

CONCEPT

WHEREABOUTS FILING AND OOC TESTING

PROCEDURE 2009

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Art. 1: Introduction and Scope

1. This OOC Procedure (out-of-competition testing) is only applicable to athletes placed in the IDSF International Testing Pool (IDSF ITP). Only athletes placed in the IDSF ITP shall be subject to and required to comply with the athlete whereabouts requirements set out in this Procedure (IDSF Anti-Doping Code art. 4, II, 4).
2. It is recognised and accepted that:
 - a) no advance notice in out-of-competition testing is at the core of effective doping control, and
 - b) without accurate information as to an Athlete's whereabouts, such testing can be inefficient and often impossible.

This principle is the fundamental rationale underlying the principle that each athlete can be tested at any time at any place, because athletes may be "clean" in competitions but still use forbidden substances during their trainings and competition programs.

3. According to WADA's and IOC's (and therefore also IDSF's) (sport)principles its important for the credibility of a sport that a Sports Federation and it's International Federation can be confident that they have accurate knowledge of all athlete's whereabouts.

Therefore, the IDSF Anti-Doping Director shall establish yearly (published at the latest in December for the coming year) an IDSF International Testing Pool (IDSF ITP), previously called the IDSF Out-of-Competition Testing Pool, based on the IDSF world rankings, as a minimum consisting of the first 10-couples of the Adult Standard ranking, the first 10 couples of the Adult Latin ranking; the first 5 couples of the 10-Dance World Championships; the first 3 couples of the Senior I Standard ranking and the first 3 couples of the Senior I Latin ranking. The IDSF ITP can be modified if the results of the latest World Championships provide a reason to do so, at the discretion of the IDSF Anti-Doping Director.

The IDSF ITP is also called the International Testing Pool for DanceSport. It is recognized and accepted that Athlete's placed in the IDSF ITP can also be selected by the National Anti-Doping Organization (NADO) of the Athlete's country in the National Testing Pool of that country, at the discretion of that particular NADO.

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Athlete's included in the IDSF ITP who retire from IDSF DanceSport and seek to return to active DanceSport will be included again in the IDSF ITP and must report such return to active sport at least three (3) months in advance in order to enable IDSF to perform OOCT on that athlete.

4. More than one Anti-Doping Authority (ADO) may have (has) jurisdiction to test an Athlete in a Registered Testing Pool (National or International), such as but not limited to WADA, IDSF, NADO, National Sport Federation, Governments, etc., and therefore (where an attempt to test the Athlete is unsuccessful) to record a Missed Test and/or a Filing Failure against that Athlete. That Missed Test and/or Filing Failure recorded by another Anti-Doping Authority shall be recognized by IDSF (IDSF ADC art. 3, II, 4).
5. Only Athletes who have been designated for inclusion in the IDSF ITP are subject to the Whereabouts requirements set out in this Procedure. Other Athletes are not subject to those Whereabouts requirements. However, nothing in this Procedure prevents IDSF developing different Whereabouts requirements for Athletes outside the IDSF ITP, providing such athlete(s) are given sufficient time (a maximum of two weeks) to provide the Whereabouts information as required.

Art. 2: Terms and Definitions

1. The Definitions as per art. 2, IDSF Anti-Doping Code, are reiterated and included.
2. "DCO" means an authorized Doping Control Officer, member of a Doping Control Team (DCT).
3. "IDSF ADC" means the IDSF Anti-Doping Code.
4. "IDSF ITP" means the IDSF International Registered Testing Pool of international competing Athletes, previously named the IDSF Out-of-Competition Testing Pool.
5. "Filing Failure" means any failure to submit (timely) the whereabouts information as required.
6. "Missed Test" means any failure or unsuccessful attempt to test an Athletes at any given day and time at the location as specified in the Athletes whereabouts information.
7. "Whereabouts Failure" means any Filing Failure and/or Missed Test.
8. "WADC" means the World Anti-Doping Code.
9. Communications, notifications and other exchange of information and documents between the ADO's and the athlete(s) are in principle done by email.

