

**UCI REGULATIONS
FOR
RESULTS MANAGEMENT

("UCI RMR")**

Version entering into force on 1 January 2021

UCI Results Management Regulations

The *UCI Results Management Regulations* (RMR) implement the provisions in the WADA *International Standard for Results Management* and supplement the *UCI Anti-Doping Rules* (ADR).

The *UCI RMR* come into effect on 1 January 2021.

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PART ONE: INTRODUCTION, *UCI* ANTI-DOPING RULES PROVISIONS, *UCI* ANTI-DOPING REGULATIONS PROVISIONS AND DEFINITIONS

1.0 Introduction and Scope

The purpose of the *UCI Results Management* Regulations is to set out the core responsibilities of the *UCI* with respect to *Results Management* in implementation of the *International Standard for Results Management*. In addition to describing certain general principles of *Results Management* (section 4), the *UCI Results Management* Regulations also set out the core obligations applicable to the various phases of *Results Management* from the initial review and notification of potential anti-doping rule violations (section 5), through *Provisional Suspensions* (section 6), the assertion of anti-doping rule violations and proposal of *Consequences* (section 7), the Hearing Process (section 8) until the issuance and notification of the decision (section 9) and appeal (section 10).

Departures from these Regulations or the *International Standard for Results Management* shall not invalidate analytical results or other evidence of an anti-doping rule violation and shall not constitute a defense to an anti-doping rule violation, except as expressly provided for under Article 3.2.3 and/or 3.2.4 of the *UCI* Anti-Doping Rules.

Terms used in these Regulations that are defined terms from the *UCI* Anti-Doping Rules are italicized. Terms that are defined in these Regulations or another regulation or *International Standard* are underlined.

2.0 *UCI* ADR Provisions

The following articles in the *UCI ADR* are directly relevant to the *UCI Results Management* Regulations; they can be obtained by referring to the *UCI ADR* itself:

- *UCI ADR* Article 2 Anti-Doping Rule Violations
- *UCI ADR* Article 3 Proof of Doping
- *UCI ADR* Article 5 *Testing* and Investigations
- *UCI ADR* Article 7 *Results Management* & Investigations
- *UCI ADR* Article 8 *Results Management*: Notice of Charge, Agreement, failure to challenge and hearing process
- *UCI ADR* Article 9 Automatic *Disqualification* of Individual Results
- *UCI ADR* Article 10 Sanctions on Individuals
- *UCI ADR* Article 11 *Consequences* to *Teams*
- *UCI ADR* Article 13 *Results Management*: Appeals

- UCI ADR Article 14 Confidentiality and Reporting
- UCI ADR Article 15 Implementation of Decisions

3.0 Definitions and Interpretation

3.1 Defined Terms from the UCI Anti-Doping Rules that are used in the UCI Results Management Regulations

ADAMS: The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

Administration: Providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide medical personnel involving a Prohibited Substance or Prohibited Method Used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

Adverse Analytical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories, establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method.

Adverse Passport Finding: A report identified as an Adverse Passport Finding as described in the applicable International Standards or UCI Regulations.

Anti-Doping Organization: WADA or a Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other Major Event Organizations that conduct Testing at their Events, International Federations, and National Anti-Doping Organizations.

Athlete Biological Passport: The program and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories and applicable UCI Regulations.

Attempt: Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an Attempt to commit a violation if the Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

Atypical Finding: A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the *International Standard for Laboratories* or related *Technical Documents* prior to the determination of an *Adverse Analytical Finding*.

Atypical Passport Finding: A report described as an *Atypical Passport Finding* as described in the applicable *International Standards* or *UCI Regulations*.

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code.

Competition: A single race organized separately (for example: each of the time trial and road race at the road World Championships; a stage in a stage race; a Cross-country Eliminator heat) or a series of races forming an organizational unit and producing a final winner and/or general classification (for example: a track sprint race tournament, a cyclo-ball tournament).

Consequences of Anti-Doping Rule Violations (“Consequences”): A *Rider’s* or other *Person’s* violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the *Rider’s* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes; (b) Ineligibility means the *Rider* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.14 *UCI ADR*; (c) Provisional Suspension means the *Rider* or other *Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8 *UCI ADR*; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14 *UCI ADR*. *Teams* may also be subject to *Consequences* as provided in Article 11 *UCI ADR*.

Contaminated Product: A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable Internet search.

Delegated Third Parties: Any *Person* to which an *Anti-Doping Organization* delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organizations* that conduct *Sample* collection or other *Doping Control* services or anti-doping educational programs for the *Anti-Doping Organization*, or individuals serving as independent contractors who perform *Doping Control* services for the *Anti-Doping Organization* (e.g., non-employee Doping Control Officers or chaperones). This definition does not include CAS.

Disqualification: See *Consequences of Anti-Doping Rule Violations* above.

Doping Control: All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences*, including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management* and investigations or proceedings relating to violations of Article 10.14 UCI ADR (Status During *Ineligibility* or *Provisional Suspension*).

Event: A single *Competition* organized separately (for example: a one day road race) or a series of *Competitions* conducted together as a single organization (for example: road World Championships; a road stage race, a track World Cup *Event*); a reference to *Event* includes reference to *Competition*, unless the context indicates otherwise.

Financial Consequences: See *Consequences of Anti-Doping Rule Violations* above.

In-Competition: *The Event Period*. However, for the purpose of the *Prohibited List*, *In-Competition* is the period commencing at 11:59 p.m. on the day before a *Competition* in which the *Rider* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

[Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonization among Riders across all sports, eliminates or reduces confusion among Riders about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from Substances prohibited Out-of-Competition being carried over to the Competition period.]

Ineligibility: See *Consequences of Anti-Doping Rule Violations* above.

Institutional Independence: Hearing panels on appeal shall be fully *Independent Institutionally* from the *Anti-Doping Organization* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management*.

International Event: An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organization*, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

For the purpose of Article 5.3 UCI ADR exclusively, *International Events* are *Events* for which the UCI has *Testing* responsibility and are referred to as “*UCI International Events*”. *UCI International Events* are defined annually by the UCI. The list of such *UCI International Events* is communicated to the relevant *Anti-Doping Organizations* before the start of the season and whenever required.

International-Level Rider: *Riders* who compete in sport at the international level, as defined in the Introduction of these Anti-Doping Rules.

International Standard: A standard adopted by WADA in support of the Code. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any *Technical Documents* issued pursuant to the *International Standard*.

Major Event Organizations: The continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*.

Marker: A compound, group of compounds or biological variable(s) that indicates the Use of a *Prohibited Substance* or *Prohibited Method*.

Minor: A natural *Person* who has not reached the age of eighteen years.

National Anti-Doping Organization: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results and conduct *Results Management* at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

National-Level Rider: Riders who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard for Testing and Investigations*.

Operational Independence: This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organization* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organization* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organization* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

Out-of-Competition: Any period which is not *In-Competition*.

Person: A natural *Person* or an organization or other entity.

Possession: The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on

Possession if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.

[Comment to Possession: Under this definition, anabolic steroids found in an Rider's car would constitute a violation unless the Rider establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Rider did not have exclusive control over the car, the Rider knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Rider and spouse, the Anti-Doping Organization must establish that the Rider knew the anabolic steroids were in the cabinet and that the Rider intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third-party address.]

Prohibited List: The list identifying the *Prohibited Substances* and *Prohibited Methods*.

Prohibited Method: Any method so described on the *Prohibited List*.

Prohibited Substance: Any substance, or class of substances, so described on the *Prohibited List*.

Provisional Hearing: For purposes of Article 7.5.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Rider* with notice and an opportunity to be heard in either written or oral form.

[Comment to Provisional Hearing: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Rider remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing", as that term is used in Article 7.5.3, is a full hearing on the merits conducted on an expedited time schedule.]

Provisional Suspension: See *Consequences of Anti-Doping Rule Violations* above.

Publicly Disclose: See *Consequences of Anti-Doping Rule Violations* above.

Registered Testing Pool: The pool of highest-priority *Rider* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 UCI ADR and the *International Standard for Testing and Investigations*.

Rider: Any *Person* subject to these Anti-Doping Rules who competes in the sport of cycling at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*).

An *Anti-Doping Organization* has discretion to apply anti-doping rules to a *Rider* who is neither an *International-Level Rider* nor a *National-Level Rider*, and thus to bring them within the definition of “*Rider*”. In relation to *Riders* who are neither *International-Level* nor *National-Level Riders*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 *UCI ADR* anti-doping rule violation is committed by any *Rider* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* must be applied. For purposes of Article 2.8 and Article 2.9 *UCI ADR* and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is a *Rider*.

[Comment to Rider: Individuals who participate in sport may fall in one of five categories: 1) International-Level Rider, 2) National-Level Rider, 3) individuals who are not International- or National-Level Riders but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Rider, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International- and National-Level Riders are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.]

Results Management: The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, *Whereabouts Failure*), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

Sample or Specimen: Any biological material collected for the purposes of *Doping Control*.

[Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]

Signatories: Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23.

Specified Method: See Article 4.2.2 *UCI ADR*.

Specified Substance: See Article 4.2.2 *UCI ADR*.

Substance of Abuse: See Article 4.2.3 *UCI ADR*.

Substantial Assistance: For purposes of Article 10.7.1 *UCI ADR*, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1 *UCI ADR*, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

Tampering: Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.

[Comment to Tampering: For example, this Article would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of "B" Sample analysis, altering a Sample by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the Doping Control process. Tampering includes misconduct which occurs during the Results Management and hearing process. See Article 10.9.3.3. However, actions taken as part of a Person's legitimate defense to an anti-doping rule violation charge shall not be considered Tampering. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed in the disciplinary rules of sport organizations.]

Target Testing: Selection of specific *Riders* for *Testing* based on criteria set forth in the *UCI Testing* and Investigations Regulations.

Technical Document: A document adopted and published by *WADA* from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

Testing: The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

Testing Pool: The tier below the *Registered Testing Pool* which includes *Riders* from whom some whereabouts information is required in order to locate and *Test* the *Rider Out-of-Competition*.

Therapeutic Use Exemption (TUE): A *Therapeutic Use Exemption* allows a *Rider* with a medical condition to use a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 UCI ADR and the *International Standard for Therapeutic Use Exemptions* are met.

Use: The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

WADA: The World Anti-Doping Agency.

3.2 Defined Terms from the UCI Testing and Investigations Regulations

Doping Control Officer (or DCO): An official who has been trained and authorized by the Sample Collection Authority to carry out the responsibilities given to DCOs in the *International Standard for Testing and Investigations*.

Expert: The Expert(s) and/or Expert Panel, with knowledge in the concerned field, chosen by the *Anti-Doping Organization* and/or Athlete Passport Management Unit, are responsible for providing an evaluation of the Passport. The Expert must be external to the *Anti-Doping Organization*.

For the Haematological Module, the Expert panel should consist of at least three (3) Experts who have qualifications in one or more of the fields of clinical and Laboratory haematology, sports medicine or exercise physiology, as they apply to blood doping. For the Steroidal Module, the Expert panel should be composed of at least three (3) individuals with qualifications in the fields of Laboratory steroid analysis, steroid doping and metabolism and/or clinical endocrinology. For both modules, an Expert panel should consist of Experts with complementary knowledge such that all relevant fields are represented. The Expert panel may include a pool of at least three (3) appointed Experts and any additional ad hoc Expert(s) who may be required upon request of any of the appointed Experts or by the Athlete Passport Management Unit of the *Anti-Doping Organization*.

Sample Collection Authority: The organization that is responsible for the collection of *Samples* in compliance with the requirements of the *International Standard for Testing and Investigations*, whether (1) the Testing Authority itself; or (2) a *Delegated Third Party* to whom the authority to conduct *Testing* has been granted or sub-contracted. The Testing Authority always remains ultimately responsible under the *Code* for compliance with the requirements of the *International Standard for Testing and Investigations* relating to collection of *Samples*.

Sample Collection Session: All of the sequential activities that directly involve the *Rider* from the point that initial contact is made until the *Rider* leaves the Doping Control Station after having provided their *Sample(s)*.

Testing Authority: The *Anti-Doping Organization* that authorizes *Testing* on *Riders* it has authority over. It may authorize a *Delegated Third Party* to conduct *Testing* pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organization*. Such authorization shall be documented. The *Anti-Doping Organization* authorizing *Testing* remains the Testing Authority and ultimately responsible under the *Code* to ensure the *Delegated Third Party*

conducting the *Testing* does so in compliance with the requirements of the *International Standard for Testing* and Investigations.

