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**CONSTITUTION**

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INTERNATIONAL  
**BIATHLON**  
UNION

**01**

INTERNATIONAL **BIATHLON** UNION  
**CONSTITUTION**

Effective 19 October 2019 (see Article 37)

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**PART I IBU STATUS AND PURPOSE****1. Name and status**

**1.1** The International Biathlon Union (IBU) is recognised by the International Olympic Committee (IOC) as the international governing body for the sport of biathlon.

**1.2** The sport of biathlon combines cross-country skiing with marksmanship shooting. Other forms of biathlon (also governed by the IBU) combine rifle shooting with other forms of movement (such as roller skiing, running, mountain biking or snowshoe hiking). All such forms of biathlon are referred to collectively in this Constitution as Biathlon.

**1.3** This Constitution is governed by the laws of Austria, and will be interpreted and applied in accordance with Austrian law, using the definitions and principles of interpretation set out in Appendix 1. Defined terms appear in italics.

**1.4** The IBU is an association under the Austrian Law of Associations, registered in the Central Austrian register of Associations with number ZVR 291698201. The IBU also has the status of a Non-Governmental Organisation under Austrian Federal Law (Federal Law Gazette 174/1992).

**1.5** The official registered name of the IBU is the "International Biathlon Union (IBU)", but the IBU also uses the following German and Russian translations of its official name: Internationale Biathlon Union (IBU) and Международный союз биатлонистов (МСБ). The IBU uses the mark that appears at Appendix 2, and may create additional marks. The IBU reserves all of its rights, including its Intellectual Property Rights, in relation to its names and acronyms (official and translated) and marks.

**2. Purposes and principles**

**2.1** The fundamental purposes of the IBU (the Purposes) are to:

- 2.1.1** act as the governing body for Biathlon worldwide;
- 2.1.2** play a leading role in the Olympic Movement, in particular by organising, supervising and officiating the Biathlon programme at the Olympic Games;
- 2.1.3** use competitions, events, programmes, and other activities to promote, develop and encourage participation in Biathlon throughout the world;

**2.1.4** regulate Biathlon efficiently and effectively by developing Rules to be applied and enforced by the IBU and/or the NF Members wherever the sport is practised;

**2.1.5** protect the integrity of Biathlon and the IBU by implementing the highest standards of good governance and by developing and enforcing a comprehensive and broadly applicable integrity code, as set out in Article 29.7;

**2.1.6** establish and maintain an efficient administration to control, regulate and direct the affairs of the IBU and the sport of Biathlon;

**2.1.7** control the organisation and scheduling of competitions (including “world” or “international” championships and other events purporting to be “world” or “international” events or otherwise purporting to determine “world” or “international” champions of Biathlon), so as to ensure that the sporting calendar is organised and scheduled in accordance with the best long-term interests and priorities of the sport as a whole;

**2.1.8** support and assist NF Members to promote and develop Biathlon in their respective Countries;

**2.1.9** cooperate with other sport organisations (including the IOC and WADA), public and private organisations, state authorities, and other relevant bodies to promote the interests of sport generally, and Biathlon in particular, throughout the world; and

**2.1.10** protect the right of the IBU (internationally) and its NF Members (nationally) to govern, regulate and administer the sport independently and autonomously, including by conducting democratic elections that are free from any outside influence to elect office-holders.

**2.2** The IBU is a non-profit organization, and therefore pursues exclusively non-profit purposes and supports the non-profit purposes of its members. The IBU’s funds will be used for the Purposes only, and not in any manner that is alien to its Purposes. To ensure compliance with this requirement, a clear and detailed record will be kept of the use of IBU funds.

**2.3** In all of its activities, the IBU will observe the following principles:

**2.3.1** respect for the principle of political neutrality and impartiality;

**2.3.2** rejection of all forms of harassment and abuse, whether of a physical, mental or sexual nature, and provision of protection and assistance to those affected;

**2.3.3** rejection of any unlawful discrimination on the grounds of race, skin colour, national or social origin, gender, sex, sexual orientation, language, political or other opinion, religion or other beliefs, circumstances of birth, or other improper ground;

**2.3.4** promotion of clean sport and fair play;

**2.3.5** promotion of diversity and gender equality in the management of and participation in Biathlon;

**2.3.6** working to protect the safety and well-being of participants in Biathlon, including in particular children and young adults; and

**2.3.7** respect for and promotion of the importance of environmental sustainability and nature conservation in and through the sport of Biathlon.

### **3. Powers**

**3.1** Subject to this Constitution and the laws of Austria, the IBU has all the powers of a legal person and may do all such acts or things that it considers to be necessary, desirable, incidental or conducive to advancing the Purposes, including the power to:

**3.1.1** amend this Constitution, and/or issue and enforce Rules that make further provision for the management and control of the sport of Biathlon and/or the affairs of the IBU and/or the IBU Members;

**3.1.2** establish Rules concerning the conduct of the sport of Biathlon throughout the world, including the official competition rules of the sport, rules governing eligibility of athletes to represent an NF Member in International Competitions, rules governing the sanctioning and/or the conduct of events (including national-level events), and codes of conduct for participants in the sport;

**3.1.3** apply and enforce the Constitution and Rules and ensure their application and enforcement by the NF Members throughout the sport;

**3.1.4** organise and/or sanction the organisation of International Competitions, including qualifying competitions for the Olympic Winter Games, and take responsibility for the technical control and direction of Biathlon competitions staged as part of the Olympic Winter Games, in accordance with the Olympic Charter;

**3.1.4.1** The IOC owns and controls the Olympic Winter Games. The IBU owns and controls all other International Competitions, including the staging rights

and all commercial and other rights to such competitions, which it may grant to NF Members and/or third parties, as it deems necessary.

**3.1.4.2** Only an NF Member that is compliant with its obligations under the IBU Anti-Doping Rules and whose National Anti-Doping Organisation is compliant with its obligations under the World Anti-Doping Code is eligible to bid to host International Competitions. If an NF Member or its National Anti-Doping Organisation becomes non-compliant with the relevant obligations after the IBU has granted the NF Member the right to host an International Competition, the IBU may withdraw that hosting right without liability to the NF Member.

**3.1.5** raise funds to finance the activities of the IBU by all available means, including by levying subscriptions and other fees (e.g., fees for sanctioning events) from NF Members, as well as by exploiting the commercial assets of the IBU, including its Intellectual Property Rights and any sponsorship, broadcasting and/or other commercial rights that it controls, including the commercial rights in relation to International Competitions;

**3.1.6** employ and pay any person(s) to supervise, organise and carry out the work of the IBU;

**3.1.7** purchase, lease or otherwise acquire any property or other rights and privileges, construct, maintain and alter any buildings or premises, and/or sell, let, mortgage, dispose of or turn to account all or any of the property or assets of the IBU;

**3.1.8** invest any funds not immediately required to fund the IBU's activities in accordance with a policy approved by the Executive Board ; and

**3.1.9** establish, acquire, merge with, or otherwise establish control in respect of other legal entities (such as foundations or corporations).

**3.2** The IBU will exercise its powers through its constituent bodies and officials, including Congress, the Executive Board, the President, the Secretary General, Committees, and the Biathlon Integrity Unit, as set out in this Constitution and in the Rules.

## **PART II MEMBERSHIP**

### **4. Members**

**4.1** Membership of the IBU may be granted in different categories, including NF Member (open to National Federations only), Extraordinary Member, Honorary Member, and/or any other type of membership that Congress may create pursuant to Article 12.2.1. References in this Constitution to IBU Members are to all members of the IBU, whatever their membership category.

**4.2** In accordance with the Olympic Charter, membership as an NF Member of the IBU (whether provisional or full) is open to one National Federation for each Country. The sole and exclusive authority of an NF Member to govern Biathlon at the national level will extend as far as the territorial boundaries of the Country that it represents.

**4.3** The NF Members of the IBU as at the date this Constitution comes into effect are listed in Appendix 3. New NF Members may be admitted in accordance with Article A1 of Appendix 4, and Extraordinary Members and Honorary Members may be admitted as set out in Article 8.

**4.4** Neither this Constitution nor membership of the IBU will create a partnership or agency relationship between the IBU and the IBU Members. IBU Members are not liable for the debts or obligations of the IBU, and the IBU is not liable for the debts or obligations of IBU Members.

**4.5** Once granted, IBU Membership continues unless and until the IBU Member in question withdraws from membership in accordance with Article 9, or the IBU terminates the membership of an Extraordinary Member or an Honorary Member in accordance with Article 9.2, or the IBU expels an NF Member in accordance with Article 10.

### **5. Requirements to be an NF Member**

**5.1** To be and to remain a full NF Member of the IBU, a National Federation for the sport of Biathlon must satisfy (both at the time it applies for membership and at all times after it has been admitted as an NF Member) all of the following requirements:

**5.1.1** It must be a legal entity properly constituted in accordance with the law applicable in its Country.

**5.1.2** It must be concerned with the administration, organisation and practising of Biathlon, either solely and exclusively or else in conjunction with other sports.

**5.1.3** It must claim the exclusive right to govern both men's and women's Biathlon in its Country, i.e., it must not recognise any other body's claim to govern either men's or women's Biathlon in its Country (other than by exercise of powers delegated to that other body by the National Federation).

**5.1.4** Its constitution must:

**5.1.4.1** be compliant with the Olympic Charter and the World Anti-Doping Code, and consistent in all respects with this Constitution and the Rules;

**5.1.4.2** declare its opposition to any unlawful discrimination on the grounds of race, skin colour, national or social origin, gender, sex, sexual orientation, language, political or other opinion, religion or other beliefs, circumstances of birth, or other improper grounds; and

**5.1.4.3** include a formal undertaking by the National Federation to be bound by and to comply with the obligations placed on NF Members by this Constitution.

**5.1.5** It must not be insolvent.

**5.1.6** It must carry out Biathlon activities in its Country at least to the minimum level prescribed by the Executive Board from time to time.

**5.2** A National Federation that satisfies all of the requirements set out in Article 5.1 except for the Article 5.1.6 requirement to carry out Biathlon activities in its Country at least to the minimum level prescribed by the Executive Board from time to time may be admitted as a provisional NF Member, but it may not be admitted as a full NF Member until it satisfies the Article 5.1.6 requirement as well.