Art. 3: Whereabouts Filing requirements

1. An Athlete in the IDSF ITP has the obligation to make a quarterly Whereabouts Filing that provides accurate and complete information about the Athlete's whereabouts during the

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forthcoming quarter, including identifying where he/she will be living, working, training and competing during that quarter, so that he/she can be located for testing at any time at any place during that quarter. A failure to do so amounts to a **Filing Failure** and therefore a Whereabouts Failure for purposes of the IDSF ADC art. 1, VII, 4.

2. Filing of Whereabouts information by athletes is to be done through the Anti-Doping Administration and Management System (ADAMS), unless the Athlete provides acceptable reasons for not doing so, at least five (5) days before the start of that quarter, i.e. December 24th, March 25th, June 25th and September 25th. A timely update is required, if necessary daily or hourly, to ensure a 365 days, 24 hours a day, 7 days a week, coverage. The reasons that the athlete is not familiar with computer systems is not an acceptable reason. Whereabouts information may be filed in ADAMS by an athlete's relative and/or representative providing the athlete assumes full responsibility and will be accountable for the information as filed.
3. An Athlete in the IDSF ITP is also required to specify in his/her Whereabouts Filing, for each day in the forthcoming quarter, *one specific 60-minute time slot where he/she will be available at a specified location for Testing* (see article 4. of this Procedure). This does not limit in any way the Athlete's obligation to be available for testing at any time and place. Nor does it limit his/her obligation to provide the information specified in paragraph 4 of this article as to his/her whereabouts outside of that 60-minute time slot. However, if the Athlete is not available for testing at such location during the 60-minute time slot specified for that day in his/her Whereabouts Filing, and has not timely updated his/her Whereabouts Filing prior to that 60-minute time slot to provide an alternative time slot/location for that day, that failure shall amount to a Missed Test without further investigation and shall therefore constitute directly and in full a Whereabouts Failure for purposes of IDSF ADC art. 1, VII, 4.

The purpose of the 60-minute time slot is only to strike a balance between the need to locate the Athlete for testing and the impracticality and unfairness of making Athletes potentially accountable for a Missed Test every time they depart from their previously-declared routine.

4. The Athlete's Whereabouts Filing will include as a minimum:
 - a) athlete's demographic information such as but not limited to:
 - full name
 - date of birth
 - nationality and sports nationality
 - full address and complete mailing address including postal code for formal notice purposes
 - telephone numbers home, at work/school and mobile; email. The mobile number will be used to finally contact the athlete when not present at any given address. The email address will be used for correspondence
 - full addresses of the athlete's work, school.
 - b) for each normal day when at the home address, the usual timeframes of the hourly daily routine such as Home, work, school and training information (including outside dinners, lunch, family visit etc).;
 - c) the general monthly schedule by monthly calendar for deviations from the normal daily schedule such as visiting competitions, lessons, training camps, vacation,

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travelling, etc., including the full addresses where the athlete will be residing such as temporary lodging, hotels, etc. as well as competition venues, training/lessons locations, vacations, travelling, etc.

5. Any Athlete who provides fraudulent information in his/her Whereabouts Filing, whether in relation to his/her location during the specified daily 60-minute time slot, or in relation to his/her whereabouts outside that time slot, or otherwise, thereby commits an anti-doping rule violation under the IDSF ADC art. 1 VII 3 (refusal or evading sample collection) and/or art. 1 VII 5 (tampering or attempting to tamper with doping control). Any decision to treat an incident as evading sample collection and/or as tampering or attempting to tamper with doping control shall be without prejudice to the IDSF's ability to treat the same incident as a Whereabouts Failure under the IDSF ADC and vice versa.
6. An Athlete in the IDSF ITP may choose to delegate the making of some or all of his/her Whereabouts Filings (and/or any updates to his/her Whereabouts Filings) to a third party, such as (for example) a coach, a manager or a National Federation, provided that the third party agrees to such delegation. Written notice of any agreed delegation, signed by both the Athlete in question and the third party delegate, must be submitted to the IDSF Anti-Doping Director.
7. An Athlete is and remains personally responsible at all times for ensuring that he/she is available for testing at the whereabouts declared on his/her Whereabouts Filing, whether he/she made that filing personally or delegated it to a third party (or a mixture of the two). Delegation of Whereabouts Filing to a third party shall not be a defence to an allegation of a Missed Test or a Filing Failure.