Unsuccessful Attempt Report: A detailed report of an unsuccessful attempt to collect a *Sample* from an *Rider* in a *Registered Testing Pool* or *Testing* pool setting out the date of the attempt, the location visited, the exact arrival and departure times at the location, the steps taken at the location to try to find the *Rider* (including details of any contact made with third parties), and any other relevant details about the attempt.

Whereabouts Filing: Information provided by or on behalf of an *Rider* in a *Registered Testing Pool* (or *Testing* pool if applicable) that sets out the *Rider's* whereabouts during the following quarter, in accordance with Article 4.8.

3.3 Defined Terms from the *International Standard for Laboratories*

Adaptive Model: A mathematical model designed to identify unusual longitudinal results from *Riders*. The model calculates the probability of a longitudinal profile of *Marker* values assuming that the *Rider* has a normal physiological condition.

Athlete Passport Management Unit (APMU): A unit composed of a *Person* or *Persons* that is responsible for the timely management of *Athlete Biological Passports* in *ADAMS* on behalf of the Passport Custodian.

Confirmation Procedure (CP): An Analytical Testing Procedure that has the purpose of confirming the presence and/or, when applicable, confirming the concentration/ratio/score and/or establishing the origin (exogenous or endogenous) of one or more specific *Prohibited Substances*, *Metabolite(s)* of a *Prohibited Substance*, or *Marker(s)* of the *Use of a Prohibited Substance* or *Prohibited Method* in a *Sample*.

Independent Witness: A *Person*, invited by the Testing Authority, the Laboratory or *WADA* to witness parts of the Analytical Testing process. The Independent Witness shall be independent of the *Rider* and his/her representative(s), the Laboratory, the Sample Collection Authority, the Testing Authority / Results Management Authority or *WADA*, as applicable. The Independent Witness may be indemnified for his/her service.

Laboratory(ies): (A) *WADA*-accredited laboratory(ies) applying Test Methods and processes to provide evidentiary data for the detection and/or identification of *Prohibited Substances* or *Prohibited Methods* on the *Prohibited List* and, if applicable, quantification of a Threshold Substance in *Samples* of urine and other biological matrices in the context of *Doping Control* activities.

Laboratory Documentation Package: The material produced by the Laboratory to support an analytical result such as an *Adverse Analytical Finding* as set forth in the *WADA Technical Document* for Laboratory Documentation Packages (TD LDOC).

Limit of Quantification (LOQ): Analytical parameter of assay technical performance. Lowest concentration of an Analyte in a *Sample* that can be quantitatively determined with acceptable precision and accuracy (i.e. acceptable Measurement Uncertainty) under the stated test conditions

Threshold Substance: An exogenous or endogenous *Prohibited Substance*, *Metabolite* or *Marker of a Prohibited Substance* for which the identification and quantitative determination (e.g. concentration, ratio, score) in excess of a pre-determined *Decision Limit*, or, when applicable, the establishment of an exogenous origin, constitutes an *Adverse Analytical Finding*. Threshold Substances are identified as such in the *Technical Document on Decision Limits* (TD DL).

3.4 Defined Term from the *UCI Therapeutic Use Exemptions Regulations*

Therapeutic: Of or relating to the treatment of a medical condition by remedial agents or methods; or providing or assisting in a cure.

3.5 Defined Term from the *International Standard for Protection of Privacy and Personal Information*

Personal Information: Information, including without limitation Sensitive Personal Information, relating to an identified or identifiable *Participant* or relating to other *Person* whose information is Processed solely in the context of an *Anti-Doping Organization's Anti-Doping Activities*.

*[Comment to Personal Information: It is understood that Personal Information includes, but is not limited to, information relating to an *Rider's* name, date of birth, contact details and sporting affiliations, whereabouts, designated TUEs (if any), anti-doping test results, and Results Management (including disciplinary hearings, appeals and sanctions). Personal Information also includes personal details and contact information relating to other *Persons*, such as medical professionals and other *Persons* working with, treating or assisting an *Rider* in the context of Anti-Doping Activities. Such information remains Personal Information and is regulated by this *International Standard* for the entire duration of its Processing, irrespective of whether the relevant individual remains involved in organized sport.]*

3.6 Defined Terms Specific to the *UCI Results Management Regulations*

Athlete Biological Passport Documentation Package: The material compiled by the Athlete Passport Management Unit to support an *Adverse Passport Finding* such as, but not limited to, analytical data, Expert Panel comments, evidence of confounding factors as well as other relevant supporting information.

Expert Panel: The Experts, with knowledge in the concerned field, chosen by the *UCI* and/or Athlete Passport Management Unit, who are responsible for providing an evaluation of the Passport. For the Haematological Module, Experts should have knowledge in one or more of the fields of clinical haematology (diagnosis of blood pathological conditions), sports medicine or exercise physiology. For the Steroidal Module, the Experts should have knowledge in Laboratory analysis, steroid doping and/or endocrinology. For both modules, an Expert Panel should consist of Experts with complementary knowledge such that all relevant fields are represented. The Expert Panel may include a pool of at least three appointed Experts and any additional ad hoc Expert(s) who may be required upon request of any of the appointed Experts or by the Athlete Passport Management Unit of the *UCI*.

Failure to Comply: A term used to describe anti-doping rule violations under *UCI* ADR Articles 2.3 and/or 2.5.

Filing Failure: A failure by the *Rider* (or by a third party to whom the *Rider* has delegated the task) to make an accurate and complete Whereabouts Filing that enables the *Rider* to be located for *Testing* at the times and locations set out in the Whereabouts Filing or to update that Whereabouts Filing where necessary to ensure that it remains accurate and complete, all in accordance with Article 4.8 of the *UCI Testing* and Investigations Regulations and Annex B.2 of the *UCI Results Management Regulations*.

Hearing Process: The process encompassing the timeframe between the referral of a matter to a hearing panel or tribunal until the issuance and notification of a decision by the hearing panel (whether at first instance or on appeal).

Missed Test: A failure by the *Rider* to be available for *Testing* at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the *UCI Testing* and Investigations regulations and Annex B.2 of the *UCI Results Management Regulations*.

Passport: A collation of all relevant data unique to an individual *Rider* that may include longitudinal profiles of *Markers*, heterogeneous factors unique to that particular *Rider* and other relevant information that may help in the evaluation of *Markers*.

Passport Custodian: The *Anti-Doping Organization* responsible for *Result Management* of the *Rider's Passport* and for sharing any relevant information associated to that *Rider's Passport* with other *Anti-Doping Organization(s)*.

Results Management Authority: The *Anti-Doping Organization* responsible for conducting *Results Management* in a given case.

Whereabouts Failure: A Filing Failure or a Missed Test.

3.7 Interpretation

- 3.7.1** The official text of the *UCI Results Management* Regulations shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 3.7.2** Like the *UCI ADR*, the *UCI Results Management* Regulations have been drafted giving consideration to the principles of proportionality, human rights, and other applicable legal principles. They shall be interpreted and applied in that light.
- 3.7.3** The comments annotating various provisions of the *UCI Results Management* Regulations shall be used to guide their interpretation.
- 3.7.4** Unless otherwise specified, references to Sections and Articles are references to Sections and Articles of the *UCI Results Management* Regulations.
- 3.7.5** Where the term “days” is used in the *UCI Results Management* Regulations, it shall mean calendar days unless otherwise specified.
- 3.7.6** The Annexes to the *UCI Results Management* Regulations have the same mandatory status as the rest of the *UCI Results Management* Regulations.

PART TWO: RESULTS MANAGEMENT – GENERAL PRINCIPLES

4.0 General Principles

4.1 The UCI Legal Anti-Doping Services

The UCI established the Legal Anti-Doping Services (LADS) to conduct *Results Management* in cases under the UCI's jurisdiction. LADS is set up as a unit separate from the rest of the UCI and conducts results management independently from the UCI Management. LADS can conduct its activities in consultation with an external legal counsel.

Unless otherwise specified, references to the UCI under the *UCI Results Management Regulations* are references to LADS.

4.2 Confidentiality of Results Management

Save for disclosures, including *Public Disclosure*, that are required or permitted under UCI ADR Article 14 or these Regulations, all processes and procedures related to *Results Management* are confidential.

4.3 Timeliness

In the interest of fair and effective sport justice, anti-doping rule violations should be prosecuted in a timely manner. Irrespective of the type of anti-doping rule violation involved, and save for cases involving complex issues or delays outside of the UCI's control (e.g. delays attributable to the *Rider* or other *Person*), the UCI should be able to conclude *Results Management* (including the Hearing Process at first instance) within six (6) months from notification as per Article 5 below. Irrespective of the above, the UCI should ensure the right to be heard and the fairness of the process, taking into account all circumstances, including without limitation the procedural or scientific complexity of the case.

[Comment to Article 4.2: A failure by the UCI to conclude Results Management within six (6) months from notification shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation.]

PART THREE: RESULTS MANAGEMENT – PRE-ADJUDICATION

5.0 First Results Management Phase

This Article 5 sets out the procedures applicable for the first *Results Management* phase as follows:

- *Adverse Analytical Findings* (Article 5.1),
- *Atypical Findings* (Article 5.2), and
- other matters (Article 5.3), which include potential Failures to Comply (Article 5.3.1.1), Whereabouts Failures (Article 5.3.1.2) and *Athlete Biological Passport* findings (Article 5.3.1.3). The notification requirements in respect of matters falling under the scope of Article 5.3 are described under Article 5.3.2.

5.1 Adverse Analytical Findings

5.1.1 Initial Review

Upon receipt of an *Adverse Analytical Finding*, the UCI shall conduct a review to determine whether (a) an applicable TUE has been granted or will be granted as provided in the UCI TUE Regulations (Article 5.1.1.1), (b) there is any apparent departure from the UCI Testing and Investigations Regulations or *International Standard* for Laboratories that caused the *Adverse Analytical Finding* (Article 5.1.1.2) and/or (c) it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through a permitted route (Article 5.1.1.3).

5.1.1.1 Therapeutic Use Exemption

- 5.1.1.1.1** The UCI shall consult the *Rider's* records in ADAMS and with other *Anti-Doping Organizations* that might have approved a TUE for the *Rider* (e.g., the *National Anti-Doping Organization* or another International Federation, if applicable) to determine whether a TUE exists.

[Comment to Article 5.1.1.1.1: As per the Prohibited List and the Technical Document for Decision Limits for the Confirmatory Quantification of Threshold Substances, the detection in a Rider's Sample at all times or In-Competition, as applicable, of any quantity of certain Threshold Substances (identified in the Prohibited List), in conjunction with a diuretic or masking agent, will be considered as an Adverse Analytical Finding unless the Rider has an approved TUE for that substance in addition to the one granted for the diuretic or masking agent. Therefore, in the event of such detection, the UCI shall also determine whether the Rider has an approved TUE for the detected Threshold Substance.]

5.1.1.1.2 If the initial review reveals that the *Rider* has an applicable *TUE*, then the *UCI* shall conduct such follow up review as necessary to determine if the specific requirements of the *TUE* have been complied with.

5.1.1.2 Apparent Departure from *UCI Testing* and Investigations Regulations and/or *International Standard* for Laboratories

The *UCI* must review the *Adverse Analytical Finding* to determine if there has been any departure from the *UCI Testing* and Investigations Regulations and/or the *International Standard* for Laboratories. This may include a review of the Laboratory Documentation Package produced by the Laboratory to support the *Adverse Analytical Finding* (if available at the time of the review) and relevant *Doping Control* form(s) and *Testing* documents.

5.1.1.3 Apparent Ingestion through Permitted Route

If the *Adverse Analytical Finding* involves a *Prohibited Substance* permitted through (a) specific route(s) as per the *Prohibited List*, the *UCI* shall consult any relevant available documentation (e.g. *Doping Control* form) to determine whether the *Prohibited Substance* appears to have been administered through a permitted route and, if so, shall consult an expert to determine whether the *Adverse Analytical Finding* is compatible with the apparent route of ingestion.

If the *UCI* deems it efficient under the circumstances, the *UCI* may also contact the *Rider* to obtain his/her explanation in the context of its initial review.

[Comment to Article 5.1.1.3: For the sake of clarity, the outcome of the initial review shall not prevent a Rider from arguing that his/her Use of the Prohibited Substance came from a permitted route at a later stage of Results Management.]