## **6. Rights of NF Members**

**6.1** Subject to this Constitution and the Rules, each full NF Member in Good Standing has the right to:

**6.1.1** be recognised by the IBU and the IBU Members as the body with the sole and exclusive right to govern Biathlon in its Country;

**6.1.2** appoint delegates to attend and speak on its behalf at meetings of Congress;

**6.1.3** vote on each motion put before Congress;

**6.1.4** submit proposed motions to the Executive Board and Congress;

**6.1.5** nominate qualifying individuals for election to the Executive Board (including as President or Vice-President or Treasurer) or to the Technical Committee;

**6.1.5.1** A full NF Member may nominate up to three persons for election to different positions on the Executive Board. Upon election of one of its nominees, its other nomination(s) will be deemed withdrawn.

**6.1.5.2** A full NF Member may nominate one person for election to the Technical Committee.

**6.1.6** upon invitation by the Executive Board, nominate qualifying individuals to be appointed to other Committees;

**6.1.7** receive copies of the reports that are required to be made to Congress under this Constitution or the Rules;

**6.1.8** receive circulars and other official information as specified in the Rules;

**6.1.9** enter Athletes in International Competitions, in accordance with the applicable Rules and subject to relevant quotas and other applicable constraints;

**6.1.9.1** An NF Member may only be represented in International Competitions by Athletes who are Citizens of the NF Member's Country. Athletes who are Citizens of two or more Countries at the same time may choose which NF Member/Country to represent. However, having represented one NF Member (or its Country) in the Olympic Games, in continental or regional Games or in a world or continental Championship or other International Competition:

(a) an Athlete who is under the age of 23 may not represent another NF Member unless (i) the Athlete is a Citizen of the Country that the other NF Member represents; and (ii) at least two years have passed since the Athlete last represented the original NF Member (or its Country); and

(b) an Athlete who is 23 or older may not represent another NF Member unless (i) the Athlete is a Citizen of the Country that that other NF Member represents; (ii) the Athlete is able to demonstrate a genuine, close, credible and established link to that Country (e.g., through marriage and/or through residence there); and (iii) at least three years have passed since the Athlete last represented the original NF Member (or its Country).

**6.1.9.2** The periods in Article 6.1.9.1 may be reduced or even annulled by the Executive Board where the NF Members involved so agree and the Executive Board considers it appropriate.

**6.1.9.3** The general rule is that an Athlete may only transfer allegiance from one NF Member to another pursuant to Article 6.1.9.1 once. The only exception to this general rule is that an Athlete who has already transferred allegiance from one NF Member to another pursuant to Article 6.1.9.1(a) may transfer allegiance back to the original NF Member provided that the two year waiting period applicable under Article 6.1.9.1(a) expires before the Athlete reaches the age of 23.

**6.1.9.4** Any stateless Athlete may represent in International Competitions an NF Member assigned by the Executive Board with that NF Member's agreement.

**6.1.9.5** The Executive Board may issue rules regulating the implementation of this Article 6.1.9, including specifying deadlines for receipt of applications for transfer of allegiance from one NF Member to another.

**6.1.10** participate in IBU programs and activities;

**6.1.11** host International Competitions with the approval of the IBU; and

**6.1.12** enjoy such other rights and privileges as are set out in this Constitution or in the Rules.

**6.2** Each provisional NF Member in Good Standing will enjoy the same rights and benefits as full NF Members, with the following exceptions:

**6.2.1** the provisional NF Member may send delegates to attend and speak on its behalf at Congress meetings, but they will have no vote;

**6.2.2** the provisional NF Member has no right to submit a motion to the Executive Board or Congress;

**6.2.3** the provisional NF Member has no right to nominate individuals for election to the Executive Board or for election or appointment to any Committee; and

**6.2.4** the provisional NF Member has no right to host International Competitions.

## **7. Obligations of NF Members**

**7.1** In addition to satisfying the requirements set out in Article 5, each NF Member (full and provisional) must:

**7.1.1** pay an annual membership fee to the IBU at the beginning of the IBU's financial year (provided that a provisional NF Member only has to pay half of the membership fee payable by a full NF Member), and pay any other monies owing to the IBU by the deadline specified by the IBU;

**7.1.2** respect, support and promote the Purposes and principles of the IBU, and administer, promote and develop Biathlon in its Country accordingly, including by developing, staging and sanctioning Biathlon Competitions in its Country, and participating in other Biathlon Competitions only if they have been duly sanctioned by the IBU (in the case of competitions between Athletes or teams of Athletes representing different Countries) or other NF Members (in the case of other competitions);

**7.1.3** comply in all respects with this Constitution, the Rules, and the decisions of Congress, the Executive Board, Disciplinary Tribunals, and the CAS;

**7.1.4** supply information to the IBU as specified in the Rules or as otherwise requested in writing by the Executive Board or the Secretary General;

**7.1.5** adopt, implement and enforce within its Country a constitution and regulations that comply with, and are not inconsistent with, this Constitution and the Rules, including anti-doping regulations that are compliant with the World Anti-Doping Code and the IBU Anti-Doping Rules, as well as further rules of conduct that are compliant with the IBU Integrity Code;

**7.1.6** determine its office-holders by democratic elections;

**7.1.7** manage its affairs autonomously and without interference from bodies outside the Olympic Movement;

**7.1.8** recognise and enforce within its Country:

**7.1.8.1** all decisions of the IBU's constituent bodies, officials, the Biathlon Integrity Unit, Disciplinary Tribunals, and the CAS;

**7.1.8.2** periods of ineligibility and other disciplinary sanctions imposed under the Rules, including the IBU Integrity Code; and

**7.1.8.3** periods of ineligibility and other disciplinary sanctions imposed by other NF Members;

**7.1.9** adopt and implement rules:

**7.1.9.1** requiring Athletes, Athlete Support Personnel and other Persons wishing to participate (or support the participation of others) in any manner in its competitions and/or other activities to submit to its rules and regulations and (where applicable) this Constitution and the Rules as a condition of such participation; and

**7.1.9.2** prohibiting Persons under its jurisdiction from participating in Biathlon events that have not been properly sanctioned by the IBU (in the case of International Competitions) or an NF Member (in the case of other competitions);

**7.1.10** not do anything (by act or omission) that brings Biathlon or the IBU into disrepute or is contrary to the integrity and best interests of Biathlon or the IBU;

**7.1.11** resolve any disputes with the IBU and/or any other IBU Member(s) by the means set out in this Constitution and/or the Rules, not take any legal or other action inconsistent with that obligation, and respect, abide by, recognise and enforce the outcome of the prescribed dispute resolution process; and

**7.1.12** upon request by the Executive Board, provide a report on the NF Member's activities (including any major Biathlon Competitions, including International Competitions, staged in its Country, and the anti-doping activities conducted in its Country) in the period specified in the Executive Board's request.

## **8. Extraordinary Members and Honorary Members**

**8.1** The following Persons may apply for admission as an Extraordinary Member of the IBU:

**8.1.1** international organisations interested in Biathlon or sports similar to Biathlon; and

**8.1.2** natural persons and legal entities willing to promote the sport of Biathlon.

**8.2** Applications to be admitted as an Extraordinary Member of the IBU will be decided by Congress in accordance with Article 12.2.3. Such applications must be submitted in writing to the Secretary General, who will put them before Congress. Congress may grant or deny the application in its absolute discretion. The applicant may be required to enter into a cooperation agreement as a condition to admission as an Extraordinary Member.

**8.3** Each Extraordinary Member must:

**8.3.1** respect and promote the Purposes;

**8.3.2** comply in all respects with this Constitution, the Rules, and the decisions of Congress, the Executive Board, Disciplinary Tribunals, and the CAS; and

**8.3.3** resolve any disputes with the IBU and/or any other IBU Member(s) by the means set out in this Constitution and the Rules, not take any legal or other action inconsistent with that obligation, and respect, abide by, recognise and enforce the outcome of the prescribed dispute resolution process.

**8.4** Congress may confer Honorary Membership upon any Person that has rendered outstanding services to the IBU and/or the sport of Biathlon, including former Presidents (as 'Honorary President'). In addition, honorary titles may be bestowed by the Executive Board, in accordance with the Rules for Honors.

## **9. Withdrawal or termination of membership**

**9.1** An IBU Member may withdraw their membership of the IBU by giving written notice to the Secretary General no less than four months prior to the end of the IBU's financial year.

**9.2** The IBU may terminate the membership of an Extraordinary Member or an Honorary Member at any time, in accordance with Article 12.2.3.

## **10. Suspension, expulsion or other sanction for breach of NF Member obligations**

**10.1** An NF Member that fails to comply with its obligations as an NF Member may be suspended or expelled from membership, and/or otherwise sanctioned, as set out in Appendix 4.

## **11. Consequences of withdrawal, suspension or termination of membership**

**11.1** Where membership of the IBU is withdrawn or terminated (whether by expulsion or otherwise):

**11.1.1** The former IBU Member:

**11.1.1.1** may not in any way hold itself out any longer as a member of the IBU;

**11.1.1.2** forfeits all rights in and claims upon the IBU and its property, including its Intellectual Property;

**11.1.1.3** may not use any IBU property, including its Intellectual Property; and

**11.1.1.4** is not entitled to exercise any rights of an IBU Member.

**11.1.2** No person who holds any office in the former IBU Member:

**11.1.2.1** may become or remain an IBU Official;

**11.1.2.2** will be entitled to exercise any other rights, entitlements or privileges that they would have been entitled to exercise if the former IBU Member were still an IBU Member, including representation, entry, participation or involvement in any capacity in any competition, activity, event, function or meeting of the IBU (including meetings of Congress and the Executive Board).

**11.1.3** No Athlete, Athlete Support Personnel or other person who is a member of or affiliated to the former IBU Member may enter, compete, participate or otherwise be involved in any capacity in any competition, activity, event, function or meeting of the IBU or any of its IBU Members, unless specified otherwise in the Rules.

**11.2** Where membership of the IBU is suspended, the consequences will depend upon the terms of such suspension, which will be determined in accordance with Appendix 4.