Art. 4: Availability for testing

1. The Whereabouts Filing must include, for each day during the following quarter, one specific 60-minute time slot between 12.00 and 20.00 each day where the Athlete will be available and accessible for testing at a specific location.
The Athlete can choose which location to identify for this 60-minute time slot. It could be the Athlete's place of residence, training or competition, or it could be another location (e.g. work or school). A failure to be available for Testing at the specified location during the specified time slot will be pursued as an apparent Missed Test.
2. When making a Whereabouts Filing, it is the Athlete's responsibility to ensure that he/she provides all of the information required accurately and in sufficient detail to enable any authorized Anti-Doping Authority wishing to do so to locate the Athlete for testing on any given day in the quarter, including but not limited to during the 60-minute time slot specified for that day in the Whereabouts Filing.

Where an Athlete does not know precisely what his/her whereabouts will be at all times during the forthcoming quarter, he/she must provide his/her best information, based on where he/she expects to be at the relevant times, and then later update that information as necessary.

When specifying a location in his/her Whereabouts Filing (whether in his/her original quarterly filing or in an update), the Athlete must provide sufficient information to enable the DCO to find the location, to gain access to the location, and to find the Athlete at the location. For example, declarations such as "running in the Black Forest" are insufficient

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and are likely to result in a Whereabouts Failure. Similarly, specifying a location that the DCO cannot access (e.g. a "restricted-access" building or area) is likely to result in an unsuccessful attempt to test the Athlete and therefore a Whereabouts Failure or Missed Test, depending on the circumstances.

3. An Athlete will be declared to have committed a **Filing Failure** where IDSF can establish any and/or each of the following:
 - a) that the Athlete was duly notified:
 - (i) that he/she was designated for inclusion in a Registered Testing Pool,
 - (ii) of the consequent requirement to make Whereabouts Filings, and
 - (iii) of the consequences of any failure to comply with that requirement;
 - b) that the Athlete failed to comply with that requirement by the applicable deadline.

An Athlete fails to comply with the requirement to make Whereabouts Filings in the following circumstances:

 - (i) when he/she does not make (timely) any such filing, or
 - (ii) where he/she makes the filing (i.e. either the original quarterly filing or an update) but does not include all of the required information (e.g. he/she does not include the place where he/she will be residing for each day in the following quarter, or for each day covered by the update, or omits to declare a regular activity that he/she will be pursuing during the quarter, or during the period covered by the update), or
 - (iii) where he/she includes information (whether in the original quarterly filing or an update) that is inaccurate (e.g. an address or telephone number that does not exist or the information provided is not correct) or insufficient to enable the IDSF and/or DCO to locate him/her for testing (e.g. "running in the Black Forest"). If the inaccuracy or insufficiency relates to the 60-minute time slot, and is only discovered when an attempt is made to test the Athlete during that time slot, that will be pursued directly as a Missed Test. In other circumstances, such inaccuracy or insufficiency should be pursued as a Filing Failure.
 - (iv) (in the case of a second or third Filing Failure) that he/she was given notice of the previous Filing Failure(s), and
 - (v) that the Athlete's failure to comply was at least negligent. For these purposes, the Athlete will be presumed to have committed the failure negligently upon proof that he/she was notified of the requirement yet failed to comply with it. That presumption may only be rebutted by the Athlete establishing that no negligent behaviour on his/her part caused or contributed to the failure.
4. Initial contact to test by the DCO is to be made directly with the Athlete, either by contacting his/her given whereabouts address and/or by mobile telephone. When initial contact is made, the DCO, chaperone or other test official shall ensure that the Athlete is informed:
 - a) to undergo a sample collection and must report to the doping control station within one hour;
 - b) of the authority under which the sample collection is to be conducted;