5.1.2 Notification

5.1.2.1 If the review of the *Adverse Analytical Finding* does not reveal an applicable *TUE* or entitlement to the same as provided in the *UCI Therapeutic Use Exemptions* Regulations, a departure from the *UCI Testing* and Investigations Regulations or the *International Standard* for Laboratories that caused the *Adverse Analytical Finding* or that it is apparent that the *Adverse Analytical Finding* was caused by an ingestion of the relevant *Prohibited Substance* through an authorized route, the *UCI* shall promptly notify the *Rider* of:

a) The *Adverse Analytical Finding*;

[Comment to Article 5.1.2.1 a): In the event that the Adverse Analytical Finding relates to salbutamol, formoterol, human chorionic gonadotrophin or another Prohibited Substance subject to specific

Results Management requirements in a Technical Document, the UCI shall in addition comply with Article 5.1.2.2. The Rider shall be provided with any relevant documentation, including a copy of the Doping Control form and the Laboratory results.]

- b) The fact that the *Adverse Analytical Finding* may result in an anti-doping rule violation of UCI ADR Article 2.1 and/or Article 2.2 and the applicable *Consequences*;

[Comment to Article 5.1.2.1 b): The UCI should always refer to both UCI ADR Articles 2.1 and 2.2 in the notification and charge letter (Article 7) to a Rider if the matter relates to an Adverse Analytical Finding. The UCI shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists and take such information into account in determining the applicable Consequences.]

- c) The *Rider's* right to request the analysis of the "B" *Sample* or, failing such request, that the "B" *Sample* analysis may be deemed irrevocably waived;

[Comment to Article 5.1.2.1 c): The UCI may still request the "B" Sample analysis even if the Rider does not request the "B" Sample analysis or expressly or impliedly waives their right to analysis of the "B" Sample. The UCI may request the Rider to advance the costs of the B Sample analysis.]

- d) The opportunity for the *Rider* and/or the *Rider's* representative to attend the "B" *Sample* opening and analysis in accordance with the *International Standard* for Laboratories;
- e) The *Rider's* right to request copies of the "A" *Sample Laboratory Documentation Package* which includes information required by the *International Standard* for Laboratories;

[Comment to Article 5.1.2.1 e): This request shall be made to the UCI and not the Laboratory directly.

The costs relating to the issuance of the Laboratory Documentation Package(s) shall be covered by the Rider in advance.]

- f) The opportunity for the *Rider* to provide an explanation within a short deadline;
- g) The opportunity for the *Rider* to provide *Substantial Assistance* as set out under UCI ADR Article 10.7.1, to admit the anti-doping rule violation and potentially benefit from a one-year reduction in the period of *Ineligibility* under UCI ADR Article 10.8.1 (if applicable) or to seek to enter into a case

resolution agreement under *UCI ADR Article 10.8.2* or an Acceptance of Consequences under *UCI ADR 8.2*; and

- h) Any matters relating to *Provisional Suspension* (including the possibility for the *Rider* to accept a voluntary *Provisional Suspension*) as per Article 6 (if applicable).

5.1.2.2 In addition, in the event that the *Adverse Analytical Finding* relates to the *Prohibited Substances* set out below, the *UCI* shall:

- a) Salbutamol or Formoterol: draw the attention of the *Rider* in the notification letter that the *Rider* can prove, through a controlled pharmacokinetic study, that the *Adverse Analytical Finding* was the consequence of a Therapeutic dose by inhalation up to the maximum dose indicated under class S3 of the *Prohibited List*. The *Rider's* attention shall in addition be drawn to the key guiding principles for a controlled pharmacokinetic study and they shall be provided with a list of Laboratories, which could perform the controlled pharmacokinetic study. The *Rider* shall be granted a deadline of seven (7) days to indicate whether he/she intends to undertake a controlled pharmacokinetic study, failing which the *UCI* may proceed with the *Results Management*;
- b) Urinary human chorionic gonadotrophin: follow the procedures set out at Article 6 of the 2019 *Technical Document* for the Reporting & Management of Urinary Human Chorionic Gonadotrophin (hCG) and Luteinizing Hormone (LH) Findings in Male *Riders* (TD2019CG/LH) or any subsequent version of the *Technical Document*;
- c) Other *Prohibited Substance* subject to specific *Results Management* requirements in a *Technical Document* or other document issued by WADA: follow the procedures set out in the relevant *Technical Document* or other document issued by WADA.

5.1.2.3 The *UCI* shall also indicate the scheduled date, time and place for the “B” *Sample* analysis for the eventuality that the *Rider* or the *UCI* chooses to request an analysis of the “B” *Sample*; it shall do so either in the notification letter described in Article 5.1.2.1 or in a subsequent letter promptly after the *Rider* (or the *UCI*) has requested the “B” *Sample* analysis.

[Comment to Article 5.1.2.3: As per Article 5.3.4.5.4.8.5 of the International Standard for Laboratories, the “B” Sample confirmation should be performed as soon as possible, and no later than three (3) months, following the reporting of the “A” Sample Adverse Analytical Finding.

The timing of the “B” Sample confirmation analysis may be strictly fixed in the short term with no postponement possible, when circumstances so justify it. This can notably and without limitation be the case in the context of Testing during or immediately before or after Major Events, or when the further

postponement of the “B” Sample analysis could significantly increase the risk of Sample degradation.]

- 5.1.2.4** If the *Rider* requests the “B” *Sample* analysis but claims that they and/or their representative is not available on the scheduled date indicated by the *UCI*, the *UCI* shall liaise with the Laboratory and propose (at least) two (2) alternative dates.

[Comment to Article 5.1.2.4: The alternative dates should take into account: (1) the reasons for the Rider’s unavailability; and (2) the need to avoid any degradation of the Sample and ensure timely Results Management.]

- 5.1.2.5** If the *Rider* and their representative claim not to be available on the alternative dates proposed, the *UCI* may instruct the Laboratory to proceed regardless and appoint an Independent Witness to verify that the “B” *Sample* container shows no signs of *Tampering* and that the identifying numbers match that on the collection documentation.

[Comment to Article 5.1.2.5: An Independent Witness may be appointed even if the Rider has indicated that they will be present and/or represented.]

- 5.1.2.6** If the results of the “B” *Sample* analysis confirm the results of the “A” *Sample* analysis, the *UCI* shall promptly notify the *Rider* of such results and shall grant the *Rider* a short deadline to provide or supplement their explanations. The *Rider* shall also be afforded the possibility to admit the anti-doping rule violation to potentially benefit from a one-year reduction in the period of *Ineligibility* under *UCI ADR Article 10.8.1*, if applicable, and/or to voluntarily accept a *Provisional Suspension* as per *UCI ADR Article 7.4.4*.

[Comment to Article 5.1.2.6: While the UCI may agree to grant the Rider or other Person an extension (on justified grounds) of the deadline to provide their explanation, no extension of the deadline to admit the ADRV and benefit from a one-year reduction can be afforded to the Rider or other Person.]

- 5.1.2.7** Upon receipt of any explanation from a *Rider*, the *UCI* may, without limitation, request further information and/or documents from the *Rider* within a set deadline or liaise with third parties in order to assess the validity of the explanation.

[Comment to Article 5.1.2.7: If the positive finding involves a Prohibited Substance subject to a permitted route (e.g. by inhalation, by transdermal or by ophthalmic Use) and the Rider alleged that the positive finding came from the permitted route, the UCI should assess the credibility of the explanation by contacting third parties (including scientific experts) before deciding not to move forward with Results Management].

- 5.1.2.8** Any communication provided to the *Rider* under this Article 5.1.2 shall simultaneously be provided by the *UCI* to the *Rider’s National Anti-Doping Organization(s)* and *WADA* and shall promptly be reported into *ADAMS*.

The *Rider's National Federation and Team* may also be informed of the same.

[Comment to Article 5.1.2.8: To the extent not already set out in the communication to the Rider, this notification shall include the following information (if applicable): the Rider's name, country, sport and discipline within the sport, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the Laboratory and other information as required by the UCI Testing and Investigations Regulations.]

5.2 Atypical Findings

- 5.2.1** Upon receipt of an *Atypical Finding*, the *UCI* shall conduct a review to determine whether: (a) an applicable *TUE* has been granted or will be granted as provided in the *UCI Therapeutic Use Exemptions Regulations* (see Article 5.1.1.1 by analogy); (b) there is any apparent departure from the *UCI Testing and Investigations Regulations* or *International Standard* for Laboratories that caused the *Atypical Finding* (see Article 5.1.1.2 by analogy) and/or (c) it is apparent that the ingestion of the *Prohibited Substance* was through a permitted route (see Article 5.1.1.3 by analogy). If that review does not reveal an applicable *TUE*, an apparent departure that caused the *Atypical Finding* or an ingestion through an authorized route, the *UCI* shall conduct the required investigation.

[Comment to Article 5.2.1: If the Prohibited Substance involved is subject to specific Results Management requirements in a Technical Document, the UCI shall also follow the procedures set out therein.]

In addition, the UCI may contact WADA to determine which investigative steps should be undertaken. These investigative steps may be provided for by WADA in a specific notice or other document.

If the UCI deems it efficient under the circumstances, the UCI may also contact the Rider as part of its investigation].

- 5.2.2** The *UCI* does not need to provide notice of an *Atypical Finding* until it has completed its investigation and decided whether it will bring the *Atypical Finding* forward as an *Adverse Analytical Finding* unless one of the following circumstances exists:
- a) If the *UCI* determines that the "B" *Sample* should be analyzed prior to the conclusion of its investigation, the *UCI* may conduct the "B" *Sample* analysis after notifying the *Rider*, with such notice to include a description of the *Atypical Finding* and the information described in Article 5.1.2.1 c) to e) and Article 5.1.2.3;
 - b) If the *UCI* receives a request, either from a *Major Event Organization* shortly before one of its *International Events* or from a sport organization responsible for meeting an imminent deadline for selecting team members for an *International Event*, to disclose whether any *Rider* identified on a list provided by the *Major Event Organization* or sport organization has a pending *Atypical Finding*, the *UCI* shall identify any *Rider* after first providing notice of the *Atypical Finding* to the *Rider*, or

- c) If the *Atypical Finding* is, in the opinion of qualified medical or expert personnel, likely to be connected to a serious pathology that requires urgent medical attention.

5.2.3 If after the investigation is completed the *UCI* decides to pursue the *Atypical Finding* as an *Adverse Analytical Finding*, then the procedure shall follow the provisions of Article 5.1 *mutatis mutandis*.

5.3 Matters not Involving an *Adverse Analytical Finding* or *Atypical Finding*

5.3.1 Specific cases

5.3.1.1 Report of a potential Failure to Comply

The pre-adjudication phase of *Results Management* of a possible Failure to Comply shall take place as provided in Annex A – Review of a Possible Failure to Comply.

5.3.1.2 Whereabouts Failures

The pre-adjudication phase of *Results Management* of potential Whereabouts Failures shall take place as provided in Annex B – *Results Management* for Whereabouts Failures.

5.3.1.3 *Athlete Biological Passport Findings*

The pre-adjudication phase of *Results Management* of *Atypical Passport Findings* or *Passports* submitted to an Expert by the Athlete Passport Management Unit when there is no *Atypical Passport Finding* shall take place as provided in Annex C – *Results Management* Requirements and Procedures for the *Athlete Biological Passport*.

5.3.2 Notification for specific cases and other anti-doping rule violations under Article 5.3

5.3.2.1 At such time as the *UCI* considers that the *Rider* or other *Person* may have committed (an) anti-doping rule violation(s), the *UCI* shall promptly notify the *Rider* or other *Person* of:

- a) The relevant anti-doping rule violation(s) and the applicable *Consequences*;
- b) The relevant factual circumstances upon which the allegations are based;
- c) The relevant evidence in support of those facts that the *UCI* considers demonstrate that the *Rider* or other *Person* may have committed (an) anti-doping rule violation(s);
- d) The *Rider* or other *Person*'s right to provide an explanation within a reasonable deadline;

- e) The opportunity for the *Rider* or other *Person* to provide *Substantial Assistance* as set out in *UCI ADR Article 10.7.1*, to admit the anti-doping rule violation and potentially benefit from a one-year reduction in the period of *Ineligibility* in *UCI ADR Article 10.8.1* (if applicable) or seek to enter into a case resolution agreement in *UCI ADR Article 10.8.2* or an Acceptance of Consequences under *UCI ADR 8.2*; and
- f) Any matters relating to *Provisional Suspension* (including the possibility for the *Rider* or other *Person* to accept a voluntary *Provisional Suspension*) as per Article 6 (if applicable).