## **PART III CONGRESS**

### **12. Composition and powers of Congress**

**12.1** Congress is the general meeting of the NF Members, represented by their respective delegates.

**12.2** Congress holds ultimate and supreme authority in relation to the affairs of the IBU. It has the right to exercise all of the powers given to the IBU in this Constitution where it considers necessary or appropriate to do so in order to further the Purposes, including the power to:

**12.2.1** establish further categories of membership beyond those set out in this Constitution;

**12.2.2** admit, suspend, expel, and reinstate NF Members;

**12.2.3** admit to membership and terminate the membership of Extraordinary Members and Honorary Members and other types of members;

**12.2.4** amend this Constitution;

**12.2.5** decide on motions proposed by the Executive Board or by full NF Members to issue, amend or annul Reserved Rules;

**12.2.6** decide on motions proposed by full NF Members to amend or annul Rules issued by the Executive Board pursuant to Article 17.1.2 or by the Technical Committee pursuant to Article 25.1, in which case those Rules will be amended or annulled with effect from such date as Congress may specify, but such amendment or annulment will not have retroactive effect;

**12.2.7** elect:

**12.2.7.1** the President, Vice-President, Treasurer and other members of the Executive Board in accordance with Article 16; and

**12.2.7.2** the members of the Technical Committee in accordance with Article 25.2;

**12.2.8** appoint the independent members of the BIU Board, upon the recommendation of a screening panel acting pursuant to Article 27.1 in the case of the inaugural BIU Board, and upon the recommendation of the Vetting Panel in the case of subsequent vacancies;

**12.2.9** appoint the Auditor in accordance with Article 41.2, upon the recommendation of the Executive Board, for a period of at least two financial years;

**12.2.10** receive for approval annual reports from:

**12.2.10.1** the Executive Board, which report shall include the audited financial statements for the two most recent financial years;

**12.2.10.2** the Vetting Panel; and

**12.2.10.3** the BIU Board, which report shall include any funding request made by the BIU Board in accordance with Article 29.5;

**12.2.11** establish a policy to remunerate the Executive Board members, including the President and Vice-President;

**12.2.12** approve the Executive Board's proposal for the award of the right to host the Biathlon World Championships to a full NF Member;

**12.2.13** elect the host, venue and date of the next Ordinary Congress meeting to be held in a year that is not an Olympic Year;

**12.2.14** decide on motions proposed in accordance with this Constitution and the Rules;

**12.2.15** grant awards for services to the IBU and the sport of Biathlon, on the recommendation of the Executive Board;

**12.2.16** confirm the annual IBU budget and membership fees fixed by the Executive Board;

**12.2.17** grant Honorary Membership in accordance with Article 8 and in the Rules for Honors;

**12.2.18** merge the IBU with another body; or

**12.2.19** dissolve the IBU in accordance with Part X of this Constitution.

**12.3** Congress may delegate to the Executive Board any of its powers under Articles 12.2.1, 12.2.3, 12.2.13, 12.2.15, and/or 12.2.17 and any other powers not

specifically enumerated in Article 12.2. Alternatively, Congress may refer matters to the Executive Board for consideration and advice.

### **13. Meetings of Congress**

**13.1** Ordinary Congress meetings will be held every two years (in even years), between June and September where possible.

**13.1.1** The Executive Board will determine the specific date and venue (which shall be reasonably proximate to the IBU headquarters) of Ordinary Congress meetings held in Olympic Years. The IBU Staff will organise such meetings.

**13.1.2** Congress will determine the venue and date of the Ordinary Congress meetings held in other years. Members may apply in writing to the Secretary General to host that meeting up to 90 days prior to the Congress meeting at which the venue and date of that meeting is to be determined.

**13.1.3** Every second Ordinary Congress meeting will be an Election Congress meeting, at which the President, Vice-President, Treasurer and six other members of the Executive Board will be elected in accordance with Article 16, and ten of the members of the Technical Committee will be elected in accordance with Article 25.2.

**13.2** Extraordinary meetings of Congress will be held if requested by:

**13.2.1** the Executive Board (based on a motion passed by Special Majority, or where the President has died, resigned or become permanently incapacitated, or where four or more Executive Board members have resigned or have become incapacitated for any reason); or

**13.2.2** one tenth or more of (a) all IBU Members or (b) all full NF Members; or

**13.2.3** the Athletes' Committee, supported by at least three full NF Members.

**13.3** All meetings of Congress will be convened and conducted in accordance with the Rules of Congress. Minutes of such meetings, or a summary thereof, will be published on the IBU's website, and so will the reports referenced at Article

**12.2.10** once approved by Congress.

### **14. Delegates**

**14.1** Each full NF Member is entitled to send up to three delegates to represent it at each meeting of Congress. Each delegate must be affiliated to that NF Member, and must have been elected or appointed as the NF Member's delegate to Congress by the executive body of the NF Member in accordance with its con-

stitution. In the event that an NF Member nominates two or more delegates for a meeting of Congress, there must be at least one delegate of the male gender and at least one delegate of the female gender. Each delegate of a full NF Member is permitted to speak at Congress.

**14.2** One of an NF Member's delegates, who must be a Citizen of the NF Member's Country, will be designated the head of the delegation and voting delegate for that NF Member. That delegate will have sole and exclusive authority to cast the vote(s) of that NF Member at the Congress meeting.

**14.3** A person may not be a delegate for more than one NF Member at Congress. No member of the Executive Board, the BIU Board, or any IBU Staff may be a delegate of an NF Member at Congress.

### **15. Voting**

**15.1** Voting at Congress will be conducted in accordance with the Rules of Congress.

**15.2** Only full NF Members whose voting delegates are present at the meeting at the time of the vote are entitled to vote. Voting by proxy or by letter is not permitted.

**15.3** Each full NF Member has one vote.

**15.4** A motion will be passed by Congress if it receives the requisite majority of votes in favour. Unless otherwise specified in this Constitution or the Rules, the requisite majority is a Simple Majority. In the event of a tie in the votes cast, the motion will not be passed.

**15.5** Motions passed by Congress will become effective immediately, unless Congress specifies a later effective date.

## **PART IV EXECUTIVE BOARD**

### **16. Composition of the Executive Board**

**16.1** The Executive Board will be comprised of:

**16.1.1** the President, the Vice-President, the Treasurer, and six further natural persons, each elected by Congress in accordance with this Article 16;

**16.1.2** the Chair or another member of the Athletes' Committee, as designated by the Athletes' Committee; and

**16.1.3** the Secretary General (non-voting member).

**16.2** The President, the Vice-President, the Treasurer, and the six further persons referenced in Article 16.1.1 will be elected, in that order, at each Election Congress. They must all be affiliated to different full NF Members. Starting with the Executive Board elected at the 2022 Election Congress, there must be at least two representatives of the male gender and at least two representatives of the female gender among them (provided that there are at least two from each gender among the candidates for election).

**16.3** All elections will be conducted as specified in the Rules of Congress. Votes will be cast by secret ballot.

**16.4** Each candidate nominated for election must:

**16.4.1** be nominated by a full NF Member (no other person has the right to nominate candidates for election);

**16.4.2** be affiliated to the nominating NF Member and a Citizen of its Country;

**16.4.3** be Eligible in accordance with Article 26; and

**16.4.4** not have reached the age of 75 as of the date of the Election Congress meeting.

**16.5** All nominations for election to the Executive Board will be made in accordance with the procedure set out in the Rules of Congress.

**16.6** No person may hold more than one elected IBU position at any one time. If an elected member of the Athletes' Committee or the Technical Committee is elected to the Executive Board, they must immediately resign from the Athletes' Committee or Technical Committee (as applicable).

**16.7** Persons elected to the Executive Board hold such office in their personal capacity and not as representatives of any NF Member or any other organisation, and must act accordingly.

**16.8** Subject to Article 20, the term of office of Executive Board members will be approximately four years, commencing at the close of the Election Congress at which they are elected and ending at the close of the next Election Congress.

**16.9** A person may serve as an Executive Board member for no more than three full terms (consecutive or otherwise, but discounting any part terms served), save that a person may serve a fourth term, consecutive to their third term, if they are elected as President for that fourth term and have not served as President prior

to that point. Subject to Article 37.1, terms served on the Executive Board prior to the date that this Constitution comes into effect shall count towards these term limits.

**16.10** Everything that is done by the Executive Board, or by a member of the Executive Board, will be valid as if there was no defect or irregularity even if it is later discovered that that member or any other member of the Executive Board was not properly appointed, was not Eligible, or was not entitled to vote.

## **17. Powers of the Executive Board**

**17.1** Subject to the exclusive powers and ultimate authority of Congress, the Executive Board will have full power and authority to manage the affairs of the IBU, including any powers delegated to it by Congress in accordance with Article 12.3, as well as the power (and responsibility) to:

**17.1.1** implement the decisions of Congress;

**17.1.2** issue, amend, and rescind Rules and other provisions of a generally applicable nature, which new or amended Rules or other provisions will come into effect on the date specified by the Executive Board and will continue in effect unless and until (a) the Executive Board rescinds them; or (b) Congress passes a motion proposed by an NF Member in accordance with Article 12.2.6 to amend or annul them;

**17.1.2.1** As an exception to Article 17.1.2, only Congress has the power to issue, amend, or rescind the Reserved Rules. Neither the Executive Board nor the Technical Committee may issue, amend or rescind any Reserved Rules. Instead, the Executive Board may only propose to Congress, in accordance with Article 12.2.5, that Reserved Rules be issued, amended, or rescinded.

**17.1.3** set the strategy and policies of the IBU;

**17.1.4** decide the terms and conditions of employment of the Secretary General;

**17.1.5** supervise the Secretary General in the implementation of the IBU's strategy and policies;

**17.1.6** oversee legal compliance and risk management;

**17.1.7** process applications by National Federations for membership of the IBU in accordance with Article A4.1 of Appendix 4;

**17.1.8** impose suspensions and/or other sanctions on IBU Members in accordance with Article A4.2 of Appendix 4;

**17.1.9** adopt an annual plan and budget for the IBU (including any applicable fees for membership or otherwise);

**17.1.10** control expenditure, source income, approve major transactions, and prudently invest the IBU's funds;

**17.1.11** propose motions and make recommendations to Congress;

**17.1.12** maintain the calendar of International Competitions, including deciding on the inclusion of new competitions and events, approving the annual and multi-year International Competition programme, selecting hosts and locations of International Competitions, and proposing hosts of the Biathlon World Championships to Congress;

**17.1.13** make rules providing for the sharing of information about IBU decision-making with IBU Members, the public, and other stakeholders, seeking in doing so to achieve the greatest degree of transparency while protecting the interests of the IBU and the rights of individuals who contribute to it;

**17.1.14** set up such Committees as it considers necessary or appropriate, appoint their members (including from nominees of the full NF Members, where such are requested), fix their remuneration (if any), fix their terms of reference, and delegate to them such rights, powers and responsibilities as it considers necessary or appropriate;

**17.1.15** appoint one of its members (other than the President or the Secretary General) to sit as a member of the BIU Board;

**17.1.16** appoint any of its members (other than the Secretary General) to sit as a non-voting member of any Committee(s);

**17.1.17** resolve and determine any matters or disputes for which an alternative resolution mechanism is not provided for in this Constitution; and

**17.1.18** decide all matters not reserved to another body by this Constitution or by a mandatory provision of Austrian law.

