence was minor; or
 - ii) for an offence that was committed after the WADC came into force and was adopted by the relevant body, that there was a finding of no fault or negligence or of no significant fault or negligence in respect of the doping offence; or
 - iii) the appellant can show that, on the balance of probabilities, significant mitigating circumstances existed in relation to the doping offence.

In the event of a successful appeal, the Appeals Panel shall restore eligibility for selection at such time and subject to such conditions as it considers appropriate.

6. In determining whether a doping offence is minor for the purposes of paragraph 5 above, the Appeals Panel shall take account of the Olympic Movement Anti-Doping Code or the World Anti Doping Code in force at the time the offence was committed (the "Codes") and the rules relating to doping of the National Governing Body or the International Federation of the appellant. The Appeals Panel shall consider as minor any offence which under the Codes carries a suspension of less than or equal to six months.
7. In determining whether significant mitigating circumstances exist the Appeals Panel shall take account of all relevant facts and matters including any circumstances permitting greater leniency under the Codes. The Appeals Panel shall not consider as a significant

mitigating circumstance (without more) any admission of guilt by or on behalf of the appellant.

8. The above provisions apply only to persons found guilty of a doping offence as referred to in paragraph 1 above committed on or after 25th March 1992.

9. Each National Governing Body in membership of the BOA shall inform the Chief Executive of the BOA forthwith of the name of any person found guilty under the rules relating to doping of that National Governing Body or any Sporting Authority and supply a certified copy of the decision of the body making such findings and, wherever possible, a full transcript of the proceedings.

This bye-law was passed by the National Olympic Committee on 25th March 1992 and modified on 25th March 1998, 14 February 2001 and 3 November 2004.



REGULATIONS REGARDING PARTICIPATION IN THE OLYMPIC GAMES

RULE 45 OF THE OLYMPIC CHARTER (OC)

The IOC Executive Board, in accordance with Rule 19.3.10 OC and pursuant to Rule 45 OC, hereby issues the following rules regarding participation in the Olympic Games:

1. Any person who has been sanctioned with a suspension of more than six months by any anti-doping organization for any violation of any anti-doping regulations may not participate, in any capacity, in the next edition of the Games of the Olympiad and of the Olympic Winter Games following the date of expiry of such suspension.
2. These Regulations apply to violations of any anti-doping regulations that are committed as of 1 July 2008. They are notified to all International Federations, to all National Olympic Committees and to all Organising Committees for the Olympic Games.

Athens, 27 June 2008

On behalf of the IOC Executive Board:

Jacques Rogge
President

Urs Lacroix
Director General