5.3.2.2 Upon receipt of the *Rider's* or other *Person's* explanation, the *UCI* may, without limitation, request further information and/or documents from the *Rider* or other *Person* within a set deadline or liaise with third parties in order to assess the validity of the explanation.

5.3.2.3 The communication provided to the *Rider* or other *Person* shall simultaneously be provided by the *UCI* to the *Rider's* or other *Person's National Anti-Doping Organization(s)* and *WADA* and shall promptly be reported into *ADAMS*.

[Comment to Article 5.3.2.3: To the extent not already set out in the communication to the Rider or other Person, this notification shall include the following information (if applicable): the Rider's or other Person's name, country, sport and discipline within the sport.]

5.4 Decision Not to Move Forward

If at any point during *Results Management* up until the charge under Article 7 below, the *UCI* decides not to move forward with a matter, it must notify the *Rider* or other *Person* (provided that the *Rider* or other *Person* had been already informed of the ongoing *Results Management*) and give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under *UCI ADR Article 13.2.3*.

6.0 Provisional Suspensions

6.1 Scope

6.1.1 In principle, a *Provisional Suspension* means that a *Rider* or other *Person* is barred temporarily from participating in any capacity in any *Competition* or activity as per *UCI ADR Article 10.14.1* prior to the final decision at a hearing pursuant to Article 8.

6.1.2 Where the *Results Management Authority* is the ruling body of an *Event* or is responsible for team selection, the rules of such *Results Management Authority* shall provide that the *Provisional Suspension* is limited to the scope of the *Event*, respectively team selection. Upon notification under Article 5, the *UCI* shall be responsible for *Provisional Suspension* beyond the scope of the *Event*.

6.2 Imposition of a *Provisional Suspension*

6.2.1 Mandatory *Provisional Suspension* after certain *Adverse Analytical Findings* or *Adverse Passport Finding*

If the *UCI* receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, the *UCI* shall impose a *Provisional Suspension* on the *Rider* following the review and notification required by Article 5 of the *UCI Results Management Regulations*.

6.2.2 Optional *Provisional Suspension* based on an *Adverse Analytical Finding* for *Specified Substances*, *Specified Methods*, *Contaminated Products*, or Other *Anti-Doping Rule Violations*

The *UCI* may impose a *Provisional Suspension* for potential anti-doping rule violations not covered by Article 6.2.1 above prior to the analysis of the *Rider's* B Sample (where applicable) or a final hearing as described in *UCI ADR* Article 8, following the review and notification required by Article 5 of the *UCI Results Management Regulations*.

[Comment to Article 6.2.2: Whether or not to impose an optional Provisional Suspension is a matter for the UCI to decide in its discretion, taking into account all the facts and evidence. The UCI should keep in mind that if a Rider continues to compete after being notified and/or charged in respect of an anti-doping rule violation and is subsequently found to have committed an anti-doping rule violation, any results, prizes and titles achieved and awarded in that timeframe may be subject to Disqualification and forfeited.

Nothing in this provision prevents provisional measures (including a lifting of the Provisional Suspension upon request of the Rider or other Person) being ordered by a hearing panel.]

6.3 General Provisions

6.3.1 Notice and Effects of the *Provisional Suspension*

Notice of a *Provisional Suspension* may be included in the notification under Article 5 of the *UCI Results Management Regulations* or otherwise provided simultaneously with or upon notification of the asserted anti-doping rule violation by the *UCI*.

The *Provisional Suspension* shall start on the date on which it is notified (or deemed notified) by the *UCI* to the *Rider* or other *Person*.

6.3.2 Duration of the *Provisional Suspension*

The period of *Provisional Suspension* shall end with the final decision of the hearing panel under Article 8, unless lifted earlier in accordance with this Article 6. However,

the period of *Provisional Suspension* shall not exceed the maximum length of the period of *Ineligibility* that may be imposed on the *Rider* or other *Person* based on the relevant anti-doping rule violation(s).

In circumstances where the *Rider* (or the *Rider's* team as may be provided in the rules of the applicable *Major Event Organization* or the *UCI*) has been removed from an *Event* based on a violation of *UCI ADR Article 2.1* and the subsequent "B" *Sample* analysis does not confirm the "A" *Sample* finding, if, without otherwise affecting the *Event*, it is still possible for the *Rider* or team to be reinstated, the *Rider* or team may continue to take part in the *Event*.

[Comment to Article 6.3.2: The UCI may nonetheless decide to maintain and/or re-impose a Provisional Suspension on the Rider based on another anti-doping rule violation notified to the Rider, e.g. a violation of UCI ADR Article 2.2.]

6.4 Opportunity for Hearing or Appeal

6.4.1 With notice of the *Provisional Suspension*, the *Rider* or other *Person* shall be given: (a) an opportunity for a *Provisional Hearing*, either before or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with *UCI ADR Article 8* on a timely basis after imposition of the *Provisional Suspension*.

6.4.2 If an opportunity for a *Provisional Hearing* is given in the notice, the request shall be made in writing and shall be brought to the *UCI Disciplinary Commission*.

The request shall be examined and the decision taken by one (1) or more members of the *UCI Disciplinary Commission*.

Unless the *UCI Disciplinary Commission* orders otherwise, the decision shall be based on written submissions only and no oral hearing shall be organized.

A decision of the *UCI Disciplinary Commission* not to eliminate the *Provisional Suspension* may be appealed in accordance with *UCI ADR Article 13.2*. Notwithstanding the general provisions in *UCI ADR Article 13*, the only *Person* who may appeal from the imposition of a *Provisional Suspension* is the *Rider* or other *Person* upon whom the *Provisional Suspension* is imposed.

6.4.3 If the request for lifting the *Provisional Suspension* is denied and not appealed under *UCI ADR Article 13.2*, or if the denial is confirmed on appeal, a new request for lifting the *Provisional Suspension* may only be presented based on new facts or circumstances that were not known and could not reasonably have been known to the *Rider* or other *Person* at the time of the first request.

6.5 Grounds for Lifting of the Provisional Suspension

- 6.5.1** A mandatory or optional *Provisional Suspension* may be eliminated if: (i) the *Rider* demonstrates to the *UCI Disciplinary Commission* that the violation is likely to have involved a *Contaminated Product*, or (ii) the violation involves a *Substance of Abuse* and the *Rider* establishes entitlement to a reduced period of *Ineligibility* under *UCI ADR Article 10.2.4.1*. The *UCI Disciplinary Commission's* decision not to lift a *Provisional Suspension* on account of the *Rider's* assertion regarding a *Contaminated Product* shall not be appealable.
- 6.5.2** A mandatory or optional *Provisional Suspension* may also be eliminated if the *Rider* or other *Person* establishes that (a) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, or (b) there is a strong arguable case that he or she bears *No Fault or Negligence* for the asserted anti-doping rule violation, or (c) some other facts or circumstances exist that, in the *UCI Disciplinary Commission's* opinion, make it clearly unfair to impose or maintain the *Provisional Suspension*. A decision of the *UCI Disciplinary Commission* not to eliminate the *Provisional Suspension* may be appealed in accordance with *UCI ADR Article 13.2*.
- 6.5.3** If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested by the *Rider* or the *UCI*) does not confirm the *A Sample* analysis, then the *Rider* shall not be subject to any further *Provisional Suspension* on account of a violation of *Article 2.1*.
- [Comment to Article 6.5.3: the UCI may, however, decide to maintain the Provisional Suspension under Article 6.2.3, based on the assertion of another anti-doping rule violation including under Article 2.2, subject to the possibility to ask for an elimination of the Provisional Suspension under Article 6.4.]*
- In circumstances where the *Rider* (or the *Rider's* team) has been removed from an *Event* based on a violation of *Article 2.1* and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, then, if it is still possible for the *Rider* or team to be reinserted, without otherwise affecting the *Event*, the *Rider* or team may continue to take part in the *Event*.
- 6.5.4** An optional *Provisional Suspension* may be lifted at the discretion of the *UCI* at any time prior to the *UCI Anti-Doping Tribunal's* decision under *Article 8*, unless provided otherwise in the *UCI Results Management Regulations*.

6.6 Voluntary *Provisional Suspension*

Riders on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of:

- (i) the expiration of ten (10) days from the notification of the *B Sample* (or waiver of the *B Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or
- (ii) the date on which the *Rider* first competes after such report or notice.

Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 6.2.1 or 6.2.2; provided, however, that at any time after voluntarily accepting a *Provisional Suspension*, the *Rider* or other *Person* may withdraw such acceptance, in which case the *Rider* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

6.7 Notification

- 6.7.1** Unless already notified under another provision of these Regulations, any imposition of a *Provisional Suspension* notified to the *Rider* or other *Person* or voluntary acceptance of a *Provisional Suspension*, or lifting of either, shall promptly be notified by the *UCI* to the *Rider's* or other *Person's National Anti-Doping Organization(s)*, *National Federation* and *WADA* and shall promptly be reported into *ADAMS*.

[Comment to Article 6.7.1: To the extent not already set out in the communication to the Rider or other Person, this notification shall include the following information (if applicable): the Rider's or other Person's name, country, sport and discipline within the sport.]

7.0 Charge

- 7.1 If, after receipt of the *Rider* or other *Person's* explanation or expiry of the deadline to provide such explanation, the *UCI* is (still) satisfied that the *Rider* or other *Person* has committed (an) anti-doping rule violation(s), the *UCI* shall promptly charge the *Rider* or other *Person* with the anti-doping rule violation(s) they are asserted to have breached.

In this letter of charge, the *UCI*:

- Shall set out the provision(s) of its anti-doping rules asserted to have been violated by the *Rider* or other *Person*;

[Comment: The UCI is not limited by the anti-doping rule violation(s) set out in the notification under Article 5. In its discretion, the UCI may decide to assert further anti-doping rule violation(s) in its notice of charge.]

Notwithstanding the above, whereas it is the UCI's duty to set out all and any asserted anti-doping rule violation(s) against a Rider or other Person in the notice of charge, a failure to formally charge a Rider with an anti-doping rule violation that is, in principle, an integral part of a more specific (asserted) anti-doping rule violation (e.g. a Use violation (UCI ADR Article 2.2) as part of a Presence violation (UCI ADR Article 2.1), or a Possession violation (UCI ADR Article 2.6) as part of an asserted Administration violation (UCI ADR Article 2.8)) shall not prevent a hearing panel from finding that the Rider or other Person committed a violation of the subsidiary anti-doping rule violation in the event that they are not found to have committed the explicitly asserted anti-doping rule violation.]

- Shall provide a detailed summary of the relevant facts upon which the assertion is based, enclosing any additional underlying evidence not already provided in the notification under Article 5;

[Comment: The UCI shall, however, not be prevented from relying on other facts and/or adducing further evidence not contained in either the notification letter under Article 5 or the charge letter under Article 7 during the Hearing Process at first instance and/or on appeal.]

- Shall indicate the specific *Consequences* being sought in the event that the asserted anti-doping rule violation(s) is/are upheld and that such *Consequences* shall have binding effect on all *Signatories* in all sports and countries as per *UCI ADR Article 15*;

[Comment: The Consequences of an anti-doping rule violation set out in the letter of charge shall include as a minimum the relevant period of Ineligibility and Disqualification. The UCI shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organizations to determine whether any prior anti-doping rule violation exists and take such information into account in determining the relevant Consequences. The proposed Consequences shall in all circumstances be compatible with the provisions of the UCI ADR and shall be appropriate based on the explanations given by the Rider or other Person or the facts as established by the UCI. For these purposes, it is expected that the UCI will review the explanations given by the Rider or other Person and assess their credibility (for example, by checking the authenticity of documentary evidence and the plausibility of the explanation

from a scientific perspective) before proposing any Consequences. If the Results Management phase is substantially delayed by the review, the UCI shall inform WADA, setting out the reasons for the substantial delay.]