**17.2** The Executive Board will take appropriate steps to bring the minutes of Congress meetings (or a summary thereof), the minutes of Executive Board meetings (or a summary thereof), and all important decisions and Rule changes to the attention of NF Members, including but not limited to arranging for their publication on the official IBU website.

## **18. Duties of Executive Board members**

**18.1** Without prejudice to their duties under Austrian law, Executive Board members must at all times:

**18.1.1** respect and further the Purposes;

**18.1.2** act in good faith and discharge their responsibilities in the best interests of the IBU and the IBU Members as a whole;

**18.1.3** comply, and ensure that the IBU complies, with this Constitution and with the Rules, including the IBU Integrity Code;

**18.1.4** comply with and not publicly disagree with Executive Board decisions, even if privately they do not agree with them;

**18.1.5** not engage in any act of dishonesty, gross misconduct, or willful neglect of duty;

**18.1.6** not do anything (by act or omission) that risks bringing the IBU or Biathlon into disrepute or that is contrary to the best interests of the IBU or Biathlon;

**18.1.7** not agree to, nor cause or allow, the activities of the IBU to be conducted in a manner that is likely to create a substantial risk of serious loss to the IBU's creditors;

**18.1.8** not agree to the IBU incurring any obligations unless they reasonably believe at that time that the IBU will be able to perform the obligations when it is required to do so;

**18.1.9** (except for the President) not speak or make statements publicly on behalf of the Executive Board unless authorised to do so by the President, or in accordance with delegated authority in writing from the Executive Board;

**18.1.10** exercise the care, diligence and skill that any reasonable Executive Board member would exercise in the same circumstances;

**18.1.11** disclose to the Executive Board and the Head of the BIU the nature and extent of any interest that they have (or any person connected with them has) in a transaction or proposed transaction of or involving the IBU as soon as they become aware of such interest or such transaction;

**18.1.12** not disclose to any person or make use of or act on information that they would not be aware of if they were not an Executive Board member, except:

**18.1.12.1** for the benefit of the IBU, as agreed by the Executive Board; or

**18.1.12.2** as required by law;

**18.1.13** make reasonable efforts to attend and actively participate in all Executive Board meetings; and

**18.1.14** participate in an annual review of the Executive Board's performance in the manner decided by the Executive Board.

## **19. Meetings**

**19.1** The business of the Executive Board will be conducted at meetings convened and run in accordance with the Executive Board Rules. The Executive Board Rules will be maintained by the Executive Board and may only be amended by a motion that receives at least seven votes in support.

**19.2** The minutes of Executive Board meetings, or a summary thereof, will be published on the IBU's website.

**19.3** Except for the Secretary General (who will not have a vote on any motion), subject strictly to Article 19.4 each Executive Board member present at an Executive Board meeting will have one vote on each motion. Voting by proxy or by letter is not permitted.

**19.4** Executive Board members may not cast a vote on any matter in respect of which they have an actual or apparent conflict of interest.

## **20. Vacancies, removal and suspension**

**20.1** Vacancies on the Executive Board will be filled, and Executive Board members may be removed or suspended from office, as set out in the Executive Board Rules.

## **PART V PRESIDENT, VICE-PRESIDENT, SECRETARY GENERAL**

### **21. President**

**21.1** The President has the following particular duties and responsibilities (which may be delegated to others, where agreed by the Executive Board):

**21.1.1** to be the ambassador and main spokesperson for the IBU in accordance with policies decided by the Executive Board;

**21.1.2** to maintain good relations with the IOC, WADA, and other international sports federations and organisations;

**21.1.3** to chair meetings of Congress and of the Executive Board;

**21.1.4** to lead the work of the Executive Board, including ensuring the Executive Board is organised properly, functions effectively, acts within its powers, and meets its obligations and responsibilities;

**21.1.5** to ensure the decisions of Congress and the Executive Board are implemented and that the Constitution and the Rules are complied with;

**21.1.6** to liaise and facilitate effective communication and relationships with IBU Members, commercial partners, and other stakeholders;

**21.1.7** to support, monitor and liaise with the Secretary General and to form a strong, collaborative working relationship with the Secretary General on behalf of the Executive Board;

**21.1.8** to authorise transactions and sign documents on behalf of the IBU only as set out in Article 39.1; and

**21.1.9** to perform such other tasks and duties as are delegated to the President by Congress or the Executive Board.

**21.2** The President may not hold any position (paid or unpaid) with an NF Member, whether as a director, officer, committee member, employee, consultant, or otherwise. If the Vice-President is required to take over the President's role because the President is incapacitated (not just temporarily unavailable), the same restriction will apply to the Vice-President.

**21.3** The President may not be appointed as the Executive Board member on the BIU Board.

### **22. The Vice-President and the Treasurer**

**22.1** The role of the Vice-President is to stand in for the President whenever the President is unavailable and/or otherwise as the President may request.

**22.2** The role of the Treasurer will be as defined by the Executive Board, and will focus on strategy and consultations.

### **23. Secretary General**

**23.1** The Secretary General is appointed by, and accountable to, the Executive Board. The Secretary General is responsible for:

**23.1.1** managing the day-to-day operations of the IBU (except for the Biathlon Integrity Unit), in accordance with the directions of the Executive Board and the President, and within such limitations and delegated authority as the Executive Board may specify. If there is any inconsistency between directions from the Pres-

ident and directions from the Executive Board, the matter will be referred to the Executive Board for resolution;

**23.1.2** managing the IBU office and the IBU Staff (but not the BIU Staff);

**23.1.3** serving as a non-voting member of the Executive Board;

**23.1.4** attending meetings of the Executive Board and Congress;

**23.1.5** supporting the Executive Board in its development of a strategic plan for the IBU, and implementing the plan following its approval by the Executive Board;

**23.1.6** developing an annual operational plan for the IBU and implementing that plan following its approval by the Executive Board;

**23.1.7** developing and growing the commercial revenues of the IBU to enable it to fulfil the Purposes;

**23.1.8** supporting the President in engaging with stakeholders of the IBU;

**23.1.9** ensuring compliance by the IBU and IBU Staff with all applicable laws, rules and regulations, including this Constitution and the Rules;

**23.1.10** preparing minutes of meetings of Congress and the Executive Board;

**23.1.11** preparing the annual reports of the Executive Board to Congress, including arranging for the required review by the Auditor of the financial statements included in those reports;

**23.1.12** supporting the activities of the Committees established by the Executive Board, including ensuring that they are functioning effectively, acting within their powers, and meeting their obligations and responsibilities; and

**23.1.13** undertaking all of these responsibilities within the approved budgets, respecting the limits of authority set by the Executive Board, and striving to meet best practice standards in the administration of international sports federations.

## **PART VI ATHLETES' COMMITTEE AND TECHNICAL COMMITTEE**

### **24. Athletes' Committee**

**24.1** The role of the Athletes' Committee is to represent active Athletes and to give them a voice in the governance of the sport, including providing advice to the Executive Board on matters affecting the IBU and Biathlon from the Athletes' perspective. Proposals from the Athletes' Committee will be tabled at the next Executive Board meeting for approval.

**24.2** The Athletes' Committee consists of five members, consisting of four elected members, including at least two members of the male gender and at least two members of the female gender (provided that there are at least two from each gender among the candidates for election), and a fifth member chosen in accordance with Article 24.3. The elected members are elected in Olympic Years by the Athletes that have competed in the World Cup in at least one of the first two trimesters of the season encompassing the Olympic Games in question. Each elected member must have been an active Athlete in that season (or would have been an active Athlete in that season save for injury, illness or other incapacity), and must be Eligible in accordance with Article 26. In addition, the members of the Athletes' Committee must be affiliated to different full NF Members (i.e., no two or more of them may be affiliated to the same full NF Member). Two candidates may stand for election who are affiliated to the same full NF Member provided they have different genders, but only one of them may be elected. The term of office of members of the Athletes' Committee will be four years.

**24.3** The Athletes' Committee will appoint a person (who must be an active Athlete or someone who has retired from competition in the previous six years) to sit as the fifth member of the Athletes' Committee and (in accordance with Article 25.2) as a member of the Technical Committee.

**24.4** The members of the Athletes' Committee will elect one of their number to chair the Athletes' Committee, and will appoint either that chairperson or another member of the Athletes' Committee as a voting member of the Executive Board. The chairperson of the Athletes' Committee will also have the right to attend and speak on behalf of the Athletes' Committee at meetings of Congress.

**24.5** The business of the Athletes' Committee will be conducted, decisions will be made, and elections will be conducted, in accordance with the terms of refer-

ence of the Athletes' Committee, which will be proposed by the Athletes' Committee and issued by the Executive Board.

**24.6** Persons elected to the Athletes' Committee hold such position in their personal capacity and not as representatives of any NF Member or any other organisation, and must act accordingly.

## **25. Technical Committee**

**25.1** The role of the Technical Committee is to develop the technical rules for the sport of Biathlon and for its clothing, equipment and competition facilities, and to carry out the other functions assigned to it in the Event and Competition Rules. The Technical Committee has the authority (delegated to it by the Executive Board) to amend, rescind or add to the Technical Rules, with such changes to come into effect immediately or on such other date as the Technical Committee may specify, subject always to (a) the power of the Executive Board to amend or annul such Technical Rules by motion passed by Absolute Majority; and (b) the power of Congress to amend or annul such Technical Rules in accordance with Article 12.2.6. The Technical Committee may also submit proposals to issue, amend or annul other Rules to the Executive Board or (in the case of Reserved Rules) ask the Executive Board to submit such proposals to Congress.

**25.2** The Technical Committee consists of eleven (11) members, one of whom will be appointed by the Athletes' Committee in accordance with Article 24.3, and the other ten of whom will be nominated by full NF Members and elected by Congress in accordance with Article 12.2.7, with such election to be conducted in accordance with the Rules of Congress.

**25.2.1** Nominees for election to the Technical Committee must have a valid IBU International Referee licence, or significant proven practical experience in the sport of Biathlon, and/or be active coaches or Athletes or have been coaches or Athletes in the previous four years. They must be Eligible in accordance with Article 26.

**25.2.2** The ten members elected by Congress must all be Citizens of different Countries, and there must be at least two members of the male gender and at least two members of the female gender among them (provided that there are at least two from each gender among the candidates for election). Their term of office will be approximately four years, commencing at the close of the Election Congress at which they are elected and ending at the close of the next Election Congress.

**25.3** The Technical Committee members will elect one of their number to chair the Technical Committee. The chairperson will have the right to attend and speak on behalf of the Technical Committee at meetings of Congress.

**25.4** The business of the Technical Committee will be conducted, and its decisions will be made, in accordance with the terms of reference of the Technical Committee, which will be proposed by the Technical Committee and issued by the Executive Board.

