

2010 OLYMPIC WINTER GAMES – VANCOUVER

AGREEMENT FOR THE SELECTION OF ATHLETES **FOR THE SPORT OF:**

BIATHLON

The British Olympic Association ("BOA") and the British Biathlon Union ("the Governing Body") have agreed the following selection standards and procedures for the selection of athletes for the 2010 Olympic Winter Games in Vancouver (the "Olympic Winter Games") for the sport of Biathlon.

The parties acknowledge and agree that the standards and procedures set out in this Agreement may exceed those stipulated by the International Biathlon Union (IBU) ("International Federation") and the International Olympic Committee ("IOC"). Accordingly, the parties agree that an athlete or team will not be considered eligible for selection as a member of the Great Britain Team for the Olympic Winter Games, even though he/she may have achieved the standard stipulated by the International Federation and/or the IOC, unless he/she fulfils the relevant criteria and/or achieves the relevant standard(s) pursuant to and in accordance with this Agreement.

IT IS AGREED THAT:

1. Eligibility for Consideration

- 1.1 The parties agree that they shall not consider any individual or team eligible to participate as a member of the Great Britain Olympic Team at the Olympic Winter Games (the "Team") unless that athlete or team:
- (a) has achieved or exceeded the relevant standard as set out in Schedule 1 of this Agreement; and
 - (b) complies with the nationality requirements as set out in Rule 42 of the Olympic Charter; and
 - (c) is eligible to participate in the Olympic Games with respect to matters of doping in accordance with Clause 1.2 below.
- 1.2 In order to be eligible to participate at the Olympic Games an athlete must:
- (a) not be serving a period of ineligibility at any time between the dates of 12-28 February 2010; and
 - (b) if having previously been found guilty of a doping offence, have appealed successfully to have his/her eligibility restored under the provisions of the BOA's bye-law on eligibility; and
 - (c) not be ineligible in accordance with the IOC's Regulations regarding participation in the Olympic Games pursuant to Rule 45 of the Olympic Charter.

- 1.3 The Governing Body agrees that it may not nominate for selection by the BOA any individual as a member of the Team except for those individuals who are eligible for consideration under clause 1.1 and 1.2 above.
- 1.4 The Governing Body further agrees that it may not nominate any individual whose form and/or consistency does not merit nomination in accordance with the selection policy published by the Governing Body.

2. Governing Body Nominations

- 2.1 The Governing Body agrees to submit to the BOA its nominations of any individual(s) or team(s) eligible for consideration under clause 1 above within the relevant deadlines set out in clause 7 below.
- 2.2 The Governing Body will draft and publish a selection policy which is consistent with this Agreement. A copy of the selection policy will be provided to the BOA prior to publication. The selection policy will also deal with the circumstances in which a nominated and selected athlete can be deselected (as dealt with in more detail in clause 5 below).
- 2.3 If requested by the BOA, the Governing Body agrees to provide to the BOA all such relevant documentation, including official results and ranking listings as the BOA may require in order to verify the eligibility of any individual so nominated by the Governing Body.

3. Confirmation of Selection

- 3.1 The parties acknowledge that under Paragraph 3 of Rule 28 of the Olympic Charter the BOA has the exclusive authority for the representation of the Great Britain Olympic Team at the Olympic Games. The parties further acknowledge that under Paragraph 2.1 of the Bye-law to Rules 28 and 29, the BOA is required to constitute, organise and lead its delegation at the Olympic Games and that the BOA has the exclusive power in accordance with that Bye-law, to *"decide upon the entry of athletes proposed by their respective national federations. Such selection shall be based not only on the sports performance of an athlete but also on his/her ability to serve as an example to the sporting youth of his/her country. The NOCs must ensure that the entries proposed by the national federations comply in all respects with the provisions of the Olympic Charter"*.
- 3.2 In accordance with its exclusive authority, the BOA reserves the right to require any individual nominated by the Governing Body to undergo a medical examination carried out by the BOA's Director of Medical Services or the Team's Chief Medical Officer (and/or his/her appointed representative) at any time prior to, or during the Olympic Games to determine an individual's medical fitness to perform at the Olympic Games and/or to determine whether or not an individual has breached any of the rules contained in or referred to under the Olympic Charter or the Team Member's Agreement in force at the time.
- 3.3 If, pursuant to and in accordance with the results of any such medical examination, the BOA's Director of Medical Services or the Team's Chief Medical Officer considers in his/her reasonable opinion that an individual

nominated and/or selected for the Olympic Games is not physically fit to perform and/or has breached any of the rules referred to above, the BOA may at its absolute discretion not select or may de-select such an individual (subject to the provisions of clause 5 below).