- Shall indicate that the *Rider* or other *Person* (i) must admit the anti-doping rule violation(s) within twenty (20) days from receipt of the letter of charge in order to potentially benefit from a one-year reduction in the period of *Ineligibility* under UCI ADR Article 10.8.1 (if applicable) and (ii) may seek to enter into a case resolution agreement by admitting the anti-doping rule violation(s) under UCI ADR Article 10.8.2 or an Acceptance of Consequences under UCI ADR 8.2;
 - Shall grant a deadline of not more than twenty (20) days from receipt of the letter of charge (which may be extended only in exceptional cases) to the *Rider* or other *Person* to admit the anti-doping rule violation(s) asserted and to accept the proposed *Consequences* by signing, dating and returning an acceptance of *Consequences* form, which shall be enclosed with the letter;
 - For the eventuality that the *Rider* or other *Person* does not accept the proposed *Consequences*, shall already grant to the *Rider* or other *Person* a deadline (which shall not be of more than twenty (20) days from receipt of the letter of charge and may be extended only in exceptional cases) to challenge in writing the *UCI's* assertion of an anti-doping rule violation and/or proposed *Consequences*, and/or make a written request for a hearing before the *UCI Anti-Doping Tribunal*;
 - Shall indicate that if the *Rider* or other *Person* does not challenge the *UCI's* assertion of an anti-doping rule violation(s) or proposed *Consequences* nor request a hearing within the prescribed deadline, the *UCI* shall be entitled to deem that the *Rider* or other *Person* has waived their right to a hearing and admitted the anti-doping rule violation(s) as well as accepted the *Consequences* set out by the *UCI* in the letter of charge;
 - Shall indicate that the *Rider* or other *Person* may be able to obtain a suspension of *Consequences* if they provide *Substantial Assistance* under UCI ADR Article 10.7.1; and
 - Shall set out any matters relating to *Provisional Suspension* as per Article 6 (if applicable).
- 7.2** The notice of charge notified to the *Rider* or other *Person* shall simultaneously be notified by the *UCI* to the *Rider's National Anti-Doping Organization(s)* and *WADA* and shall promptly be reported into *ADAMS*.

The *Rider's National Federation* and *Team* may also be informed of the same.

[Comment to Article 7.2: To the extent not already set out in the notice of charge, this notification shall contain the following information (wherever applicable): Rider's or other Person's name, country, sport and discipline within the sport, and, for a violation of UCI ADR Article 2.1, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the Laboratory and other information as required by the UCI Testing and Investigations Regulations, and, for any other anti-doping rule violation, the anti-doping rule(s) violated and the basis for the asserted violation(s).]

- 7.3** In the event that the *Rider* or other *Person* either (i) admits the anti-doping rule violation and accepts the proposed *Consequences* or (ii) is deemed to have admitted the violation and accepted the *Consequences* as per Article 7.1, the *UCI* shall promptly issue the decision and notify it in accordance with Article 9.
- 7.4** If, after the *Rider* or other *Person* has been charged, the *UCI* decides to withdraw the charge, it must notify the *Rider* or other *Person* and give notice (with reasons) to the *Anti-Doping Organizations* with a right of appeal under *UCI ADR Article 13.2.3*.
- 7.5** Subject to Article 7.6, in the event that the *Rider* or other *Person* requests a hearing, the matter shall be referred to the *UCI Anti-Doping Tribunal* and be dealt with pursuant to Article 8.

[Comment to Article 7.5: Where UCI has delegated the adjudication part of Results Management to a Delegated Third Party, the matter shall be referred to the Delegated Third Party.]

7.6 Single hearing before CAS

- 7.6.1** Pursuant to *UCI ADR Article 8.4*, anti-doping rule violations asserted by the *UCI* may, with the consent of the *Rider* or other *Person*, the *UCI* and *WADA*, be heard in a single hearing directly at *CAS* under *CAS* appellate procedures, with no requirement for a prior hearing, or as otherwise agreed by the parties.
- 7.6.2** If the *Rider* or other *Person* and the *UCI* agree to proceed with a single hearing before *CAS*, it shall be the responsibility of the *UCI* to liaise in writing with *WADA* to determine whether it agrees to the proposal. Should *WADA* not agree (in its entire discretion), then the case shall be heard by the *UCI Anti-Doping Tribunal* at first instance.

[Comment to Article 7.6.2: In the event that all relevant parties agree to refer the case to the CAS as a single instance, the UCI shall promptly notify any other Anti-Doping Organization with a right of appeal upon initiating the proceedings so that the latter may seek to intervene in the proceedings (if they wish to). The final decision rendered by the CAS shall not be subject to any appeal, save to the Swiss Federal Tribunal.]

PART FOUR: RESULTS MANAGEMENT – ADJUDICATION

8.0 Hearing Process

- 8.1** As provided under *UCI ADR Article 8.3*, the *UCI* shall establish a *UCI Anti-Doping Tribunal* to hear anti-doping rule violations asserted under the *UCI ADR*. The *UCI Anti-Doping Tribunal* shall be *Operationally Independent*.

The *UCI Anti-Doping Tribunal*, its composition and its procedures shall be determined in specific procedural rules established by the *UCI* and made available on its website.

9.0 Decisions

- 9.1** Decisions shall be promptly notified by the *UCI Anti-Doping Tribunal* to the *Rider* or other *Person* and to other *Anti-Doping Organizations* with a right of appeal under *UCI ADR Article 13.2.3* and shall promptly be reported into *ADAMS*. Where the decision is not in English or French, the *UCI* shall provide an English or French summary of the decision and of the supporting reasons as well as a searchable version of the decision.
- 9.2** A *Rider* or other *Person* subject to a period of *Ineligibility* shall be made aware by the *UCI* of their status during *Ineligibility*, including the *Consequences* of a violation of the prohibition of participation during *Ineligibility*, pursuant to *UCI ADR Article 10.14*. The *UCI* shall take appropriate measures to ensure that the period of *Ineligibility* is duly respected within its sphere of competence. The *Rider* or other *Person* should also be made aware that they may still provide *Substantial Assistance*.
- 9.3** A *Rider* subject to a period of *Ineligibility* should also be made aware by the *UCI* that they remain subject to the *UCI Anti-Doping Rules*, including but not limited to *Testing* and any requirement to provide whereabouts information.
- 9.4** Where, further to the notification of the decision, an *Anti-Doping Organization* with a right of appeal requests a copy of the full case file pertaining to the decision, it shall be provided promptly by the *UCI*.

[Comment to Article 9.4: The case file shall contain all documents relating to the case. For an analytical case, it shall include at a minimum the Doping Control form, Laboratory results and/or Laboratory Documentation Package(s) (if issued), any submissions and exhibits and/or correspondence of the parties and all other documents relied upon by the hearing body. The case file should be sent by email in an organized manner with a table of contents.]

- 9.5** If the decision concerns an *Adverse Analytical Finding* or *Atypical Finding*, and after any deadline to appeal has elapsed and no appeal has been filed against the decision, the *UCI* shall promptly notify the relevant Laboratory that the matter has been finally disposed of.

10.0 Appeals

10.1 The rules governing appeal rights are set out in *UCI ADR Article 13*.

10.2 With respect to appeals before *CAS*:

- a) The appeal procedure shall be governed by the *CAS Code of Sports-related Arbitration* unless specifically provided otherwise under the *UCI ADR* or Regulations;
- b) All parties to any *CAS* appeal must ensure that *WADA* and any other party, which would have had a right of appeal and is not a party to the *CAS* appeal, has been given timely notice of the appeal;
- c) No settlement embodied in an arbitral award rendered by consent of the parties as per Article R56 of the *CAS Code of Sports-related Arbitration* shall be entered into by the *UCI* without *WADA's* written approval. Where the parties to the *CAS* proceedings are envisaging settling the matter by way of a settlement embodied in an arbitral award rendered by consent of the parties, the *UCI* shall immediately notify *WADA* and provide it with all necessary information in this respect; and
- d) If applicable, where the *UCI* is a party to an appeal before *CAS*, it shall promptly provide the *CAS* award to the other *Anti-Doping Organizations* that would have been entitled to appeal under *UCI ADR Article 13.2.3*.

11.0 Violation of the Prohibition Against Participation During *Ineligibility*

11.1 In the event that a *Rider* or other *Person* is suspected to have violated the prohibition against participation during *Ineligibility* pursuant to *UCI ADR Article 10.14*, the *Results Management* relating to this potential violation shall comply with the principles of these Regulations.

[Comment to Article 11.1: In particular, the Rider or other Person shall receive a notification letter in accordance with Article 5.3.2, a letter of charge in accordance with Article 7 and be afforded the right to a hearing.]

11.2 In the event that the *UCI* is competent, the decision shall be made by the *UCI Disciplinary Commission*, unless the *Rider* or other *Person* agrees with the *UCI* on the *Consequences* of the relevant violation. Such agreement shall be considered as a decision by the *UCI* which replaces a decision of the *UCI* and put an end to the proceedings. The agreement may be appealed to *CAS* by the *Anti-Doping Organizations* having a right to appeal under *UCI ADR Article 13*. The *Rider* or other *Person* and the *UCI* shall have no right to appeal.

The decision of the *UCI Disciplinary Commission* may be appealed under *UCI ADR Article 13*.

ANNEX A – REVIEW OF A POSSIBLE FAILURE TO COMPLY

A.1 Responsibility

A.1.1 The *UCI* or Testing Authority (as applicable) is responsible for ensuring that:

- a) When the possible Failure to Comply comes to its attention, it notifies *WADA*, and instigates review of the possible Failure to Comply based on all relevant information and documentation;
- b) If the relevant information and documentation show a *prima facie* case of possible Failure to Comply, the *Rider* is informed in writing and has the opportunity to respond in accordance with Article 5.3.2 of the *UCI Results Management Regulations*.
- c) The review is conducted without unnecessary delay and the evaluation process is documented; and
- d) If it decides not to move forward with the matter, its decision is notified in accordance with Article 5.4 of the *UCI Results Management Regulations*.

A.1.2 The DCO is responsible for providing a detailed written report of any possible Failure to Comply.

A.2 Requirements

A.2.1 Any potential Failure to Comply shall be reported by the DCO to the *UCI* (or Testing Authority as applicable) and/or followed up by the Testing Authority and reported to the Results Management Authority as soon as practicable.

A.2.2 If the *UCI* determines that there has been a potential Failure to Comply, the *Rider* or other *Person* shall be promptly notified in accordance with Article 5.3.2 of the *UCI Results Management Regulations* and further *Results Management* shall be conducted as per Article 5 *et seq.* of the *UCI Results Management Regulations*.

A.2.3 Any additional necessary information about the potential Failure to Comply shall be obtained from all relevant sources (including the *Rider* or other *Person*) as soon as possible and recorded.

A.2.4 The *UCI* (and Testing Authority as applicable) shall establish a system for ensuring that the outcomes of its reviews into potential Failures to Comply are considered for *Results Management* action and, if applicable, for further planning and *Target Testing*.

ANNEX B – RESULTS MANAGEMENT FOR WHEREABOUTS FAILURES

B.1 Determining a Potential Whereabouts Failure

B.1.1 Three (3) Whereabouts Failures by a *Rider* within any 12-month period amount to an anti-doping rule violation under *UCI* ADR Article 2.4. The Whereabouts Failures may be any combination of Filing Failures and/or Missed Tests declared in accordance with Article B.3 and adding up to three (3) in total.

[Comment to Article B.1.1: While a single Whereabouts Failure will not amount to an anti-doping rule violation under UCI ADR Article 2.4, depending on the facts, it could amount to an anti-doping rule violation under UCI ADR Article 2.3 (Evading Sample Collection) and/or UCI ADR Article 2.5 (Tampering or Attempted Tampering with Doping Control).

*Furthermore, a Whereabouts Failure declared by another Anti-Doping Organisation shall be recognized by the UCI provided it has been declared in compliance with the applicable requirements of the International Standard for Testing and Investigations. Such whereabouts failure(s) shall be taken into account for the number of Whereabouts Failures recorded against a *Rider* in a twelve (12) month period].*

B.1.2 The 12-month period referred to in *UCI* ADR Article 2.4 starts to run on the date that a *Rider* commits the first Whereabouts Failure being relied upon in support of the allegation of a violation of *UCI* ADR Article 2.4. If two (2) more Whereabouts Failures occur during the ensuing 12-month period, then *UCI* ADR Article 2.4 anti-doping rule violation is committed, irrespective of any *Samples* successfully collected from the *Rider* during that 12-month period. However, if a *Rider* who has committed one (1) Whereabouts Failure does not go on to commit a further two (2) Whereabouts Failures within the 12-months, at the end of that 12-month period, the first Whereabouts Failure “expires” for purposes of *UCI* ADR Article 2.4, and a new 12-month period begins to run from the date of their next Whereabouts Failure.