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- c) of the type of sample collection, if applicable;
 - d) of the Athlete's rights, including the right to:
 - i. have an representative and if available, an interpreter, present;
 - ii. ask for additional information about the sample collection;
 - iii. request a delay in reporting to the doping control station for valid reasons, and
 - iv. request modifications for athlete's with disabilities.
 - e) of the Athlete's responsibilities, including the requirement to:
 - i. remain in the direct observation of the DCO/chaperone at all times from the time of notification until the completion of the sample collection;
 - ii. produce identification (pass port, ID-card, starting booklet with photo);
 - iii. comply with the sample collection procedures (and the Athlete is to be advised of the possible consequences of failure to comply), and
 - iv. report immediately for a test unless there are valid reasons for a delay, such as locating a representative, complete a training session, receiving necessary medical treatment, obtaining a photo identification and any other exceptional circumstances which can be justified and documented, however such a delay shall never be more than one hour;
 - f) of the location of the doping control station.
5. It is the Athlete's responsibility to ensure (including by updates, where necessary) that the whereabouts information provided in his/her Whereabouts Filing is sufficient to enable any authorized Anti-Doping Organization or DCO to locate him/her for Testing on any given day in the quarter, including but not limited to during the 60-minute time slot specified for that day in his/her Whereabouts Filing. Where any change in circumstances means that the information previously provided by or on behalf of the Athlete (whether in the initial Whereabouts Filing or in any subsequent update) is no longer accurate or complete (i.e. it is not sufficient to enable any ADO to locate the Athlete for Testing on any given day in the relevant quarter, including but not limited to during the 60-minute time slot that he/she has specified for that day), the Athlete must update his/her Whereabouts Filing so that the information on file is again accurate and complete. He/she must make such update as soon as possible, and in any event prior to the 60-minute time slot specified in his/her filing for that day. A failure to do so shall have the following consequences:
- a. if, as a result of such failure, a DCO's attempt to test the Athlete during the 60-minute time slot is unsuccessful, then the unsuccessful attempt shall be pursued as an apparent Missed Test under the IDSF ADC art. 1 VII 4, and
 - b. if the circumstances so warrant, the failure may be pursued as Evasion of sample collection under the IDSF ADC art. 1 VII 3, and/or Tampering or Attempted Tampering with Doping Control under the IDSF ADC art. 1 VII 5, and
 - c. in any event, the IDSF shall consider Target Testing of the Athlete as soon as possible.
6. An Athlete will be declared to have committed a **Missed Test** where the IDSF can establish any and/or each of the following:

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- a. that when the Athlete was given notice that he/she had been designated for inclusion in the IDSF RTP, he/she was advised of his/her liability for a Missed Test if he/she was unavailable for Testing during the 60-minute time slot specified in his/her Whereabouts Filing at the location specified for that time slot;
- b. that a DCO attempted to test the Athlete on a given day in the quarter, during the 60-minute time slot specified in the Athlete's Whereabouts Filing for that day, by visiting the location specified for that time slot or (tried to) contacted the Athlete by mobile telephone.

If the Athlete is not available for testing at the beginning of the 60-minute time slot, but becomes available for testing later on in the 60-minute time slot, the DCO should collect the sample and should not process the attempt as an unsuccessful attempt to test, but should include full details of the delay in availability of the Athlete in the DCO's sample collection report. Any pattern of behaviour of this type should be investigated by the IDSF Anti-Doping Director as a possible anti-doping rule violation of evading sample collection. It may also prompt Target Testing of the Athlete.

