



## **ELIGIBILITY RULES**

*(In force from 1 November 2019)*







## Specific Definitions

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

**"Citizenship"** means legal citizenship of a Country, or in the case of a Territory, legal citizenship of the Territory's parent Country and appropriate legal status in the Territory under applicable laws.

**"Competition Rules"** means the World Athletics Competition Rules as amended from time to time.

**"Disputes and Disciplinary Proceedings Rules"** means the World Athletics Disputes and Disciplinary Proceedings Rules as amended from time to time.

**"Eligibility Rules"** means the World Athletics Eligibility Rules as amended from time to time.

**"Neutral Athletes"** means as specified in Rule 3.1.1 of these Eligibility Rules, an athlete who is granted special eligibility by the Council to compete in one or more International Competitions in an individual capacity and who satisfies at all relevant times any conditions to such eligibility specified by the Council. All provisions in the Rules and Regulations that are applicable to athletes shall apply equally to Neutral Athletes, unless expressly stated otherwise; and any coach, trainer, manager, Athlete Representative, agent, team staff, official, medical or para-medical personnel, parent or any other Person employed by or working with a Neutral Athlete participating in an International Competition shall be an Athlete Support Personnel for purposes of these Rules.

**"Statutes of the Ethics Board"** means the statutes and procedures of the Ethics Board which are Appendices 6 and 7 to the Former Code of Ethics.

## **1. Definition of Eligible Athlete**

- 1.1 An athlete is eligible to compete they agree to abide by the Rules and has not been declared ineligible.

## **2. Restriction of Competition to Eligible Athletes**

- 2.1 Competition under the Rules is restricted to:

2.1.1 athletes who are under the jurisdiction of a Member and who are eligible to compete under the Rules; and

2.1.2 Neutral Athletes who satisfy the conditions of eligibility specified by the Council, including signing agreements on terms acceptable to World Athletics, in which they agree (among other things) to be bound by the Rules and Regulations (as amended from time to time) and to submit all disputes they may have with World Athletics or a Member to arbitration only in accordance with these Rules, accepting not to refer any such disputes to any Court or authority which is not provided for in these Rules.

- 2.2 In any competition under the Rules, the eligibility of an athlete competing shall be guaranteed by the Member to which the athlete is affiliated. This Rule does not apply to Neutral Athletes.

- 2.3 The eligibility rules of Members shall be strictly in conformity with those of World Athletics and no Member may pass, promulgate or retain in its constitution or regulations any eligibility rule or regulation which is in direct conflict with a Rule or Regulation. Where there is a conflict between these Eligibility Rules and the eligibility rules of a Member, these Eligibility Rules shall apply.

## **3. Ineligibility for International and Domestic Competitions**

- 3.1 The following persons shall be ineligible for competitions, whether held under these Rules or the rules of an Area Association or a Member:

Any athlete, Athletes Support Personnel or other person:

3.1.1 whose Member Federation is currently suspended by World Athletics. This does not apply to national competitions organised by the currently suspended Member for the Citizens of that Country or Territory;

3.1.2 who has been provisionally suspended or declared ineligible under the rules of their Member Federation from competing in competitions under the jurisdiction of that Member Federation, in so far as such suspension or ineligibility is consistent with these Rules;

3.1.3 who is currently serving a period of provisional suspension from competition under these Rules;

3.1.4 who does not meet the eligibility requirements set out in Rule 3 of the Technical Rules or the Regulations thereunder;

3.1.5 who has been declared ineligible as a result of a breach of the Anti-Doping Rules;