**25.5** Persons elected to the Technical Committee hold such position in their personal capacity and not as representatives of any NF Member or any other organisation, and must act accordingly.

## **PART VII ELIGIBILITY OF IBU OFFICIALS**

### **26. Eligibility of IBU Officials**

**26.1** Any person who represents and/or works for or on behalf of the IBU, whether as a result of election or appointment or otherwise, is an IBU Official. This includes the members of the Executive Board, the members of the BIU Board, and members of Committees, as well as the Secretary General and the IBU Staff, the Head of the BIU and the BIU Staff, and Technical Delegates, but (for the avoidance of doubt) excludes members of organising committees, International Referees, volunteers working at IBU events, and law firms and other professionals engaged to act on behalf of the IBU.

**26.2** Anyone who wishes to become or remain an IBU Official must be Eligible to do so. A person is not Eligible to become or to remain an IBU Official if he or she:

**26.2.1** is a minor according to Austrian law (save that minors may be permitted to act as interns or apprentices within the IBU Staff as permitted by Austrian law);

**26.2.2** has been adjudged bankrupt and has not been discharged from bankruptcy or is subject to a condition not yet fulfilled or any order made under insolvency laws;

**26.2.3** has been convicted in the previous ten years of an offence that involved mistreatment of people (i.e., physical or sexual abuse or misconduct, hate crimes, or similar) or an offence that is punishable by a term of imprisonment of two or more years (whether or not they received such a term of imprisonment), and any appeal rights against that conviction have expired or been exhausted;

**26.2.4** is prohibited from being a director or promoter of or being concerned or taking part in the management of a company due to their breach of or non-compliance with any applicable law or regulation;

**26.2.5** is subject to an order by a relevant authority that they are lacking in competence to manage their own affairs;

**26.2.6** is deprived of their civil rights by proper application of the law;

**26.2.7** is serving a period of ineligibility imposed for breach of:

**26.2.7.1** the IBU Integrity Code; or

**26.2.7.2** any code of ethics or other rules of conduct of an NF Member or of another sports organisation;

**26.2.8** has been found by a relevant authority to have committed an anti-doping rule violation (whether or not they served any period of ineligibility for that violation);

**26.2.9** has been removed from office by Congress or the Executive Board in accordance with this Constitution or the Rules (or previous versions thereof);

**26.2.10** is otherwise prohibited from holding such position, or any similar position, under any other circumstances provided by law;

**26.2.11** otherwise fails an assessment, made by the Vetting Panel in accordance with the Vetting Rules, of whether the person (a) is of good character and reputation; (b) is able to meet the high standards of conduct and integrity required of an IBU Official; and (c) is physically and mentally fit to perform the role in question; or

**26.2.12** in the case of a candidate for appointment to the BIU Board, does not have the independence or experience or expertise required for the role, as specified in the Constitution or the Rules.

**26.3** Subject only to Article 26.2.2, a person who is determined not to be Eligible may not be appointed or elected as an IBU Official. If a person who is determined not to be Eligible is already an IBU Official, they will automatically be deemed to have resigned from their position as IBU Official and their position will be considered vacant from that point.

**26.4** This Article 26 does not limit or prejudice in any way any right arising under this Constitution or the Rules or otherwise to suspend or remove an IBU Official. Nor does Article 26 (or Article 27 or any other provision of this Constitution or

the Rules) limit or prejudice in any way any rights of IBU Staff under Austrian labor law.

## **27. The Vetting Panel**

**27.1** The Vetting Panel will be made up of the independent members of the BIU Board referenced in Article 29.3.1. It will be responsible for determining whether a person is Eligible to become or to remain an IBU Official (save that the Eligibility of the independent members of the inaugural BIU Board will be determined by an ad hoc screening panel made up of independent persons appointed by the Executive Board).

**27.2** The Technical Committee may ask the Vetting Panel to confirm the Eligibility of persons who apply for appointment as International Referees.

**27.3** The Vetting Panel will conduct its activities in accordance with the Vetting Rules, and will report to Congress on its activities in accordance with Article 12.2.10.

**27.4** A decision of the Vetting Panel (or of the ad hoc screening panel, where applicable) that a person is not Eligible may be appealed to the CAS in accordance with Article 31.1.

## **PART VIII BIATHLON INTEGRITY UNIT**

### **28. Establishment and mandate of the BIU**

**28.1** The IBU will adopt and maintain an IBU Integrity Code, including ethical rules, IBU Anti-Doping Rules that implement the World Anti-Doping Code, anti-manipulation rules, safeguarding rules, and other rules setting out the standards of conduct that the IBU requires of any Persons:

**28.1.1** who are, or are seeking to become (whether by election or appointment or otherwise), IBU Officials;

**28.1.2** who are IBU Members, including NF Members;

**28.1.3** who are office-holders or members of staff of NF Members and/or of organising committees of Biathlon Competitions (in respect of their dealings and interactions with the IBU);

**28.1.4** who are bidding to host or are hosting a Congress or an International Competition, or who are working for such Persons;

**28.1.5** who are participating in Biathlon Competitions, including Athletes, Ath-

lete Support Personnel, referees and others involved in officiating and/or judging at a Biathlon Competition, starting from the date that the person is first selected or entered or appointed to participate in a Biathlon Competition; or

**28.1.6** who agree in writing to be bound by the IBU Integrity Code.

**28.2** The IBU will establish and maintain a Biathlon Integrity Unit (BIU). The BIU's mandate will be:

**28.2.1** to maintain confidence in the integrity of the sport of Biathlon, and in the commitment of the IBU to take all steps necessary to protect that integrity, through the effective policing and enforcement of the IBU Integrity Code; and

**28.2.2** as part of that effort, to ensure the IBU is in full compliance at all times with its obligations as a signatory to the World Anti-Doping Code, and with its other governance and ethical compliance obligations set out in this Constitution and the Rules.

**28.3** The BIU will have all of the powers that are necessary, desirable, incidental or conducive to fulfilling its mandate, including the power:

**28.3.1** to educate all IBU Officials, NF Members, NF Member office-holders and staff, Athletes, Athlete Support Personnel, and others who are bound by the IBU Integrity Code about their obligations thereunder, and to monitor their compliance with those obligations;

**28.3.2** to request that the Executive Board make amendments to the IBU Integrity Code;

**28.3.3** to monitor compliance by the IBU with its obligations as a Signatory to the World Anti-Doping Code and with its other governance and ethical compliance obligations set out in this Constitution and the Rules;

**28.3.4** in the name of the IBU, to investigate potential violations of the IBU Integrity Code;

**28.3.5** in the name of the IBU, to prosecute alleged violations of the IBU Integrity Code before a Disciplinary Tribunal, as set out in Article 30.2;

**28.3.6** in the name of the IBU, to pursue or defend (as applicable) appeals to the CAS from decisions of the Disciplinary Tribunal; and

**28.3.7** to obtain relevant intelligence and information from and to share relevant intelligence and information with other relevant authorities.

**28.4** The Executive Board will maintain the BIU Rules, which will set out and define the structure and operations of the BIU, including the respective powers, roles, responsibilities and authority of the BIU Board and the Head of the BIU. The Executive Board may amend and/or supplement the BIU Rules from time to time at the request of the BIU Board.

## **29. Operational independence**

**29.1** The BIU will be part of the IBU, and the BIU Staff will be employed and/or retained (as applicable) by the IBU. However, the BIU will be operationally independent of the IBU, as set out in this Article 29, and as further confirmed and enshrined in the BIU Rules.

**29.2** The authority and powers of Congress, the Executive Board, the President and the Secretary General for all matters falling within Article 28 are hereby delegated to the BIU Board and the Head of the BIU, including in respect of all BIU financial, staffing and contractual matters, except to the extent set out in the BIU Rules or as required by law. The IBU will indemnify the Executive Board members (including the President and the Secretary General) to the extent permitted under Austrian law of Associations in respect of any personal liability arising from this delegation of authority and powers, in accordance with Article 40.1.

**29.3** The BIU Board will be made up of five members, as follows:

**29.3.1** Three Eligible persons (appointed by Congress in accordance with Article 12.2.8) who are independent of the IBU and of all IBU Members and are suitably experienced in matters of sports governance/integrity, one of whom will be appointed as chair of the BIU Board, and each of whom will have one vote.

**29.3.2** A member of the Executive Board (appointed in accordance with Article 17.1.13), who will not have a vote.

**29.3.3** The Head of the BIU, who will not have a vote.

**29.4** The Executive Board member that sits on the BIU Board will keep the Executive Board informed about the activities of the BIU.

**29.5** At each Ordinary Congress meeting, the Executive Board will put a motion to Congress to approve sufficient funding for the BIU to undertake its functions and fulfil its responsibilities in the period to the next Ordinary Congress meeting, based on a written request submitted by the BIU Board in accordance with Article 12.2.11, detailing the amount of funding required for this purpose.

**29.6** The Executive Board will allocate any funding that is required for the BIU to undertake its functions and fulfil its responsibilities:

**29.6.1** in the period between the initial establishment of the BIU and the next Ordinary Congress meeting; and

**29.6.2** in any subsequent period, to the extent that the BIU incurs costs or expenses that were not anticipated in the request for funding for that period made by the BIU Board to Congress in accordance with Article 29.5.

**29.7** The BIU Board will report to Congress on its activities in accordance with Article 12.2.10. The chairperson of the BIU Board will have the right to attend and speak on behalf of the BIU Board at meetings of Congress, but with no right to vote.

**29.8** Motions may be made to Congress to remove independent members of the BIU Board. They will require the support of a Special Majority in order to be carried.

## PART IX DISPUTE RESOLUTION

### 30. Alleged violations of the Rules

#### 30A Protests

**30.1** Mechanisms will be established in the IBU Event and Competition Rules to resolve any protest concerning the fair and proper conduct of a competition, including protests about alleged infringements by an Athlete or Athlete Support Personnel of the IBU Event and Competition Rules, protests about alleged errors by officials, protests about competition conditions, and protests about announced results.