If located for testing, the Athlete must remain with the DCO until the sample collection has been completed, even if this takes longer than the 60-minute time slot.

If an Athlete is not available for testing during his/her specified 60-minute time slot at the location specified for that time slot for that day, he/she will be liable for a Missed Test even if he/she is located later that day and a sample is successfully collected from him/her.

- c. that during that specified 60-minute time slot, the DCO did what was reasonable in the circumstances (i.e. given the nature of the specified location) to try to locate the Athlete, short of giving the Athlete any advance notice of the test;
Once the DCO has arrived at the location specified for the 60-minute time slot, if the Athlete cannot be located immediately then the DCO should remain in contact when possible with that location for whatever time is left of the 60-minute time slot and during that remaining time he/she should do what is reasonable in the circumstances to try to locate the Athlete.
 - d. that the provisions of paragraph 7 of this article (if applicable) have been met; and
 - e. that the Athlete's failure to be available for testing at the specified location during the 60-minute timeslot was at least negligent. For these purposes, the Athlete will be presumed to have been negligently upon proof of the matters set out at sub paragraphs a. to d. of this paragraph. That presumption may only be rebutted by the Athlete establishing that no negligent behaviour on his/her part caused or contributed to him/her:
 - i. being unavailable for testing at such location during such time slot, and
 - ii. failing to update his/her most recent Whereabouts Filing to give notice of a different location where he/she would be instead be available for testing during the specified 60-minute time slot on the relevant day.
7. To ensure fairness to the Athlete, where an unsuccessful attempt has been made to test an Athlete during one of the 60-minute time slots specified in his/her Whereabouts Filing, any subsequent attempt to test that Athlete (by the same or any other ADO) may only be counted as a Missed Test against that Athlete if that subsequent attempt takes place after the Athlete has received notice of the original unsuccessful attempt.

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Art. 5: Result Management

1. An Athlete in the IDSF RTP shall be deemed to have committed an anti-doping rule violation under the IDSF ADC art. 1, VII, 4 if he/she commits a total of three Whereabouts Failures (which may be any combination of Filing Failures and/or Missed Tests adding up to three in total) within any 18 (eighteen) month period, irrespective of which ADO's has/have declared the Whereabouts Failures in question.

A single Whereabouts Filing Failure and/or a missed test will be sanctioned with a Formal Warning as stated in art. 4. paragraphs 3 and/or 6 of this procedure.

2. While a single Whereabouts Failure will not amount to an anti-doping rule violation under the IDSF ADC art. 1, VII, 4, it may, if the circumstances are particularly flagrant, amount to an anti-doping rule violation under art. 1, VII, 3 (Evading sample collection) and/or art. I, VII, 5 (Tampering or Attempted Tampering with any part of doping control) of the IDSF ADC.
3. The 18-month period referred to in the previous paragraphs starts to run on the date that an Athlete commits a Whereabouts Failure. It is not affected by any successful sample collection conducted with respect to that Athlete during the 18-month period, i.e., if three Whereabouts Failures occur during the 18-month period then an anti-doping rule violation is committed, irrespective of any samples successfully collected from the Athlete during that 18-month period. However, if an Athlete who has committed one Whereabouts Failure does not go on to commit a further two Whereabouts Failures within 18 months of the first, at the end of that 18-month period the first Whereabouts Failure "expires" for purposes of the previous paragraphs.
If an Athlete commits two Whereabouts Failures, but then does not commit a third within 18 months of the first, then the first Whereabouts Failure "expires" and a new 18-month period begins to run from the date of the second Whereabouts Failure where the second Whereabouts Failure counts as the first one for this new 18-month period.
4. For purposes of determining whether a Whereabouts Failure has occurred within the 18-month period referred to in paragraph 1. of this article:
 - a) a Filing Failure will be deemed to have occurred on the first day of the quarter for which the Athlete fails to make the required filing, or (in the case of any subsequent Filing Failure in the same quarter) on the day that any given deadline expires; and
 - b) a Missed Test will be deemed to have occurred on the date that the sample collection was unsuccessfully attempted.
5. The results management process in respect of an apparent **Filing Failure** shall be as follows:
 - a. if it appears that requirements relating to Filing Failures as stated in art. 4 paragraph 3 of this Procedure are met, then no later than 14 (fourteen) days after the date of discovery of the apparent Filing Failure the IDSF Anti-Doping Director must send notice to the Athlete in question of the apparent Filing Failure, inviting a response within 7 (seven) days of receipt of the notice. In the notice IDSF Anti-Doping Director should warn the Athlete that unless the Athlete persuades the IDSF Anti-Doping Director that

