

- (c) withdrawal or absence from expected competition;
- (d) going into or coming out of retirement;
- (e) behaviour indicating doping;
- (f) sudden major improvements in performance;
- (g) repeated failure to provide Whereabouts Filings;
- (h) Whereabouts Filings that may indicate a potential increase in the risk of doping, including moving to a remote location;
- (i) Athlete performance history;
- (j) Athlete age, e.g., approaching retirement, move from junior to senior level;
- (k) Athlete test history;
- (l) Athlete reinstatement after a period of Ineligibility;
- (m) financial incentives for improved performance such as prize money or sponsorship opportunities;
- (n) Athlete association with a third party such as coach or doctor with a history of involvement in doping; and
- (o) reliable information from a third party.

2.7 The Medical and Anti-Doping Commission shall establish a system whereby the Test Distribution Plan is reviewed and, if necessary, updated on a regular basis in order to incorporate new information and to take into account, where appropriate, Sample collections that may have been conducted on Athletes by other ADOs recognised by the IAAF. Such data shall be used to assist in determining whether modifications to the Test Distribution Plan are necessary.

2.8 The IAAF shall ensure that Athlete Support Personnel are not involved in, and have no access to, the Test Distribution Planning for their Athletes.

#### Registered Testing Pool

2.9 It is recognized and accepted that:

- (a) No Advance Notice 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.

2.10 In addition therefore to developing a Test Distribution Plan, the IAAF shall establish a Registered Testing Pool of Athletes who shall be subject to and required to comply with the Athlete whereabouts requirements in accordance

with these Anti-Doping Regulations and who may be subject to No Advance Notice Out-of-Competition Testing by the IAAF at any time.

- 2.11 The IAAF shall consider Athletes for inclusion in the Registered Testing Pool based upon the following criteria:
- (a) the top-performing Athletes according to the official IAAF Top Performance Lists in Athletics;
  - (b) Athletes who are serving periods of Ineligibility;
  - (c) Athletes who retired at a time when they were in the Registered Testing Pool and who wish to return from that period of retirement to active participation in the sport; and
  - (d) Athletes whom it wishes to target for Testing.

For the avoidance of doubt, the above criteria are not exhaustive and the IAAF may at its sole discretion include any Athlete in the Registered Testing Pool whom it considers to be appropriate. The IAAF's determination of the composition of the Registered Testing Pool shall be final and shall not be subject to challenge by any Athlete or other Person.

- 2.12 The Registered Testing Pool shall be published on the IAAF website and shall be reviewed and updated on a regular basis. An Athlete who has been included in the Registered Testing Pool shall continue to be subject to the whereabouts requirements set out in these Anti-Doping Regulations unless and until:
- (a) he has been given written notice by the IAAF that he is no longer designated for inclusion in the Registered Testing Pool; or
  - (b) he no longer wishes to be subject to Out-of-Competition Testing on account of the fact that he has retired from competition or has chosen not to compete for any other reason and he has given written notice to the IAAF to that effect in accordance with IAAF Rule 35.20.
- 2.13 National Federations (or National Anti-Doping Organisations operating in a National Federation's country) conducting their own No Advance Notice Out-of-Competition Testing programmes may establish their own registered testing pools. These shall include as a minimum Athletes who are part of national teams. A copy of any registered testing pool established by a National Federation (or National Anti-Doping Organisation) shall be forwarded by the National Federation to the IAAF. If an Athlete is included in both the Registered Testing Pool and a registered testing pool established at national level, the Athlete shall be required to file his Whereabouts Filings with the IAAF who will then share such information with the Athlete's National Federation or National Anti-Doping Organisation.

#### Athlete Whereabouts requirements

- 2.14 An Athlete in the Registered Testing Pool is required to make a quarterly Whereabouts Filing that provides accurate and complete information about the Athlete's whereabouts during the forthcoming quarter, including identifying

where he will be living, training and competing during that quarter, so that he can be located for Testing at any time during that quarter (see paragraph 2.19 below). A failure to do so amounts to a Filing Failure for the purposes of IAAF Rule 32.2(d).