- 3.1.6 who has been suspended, disqualified, banned or otherwise declared ineligible by the Disciplinary Tribunal for a violation of the Integrity Code of Conduct including the violation of any Rule deemed to be part of or incorporated into the Integrity Code of Conduct;
- 3.1.7 who has been suspended or banned by the Ethics Board for a violation of the Former Code of Ethics, pursuant to the Statutes of the Ethics Board;
- 3.1.8 who has been declared ineligible as a result of conduct specified in Rule 4.1, in accordance with Rules 4.3 to 4.21.
- 3.2 Notwithstanding Rule 3.1.1, upon application, the Council (or its delegate(s)) may exceptionally grant eligibility for some or all International Competitions, under conditions defined by the Council (or its delegate(s)), to an athlete whose Member Federation is currently suspended by World Athletics, if (and only if) the athlete is able to demonstrate to the comfortable satisfaction of the Council (or its delegate(s)) that:
- 3.2.1 the suspension of the Member Federation was not due in any way to its failure to protect and promote clean athletes, fair play, and the integrity and authenticity of the sport; or
- 3.2.2 if the suspension of the Member Federation was due in any way to its failure to put in place adequate systems to protect and promote clean athletes, fair play, and the integrity and authenticity of the sport.
- a. the athlete is not directly implicated in any way (knowingly or unknowingly) by that failure; and
  - b. they have been subject to other, fully adequate, systems (including fully WADA Code-compliant drug-testing) for a sufficiently long period to provide substantial objective assurance of integrity; or
- 3.2.3 that the athlete has made a truly exceptional contribution to the protection and promotion of clean athletes, fair play, and the integrity and authenticity of the sport.
- The more important the International Competition in question, the more corroborating evidence the athlete must provide in order to be granted special eligibility under Rule 3.2 of these Rules. Where such eligibility is granted, the athlete shall not represent the suspended Member Federation in the International Competition(s) in question, but rather shall compete in an individual capacity, as a 'Neutral Athlete'. The Council (or its delegate(s)) may reconsider a decision to grant or deny an application for eligibility under this Rule 3.2 where it deems it appropriate to do so (e.g., if new facts or new evidence emerge).
- 3.3 If an athlete competes in a competition when not eligible to do so under Rule 3 of the Technical Rules or the Regulations thereunder, without prejudice to any other disciplinary action that may be taken under the Rules, the athlete and any team for which the athlete competed shall be disqualified from the competition with all resulting consequences for the athlete and the team, including the forfeiture of all titles, awards, medals, points and prize and appearance money.

- 3.4 If an athlete competes (or an athlete support personnel or other person participates) in a competition, whether held under these Rules or the rules of an Area Association or Member, whilst ineligible to do so under the Anti-Doping Rules, the consequences set out in the Rules therein shall apply.
- 3.5 If an athlete competes (or an athlete support personnel or other person participates) in a competition, whether held under these Rules or the rules of an Area Association or Member, whilst ineligible to do so under any other Rule, the period of their ineligibility shall recommence from the time they last competed as though no part of a period of ineligibility had been served.

#### **4. Persons Subject to Declaration of Ineligibility**

- 4.1 Subject to Rule 4.2, any athlete, Athlete Support Personnel or other person:
- 4.1.1 who takes part in an athletics competition or event in which any of the competitors were, to their knowledge, suspended from participation or ineligible to compete under these Rules, or which takes place in a Country or Territory of a suspended Member. This does not apply to any athletics competition which is restricted to the Masters' age group (in accordance with Rule 3 of the Technical Rules);
  - 4.1.2 who takes part in any athletics competition which is not authorised in accordance with Rule 1 of the Competition Rules;
  - 4.1.3 who contravenes the Requirements to Compete in International Competitions Rules or any Regulations made thereunder;
  - 4.1.4 who contravenes the Eligibility to Represent a Member Rules or any Regulations made thereunder;
  - 4.1.5 who contravenes the Payments to Athletes Rules or any Regulations made thereunder;
  - 4.1.6 who contravenes the Athletes' Representatives Rules or any Regulations made thereunder;
  - 4.1.7 who contravenes the Advertising and Displays during International Competitions Rules or any Regulations made thereunder;
  - 4.1.8 who commits a breach of any other Rule (other than as set out in Rule 2 of the Disputes and Disciplinary Proceedings Rules);

may be declared ineligible under Rules 4.2 to 4.22 of these Rules.