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- there has not been any Filing Failure, then an alleged Whereabouts Failure will be recorded against the Athlete;
- b. where the Athlete disputes the apparent Filing Failure, the IDSF Anti-Doping Director must re-assess whether all of the requirements are met. The IDSF Anti-Doping Director must advise the Athlete, by letter sent no later than 14 (fourteen) days after receipt of the Athlete's response, whether or not he maintains there has been a Filing Failure;
 - c. if no response is received from the Athlete by the relevant deadline, or if the IDSF Anti-Doping Director maintains (notwithstanding the Athlete's response) that there has been a Filing Failure, the IDSF Anti-Doping Director send a Formal Warning to the Athlete that an alleged Filing Failure is recorded against him/her. The Formal Warning shall be recorded in ADAMS. The IDSF Anti-Doping Director shall at the same time advise the Athlete that he/she has the right to Appeal that Decision to the IDSF Disciplinary Council within 7 (seven) days;
 - d. where it is requested by the Athlete, such Appeal shall be conducted by the IDSF Disciplinary Council within 14 days. The review shall be based on written submissions only, and shall consider whether the requirements of art. 4 paragraph 3 are met. The Appeal shall be completed within 14 (fourteen) days of receipt of the Athlete's request and the decision shall be communicated to the Athlete by letter sent no more than 7 (seven) days after the decision is made. An Appeal shall be recorded in ADAMS;
 - e. if it appears in Appeal that the requirements of art. 4 paragraph 3 have not been met, then the alleged Filing Failure shall not be treated as a Whereabouts Failure for any purpose;
 - f. if the Athlete does not request an Appeal of the alleged Filing Failure by the relevant deadline, or if the Appeal leads to the conclusion that the requirements of art. 4 paragraph 3 have been met, then the IDSF Anti-Doping Director shall record an alleged Filing Failure against the Athlete and shall notify the Athlete and (on a confidential basis) WADA and all other relevant ADO's of that alleged Filing Failure and the date of its occurrence.
6. The results management process in the case of an apparent **Missed Test** shall be as follows:
- a. the DCO shall file an Unsuccessful Attempt Report with the IDSF Anti-Doping Director, WADA and/or NADO setting out the details of the attempted sample collection, including the date of the attempt, the location visited, the exact arrival and departure times at the location, the step(s) taken at the location to try to find the Athlete, including details of any contact made with third parties, and any other relevant details about the attempted sample collection;
 - b. if it appears that the requirements of art. 4 paragraph 6 of this procedure relating to Missed Tests are satisfied, then no later than 14 (fourteen) days after the date of receipt of the Unsuccessful Attempt Report, the IDSF Anti-Doping Director must send notice to the Athlete of the unsuccessful attempt, inviting a response within 7 (seven) days of receipt of the notice. In the notice, the IDSF Anti-Doping Director should warn the Athlete that unless the Athlete persuades the IDSF Anti-Doping Director that

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there has not been any Missed Test, then an alleged Missed Test will be recorded against the Athlete;