#### 30B Alleged violations of the IBU Integrity Code

**30.2** Alleged violations of the IBU Integrity Code will be prosecuted by the BIU before a Disciplinary Tribunal, as follows:

**30.2.1** where the alleged violation is of the anti-doping chapter of the IBU Integrity Code, the matter will be referred to the CAS Anti-Doping Division, which will appoint one or more CAS arbitrators to sit as the Disciplinary Tribunal that will hear and determine the case in accordance with the anti-doping chapter of the IBU Integrity Code, the CAS Code of Sports-related Arbitration, and the Arbitration Rules for the CAS Anti-Doping Division; and

**30.2.2** where the alleged violation is of a different part of the IBU Integrity Code, the matter will be referred to the CAS Ordinary Division, which will appoint one or more CAS arbitrators to sit as the Disciplinary Tribunal that will hear and determine the case in accordance with the relevant provisions of the IBU Integrity Code and the CAS Code of Sports-related Arbitration, provided always that the BIU may choose instead to refer to the Secretary General any alleged violations of the IBU Integrity Code that it considers to be minor or otherwise suitable for referral. The Secretary General will follow a process for hearing and determining such cases that is efficient and effective while respecting the due process rights of the party that is the subject of the allegations.

#### 31. Appeals against IBU decisions

**31.1** All 'field of play' decisions, including decisions resolving protests in accordance with the IBU Event and Competition Rules, will be final and binding on all parties concerned, and may not be appealed or otherwise challenged in any forum, save where the aggrieved party claims to have direct evidence that such decision is tainted by fraud or corruption or other bad faith/prejudice. Any such claim will be resolved exclusively by one or more arbitrators appointed by the CAS Ordinary Division, in accordance with the CAS Code of Sports-related Arbitration and the 'field of play' doctrine set out in CAS jurisprudence.

**31.2** To the extent that this Constitution or the Rules (including the IBU Integrity Code) give a party a right of appeal against any decision, that appeal is to be made (unless otherwise specified in this Constitution or in those Rules) exclusively to the CAS Appeals Division, which will appoint one or three CAS arbitrators to resolve the appeal definitively in accordance with the CAS Code of Sports-related Arbitration. Pending resolution of the appeal, the decision being appealed will remain in full force and effect unless the CAS orders otherwise. The decision of the CAS resolving the appeal may not be challenged in any forum or on any ground except as set out in Chapter 12 of the Swiss Federal Code on Private International Law.

#### 32. Other claims and disputes

**32.1** Subject to Article 32.3, any claim or dispute of any kind whatsoever:

**32.1.1** between the IBU and one or more IBU Members and/or IBU Officials;

**32.1.2** between two or more IBU Members and/or IBU Officials; or

**32.1.3** between the IBU and any other Person who is subject to the jurisdiction of the IBU or of an IBU Member;

that arises out of or is related in any way to the activities of the IBU as an association or their activities as members or officials of or stakeholders in the IBU, and whether such claim or dispute arises under this Constitution or the Rules, or pursuant to a decision of the IBU, or in connection with a contract between the parties, or otherwise, will be referred to the CAS Ordinary Division, which will have exclusive jurisdiction to hear and determine the claim or dispute definitively in accordance with the CAS Code of Sports-related Arbitration.

**32.2** The decision of the CAS Ordinary Division determining such claim or dispute may not be challenged in any forum or on any ground except as set out in Chapter 12 of the Swiss Federal Code on Private International Law.

**32.3** This Article 32 does not apply to the following claims and disputes: protests (which are governed exclusively by Article 30.1), alleged violations of the IBU Integrity Code or other Rules (which are governed exclusively by Article 30.2), appeals against decisions (which are governed exclusively by Article 31), and claims or disputes involving IBU Staff or BIU Staff in relation to their terms of employment or engagement by the IBU (which are governed by the dispute resolution terms agreed in their contracts of employment or engagement by the IBU).

### **33. General**

**33.1** Unless the IBU has explicitly agreed to the contrary, any dispute resolution proceedings involving the IBU, of whatever nature and in whatever forum:

**33.1.1** will be conducted in the English language, and a party relying on any documents written in another language must provide certified English translations of those documents;

**33.1.2** will be governed by the Constitution and the Rules, and (subsidiarily) by the laws of Austria; and

**33.1.3** must (where it involves a claim asserted against the IBU) be commenced within one year of the occurrence of the acts or omissions on which the claim is based.

## **PART X DISSOLUTION**

### **34. Dissolution by Congress**

**34.1** The IBU may be voluntarily dissolved only by a motion passed by a Special Majority at an Extraordinary Congress meeting convened for that purpose.

**34.2** In the event of dissolution, Congress will appoint one or more liquidators, who will gather the IBU's assets and apply them to discharge all of the IBU's debts and liabilities.

### **35. Use of remaining assets**

**35.1** Any remaining assets following discharge of the IBU's debts and liabilities will only be used for non-profit or charitable purposes as defined by the laws of Austria. Where possible and permitted, such remaining assets will be donated to institutions pursuing the same or similar purposes as the IBU.

### **36. Completion of liquidation of assets**

**36.1** At the completion of the liquidation, the liquidator(s) will submit a final report to the relevant registration authority, which will declare the liquidation closed.

## **PART XI MISCELLANEOUS**

### **37. Effective date**

**37.1** This Constitution will come into effect on 19 October 2019 (subject to any subsequent objection by the Registrar of the Central Austrian Register of Associations), and supersedes all prior IBU constitutions as from that date. Members of the Executive Board and the Technical Committee and the Athletes' Committee in office as of 19 October 2019 shall remain in office for the rest of their original terms, in accordance with the terms of this Constitution. The member of the Executive Board who was First Vice-President under the previous Constitution will act as Vice-President under this Constitution, and the member of the Executive Board who was Vice-President of Finances will retain that title and perform the role of Treasurer, in each case in accordance with the terms of this Constitution. However the auditors elected under the previous IBU constitution shall cease to hold office with effect from 19 October 2019.

### **38. Official languages**

**38.1** The official language of the IBU will be English. All documents or communications to the IBU will be in English.

**38.2** The official Congress languages are English, German, and Russian. Other IBU bodies may choose any of the official Congress languages as their working language, English being the preferred choice.

**38.3** The Constitution and Rules will be published in English, German, and Russian. Minutes, reports and other communications from the IBU will be published in English and in any other language specified by the Executive Board.

**38.4** In the event of any difference in interpretation of any text, the English version will prevail.

### **39. Legal representation**

**39.1** The IBU will be legally represented by the President jointly with any elected member of the Executive Board. The Executive Board may decide from time to time as a matter of internal policy that only specified elected members of the Executive Board will exercise this power.

**39.2** The legal representatives must not have a conflict of interest in respect of the issue at hand. If the President is incapacitated or conflicted for any reason, the Vice-President will replace the President for these purposes. If any elected member of the Executive Board is conflicted for any reason, another (non-conflicted) elected member of the Executive Board will replace that conflicted member for these purposes.

**39.3** The legal representatives may grant powers of attorney to other designated persons, which may be restricted or qualified as set out in the power of attorney in question.

**39.4** Any contract in the name of the IBU that is signed by the legal representatives or by persons holding a relevant power of attorney will bind the IBU.

### **40. Indemnity**

**40.1** Every member of the Executive Board, every member of a Committee, the Secretary General and the IBU Staff, the BIU Board, the Head of the BIU and the BIU Staff, and the members of the Vetting Panel and any screening panel appointed in accordance with Article 27.1 will be indemnified by the IBU, to the extent permitted under the Austrian Law of Associations, in respect of any personal liability (for fines, damages, costs or otherwise) arising from any claim (whether

civil or criminal) that is made against them as a result of their office or the exercise of their powers or the execution of their duties under the Constitution or the Rules, whether or not judgment is given in their favour or they are acquitted, provided that they can show that they have acted at all times in good faith.

### **41. Financial year and audit**

**41.1** Unless Congress decides otherwise, the financial year of the IBU starts on 1 May and ends on 30 April.

**41.2** The IBU is a major association under Section 22 of the Austrian Law of Associations. The Executive Board will prepare annual financial statements that meet the requirements of that Section 22, and a chartered accountant appointed as Auditor by Congress (on the recommendation of the Executive Board, and in accordance with Article 12.2.9) will audit those annual financial statements.

**41.3** The IBU's audited annual financial statements will be submitted to Congress for approval in accordance with Article 12.2.10.

### **42. Amendments to the Constitution**

**42.1** Subject to Article 42.3, this Constitution may only be amended, added to or repealed by a motion passed by a Special Majority at a meeting of Congress.

**42.2** Notice of a proposal to amend this Constitution must be given by an NF Member or the Executive Board to the Secretary General no later than:

**42.2.1** ninety (90) days prior to an Ordinary Congress meeting; or

**42.2.2** the date on which a request is made to call an Extraordinary Congress meeting to consider the proposal.

**42.3** Amendments to this Constitution may be made by the Executive Board to correct typographical or clerical errors or for reasons of grammar or clarification, where those amendments arise from motions to amend the Constitution, provided the amendments do not materially contradict the decisions of Congress.

### **43. Notifications and time-limits**

**43.1** Any notification to be given under this Constitution by a person (Notifying Party) will be sufficiently given to the party to whom the notice is required to be sent (Receiving Party) if it is given in writing and signed or authorised by an authorised person of the Notifying Party and delivered by one of the following means to the Receiving Party:

**43.1.1** by post to the last known address of the Receiving Party;

**43.1.2** by personal delivery, including by courier, to the published physical address of the Receiving Party;

**43.1.3** by electronic mail or other electronic means of communication, to the published email or other electronic address of the Receiving Party;

**43.1.4** by facsimile to the published facsimile number of the Receiving Party.

**43.2** Any time-limits stated in this Constitution will begin on the day on which the notification by the Notifying Party is sent. Official holidays and non-working days are included in the calculation of time-limits, save that if the last day of the time-limit falls on an official holiday or non-working day in the Country where the party who is subject to the time-limit resides, then the last day of the time-limit will be deemed to be the next working day. A time-limit will be deemed to have been met if the notification is received before midnight Central European Standard Time on the last day of the specified time limit.

#### **44. Savings clause**

**44.1** Where a matter arises for which provision has not been made in the Constitution or the Rules, in accordance with Article 17.1.16 the Executive Board may provide for the matter as it deems appropriate.

**44.2** If any provision of this Constitution is determined to be unlawful or unenforceable for any reason, the remainder of this Constitution will remain intact and enforceable.

## **APPENDIX 1 DEFINITIONS AND INTERPRETATION**

**A1.1** Italicised terms used in the Constitution have the following meanings:

**Absolute Majority** means more than half of all of the votes that could be cast if all of those entitled to vote were present.

**Athlete** means any biathlete competing in the sport of Biathlon who is a member of or affiliated to an NF Member or a member or affiliate organisation of an NF Member, or who otherwise participates in International Events or other Biathlon Competitions and/or in other activities organised, convened, authorised or recognised by the IBU or an NF Member, or is otherwise subject to the jurisdiction of the IBU and/or an NF Member.

**Athlete Support Personnel** means any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel, selector, family member or other person working with, treating or assisting an Athlete.