- 4.2 Where the athlete, Athlete Support Personnel or other person is subject to the Integrity Code of Conduct, the Athletics Integrity Unit shall decide whether to investigate and prosecute any breach of Rule 4.1 under the Reporting, Investigation and Prosecution Rules (Non-Doping) and the Anti-Doping Rules, as applicable, and the Disciplinary Tribunal shall hear and decide all proceedings in accordance with the Disciplinary Tribunal Rules and the Anti-Doping Rules, as applicable, which decision may include a declaration of ineligibility. In all other cases, Rules 4.3 to 4.22 of these Rules shall apply.



- 4.3 In the event of an allegation of breach of any of the Rules or Regulations specified in Rule 4.1, the following procedures shall apply, except where the athlete, Athlete Support Personnel or other Person is subject to the Integrity Code of Conduct (in which case Rule 4.2 applies), or the applicable Rules and Regulations specify the procedure for the alleged breach:
- 4.3.1 The allegation shall be reduced to writing and forwarded to the Member to which the athlete, athlete support personnel or other person is affiliated (or has otherwise agreed to abide by its rules), which shall proceed in a timely manner to hold an investigation into the facts of the case.
- 4.3.2 If, following such investigation, the Member believes that there is evidence to support the allegation, the Member shall immediately notify the athlete, athlete support personnel or other person concerned of the charge to be brought and of their right to a hearing before any decision is made. If, following such investigation, the Member believes that there is insufficient evidence to charge the athlete, athlete support personnel or other person concerned, the Member shall immediately notify World Athletics of the fact and provide written reasons for its decision not to proceed.
- 4.3.3 When it is asserted that conduct has been committed that would subject a person to discipline under these Eligibility Rules the athlete, athlete support personnel or other person concerned shall be required to provide a written explanation for the alleged conduct, in normal circumstances within a period of no more than 7 days from the date of notification. If no explanation, no adequate explanation, for the alleged conduct is received in such time, the athlete, athlete support personnel or other person concerned may be provisionally suspended by the relevant Member pending resolution of the case and any such suspension shall be notified immediately to World Athletics. If a Member fails to impose a provisional suspension, World Athletics may impose a provisional suspension in its place. A decision to impose a provisional suspension shall not be subject to appeal but the athlete, athlete support personnel or other person concerned shall be entitled to a full expedited hearing before the relevant hearing body of their Member in accordance with Rule 4.3.5 of these Rules.
- 4.3.4 If, having being notified of a charge, the athlete, athlete support personnel or other person fails to confirm in writing to the Member or other relevant body within 14 days of such notice that they wish to have a hearing, they will be deemed to have waived their right to a hearing and to have accepted that they committed a breach of the relevant provision of the Rules.
- 4.3.5 If the athlete, athlete support personnel or other person confirms that they wish to have a hearing, all relevant evidence shall be given to the person alleged to have committed the breach and a hearing respecting the principles set out in Rule 3 of the Disputes & Disciplinary Proceedings Rules, shall be held within a period of no more than two (2) months following notification of the charge. The Member shall inform World Athletics as soon as a hearing date is set and World Athletics shall have the right to attend the hearing as an observer. World Athletics' attendance at the hearing in such capacity, or other involvement in the case, shall not affect its right to appeal the decision to CAS in accordance with Rule 4.8 or 4.10.

- 4.3.6 If the relevant hearing body of the Member, after hearing the evidence, decides that the athlete, athlete support personnel or other person concerned is in breach of the relevant Rule or Regulation, it shall declare the person ineligible to compete in international and domestic competitions for a period set out in Guidelines produced by the Council or impose such other sanction as may be appropriate in accordance with sanctions approved by the Council. If the athlete, athlete support personnel or other person has waived their right to a hearing, the Member shall declare the person ineligible to compete in international and domestic competitions for a period set out in Guidelines produced by the Council or impose such other sanction as may be appropriate in accordance with sanctions approved by the Council. In the absence of such Guidelines or other sanctions approved by the Council, the relevant hearing body or the Member, as appropriate, shall determine the appropriate period of the person's ineligibility or other sanction.
- 4.3.7 The Member shall inform World Athletics in writing of the decision taken within five (5) working days of the decision being made (and shall send World Athletics a copy of the written reasons for the decision).