- 2.15 An Athlete in the Registered Testing Pool is also required to specify in his Whereabouts Filing, for each day in the forthcoming quarter, one specific 60-minute time slot where he will be available at a specified location for Testing: (see paragraph 2.20 below). 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 obligation to provide the information specified in paragraph 2.19 as to his 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 Whereabouts Filing, and has not updated his 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 for the purposes of IAAF Rule 32.2(d).
- 2.16 Under IAAF Anti-Doping Rules (see Rule 35.4), more than one Anti-Doping Organisation may have jurisdiction to test an Athlete in the Registered Testing Pool and therefore to record a Missed Test against that Athlete (where an attempt to test the Athlete is unsuccessful and the requirements of paragraph 2.28 are satisfied). That Missed Test shall be recognized by the IAAF in accordance with Rule 35.18.
- 2.17 An Athlete shall be deemed to have committed an anti-doping rule violation under Rule 32.2(d) if he 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 Anti-Doping Organisation(s) have declared the Whereabouts Failures in question.
- 2.18 The 18-month period referred to in Rule 32.2(d) and paragraph 2.17 above 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 under Rule 32.2(d) 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 the purposes of Rule 32.2(d).

#### Whereabouts Filing requirements

- 2.19 On a date specified by the IAAF that is prior to the first day of each quarter, an Athlete in the Registered Testing Pool must file a Whereabouts Filing with the IAAF that contains at least the following information:
  - (a) a complete mailing address where correspondence may be sent to the Athlete for formal notice purposes. Any notice or other item mailed to that address will be deemed to have been received by the Athlete five working days after it was deposited in the mail;

- (b) details of any disability of the Athlete that may affect the procedure to be followed in conducting a Sample Collection Session;
  - (c) specific confirmation of the Athlete's consent to the sharing of his Whereabouts Filing with other Anti-Doping Organisations having authority to Test him;
  - (d) for each day during the following quarter, the full address of the place where the Athlete will be residing (e.g. home, temporary lodgings, hotel, etc);
  - (e) for each day during the following quarter, the name and address of each location where the Athlete will train, work or conduct any other regular activity (e.g. school or college), as well as the usual time-frames for such regular activities; and
  - (f) the Athlete's competition schedule for the following quarter, including the name and address of each location where the Athlete is scheduled to compete during the quarter and the date(s) on which he is scheduled to compete at such location(s).
- 2.20 The Whereabouts Filing must also include, for each day during the following quarter, one specific 60-minute time slot between 6 a.m. and 11 p.m. each day where the Athlete will be available and accessible for Testing at a specific location.
- 2.21 When making a Whereabouts Filing, it is the Athlete's responsibility to ensure that he provides all of the information required accurately and in sufficient detail to enable any Anti-Doping Organisation 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. When specifying a location in his Whereabouts Filing (whether in his 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. Specifying a location at which the Athlete cannot reasonably be found or that for whatever reason a DCO cannot reasonably access is likely to result in an unsuccessful attempt to Test the Athlete and therefore a Whereabouts Failure. In such circumstances, the following possibilities exist:
- (a) where the IAAF (or other responsible Anti-Doping Organisation) is able to determine the insufficiency of the information from the Whereabouts Filing itself, the matter should be pursued as an apparent Filing Failure in accordance with paragraph 6.1 below;
  - (b) where the IAAF (or other responsible Anti-Doping Organisation) only discovers the insufficiency of the information when it attempts to Test the Athlete and is unable to locate him:
    - (i) if the insufficient information relates to the 60-minute time slot, the matter should be pursued as an apparent Missed Test in accordance with paragraph 6.2 below and/or (where the circumstances warrant) as an evasion of Sample collection under

Rule 32.2(c) and/or Tampering or Attempting to Tamper with Doping Control under Rule 32.2(e); and

- (ii) if the insufficient information relates to periods outside the 60-minute time slot, then the matter should be pursued as an apparent Filing Failure in accordance with paragraph 6.1 below and/or (where the circumstances warrant) as an evasion of Sample collection under Rule 32.2(c) and/or Tampering or Attempting to Tamper with Doping Control under Rule 32.2(e).
- 2.22 Any Athlete who provides fraudulent information in his Whereabouts Filing, whether in relation to his location during the specified daily 60-minute time slot, or in relation to his whereabouts outside that time slot, or otherwise, thereby commits an anti-doping rule violation under Rule 32.2(c) (evading Sample collection) and/or Rule 32.2(e) (Tampering or Attempting to Tamper with Doping Control).
- 2.23 An Athlete may choose to delegate the making of some or all of his Whereabouts Filings required under paragraphs 2.19 and 2.20 (and/or any updates to his Whereabouts Filings) to a third party, such as a coach, a manager or a National Federation, provided that the third party agrees to such delegation. Any third party Athlete Support Personnel who provides fraudulent information in his Athlete's Whereabouts Filing, whether in relation to his location during the specified daily 60-minute time slot, or in relation to his whereabouts outside that time slot, or otherwise, thereby commits an anti-doping rule violation under Rule 32.2(c) (evading Sample collection) and/or Rule 32.2(e) (Tampering or Attempting to Tamper with Doping Control).
- 2.24 In all cases, however:
- (a) each Athlete in the Registered Testing Pool remains ultimately responsible at all times for making accurate and complete Whereabouts Filings as required by these Anti-Doping Regulations, whether he makes each filing personally or delegates it to a third party (or a mixture of the two). It shall not be a defence to an allegation of a Filing Failure under Rule 32.2(d) that the Athlete delegated such responsibility to a third party and that third party failed to comply with the applicable requirements; and
  - (b) such Athlete remains personally responsible at all times for ensuring he is available for Testing at the whereabouts declared on his Whereabouts Filings, whether he made that filing personally or delegated it to a third party (or a mixture of the two). It shall not be a defence to an allegation of a Missed Test or Filing Failure under Rule 32.2(d) that the Athlete had delegated responsibility for filing his whereabouts information for the relevant period to a third party and that third party had failed to file the correct information or failed to update previously-filed information so as to ensure that the whereabouts information in the Whereabouts Filing for the day in question was current and accurate.
- 2.25 An Athlete may only be declared to have committed a Filing Failure where the IAAF (or other responsible Anti-Doping Organisation), following the results