**Athletes' Committee** means the Committee of that name established under Article 24.

**Auditor** means the chartered accountant appointed by Congress in accordance with Article 12.2.10 to carry out the functions specified in Article 41.2.

**Biathlon** means the sport of biathlon, as described in Article 1.2.

**Biathlon Competition** means any single Biathlon competition organised by the IBU or one or more of its NF Members, either on its own or in combination with other Biathlon competitions as part of a larger event, such as the Biathlon programme in the Winter Olympic Games.

**Biathlon Integrity Unit** means the unit described in Part VIII of this Constitution.

**BIU** means the Biathlon Integrity Unit.

**BIU Board** means the body described in Article 29.3.

**BIU Rules** means the rules of that name that are maintained by the Executive Board, subject to the ultimate authority of Congress.

**BIU Staff** means any person who is employed or engaged by the IBU or the BIU to undertake work for the BIU or on its behalf.

**CAS** means the Court of Arbitration for Sport in Lausanne, Switzerland.

**Citizen** means a person who has legal citizenship of a Country under the laws of that Country; or (in the case of a territory or region that is not an independent

state) a person who has legal citizenship of the Country of which the territory or region is a part, and the right to permanent residence in the territory or region.

**Committee** means a group of people (whether described as a committee, a commission, a working group, a taskforce, or otherwise) that either (a) is established under Part VI of this Constitution to carry out the roles set out in that part; or (b) is appointed by the Executive Board in accordance with Article 17.1.12, whether on an ad hoc or a standing basis, to provide expertise, advice and/or other support to the Executive Board.

**Congress** means the body comprising the delegates of NF Members and any Observers and other permitted attendees at the relevant Congress meeting.

**Constitution** means this Constitution of the IBU.

**Country** means (a) a self-governing geographical area of the world recognised as an independent state by international law and international governmental bodies; and/or (b) a geographical territory or region that is not recognised as an independent state by international law and international government bodies but that has certain aspects of self-government, at least to the extent of being autonomous in the control of its sport, and which is recognised as such by the IBU.

**Disciplinary Tribunal** means a panel of one or more persons given the responsibility under Article 30 to hear and determine allegations of breach of the IBU Integrity Code or other Rules.

**Election Congress** means the Ordinary Congress meeting held every four years at which elections to the Executive Board and the Technical Committee are undertaken.

**Eligible** means not subject to any of the disqualifying conditions set out at Article 26.2; and **Eligibility** shall be construed accordingly.

**Executive Board** means the body described in Part IV of this Constitution.

**Executive Board Rules** means the rules of that name maintained by the Executive Board, subject always to the ultimate authority of Congress.

**Extraordinary Congress meeting** means a meeting of Congress held in accordance with Article 13.2.

**Extraordinary Member.** See Article 8.

**Good Standing** means in compliance with all relevant membership obligations and therefore not suspended or otherwise restricted from exercising all relevant membership rights.

**Head of the BIU** means the person appointed by the BIU Board to manage the operations of the Biathlon Integrity Unit.

**Honorary Member.** See Article 8.

**IBU.** See Article 1.

**IBU Anti-Doping Rules** means the anti-doping rules issued by the IBU as part of the IBU Integrity Code.

**IBU Event and Competition Rules** means the rules of that name that are maintained by the Executive Board, subject to the ultimate authority of Congress.

**IBU Integrity Code** means the rules described in Article 28.1.

**IBU Members** has the meaning given to that term in Article 4.1.

**IBU Official** has the meaning given to that term in Article 26.1.

**IBU Staff** means any person who is employed or engaged (e.g., as a consultant or independent contractor) by the IBU to undertake work for it or on its behalf (including those employed or engaged by the IBU to work with the BIU, unless specified otherwise).

**Intellectual Property** means all rights and goodwill in copyright works, names, trademarks, service marks, devices, logos, designs, patents, processes and confidential information relating to the IBU or to any event, competition activity or programme conducted, promoted or administered by or on behalf of the IBU.

**International Competition(s)** means (a) the Biathlon programme of the Olympic Winter Games; and (b) the Biathlon World Championships, Youth/Junior World Championships, IBU World Cup events, IBU Cup events, continental championships, continental cups, regional cups, and all other competitions (winter or summer) that are now or in the future organised by or on behalf of the IBU between Athletes or teams of Athletes representing different Countries.

**International Referee** is a person appointed to such position by the IBU in accordance with the applicable Rules.

**IOC** means the International Olympic Committee.

**National Anti-Doping Organisation** has the meaning given to that term in the World Anti-Doping Code.

**National Federation** means a national governing body for the sport of Biathlon representing a particular Country.

**NF Member** means a National Federation that has been admitted to membership of the IBU.

**Notifying Party.** See Article 43.1.

**Observers** means the persons who are entitled to attend meetings of Congress as observers, as specified in the Rules of Congress.

**Olympic Year** means a year when the Olympic Winter Games take place.

**Ordinary Congress meeting** means the meeting of Congress that is held every second year, in accordance with Article 13, and includes Election Congress meetings.

**Person** (with an initial capital letter) includes natural persons, corporate bodies, and unincorporated bodies (whether or not having separate legal personality), and also includes the legal personal representatives, successors and permitted assigns of such person, as the context so requires; but references to a 'person' (with no initial capital letter) shall mean natural persons only.

**President** means the President of the IBU elected in accordance with Article 16.

**Purposes** means the purposes of the IBU described in Article 2.1.

**Receiving Party.** See Article 43.1.

**Reserved Rules** means the Articles designated as such in the version of the IBU Event and Competition Rules and the Annexes thereto that is approved by Congress at the 2019 Extraordinary Congress meeting. For the avoidance of doubt, any Articles in those versions of the IBU Event and Competition Rules and the Annexes thereto that are not designated as Reserved Rules (a) may be issued, amended, and/or rescinded by the Executive Board in accordance with Article 17.1.2; or (b) if they are Technical Rules, may be added to, amended or rescinded by the Technical Committee in accordance with Article 25.1.

**Rules** means the various rules and regulations of the IBU approved by Congress or issued by the Executive Board with the delegated authority of Congress or by the Technical Committee with the delegated authority of the Executive Board.

**Rules of Congress** means the rules of that name that are maintained by the Executive Board, subject to the ultimate authority of Congress.

**Rules for Honors** means the rules of that name that are maintained by the Executive Board, subject to the ultimate authority of Congress.

**Secretary General** means the Secretary General of the IBU referred to in Article 23.

**Simple Majority** means more than 50% of the valid votes cast by those present and entitled to vote.

**Special Majority** means two-thirds or more of the valid votes cast by those present and entitled to vote.

**Technical Committee** means the Committee of that name established under Article 25.

**Technical Delegates** are persons appointed to such positions by the IBU in accordance with the applicable Rules.

**Technical Rules** means the Articles designated as such in the version of the IBU Event and Competition Rules and the Annexes thereto that is approved by Congress at the 2019 Extraordinary Congress meeting.

**Treasurer** means the member of the Executive Board who is elected to that role in accordance with Article 16.

**Vetting Panel** means the panel referred to in Article 27.

**Vetting Rules** means the rules of that name that are maintained by the Executive Board, subject to the ultimate authority of Congress.

**Vice-President** means the Vice-President of the IBU elected in accordance with Article 16.

**WADA** means the World Anti-Doping Agency.

**World Anti-Doping Code** means the World Anti-Doping Code adopted by WADA, as amended from time to time.

**A1.2** In the Constitution and also in the Rules, unless expressly specified otherwise:

**A1.2.1** words importing one gender include the other gender;

**A1.2.2** words in the singular include the plural, and words in the plural include the singular;

**A1.2.3** references to Articles and Appendices are, unless otherwise stated, references to articles of and appendices to the document in which the references appear;

**A1.2.4** any reference to a provision in the Constitution or a Rule includes any modifications or successor provisions made or issued from time to time;

**A1.2.5** any reference to legislation includes any modification or re-enactment of legislation enacted in substitution of that legislation, and any regulation, order-in-council or other instrument from time to time issued or made under that legislation;

**A1.2.6** any reference to an agreement includes that agreement as modified, supplemented, novated or substituted from time to time;

**A1.2.7** a reference to 'writing' or 'write' or 'written' includes fax and email;

**A1.2.8** a reference to 'may' means 'in the sole discretion of such person';

**A1.2.9** a reference to a 'day' means any day of the week and is not limited to working days;

**A1.2.10** an expression of time refers to Central European Standard Time;

**A1.2.11** headings and tables of content are for reference only and will not affect the proper interpretation and application of the document; and

**A1.2.12** any words following the terms 'including', 'include', 'in particular', 'such as', 'for example', or any similar expression, will be construed as illustrative and will not limit the sense of the words, description, definition, phrase or term preceding those terms.

**A1.3** In the event of any inconsistency between the Constitution on the one hand and the Rules or any other document on the other hand, the Constitution will prevail.

## **APPENDIX 2 IBU MARK(S)**



**INTERNATIONAL  
BIATHLON  
UNION**



**IBU**

**APPENDIX 3 LIST OF NF MEMBERS OF THE IBU**

The IBU currently has 54 full member federations:

01	<b>ARG</b>	Argentina	19	<b>FIN</b>	Finland
02	<b>ARM</b>	Armenia	20	<b>FRA</b>	France
03	<b>AUS</b>	Australia	21	<b>GBR</b>	Great Britain
04	<b>AUT</b>	Austria	22	<b>GEO</b>	Georgia
05	<b>BEL</b>	Belgium	23	<b>GER</b>	Germany
06	<b>BIH</b>	Bosnia and Herzegovina	24	<b>GRE</b>	Greece
07	<b>BLR</b>	Belarus	25	<b>GRL</b>	Greenland
08	<b>BRA</b>	Brazil	26	<b>HUN</b>	Hungary
09	<b>BUL</b>	Bulgaria	27	<b>IND</b>	India
10	<b>CAN</b>	Canada	28	<b>IRL</b>	Ireland
11	<b>CHI</b>	Chile	29	<b>ITA</b>	Italy
12	<b>CHN</b>	China	30	<b>JPN</b>	Japan
13	<b>CRO</b>	Croatia	31	<b>KAZ</b>	Kazakhstan
14	<b>CYP</b>	Cyprus	32	<b>KGZ</b>	Kyrgyzstan
15	<b>CZE</b>	Czech Republic	33	<b>KOR</b>	Korea
16	<b>DEN</b>	Denmark	34	<b>LAT</b>	Latvia
17	<b>ESP</b>	Spain	35	<b>LIE</b>	Liechtenstein
18	<b>EST</b>	Estonia	36	<b>LTU</b>	Lithuania

**APPENDIX 3 LIST OF NF MEMBERS OF THE IBU**

The IBU currently has five provisional members:

37	<b>MDA</b>	Moldova	01	<b>AND</b>	Andorra
38	<b>MGL</b>	Mongolia	02	<b>DOM</b>	Dominican Republic
39	<b>MKD</b>	North Macedonia	03	<b>ISL</b>	Iceland
40	<b>NED</b>	Netherlands	04	<b>MEX</b>	Mexico
41	<b>NOR</b>	Norway	05	<b>RUS</b>	Russia
42	<b>NZL</b>	New Zealand			
43	<b>POL</b>	Poland			
44	<b>ROU</b>	Romania			
45	<b>SLO</b>	Slovenia			
46	<b>SRB</b>	Serbia			
47	<b>SUI</b>	Switzerland			
48	<b>SVK</b>	Slovakia			
49	<b>SWE</b>	Sweden			
50	<b>TPE</b>	Chinese Taipei			
51	<b>TUR</b>	Turkey			
52	<b>UKR</b>	Ukraine			
53	<b>USA</b>	USA			
54	<b>UZB</b>	Uzbekistan			

## APPENDIX 4 ADDITIONAL PROVISIONS RELATING TO NF MEMBERS

### A4.1 Applications for NF Membership and transfers of NF Membership

**A4.1.1** Only Congress may admit a National Federation as a full NF Member.

**A4.1.1.1** A National Federation wishing to become an NF Member for a Country for which there is no current NF Member must apply in writing to the Executive Board.