### **Appeals from Decisions under Rule 4.3**

- 4.4 All decisions under Rule 4.3 may be appealed in accordance with the provisions set out below. All such decisions shall remain in effect while under appeal, unless determined otherwise (see Rule 4.16).
- 4.5 The following is a non-exhaustive list of examples of decisions that may be appealed under Rule 4.3:
- 4.5.1 Where a Member has taken a decision that an athlete, athlete support personnel or other person is ineligible under these Eligibility Rules;
- 4.5.2 Where a Member has taken a decision that an athlete, athlete support personnel or other person has committed a breach of the Rules but has failed to impose an appropriate sanction in accordance with Guidelines approved by the Council;
- 4.5.3 Where the Member decides that there is insufficient evidence to support a decision that the athlete, athlete support personnel or other person has committed a breach of these Rules;
- 4.5.4 Where the Member has held a hearing under Rule 4.3 and the athlete, athlete support personnel or other person concerned considers that, in the conduct or conclusions of such hearing, the Member misdirected itself or otherwise reached an erroneous conclusion;
- 4.5.5 Where the Member has held a hearing under Rule 4.3 and World Athletics considers that, in the conduct or conclusions of such hearing, the Member misdirected itself or otherwise reached an erroneous conclusion.
- 4.6 In cases involving International-Level athletes (or their athlete support personnel), the decision of the relevant body of the Member may be appealed exclusively to CAS in accordance with the provisions set out in Rules 4.8 to 4.22.

- 4.7 In cases which do not involve International-Level athletes (or their athlete support personnel), the decision of the relevant body of the Member may (unless Rule 4.10 or 4.11 applies) be appealed to a national level appeal body in accordance with the rules of the Member. Each Member shall have in place an appeal procedure at national level that respects the following principles: a timely hearing before a fair, impartial and independent hearing body; the right to be represented by a legal counsel and interpreter (at the appellant's expense); and a timely and reasoned decision in writing. The decision of the national level appeal body may be appealed to CAS in accordance with Rule 4.10 or 4.11.

#### **Parties Entitled to Appeal Decisions on Eligibility**

- 4.8 In any case under Rule 4.1 or 4.3 (other than those in Rule 4.2) involving International-Level athletes (or their athlete support personnel), the following parties shall have the right to appeal a decision to CAS:

- 4.8.1 the athlete or other person who is the subject of the decision being appealed;
- 4.8.2 the other party to the case in which the decision was rendered;
- 4.8.3 World Athletics; and
- 4.8.4 the IOC (where the decision may have an effect on eligibility in relation to the Olympic Games).

- 4.9 In any case under Rule 4.3 which does not involve International-Level athletes (or their athlete support personnel), the parties having the right to appeal a decision to the national level appeal body shall be as provided for in the rules of the Member, but shall include at a minimum:

- 4.9.1 the athlete or other person the subject of the decision being appealed;
- 4.9.2 the other party to the case in which the decision was rendered;
- 4.9.3 the Member.

World Athletics shall not have the right to appeal a decision to the national level appeal body but shall have the right to attend any hearing before such body as an observer. World Athletics' attendance at a hearing in such capacity shall not affect its right to appeal the decision of the national level appeal body to CAS in accordance with Rule 4.10 or 4.11.

- 4.10 In any case which does not involve International-Level athletes (or their athlete support personnel), the following parties shall have the right to appeal the decision of the national level appeal body to CAS:

- 4.10.1 World Athletics;
- 4.10.2 the IOC (where the decision may have an effect on eligibility in and relation to the Olympic Games).