B.1.3 For purposes of determining whether a Whereabouts Failure has occurred within the 12-month period referred to in *UCI* ADR Article 2.4:

- a) A Filing Failure will be deemed to have occurred (i) where the *Rider* fails to provide complete information in due time in advance of an upcoming quarter, on the first day of that quarter, and (ii) where any information provided by the *Rider* (whether in advance of the quarter or by way of update) transpires to be inaccurate, on the (first) date on which such information can be shown to be inaccurate; and
- b) A Missed Test will be deemed to have occurred on the date that the *Sample* collection was unsuccessfully attempted.

B.1.4 Whereabouts Failures committed by the *Rider* prior to retirement as defined in Article 4.8.7.3 of the *UCI* Testing and Investigations Regulations may be combined, for the purposes of *UCI* ADR Article 2.4, with Whereabouts Failures committed by the *Rider* after the *Rider* again becomes available for *Out-of-Competition Testing*.

[Comment to Article B.1.4: For example, if a Rider committed two (2) Whereabouts Failures in the six (6) months prior to their retirement, then if they commit another Whereabouts Failure in the first six (6) months in which they are again available for Out-of-Competition Testing, that amounts to a UCI ADR Article 2.4 anti-doping rule violation.]

B.2 Requirements for a Potential Filing Failure or Missed Test

B.2.1 A Rider may only be declared to have committed a Filing Failure where the Results Management Authority establishes each of the following:

- a) That the Rider was duly notified: (i) that they had been 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 Rider failed to comply with that requirement by the applicable deadline;

[Comment to Article B.2.1(b): A Rider fails to comply with the requirement to make a Whereabouts Filing(s) (i) where they do not make any such filing, or where they fail to update the filing as required by Article 4.8 of the UCI Testing and Investigations Regulations; or (ii) where they make the filing or update but do not include all of the required information in that filing or update (e.g. they do not include the place where they will be staying overnight for each day in the following quarter, or for each day covered by the update, or omit to declare a regular activity that they will be pursuing during the quarter, or during the period covered by the update); or (iii) where they include information in the original filing or the update that is inaccurate (e.g., an address that does not exist) or is insufficient to enable the Anti-Doping Organization to locate them for Testing (e.g., “riding in the Black Forest”).]

- c) In the case of a second or third Filing Failure, that they were given notice, in accordance with Article B.3.2(d), of the previous Filing Failure, and (if that Filing Failure revealed deficiencies in the Whereabouts Filing that would lead to further Filing Failures if not rectified) was advised in the notice that in order to avoid a further Filing Failure they must file the required Whereabouts Filing (or update) by the deadline specified in the notice (which must be within 48 hours after receipt of the notice) and yet failed to rectify that Filing Failure by the deadline specified in the notice; and

[Comment to Article B.2.1(c): All that is required is to give the Rider notice of the first Filing Failure and an opportunity to avoid a subsequent one, before a subsequent Filing Failure may be pursued against them. In particular, it is not necessary to complete the Results Management process with respect to the first Filing Failure before pursuing a second Filing Failure against the Rider.]

- d) That the Rider's failure to file was at least negligent. For these purposes, the Rider will be presumed to have committed the failure negligently upon proof that they were notified of the requirements yet did not comply with them. That presumption may only be rebutted by the Rider establishing that no negligent behavior on their part caused or contributed to the failure.

B.2.2 While UCI ADR Article 5.2 specifies that every *Rider* must submit to *Testing* at any time and place upon request by an *Anti-Doping Organization* with Testing Authority over them, in addition, a *Rider* in a *Registered Testing Pool* must specifically be present and available for *Testing* on any given day during the 60-minute time slot specified for that day in their Whereabouts Filing, at the location that the *Rider* has specified for that time slot in such filing. Where this requirement is not met by the *Rider*, it shall be pursued as an apparent Missed Test. If the *Rider* is tested during such a time slot, the *Rider* must remain with the DCO until the *Sample* collection has been completed, even if this takes longer than the 60-minute time slot. A failure to do so shall be pursued as an apparent violation of UCI ADR Article 2.3 (refusal or failure to submit to *Sample* collection).

B.2.3 To ensure fairness to the *Rider*, where an unsuccessful attempt has been made to test a *Rider* during one of the 60-minute time slots specified in their Whereabouts Filing, any subsequent unsuccessful attempt to test that *Rider* (by the same or any other *Anti-Doping Organization*) during one of the 60-minute time slots specified in their Whereabouts Filing may only be counted as a Missed Test (or, if the unsuccessful attempt was because the information filed was insufficient to find the *Rider* during the time slot, as a Filing Failure) against that *Rider* if that subsequent attempt takes place after the *Rider* has received notice, in accordance with Article B.3.2(d), of the original unsuccessful attempt.

[Comment to Article B.2.3: All that is required is to give the Rider notice of one Missed Test or Filing Failure before a subsequent Missed Test or Filing Failure may be pursued against them. In particular, it is not necessary to complete the Results Management process with respect to the first Missed Test or Filing Failure before pursuing a second Missed Test or Filing Failure against the Rider.]

B.2.4 A *Rider* may only be declared to have committed a Missed Test where the Results Management Authority can establish each of the following:

- a) That when the *Rider* was given notice that they had been designated for inclusion in a *Registered Testing Pool*, they were advised that they would be liable for a Missed Test if they were unavailable for *Testing* during the 60-minute time slot specified in their Whereabouts Filing at the location specified for that time slot;
- b) That a DCO attempted to test the *Rider* on a given day in the quarter, during the 60-minute time slot specified in the *Rider'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 *Rider*, short of giving the *Rider* any advance notice of the test;

[Comment to Article B.2.4(c): Due to the fact that the making of a telephone call is discretionary rather than mandatory, and is left entirely to the absolute discretion of the Sample Collection Authority, proof that a telephone call was made is not a requisite element of a Missed Test, and the lack of a telephone call does not give the Rider a defense to the assertion of a Missed Test.]

- d) That Article B.2.3 does not apply or (if it applies) was complied with; and

- e) That the *Rider's* non-availability for *Testing* at the specified location during the specified 60-minute time slot was at least negligent. For these purposes, the *Rider* will be presumed to have been negligent upon proof of the matters set out at sub-Articles B.2.4 (a) to (d). That presumption may only be rebutted by the *Rider* establishing that no negligent behavior on their part caused or contributed to their failure (i) to be available for *Testing* at such location during such time slot, and (ii) to update their most recent Whereabouts Filing to give notice of a different location where they would instead be available for *Testing* during a specified 60-minute time slot on the relevant day.

B.3 Results Management for a Potential Whereabouts Failure

- B.3.1** In accordance with UCI ADR Articles 7.1.3.1, the Results Management Authority in relation to potential Whereabouts Failures shall be the UCI or the *National Anti-Doping Organization* with whom the *Rider* in question files their whereabouts information.

[Comment to Article B.3.1: If an Anti-Doping Organization that receives a Rider's Whereabouts Filing (and so is their Results Management Authority for whereabouts purposes) removes the Rider from its Registered Testing Pool after recording one (1) or two (2) Whereabouts Failures against them, then if the Rider is put in another Anti-Doping Organization's Registered Testing Pool, and that other Anti-Doping Organization starts receiving their Whereabouts Filing, then, that other Anti-Doping Organization becomes the Results Management Authority in respect of all Whereabouts Failures by that Rider, including those recorded by the first Anti-Doping Organization. In that case, the first Anti-Doping Organization shall provide the second Anti-Doping Organization with full information about the Whereabouts Failure(s) recorded by the first Anti-Doping Organization in the relevant period, so that if the second Anti-Doping Organization records any further Whereabouts Failure(s) against that Rider, it has all the information it needs to bring proceedings against them, in accordance with Article B.3.4, for violation of Code Article 2.4.]

- B.3.2** When a Whereabouts Failure appears to have occurred, *Results Management* shall proceed as follows:

- a) If the apparent Whereabouts Failure has been uncovered by an attempt to test the *Rider*, the Testing Authority shall timely obtain an Unsuccessful Attempt Report from the DCO. If the Testing Authority is different from the Results Management Authority, it shall provide the Unsuccessful Attempt Report to the Results Management Authority without delay, and thereafter it shall assist the Results Management Authority as necessary in obtaining information from the DCO in relation to the apparent Whereabouts Failure.
- b) The Results Management Authority shall timely review the file (including any Unsuccessful Attempt Report filed by the DCO) to determine whether all of the Article B.2.1 requirements (in the case of a Filing Failure) or all of the Article B.2.4 requirements (in the case of a Missed Test) are met. It shall gather information as necessary from third parties (e.g., the DCO whose test attempt uncovered the Filing Failure or triggered the Missed Test) to assist it in this task.
- c) If the Results Management Authority concludes that any of the relevant requirements have not been met (so that no Whereabouts Failure should be declared), it shall so advise WADA, the *National Anti-Doping Organization*, and the *Anti-Doping Organization* that

uncovered the Whereabouts Failure, giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *UCI* ADR Article 13.

- d) If the Results Management Authority concludes that all of the relevant requirements as set out in B.2.1 (Filing Failure) and B.2.4 (Missed Test) have been met, it should notify the *Rider* within fourteen (14) days of the date of the apparent Whereabouts Failure. The notice shall include sufficient details of the apparent Whereabouts Failure to enable the *Rider* to respond meaningfully, and shall give the *Rider* a reasonable deadline to respond, advising whether they admit the Whereabouts Failure and, if they do not admit to the Whereabouts Failure, then an explanation as to why not. The notice should also advise the *Rider* that three (3) Whereabouts Failures in any 12-month period is a *UCI* ADR Article 2.4 anti-doping rule violation, and should note whether they had any other Whereabouts Failures recorded against them in the previous twelve (12) months. In the case of a Filing Failure, the notice must also advise the *Rider* that in order to avoid a further Filing Failure they must file the missing whereabouts information by the deadline specified in the notice, which must be within 48 hours after receipt of the notice.

[Comment: A failure by the UCI to notify a Rider of an apparent Whereabouts Failure within fourteen (14) days of the date of the apparent Whereabouts failure does not constitute a defense to the apparent Whereabouts Failure.]

- e) If the *Rider* does not respond within the specified deadline, the Results Management Authority shall record the notified Whereabouts Failure against them.

If the *Rider* does respond within the deadline, the Results Management Authority shall consider whether their response changes its original decision that all of the requirements for recording a Whereabouts Failure have been met.

- i. If so, it shall so advise the *Rider*, WADA, the relevant *National Anti-Doping Organization* and the *Anti-Doping Organization* that uncovered the Whereabouts Failure (if applicable), giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *UCI* ADR Article 13.
- ii. If not, it shall so advise the *Rider* (with reasons) and specify a reasonable deadline by which they may request an administrative review of its decision. The Unsuccessful Attempt Report shall be provided to the *Rider* at this point if it has not been provided to them earlier in the process.
- f) If the *Rider* does not request an administrative review by the specified deadline, the Results Management Authority shall record the notified Whereabouts Failure against them. If the *Rider* does request an administrative review before the deadline, it shall be carried out, based on the papers only, by one or more persons not previously involved in the assessment of the apparent Whereabouts Failure. The purpose of the administrative review shall be to determine anew whether or not all of the relevant requirements for recording a Whereabouts Failure are met.
- g) If the conclusion following administrative review is that all of the requirements for recording a Whereabouts Failure are not met, the Results Management Authority shall so advise the *Rider*, WADA, the relevant *National Anti-Doping Organization*, and the

Anti-Doping Organization that uncovered the Whereabouts Failure (if applicable), giving reasons for its decision. Each of them shall have a right of appeal against that decision in accordance with *UCI ADR Article 13*. On the other hand, if the conclusion is that all of the requirements for recording a Whereabouts Failure are met, it shall notify the *Rider* and shall record the notified Whereabouts Failure against them.

- B.3.3** The Results Management Authority shall promptly report a decision to record a Whereabouts Failure against a *Rider* to *WADA* and all other relevant *Anti-Doping Organizations*, on a confidential basis, via *ADAMS*.