**A4.1.1.2** An NF Member may not transfer its membership of the IBU to any other body without the prior written permission of the IBU. An NF Member may apply in writing to the Executive Board for such permission. The proposed transferee must also be a party to the application. The application will be treated as an application by the transferee for NF Membership.

**A4.1.2** The application for NF Membership must include:

**A4.1.2.1** the proposed name and address of the National Federation seeking admission as an NF Member;

**A4.1.2.2** the names and addresses of the directors and officers of the National Federation, and its categories of membership and number of members in each category, together with the number of individual participants affiliated to it;

**A4.1.2.3** a copy of the National Federation's constitution (translated into English if necessary); and

**A4.1.2.4** evidence establishing that the National Federation satisfies (or, in the case of an application for transfer, would upon such transfer satisfy) all of the requirements applicable to an NF Member.

**A4.1.3** The Executive Board may require the provision of such further information by the applicant as it considers relevant to the application. If and when the Executive Board is satisfied that the application satisfies all of the Article 5 requirements to be an NF Member, it will submit the application to the next meeting of Congress for decision. Unless the application is to replace a suspended NF Member, the Executive Board may admit an applicant National Federation as a provisional Member pending that meeting. If Congress does not admit as a full NF Member an applicant National Federation that has been admitted as a provisional NF Member by the Executive Board pursuant to this Article, the provisional membership terminates with immediate effect.

**A4.1.4** If the Executive Board declines to submit an application to become an NF Member to Congress, or if Congress rejects the application (which it may do in its absolute discretion), the applicant National Federation may appeal that decision to the CAS in accordance with Article 31.1.

**A4.1.5** If membership for a particular Country is vacant, and more than one body applies to be admitted as NF Member for that Country, or if an NF Member has been suspended by the Executive Board or by Congress, and another body applies in writing to the Executive Board to be admitted to membership in place of that suspended NF Member, or in other circumstances where there are competing claims to be the NF Member for a particular Country and the Executive Board considers it appropriate to apply this clause, the competing claims will be resolved as follows:

**A4.1.5.1** The Executive Board will specify the criteria by which the competing claims are to be assessed.

**A4.1.5.2** The Executive Board will appoint appropriate persons to a Committee to consider the respective claims of the competing bodies, in accordance with a fair and impartial process, and then to make a written recommendation as to which of those bodies, in the Committee's view, best meets the criteria and so should be the NF Member for that Country.

**A4.1.5.3** The Executive Board will submit that recommendation to the next meeting of Congress for decision. However, if it considers it appropriate to do so, the Executive Board may accept the recommended body as a provisional NF Member pending that meeting, strictly without prejudice to the powers of Congress to accept or reject the recommended body as a full NF Member as it considers appropriate.

**A4.1.5.4** At its next meeting, Congress will consider the competing claims, together with the Committee's recommendation, and will give each claimant an equal opportunity to be heard by Congress, before deciding which claim to accept.

**A4.1.5.5** The decision of Congress will be final. The rejected claimant may challenge that decision exclusively by appeal to the CAS in accordance with Article 31.1.

**A4.2 Suspension of membership or imposition of other sanction(s) by the Executive Board**

**A4.2.1** If, in the opinion of the Executive Board:

**A4.2.1.1** an NF Member ceases to meet one or more of the membership requirements set out in Article 5;

**A4.2.1.2** an NF Member is in breach of any one or more of its obligations under Article 7, including failing to pay its membership fee or any other amount(s) that it owes to the IBU by the deadline specified by the Executive Board;

**A4.2.1.3** an NF Member is in material breach of any other Article in this Constitution or any Rule or decision of Congress or the Executive Board; or

**A4.2.1.4** an NF Member acts in a manner that is contrary to one or more of the Purposes;

then the Executive Board may suspend the NF Member in question and/or may impose any of the following sanctions on the NF Member (which sanctions may be suspended so that they do not come into effect save in specified circumstances), as it considers fair and proportionate:

- A. a warning or reprimand;
- B. a fine;
- C. withholding of grants or subsidies;
- D. suspension of the NF Member's membership of the IBU (during which an NF Member may not exercise any of the rights of an NF Member, but must continue to observe the obligations of an NF Member);
- E. suspension of some or all of the NF Member's rights as an NF Member of the IBU, for example:
  - i. excluding the NF Member's Athletes, Athlete Support Personnel and/or officers/staff, officials, and/or IBU Officials who are Citizens of the Member's Country, from any International Competitions, other IBU events and activities, and/or any IBU position or body;
  - ii. withdrawing some or all start quotas for International Competitions to which the NF Member would otherwise be entitled;
  - iii. demoting a full NF Member to the status of provisional NF Member for the period of suspension (i.e., suspending the NF Member's rights to vote at meetings of Congress, to submit motions to the Executive Board and/or to

Congress, to nominate individuals for election to the Executive Board or for election or appointment to any Committee, and/or to host International Competitions); and/or

F. any other reasonable sanctions that the Executive Board considers appropriate.

**A4.2.2** The Executive Board may specify either that such suspension or other sanction will last for a fixed period or that it will last until the NF Member satisfies certain terms and conditions imposed by the Executive Board, but in any event the suspension or other sanction will not last beyond the next Ordinary Congress meeting unless so resolved by Congress at that meeting.

**A4.2.3** Before imposing any sanction on an NF Member pursuant to this Article A4.2, the Executive Board will:

**A4.2.3.1** notify the NF Member in writing of the sanction(s) it proposes to impose, giving the reasons for such proposal; and

**A4.2.3.2** give the NF Member at least 21 days to respond to the proposal, unless the Executive Board considers there is urgency that justifies a shorter deadline.

**A4.2.4** The Executive Board may at any time during the period of any suspension and/or other sanction of an NF Member:

**A4.2.4.1** extend the period of suspension and/or other sanction from that originally imposed, provided such extension is consistent with Article A4.2.2; and/or

**A4.2.4.2** revoke the suspension and/or other sanction if it is satisfied that the grounds on which it was imposed no longer apply or if specified terms and conditions have been met.

**A4.3 Suspension of or expulsion from membership or imposition of other sanction(s) by Congress**

**A4.3.1** Congress may suspend an NF Member's membership of the IBU and/or impose any of the sanctions listed in Article A4.2.1 if:

**A4.3.1.1** the Executive Board recommends such suspension and/or other sanction, e.g., following the imposition of a suspension and/or other sanction by Executive Board under Article A4.2;

**A4.3.1.2** Congress decides that any one or more of the grounds set out in Article **A4.2.1** apply; or

**A4.3.1.3** any terms and conditions imposed by the Executive Board under Article A4.2.2 have not been met to the satisfaction of Congress.

**A4.3.2** Congress may suspend an NF Member's membership of the IBU for a fixed period or until the NF Member satisfies any terms and conditions imposed by Congress. During such suspension, the NF Member may not exercise any of the rights of a NF Member, but must continue to observe the obligations of an NF Member.

**A4.3.3** At any Congress meeting held during the period of any suspension of an NF Member, Congress may:

**A4.3.3.1** extend the original period of suspension for a further period; or

**A4.3.3.2** revoke the suspension, if it is satisfied that the grounds on which the suspension was imposed no longer apply or that any terms and conditions imposed with the suspension have been satisfied.

**A4.3.4** Congress may expel an NF Member by motion passed by a Special Majority where:

**A4.3.4.1** the NF Member has committed a serious breach of one or more of its obligations under the Constitution or the Rules or decision of Congress or the Executive Board;

**A4.3.4.2** the NF Member has committed repeated or persistent breaches of one or more of its obligations under the Constitution or the Rules;

**A4.3.4.3** the NF Member has acted in a manner that has seriously impacted or risks seriously impacting on the reputation of the IBU and/or Biathlon;

**A4.3.4.4** the NF Member has been suspended under Article A4.3.1, and the matters giving rise to the suspension have not been addressed to the satisfaction of Congress; or

**A4.3.4.5** there is other just cause to expel the NF Member.

**A4.3.5** Before Congress resolves to expel or suspend or to impose any other sanction(s) on an NF Member, the Executive Board will:

**A4.3.5.1** notify the NF Member in writing of the proposal that Congress resolve to expel or suspend it from membership or impose any other sanction(s), giving the reasons for such proposal;

**A4.3.5.2** give the NF Member at least 30 days to respond to the proposal; and

**A4.3.5.3** give the NF Member the right to be heard at the meeting of Congress where the motion is considered.

#### **A4.4 General**

**A4.4.1** Nothing in Article A4.2 or Article A4.3 limits or prejudices any other powers that exist under this Constitution or the Rules to impose sanctions on NF Members.

**A4.4.2** The expulsion or suspension of or imposition of any other sanction(s) on any NF Member imposed by the Executive Board or Congress pursuant to Article A4.2 or Article A4.3 will be promptly notified by the Secretary General to all NF Members, and will be respected and enforced by all NF Members.

**A4.4.3** Decisions to expel or suspend or impose other sanction(s) on an NF Member may be challenged by that NF Member exclusively by appeal to the CAS in accordance with Article 31.1.