- 4.11 In any case which does not involve an International-Level Athlete or their athlete support personnel, World Athletics and the IOC (where the decision may have an effect on eligibility in relation to the Olympic Games) shall have the right to appeal a

decision of the relevant body of the Member direct to CAS in any of the following circumstances:

- 4.11.1 the Member does not have an appeal procedure in place at the national level;
  - 4.11.2 there is no appeal made to the national level appeal body of the Member by any of the parties in Rule 4.9;
  - 4.11.3 the Member's rules so provide.
- 4.12 Any party filing an appeal under these Rules shall be entitled to assistance from CAS to obtain all relevant information from the body whose decision is being appealed and the information shall be provided if CAS so directs.

### **Respondents to the CAS Appeal**

- 4.13 As a general rule, the respondent to a CAS appeal under these Rules shall be the party which has taken the decision which is the subject of the appeal. Where the Member has delegated the conduct of the hearing under these Rules to another body, committee or tribunal in accordance with Rule 4 of the Disputes & Disciplinary Proceedings Rules, the respondent to the appeal against such decision shall be the Member.
- 4.14 Where World Athletics is appellant in any appeal before CAS, it shall be entitled to join as additional respondent(s) to the appeal such other parties as it deems to be appropriate, including the athlete, athlete support personnel or other person who may be affected by the decision.
- 4.15 In any case where World Athletics is not a party to the appeal before CAS, it may nevertheless choose to participate as a full party in the appeal if it considers it appropriate to do so. Where World Athletics so chooses to participate, and World Athletics' status in the appeal is that of joint respondent, World Athletics shall have the right to jointly appoint an arbitrator with the respondent to the appeal. If there is any disagreement as to who the appointed arbitrator should be, World Athletics' choice of arbitrator shall prevail.

### **World Athletics Appeal of Decisions to CAS**

- 4.16 The decision by World Athletics as to whether a case should be appealed to CAS (or whether World Athletics should participate as a party in an appeal to CAS) shall be taken by the Council or its appointee. The Council (or its appointee) shall, where applicable, determine at the same time whether the athlete concerned shall be suspended pending the CAS decision.

### **The CAS Appeal**

- 4.17 Unless the Council determines otherwise, the appellant shall have thirty days in which to file their statement of appeal with CAS starting from the date of communication of the written reasons of the decision to be appealed (in English or French where World Athletics is the prospective appellant) or from the last day on which the decision could have been appealed to the national level appeal body in accordance with Rule 4.9. Where the appellant is not World Athletics, at the same time as filing their statement of appeal with CAS, the appellant shall send a copy of the statement of appeal to World Athletics. Within fifteen days of the deadline for

filing the statement of appeal, the appellant shall file their appeal brief with CAS and, within thirty days of receipt of the appeal brief, the respondent shall file their answer with CAS.

- 4.18 All appeals before CAS shall take the form of a re-hearing de novo of the issues raised by the case and the CAS Panel shall be able to substitute its decision for the decision of the relevant tribunal of the Member where it considers the decision of the relevant tribunal of the Member to be erroneous or procedurally unsound. The CAS Panel may in any case add to or increase the sanction that was imposed in the contested decision.
- 4.19 In all CAS appeals involving World Athletics, CAS and the CAS Panel shall be bound by World Athletics Constitution, Rules and Regulations. In the case of any conflict between the CAS rules currently in force and World Athletics Constitution, Rules and Regulations, World Athletics Constitution, Rules and Regulations shall take precedence.
- 4.20 In all CAS appeals involving World Athletics, the governing law shall be Monegasque law and the arbitrations shall be conducted in English, unless the parties agree otherwise.
- 4.21 The CAS Panel may in appropriate cases award a party its costs, or a contribution to its costs, incurred in the CAS appeal.
- 4.22 The decision of CAS shall be final and binding on all parties, and on all Members, and no right of appeal will lie from the CAS decision. The CAS decision shall have immediate effect and all Members shall take all necessary action to ensure that it is effective. The fact of the referral to CAS and the CAS decision shall be set out in the next notice to be sent by the Chief Executive Officer to all Members.