- c. where the Athlete disputes the apparent Missed Test, the IDSF Anti-Doping Director must re-assess whether the requirements of art. 4 paragraph 6 are met. The IDSF Anti-Doping Director must advise the Athlete, by letter sent no later than 14 (fourteen) days after receipt of the Athlete's response, whether or not he maintains that there has been a Missed Test;
 - d. if no response is received from the Athlete by the relevant deadline, or if the IDSF Anti-Doping Director maintains (notwithstanding the Athlete's response) that there has been a Missed Test, the IDSF Anti-Doping Director shall send a Formal Warning to the Athlete that an alleged Missed Test is to be recorded against him/her. The Formal Warning shall be recorded in ADAMS. The IDSF Anti-Doping Director shall at the same time advise the Athlete that he/she has the right to Appeal this Decision to the IDSF Disciplinary Council within 7 (seven) days. The Unsuccessful Attempt Report must be provided to the Athlete at this point if it has not been provided earlier in the process;
 - e. where it is requested by the Athlete, such Appeal shall be conducted by the IDSF Disciplinary Council within 14 days. The review shall be based on written submissions only, and shall consider whether the requirements of art. 5 paragraph 6 are met. The Appeal shall be completed within 14 (fourteen) days of receipt of the Athlete's request and the Decision shall be communicated to the Athlete by letter sent no more than 7 (seven) days after the decision is made. The Appeal shall be recorded in ADAMS;
 - f. if it appears in Appeal that the requirements of art. 4 paragraph 6 have not been met, then the unsuccessful attempt to test the Athlete shall not be treated as a Missed Test for any purpose;
 - g. if the Athlete does not request an Appeal of the alleged Missed Test by the relevant deadline, or if the Appeal leads to the conclusion that the requirements of art. 4 paragraph 6 have been met, then the IDSF Anti-Doping Director shall record an alleged Missed Test against the Athlete and shall notify the Athlete and (on a confidential basis) WADA and all other relevant ADO's of that alleged Missed Test and the date of its occurrence.
6. IDSF shall not disclose any information regarding a Filing Failure and/or a Missed Test beyond those persons with a need to know unless and until that Athlete is found to have committed an anti-doping rule violation under the IDSF Anti-Doping Code art. 1 VII 4 and 5 based on (among other things) such Whereabouts Failure or Missed Test, as from the second warning of an athlete. Such persons who need to know shall also maintain the confidentiality of such information until the same point.

This shall not preclude IDSF from publishing a general statistical report of its activities that discloses in general terms the number of Whereabouts Failures that have been declared in respect of Athletes under its jurisdiction during a particular period, provided that it does not publish any information that might reveal the identity of the Athletes involved. IDSF, apart from the first sentence, should not disclose that a particular Athlete does (or does not) have any Whereabouts Failures alleged against him/her (or that a particular country does, or does not, have Athletes with Whereabouts Failures alleged against them).

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10. The IDSF Anti-Doping Director shall keep a record of all Whereabouts Failures alleged in respect of each Athlete within the IDSF RTP by IDSF or another ADO. Records will be kept in ADAMS.

Where it is alleged that such an Athlete has committed 3 (three) Whereabouts Failures within any 18-month period:

- a. where two or more of those Whereabouts Failures were alleged by another ADO that had the Athlete in its Registered Testing Pool at the time of those failures (WADA or the athletes National ADO or others authorized to perform testing), then IDSF as the athlete's International Federation, shall be the first responsible for purposes of bringing proceedings against the Athlete under the IDSF ADC art. 1 VII 4 with the IDSF Disciplinary Council (art. 9 of the IDSF ADC). However, its recognized and accepted by all parties involves, including the athletes, that also other authorized ADO's do have the right to start proceedings against the athlete, even to national disciplinary bodies and that IDSF and its members must recognize Decisions of such proceedings (art. IDSF ADC art. 3 II 4).