*[Comment to Article B.3.3: For the avoidance of doubt, the Results Management Authority is entitled to notify other relevant *Anti-Doping Organizations* (on a strictly confidential basis) of the apparent Whereabouts Failure at an earlier stage of the *Results Management* process, where it considers it appropriate (for test planning purposes or otherwise). In addition, an *Anti-Doping Organization* may publish a general statistical report of its activities that discloses in general terms the number of Whereabouts Failures that have been recorded in respect of *Riders* under its jurisdiction during a particular period, provided that it does not publish any information that might reveal the identity of the *Riders* involved. Prior to any proceedings under *UCI ADR Article 2.4*, an *Anti-Doping Organization* should not Publicly Disclose that a particular *Rider* does (or does not) have any Whereabouts Failures recorded against them (or that a particular sport does, or does not, have *Athletes* with Whereabouts Failures recorded against them).]*

- B.3.4** Where three (3) Whereabouts Failures are recorded against a *Rider* within any 12-month period, the Results Management Authority shall notify the *Rider* and other *Anti-Doping Organizations* in accordance with Article 5.3.2 of the *UCI Results Management Regulations* alleging a violation of *UCI ADR Article 2.4* and proceed with *Results Management* in accordance with Article 5 et seq. of the *International Standard for Results Management*. If the Results Management Authority fails to bring such proceedings against a *Rider* within 30-days of *WADA* receiving notice of the recording of that *Rider's* third Whereabouts Failure in any 12-month period, then the Results Management Authority shall be deemed to have decided that no anti-doping rule violation was committed, for purposes of triggering the appeal rights set out at *Code Article 13.2*.

- B.3.5** A *Rider* asserted to have committed a *UCI ADR Article 2.4* anti-doping rule violation shall have the right to have such assertion determined at a full evidentiary hearing in accordance with *UCI ADR Article 8* and Articles 8 and 10 of the *UCI Results Management Regulations*. The hearing panel shall not be bound by any determination made during the *Results Management* process, whether as to the adequacy of any explanation offered for a Whereabouts Failure or otherwise. Instead, the burden shall be on the *UCI* bringing the proceedings to establish all of the requisite elements of each alleged Whereabouts Failure to the comfortable satisfaction of the hearing panel. If the hearing panel decides that one (or two) Whereabouts Failure(s) have been established to the required standard, but that the other alleged Whereabouts Failure(s) has/have not, then no *UCI ADR Article 2.4* anti-doping rule violation shall be found to have occurred. However, if the *Rider* then commits one (or two, as applicable) further Whereabouts Failure(s) within the relevant 12-month period, new proceedings may be brought based on a combination of the Whereabouts Failure(s) established to the satisfaction of the hearing panel in the previous proceedings (in

accordance with *UCI* ADR Article 3.2.3) and the Whereabouts Failure(s) subsequently committed by the *Rider*.

[Comment to Article B.3.5: Nothing in Article B.3.5 is intended to prevent the Anti-Doping Organization challenging an argument raised on the Rider's behalf at the hearing on the basis that it could have been but was not raised at an earlier stage of the Results Management process.]

B.3.6 A finding that a *Rider* has committed a *UCI* ADR Article 2.4 anti-doping rule violation has the following *Consequences*: (a) imposition of a period of *Ineligibility* in accordance with *UCI* ADR Article 10.3.2 (first violation) or *UCI* ADR Article 10.9 (subsequent violation(s)); and (b) in accordance with *UCI* ADR Article 10.10 (*Disqualification*, unless fairness requires otherwise) of all individual results obtained by the *Rider* from the date of the *UCI* ADR Article 2.4 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 found by the hearing panel to have occurred. The impact of any *UCI* ADR Article 2.4 anti-doping rule violation by an individual *Rider* on the results of any team for which that *Rider* has ridden during the relevant period shall be determined in accordance with *UCI* ADR Article 11.

ANNEX C – RESULTS MANAGEMENT REQUIREMENTS AND PROCEDURES FOR THE ATHLETE BIOLOGICAL PASSPORT

C.1 Administrative Management

C.1.1 The requirements and procedures described in this Annex apply to all modules of the *Athlete Biological Passport* except where expressly stated or implied by the context.

C.1.2 These processes shall be administered and managed by an Athlete Passport Management Unit on behalf of the Passport Custodian. The Athlete Passport Management Unit will initially review profiles to facilitate targeting recommendations for the Passport Custodian when appropriate or refer to the Experts as required. Management and communication of the biological data, Athlete Passport Management Unit reporting and Expert reviews shall be recorded in *ADAMS* and be shared by the Passport Custodian with other *Anti-Doping Organizations* with Testing Authority over the *Rider* to coordinate further Passport Testing as appropriate. A key element for *Athlete Biological Passport* management and communication is the Athlete Passport Management Unit report in *ADAMS*, which provides an overview of the current status of the Rider's Passport including the latest targeting recommendations and a summary of the Expert reviews.

C.1.3 This Annex describes a step-by-step approach to the review of an *Rider's Passport*:

- a) The review begins with the application of the Adaptive Model.
- b) In case of an *Atypical Passport Finding* or when the Athlete Passport Management Unit considers that a review is otherwise justified, an Expert conducts an initial review and returns an evaluation based on the information available at that time.
- c) In case of a “Likely doping” initial review, the Passport is then subjected to a review by three (3) Experts including the Expert who conducted the initial review.
- d) In case of a “Likely doping” consensus of the three (3) Experts, the process continues with the creation of an Athlete Biological Passport Documentation Package.
- e) An *Adverse Passport Finding* is reported by the Athlete Passport Management Unit to the Passport Custodian if the Experts' opinion is maintained after review of all information available at that stage, including the Athlete Biological Passport Documentation Package.
- f) The *Rider* is notified of the *Adverse Passport Finding* and offered the opportunity to provide explanations.
- g) If after review of the explanations provided by the *Rider*, the Experts maintain their unanimous conclusion that it is highly likely that the *Rider Used a Prohibited Substance* or a *Prohibited Method*, an anti-doping rule violation is asserted against the *Rider* by the Passport Custodian.

C.2 Initial Review Phase

C.2.1 Review by the Adaptive Model

C.2.1.1. In ADAMS, the Adaptive Model automatically processes data on the biological *Markers* of the *Athlete Biological Passport*. These *Markers* include primary *Markers* that are defined as the most specific to doping and secondary *Markers* that provide supporting evidence of doping in isolation or in combination with other *Markers*. The Adaptive Model predicts for an individual an expected range within which a series of *Marker* values falls assuming a normal physiological condition. Outliers correspond to those values outside of the 99%-range, from a lower limit corresponding to the 0.5th percentile to an upper limit corresponding to the 99.5th percentile (1:100 chance or less that this result is due to normal physiological variation). A specificity of 99% is used to identify both haematological and steroidal *Atypical Passport Findings*. In the case of sequence deviations (sequence *Atypical Passport Findings*), the applied specificity is 99.9% (1:1000 chance or less that this is due to normal physiological variation).

C.2.1.2. An *Atypical Passport Finding* is a result generated by the Adaptive Model in ADAMS which identifies either a primary *Marker(s)* value(s) as being outside the *Rider's* intra-individual range or a longitudinal profile of a primary *Marker* values (sequence deviations) as being outside expected ranges, assuming a normal physiological condition. An *Atypical Passport Finding* requires further attention and review.

C.2.1.3. The Athlete Passport Management Unit may also submit a Passport to the Expert when there is no *Atypical Passport Finding* (see C.2.2.4 below).

C.2.1.4. *Atypical Passport Finding* – Haematological Module

C.2.1.4.1. For the Haematological Module, the Adaptive Model automatically processes in ADAMS two primary *Markers*, haemoglobin concentration (HGB) and stimulation index OFF-score (OFFS), and two secondary *Markers*, the reticulocyte percentage (RET%) and the Abnormal Blood Profile Score (ABPS). An *Atypical Passport Finding* is generated when an HGB and/or OFFS value of the last test falls outside the expected intra-individual ranges. Furthermore, the longitudinal profile composed of (up to) the last five valid HGB and/or OFFS values is also considered as an *Atypical Passport Finding* when deviating from the expected ranges, as determined by the Adaptive Model (sequence *Atypical Passport Finding*). An *Atypical Passport Finding* is only generated by the Adaptive Model based on values of the primary *Markers* HGB and OFFS or the sequence thereof.

C.2.1.4.2. In case of an *Atypical Passport Finding* the Athlete Passport Management Unit shall advise the Results Management Authority (or Testing Authority as applicable) in the Athlete Passport Management Unit report, or via the Passport Custodian where appropriate, on whether the *Sample*, or any accompanying urine *Sample*, should be

subjected to analysis for Agents Affecting Erythropoiesis. The Athlete Passport Management Unit should also provide recommendations for Agents Affecting Erythropoiesis analysis when the Adaptive Model detects an abnormality in the secondary *Markers* RET% and/or ABPS.

C.2.1.5. Atypical Passport Finding – Steroidal Module

C.2.1.5.1 For the Steroidal Module, the Adaptive Model automatically processes in ADAMS one primary *Marker*, the T/E ratio, and four (4) secondary *Markers*, the ratios A/T, A/Etio, 5 α Adiol/5 β Adiol and 5 β Adiol/E.

C.2.1.5.2 Ratios coming from a *Sample* that showed signs of heavy microbial degradation, and ratios for which one or both of the concentrations were not measured accurately by the Laboratory as established in the *Technical Document* for Endogenous Anabolic Androgenic Steroids (TDEAAS), shall not be processed by the Adaptive Model. In the case where the Laboratory reports a confounding factor that may otherwise cause an alteration in the steroid profile, such as the presence of ethanol glucuronide in the *Sample*, the Athlete Passport Management Unit shall evaluate whether the steroid profile can still be considered as valid and processed by the Adaptive Model and the *Sample* be subjected to a Confirmation Procedure (see TDEAAS).

C.2.1.5.3 An *Atypical Passport Finding* is generated when a value of the T/E ratio falls outside the expected intra-individual ranges. In addition, the “*longitudinal steroid profile*” composed of (up to) the last five (5) valid values of the T/E ratio is also considered as atypical when deviating from the expected ranges, as determined by the Adaptive Model (sequence *Atypical Passport Finding*).

C.2.1.5.4 In the case of a “*longitudinal steroidal profile*”, an *Atypical Passport Finding* caused by an atypically high T/E value will trigger an *Atypical Passport Finding Confirmation Procedure* Request notification through ADAMS as established in the TDEAAS. When the Adaptive Model determines an abnormality in any of the other ratios of the “*steroid profile*” (A/T, A/Etio, 5 α Adiol/5 β Adiol and 5 β Adiol/E), the Athlete Passport Management Unit should advise the Results Management Authority (or Testing Authority as applicable) in the Athlete Passport Management Unit report, or via the Passport Custodian where appropriate, on whether the *Sample* should be subjected to a Confirmation Procedure.

C.2.1.6. Suspicious Steroid Profiles – Steroidal Module

C.2.1.6.1 If the *Sample* constitutes the first and unique result in a Passport, or if the *Sample* cannot be matched to a *Doping Control* Form in ADAMS, ADAMS will flag the result as a Suspicious Steroid Profile (SSP) if the steroid profile of the *Sample* meets any of the SSP criteria established in the TDEAAS, and the Laboratory and the Testing Authority will

receive an SSP-Confirmation Procedure Request (CPR) notification from *ADAMS*. In such cases, the Testing Authority, upon consultation by the Laboratory, shall confirm, in writing within seven (7) days, whether or not the SSP result shall be confirmed by the Laboratory. The Testing Authority may consult with their APMU, or the Passport Custodian where applicable, in order to reach a decision. If the Testing Authority advises the Laboratory not to proceed with Confirmation Procedures, then it shall provide the reasons for this decision to the Laboratory, which shall update the *ADAMS* test report for the *Sample* accordingly. In the absence of any justification from the Testing Authority, the Laboratory shall proceed with the confirmation analyses (for further details, see TDEAAS).

C.2.1.7. Departure from *WADA Athlete Biological Passport* requirements

C.2.1.7.1 If there is a departure from *WADA Athlete Biological Passport* requirements for *Sample* collection, transport and analysis, the biological *Marker* result obtained from this *Sample* affected by the non-conformity shall not be considered in the Adaptive Model calculations (for example, RET% can be affected but not HGB under certain transportation conditions).

C.2.1.7.2 A *Marker* result which is not affected by the non-conformity can still be considered in the Adaptive Model calculations. In such case, the Athlete Passport Management Unit shall provide the specific explanations supporting the inclusion of the result(s). In all cases, the *Sample* shall remain recorded in the *Rider's Passport*. The Experts may include all results in their review provided that their conclusions may be validly supported when taking into account the effects of the non-conformity.