management procedure set out in paragraph 6.1, can establish each of the following:

- (a) that the Athlete was duly notified (i) that he was designated for inclusion in the Registered Testing Pool, (ii) of the consequent requirement to make Whereabouts Filings; and (iii) of the consequences of any failure to comply with such requirement;
- (b) that the Athlete failed to comply with the requirement to make Whereabouts Filings (e.g., (i) did not make any filing (ii) did not make a filing by the applicable deadline; (iii) made a filing but did not include all the required information; (iv) made a filing but included information that was inaccurate or insufficient; (v) failed to update the required information);
- (c) in the case of a second or third Filing Failure in the same quarter, that he was given notice of the previous Filing Failure(s) in accordance with paragraph 6.1 and failed to rectify that Filing Failure by the deadline specified in that notice; and
- (d) 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 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 part caused or contributed to the failure.

#### Availability for Testing

- 2.26 An Athlete in a Registered Testing Pool must specifically be present and available for Testing on any given day in the relevant quarter for the 60-minute time slot specified for that day in his Whereabouts Filing, at the location that the Athlete has specified for that time slot in such filing.
- 2.27 It is the Athlete's responsibility to ensure (including by updates, where necessary) that the whereabouts information provided in his Whereabouts Filing is sufficient to enable any Anti-Doping Organisation to locate him 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 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 Anti-Doping Organisation 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 has specified for that day), the Athlete must update his Whereabouts Filing so that the information on file is again accurate and complete. He must make such update as soon as the change in circumstance is known and in any event prior to the 60-minute time slot specified in his filing for that day. A failure to do so shall have the following consequences:
  - (a) if, as a result of such failure, an Anti-Doping Organisation'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 in accordance with paragraph 2.28; and

- (b) if the circumstances so warrant, the failure may be pursued as evasion from Sample collection under Rule 32.2(c), and/or Tampering or Attempted Tampering with Doping Control under Rule 32.2(e); and
- (c) in any event, the Anti-Doping Organisation shall consider Target Testing of the Athlete.

2.28 An Athlete may only be declared to have committed a Missed Test where the IAAF (or other responsible Anti-Doping Organisation), following the results management procedure set out in paragraph 6.2, can establish each of the following:

- (a) that when the Athlete was given notice that he had been designated for inclusion in the Registered Testing Pool, he was advised of his liability for a Missed Test if he was unavailable for Testing during the 60-minute time slot specified in his 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;
- (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;
- (d) that the provisions of paragraph 2.29 (if applicable) have been met; and
- (e) that the Athlete's failure to be available for Testing at the specified location during the specified 60-minute time slot was at least negligent. For these purposes, the Athlete will be presumed to have been negligent upon proof of the matters set out at sub-paragraphs (a) to (d) above. That presumption may only be rebutted by the Athlete establishing that no negligent behaviour on his part caused or contributed to him (i) being unavailable for Testing at such location during such time slot; and (ii) failing to update his most recent Whereabouts Filing to give notice of a different location where he would instead be available for Testing during a specified 60-minute time slot on the relevant day.

2.29 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 Whereabouts Filing, any subsequent attempt to test that Athlete (by the same or any other Anti-Doping Organisation) may only be counted as a Missed Test against that Athlete if that subsequent attempt takes place after the Athlete has received notice, in accordance with paragraph 6.2(b), of the original unsuccessful attempt.