The IDSF Anti-Doping Director has the right and the duty to receive (request), from any other ADO that has recorded one of the alleged Whereabouts Failures, such further information about that alleged Whereabouts Failure as he may reasonably require in order to assess the strength of the evidence of such alleged Whereabouts Failure and to bring proceedings under IDSF ADC art. 9 in reliance thereon. If the IDSF Anti-Doping Director decides in good faith that the evidence in relation to such alleged Whereabouts Failure(s) is insufficient to support such proceedings, then he may decline to bring proceedings based on such alleged Whereabouts Failure(s). Any decision by the IDSF Anti-Doping Director that a declared Whereabouts Failure should be disregarded for lack of sufficient evidence, shall be communicated to the other authorized ADO's and to WADA and shall be without prejudice to WADA's and the other ADO's right of appeal under WADC Article 13, and in any event shall not affect the validity of the other Whereabouts Failures alleged against the Athlete in question;

- b. where the IDSF Anti-Doping Director fails to bring proceedings against an Athlete within 30 (thirty) days of receiving notice of that Athlete's third alleged Whereabouts Failure in any 18-month period, then it shall be deemed that the IDSF Anti-Doping Director has decided that no anti-doping rule violation was committed, for purposes of triggering the appeal rights set out at WADC Article 13 (in particular Article 13.2).

In such circumstances, the IDSF and other ADO(s) that alleged such Whereabouts Failure(s) must provide to WADA and the other ADO's, upon request, such further information about the alleged Whereabouts Failure(s) as WADA and/or the other ADO's shall reasonably require in order to assess the strength of the evidence of such alleged Whereabouts Failure(s) and (where it deems it appropriate) to bring an appeal in accordance with WADC Article 13.

8. An Athlete alleged to have committed an anti-doping rule violation as meant under paragraph 7 of this article (i.e. three (3) whereabouts failures within a period of eighteen (18) months) has the right to have a full hearing by the IDSF Disciplinary Council (art. 9 of the IDSF ADC). If proceedings for such a rule violation is are submitted by another ADO to a (national) disciplinary panel than the athlete has the right to have a full hearing by that panel in accordance with WADC Article 8. The hearing panel shall not be bound by any determination made during the results management process, whether as to the

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adequacy of any explanation offered for a Whereabouts Failure or otherwise. Instead, the burden shall be on the ADO bringing the proceedings to establish all of the requisite elements of each alleged Whereabouts Failure.

9. The ADO that brings proceedings against an Athlete under this article should also consider in good faith whether or not a Provisional Suspension should be imposed on the Athlete pending determination of the proceedings, in accordance with art. 6 of the IDSF ADC or WADC Article 7.5.2.
10. If the IDSF Disciplinary Council or the extern hearing panel decides that one (or two) alleged Whereabouts Failures have been established to the required standard, but that the third alleged Whereabouts Failure has not, then no anti-doping rule violation shall be found to have occurred. However, if the Athlete then commits one (or two) further Whereabouts Failures within the relevant 18-month period, new proceedings may be brought based on a combination of the Whereabouts Failure(s) established to the satisfaction of the IDSF Disciplinary Council or extern hearing panel in the previous proceedings and the Whereabouts Failure(s) subsequently committed by the Athlete.
11. A finding that an Athlete has committed an anti-doping rule violation under the IDSF ADC art. 1 VII 4 (i.e. 3 (three) Missed Tests and/or Filing Failures in any 18-month period) has the following consequences:
 - a. imposition of a period of Ineligibility (suspension) in accordance with IDSF ADC art. 8 III 3 (first violation) or IDSF ADC art. 8 VII (second violation); and
 - b. in accordance with IDSF ADC art. 8 I 4, disqualification (unless fairness requires otherwise) of all individual results obtained by that Athlete from the date of the anti-doping rule violation through to the date of commencement of any Provisional Suspension or Ineligibility period, with all of the resulting consequences, including forfeiture of any medals, points and prizes. For these purposes, the anti-doping rule violation shall be deemed to have occurred on the date of the third Whereabouts Failure.

Art. 6: Taking Effect

This IDSF Whereabouts and OOC Procedure 2009 is approved by the IDSF Presidium in its Meeting at Barcelona, Spain, dated January 17-18, 2009 and will be effective January 1st 2009.

END