C.2.2 The Initial Expert Review

C.2.2.1 A Passport generating an *Atypical Passport Finding*, or for which a review is otherwise justified, shall be sent by the Athlete Passport Management Unit to an Expert for review in *ADAMS*. This should take place within seven (7) days following the generation of the *Atypical Passport Finding* in *ADAMS*. The review of the Passport shall be conducted based on the Passport and other basic information (e.g. *Competition* schedules), which may be available, such that the Expert is blinded to the identity of the *Rider*.

[Comment to Article C.2.2.1: If a result rendered by a Laboratory represents an Atypical Passport Finding caused by an atypically high T/E value, the Sample will undergo a Confirmation Procedure, including GC/C/IRMS analysis. If the result of the GC/C/IRMS Confirmation Procedure is negative or inconclusive then the Athlete Passport Management Unit shall seek an Expert review. An Athlete Passport Management Unit or Expert review is not required when the GC/C/IRMS Confirmation Procedure renders an Adverse Analytical Finding (AAF).]

C.2.2.2 If a Passport has been recently reviewed by an Expert and the Passport Custodian is in the process of executing a specific *multi-Sample Testing* strategy on the *Rider*, the Athlete Passport Management Unit may delay the review of a Passport generating an *Atypical Passport Finding* triggered by one of the *Samples* collected in this context until completion of the planned series of tests. In such situations, the Athlete Passport Management Unit shall clearly indicate the reason for delaying the review of the Passport in the Athlete Passport Management Unit report.

C.2.2.3 If the first and unique result in a Passport is flagged as an *Atypical Passport Finding* by the Adaptive Model, the Athlete Passport Management Unit may recommend the collection of an additional *Sample* before initiating the initial Expert review.

C.2.2.4 Review in the absence of an *Atypical Passport Finding*

C.2.2.4.1 A Passport may also be sent for Expert review in the absence of an *Atypical Passport Finding* where the Passport includes other elements otherwise justifying a review.

These elements may include, without limitation:

- a) Data not considered in the Adaptive Model;
- b) Any abnormal levels and/or variations of *Marker(s)*;
- c) Signs of hemodilution in the haematological Passport;
- d) Steroid levels in urine below the corresponding Limit of Quantification of the assay;
- e) Intelligence in relation to the *Rider* concerned.

C.2.2.4.2 An Expert review initiated in the above-mentioned situations may result in the same *Consequences* as an Expert review triggered by an *Atypical Passport Finding*.

C.2.2.5 Expert Evaluation

C.2.2.5.1 When evaluating a Passport, an Expert weighs the likelihood that the Passport is the result of the *Use of a Prohibited Substance or Prohibited Method* against the likelihood that the Passport is the result of a normal physiological or pathological condition in order to provide one of the following opinions: “Normal”, “Suspicious”, “Likely doping” or “Likely medical condition”. For a “Likely doping” opinion, the Expert shall come to the conclusion that the likelihood that the Passport is the result of the *Use of a Prohibited Substance or Prohibited Method* outweighs the likelihood that the Passport is the result of a normal physiological or pathological condition.

[Comment to Article C.2.2.5.1: When evaluating competing propositions, the likelihood of each proposition is evaluated by the Expert based on the evidence available for that proposition. It is acknowledged that it is the relative likelihoods (i.e., likelihood ratio) of the competing propositions that ultimately determine the Expert's opinion. For example, where the Expert is of the view that a Passport is highly likely the result of the Use of a Prohibited Substance or Prohibited Method, it is necessary for a “Likely doping” evaluation that the Expert consider that it is unlikely that it may be the result of a normal physiological or pathological condition. Similarly, where the Expert is of the view that a Passport is likely the result of the Use of a Prohibited Substance or Prohibited Method, it is necessary for a “Likely doping” evaluation that the Expert consider that it is highly unlikely that it may be the result of a normal physiological or pathological condition.]

C.2.2.5.2 To reach a conclusion of “Likely doping” in the absence of an *Atypical Passport Finding*, the Expert shall come to the opinion that it is highly likely that the Passport is the result of the Use of a *Prohibited Substance* or *Prohibited Method* and that it is highly unlikely that the Passport is the result of a normal physiological or pathological condition.

C.2.3 Consequences of the Initial Review

Depending on the outcome of the initial review, the Athlete Passport Management Unit will take the following action:

<u>Expert</u> Evaluation	<u>Athlete Passport Management Unit</u> Action
“Normal”	Continue normal <i>Testing</i> plan.
“Suspicious”	Provide recommendations to the <u>Passport Custodian</u> for <i>Target Testing</i> , <i>Sample</i> analysis and/or requesting further information as required.
“Likely doping”	Send to a panel of three (3) <u>Experts</u> , including the initial <u>Expert</u> , as per section C.3 of this Annex C.
“Likely medical condition”	Inform the <i>Rider</i> as soon as possible via the <u>Passport Custodian</u> (or send to other <u>Experts</u>).

[Comment to Article C.2.3: The *Athlete Biological Passport* is a tool to detect the possible Use of Prohibited Substance(s) or Prohibited Method(s) and it is not intended as a health check or for medical monitoring. It is important that the Passport Custodian educate the *Rider* to ensure that they undergo regular health monitoring and not rely on the *Athlete Biological*

Passport for this purpose. Nevertheless, the Passport Custodian should inform the Rider in case the Passport indicates a likely pathology as determined by the Experts.]

C.3 Review by Three (3) Experts

C.3.1 In the event that the opinion of the appointed Expert in the initial review, pending other explanation to be provided at a later stage, is that of “Likely doping”, the Passport shall then be sent by the Athlete Passport Management Unit to two (2) additional Experts for review. This should take place within seven (7) days after the reporting of the initial review. These additional reviews shall be conducted without knowledge of the initial review. These three (3) Experts now constitute the Expert Panel, composed of the Expert appointed in the initial review and these two (2) other Experts.

C.3.2 The review by the three (3) Experts must follow the same procedure, where applicable, as presented in section C.2.2 of this Annex. The three (3) Experts shall each provide their individual reports in ADAMS. This should take place within seven (7) days after receipt of the request.

C.3.3 The Athlete Passport Management Unit is responsible for liaising with the Experts and for advising the Passport Custodian of the subsequent Expert assessment. The Experts can request further information, as they deem relevant for their review, notably information related to medical conditions, *Competition* schedule and/or *Sample(s)* analysis results. Such requests are directed via the Athlete Passport Management Unit to the Passport Custodian.

C.3.4 A unanimous opinion among the three (3) Experts is necessary in order to proceed further towards declaring an *Adverse Passport Finding*, which means that all three (3) Experts render an opinion of “Likely doping”. The conclusion of the Experts must be reached with the three (3) Experts assessing the *Rider’s Passport* with the same data.

[Comment to Article C.3.4: The three (3) Expert opinions cannot be accumulated over time based on different data.]

C.3.5 To reach a conclusion of “Likely doping” in the absence of an *Atypical Passport Finding*, the Expert Panel shall come to the unanimous opinion that it is highly likely that the Passport is the result of the *Use of a Prohibited Substance or Method* and that there is no reasonably conceivable hypothesis under which the Passport is the result of a normal physiological condition and highly unlikely that it is the result of pathological condition.

C.3.6 In the case when two (2) Experts evaluate the Passport as “Likely doping” and the third Expert as “Suspicious” asking for more information, the Athlete Passport Management Unit shall confer with the Expert Panel before they finalize their opinion. The group can also seek advice from an appropriate outside Expert, although this must be done while maintaining strict confidentiality of the *Rider’s Personal Information*.

C.3.7 If no unanimity can be reached among the three (3) Experts, the Athlete Passport Management Unit shall report the Passport as “Suspicious”, update the Athlete Passport Management Unit report, and recommend that the Passport Custodian pursue additional *Testing* and/or gather intelligence on the *Rider* (refer to Information Gathering and Intelligence Sharing Guidelines), as appropriate.

C.4 Conference Call, Compilation of the Athlete Biological Passport Documentation Package and Joint Expert Report

- C.4.1** If a unanimous opinion of “Likely doping” is rendered by all three (3) Experts, the Athlete Passport Management Unit shall declare a “Likely doping” evaluation in the Athlete Passport Management Unit report in ADAMS and should organize a conference call with the Expert Panel to initiate the next steps for the case, including proceeding with the compilation of the Athlete Biological Passport Documentation Package (see *Technical Document for Athlete Passport Management Units*) and drafting of the joint Expert report. In preparation for this conference call, the Athlete Passport Management Unit should coordinate with the Passport Custodian to compile any potentially relevant information to share with the Experts (e.g. suspicious analytical findings, relevant intelligence and relevant pathophysiological information).
- C.4.2** Once completed, the Athlete Biological Passport Documentation Package shall be sent by the Athlete Passport Management Unit to the Expert Panel, who will review it and provide a joint Expert report to be signed by all three (3) Experts. The conclusion within the joint Expert report shall be reached without interference from the Passport Custodian. If necessary, the Expert Panel may request complementary information from the Athlete Passport Management Unit.
- C.4.3** At this stage, the identity of the *Rider* is not mentioned but it is accepted that specific information provided may allow to identify the *Rider*. This shall not affect the validity of the process.

C.5 Issuing an *Adverse Passport Finding*

- C.5.1** If the Expert Panel confirms their unanimous position of “likely doping”, the Athlete Passport Management Unit shall declare an *Adverse Passport Finding* in ADAMS that includes a written statement of the *Adverse Passport Finding*, the Athlete Biological Passport Documentation Package and the joint Expert report.
- C.5.2** After reviewing the Athlete Biological Passport Documentation Package and joint Expert report, the Passport Custodian shall:
- a) Notify the *Rider* of the *Adverse Passport Finding* in accordance with Article 5.3.2;
 - b) Provide the *Rider* the Athlete Biological Passport Documentation Package and the joint Expert report;
 - c) Invite the *Rider* to provide their own explanation, in a timely manner, of the data provided to the Passport Custodian.

C.6 Review of Explanation from *Rider* and Disciplinary Proceedings

- C.6.1** Upon receipt of any explanation and supporting information from the *Rider*, which should be received within the specified deadline, the Athlete Passport Management Unit shall forward it to the Expert Panel for review with any additional information that the Expert Panel considers necessary to render its opinion in coordination with both the Passport Custodian

and the Athlete Passport Management Unit. At this stage, the review is no longer anonymous. The Expert Panel shall reassess or reassert the case and reach one of the following conclusions:

- a) Unanimous opinion of “Likely doping” by the Experts based on the information in the Passport and any explanation provided by the *Rider*; or
- b) Based on the available information, the Experts are unable to reach a unanimous opinion of “Likely doping” set forth above.

[Comment to Article C.6.1: Such a reassessment shall also take place when the Rider does not provide any explanation.]

C.6.2 If the Expert Panel expresses the opinion set forth in section C.6.1(a), then the Passport Custodian shall be informed by the Athlete Passport Management Unit, shall charge the *Rider* in accordance with Article 7 and continue with *Results Management* in accordance with the *UCI Results Management Regulations*.

C.6.3 If the Expert Panel expresses the opinion set forth in section C.6.1(b), the Athlete Passport Management Unit shall update the Athlete Passport Management Unit report and recommend the Passport Custodian to pursue additional *Testing* and/or gather intelligence on the *Rider* (refer to Information Gathering and Intelligence Sharing Guidelines), as appropriate. The Passport Custodian shall notify the *Rider* and *WADA* of the outcome of the review.

C.7 Passport Re-setting

C.7.1 In the event the *Rider* has been found to have committed an anti-doping rule violation based on the Passport, the *Rider's Passport* shall be reset by the Passport Custodian at the start of the relevant period of *Ineligibility* and a new Biological Passport ID shall be assigned in *ADAMS*. This maintains the *Rider's* anonymity for potential Athlete Passport Management Unit and Expert Panel reviews conducted in the future.

C.7.2 When a *Rider* is found to have committed an anti-doping rule violation on any basis other than the *Athlete Biological Passport*, the haematological and/or Steroidal Passport will remain in effect, except in those cases where the *Prohibited Substance* or *Prohibited Method* caused an alteration of the haematological or steroidal *Markers*, respectively (e.g. for *AAF* reported for anabolic androgenic steroids, which may affect the *Markers* of the steroid profile, or for the *Use* of Erythropoiesis Stimulating Agents or blood transfusions, which would alter the haematological *Markers*). The Passport Custodian shall consult with their Athlete Passport Management Unit following an *Adverse Analytical Finding* to determine whether a Passport reset is warranted. In such instances, the *Rider's* profile(s) would be reset from the date the sample is collected.