- 3.4 The BOA agrees to confirm the selection of any individual nominated by the Governing Body who complies with each of the eligibility requirements set out in this Agreement. However, in accordance with the BOA's exclusive authority, the BOA may at its absolute discretion refuse to confirm the selection of an individual in exceptional circumstances, the details of which will be given to the Governing Body. The Governing Body has the right to appeal the BOA's decision in accordance with Clause 6.3 below.
- 3.5 The BOA agrees to notify the Governing Body of its confirmation or refusal to select any nominated athlete as soon as reasonably practicable after the BOA receives the Governing Body's relevant nomination.

4. Announcement of Individual and/or Team Selection

- 4.1 Once the BOA confirms the selection, the BOA will write to both the selected athlete(s) and the Governing Body simultaneously. The selection of any athlete will remain contingent on the athlete continuing to abide by and fulfil any fitness and/or performance requirements established in the selection policy, signing and adhering to the BOA's Team Members Agreement and the Governing Body's continued nomination of the athlete(s).
- 4.2 The BOA's Communications Department will also liaise with the Governing Body at this time concerning any press announcements to be made about selected athletes and/or teams.
- 4.3 The parties agree that they may not make any announcement to the public or to the press or other media regarding selection to the Team unless and until such selection has been officially notified by the BOA to the Governing Body.
- 4.4 The Governing Body agrees not to make any announcement to the press or other media in any form relating to any individual or team selected or proposed to be selected by the BOA as a member of the Team unless (a) any such announcement is made jointly by the BOA and the Governing Body under the BOA's direction or (b) the Governing Body's press statement or announcement is not made until after the BOA's press statement and always with the prior approval of the BOA.
- 4.5 The parties agree that no commercial organisation (such as an individual athlete's or Governing Body's sponsor) may be involved in any way in any publicity or advertising at any such BOA or Governing Body announcement about or relating to the Team other than one or more of the BOA's sponsors and/or commercial partners.
- 4.6 The Governing Body agrees to use its best endeavours to ensure that the nominated athletes do not make any announcement to the media or public in any form (including on any personal website) regarding nomination or selection until after the BOA has announced the athlete's selection.

4.7 A flow chart setting out the procedure from Governing Body nomination through to the announcement of the Team is attached as Schedule 2.

5. De-selection

5.1 The Delegation Registration Meeting (DRM) will take place on 29th January 2010 (or such other date as the BOA notifies the Governing Body). That is the date that the Team is formally and finally entered with the Vancouver Organising Committee (VANOC)

5.2 Prior to the date of the DRM, the Governing Body may retain the right to deselect an athlete on any grounds so long as it is in accordance with the published selection policy of the Governing Body. If the Governing Body wishes to retain the right to deselect on performance based criteria then those criteria must be set out in the selection policy (and approved by the BOA). No variation to the published selection/de-selection policy or criteria is allowed without the prior approval of the BOA. For administrative purposes, the BOA must be kept informed of any possible de-selection decision. The nomination of a replacement athlete must also conform to the Governing Body's selection policy and must be an individual who has been named on the long list.

5.3 After the DRM has been completed, de-selection and selection of a replacement athlete is only allowed in accordance with the IOC's Late Athlete Replacement Policy (or any revised or amended IOC policy dealing with athlete replacement). This primarily provides for replacement in the case of injury and/or illness. In the event of there being a query over the ability of an athlete to be able to compete to the best of his/her ability due to an injury or illness the following procedure will be adhered to:

- (i) the Team's Chief Medical Officer can require an athlete to undergo a medical examination to determine his/her fitness to participate. This examination will be carried out by the Team's Chief Medical Officer or another doctor delegated by him/her. If the athlete fails the medical examination he/she will be withdrawn from the Team and the Governing Body may (if appropriate) nominate a replacement athlete in accordance with its selection policy.
- (ii) if the athlete passes the medical examination carried out in accordance with (i) above but the Governing Body and/or the BOA still have concerns over whether or not the athlete is able to compete to the best of his/her ability due to the underlying injury or illness, the Chef de Mission can require the athlete to undergo a set of pre-determined sports specific performance tests. The tests or the framework for the tests (accepting that it is not necessarily appropriate to establish in advance the exact tests that are required for a specific injury or illness) must be set out in the selection policy and may not be varied or amended without prior approval of the BOA. The tests will be conducted by the Team Leader (or his/her delegate e.g. team physiotherapist) and a BOA representative or delegate will be present (if possible/available). If the athlete fails the test (which can be undertaken on more than one occasion and within a short time

frame if appropriate), he/she will be withdrawn from the Team on medical grounds and, if appropriate, a replacement can be nominated by the Governing Body in accordance with the selection policy.

6. Appeals

Pre-DRM

- 6.1 The parties agree that athletes have the right to appeal a pre-DRM selection or de-selection decision of the Governing Body. Any appeal about selection for nomination by the Governing Body to the BOA will be heard in accordance with the Governing Body's appeal procedure, a copy of which will be provided to the BOA.
- 6.2 In the event of a selection dispute arising between the Governing Body and an athlete(s), the Governing Body agrees to notify the BOA immediately and keep the BOA fully informed throughout the appeal process.
- 6.3 The parties agree that the Governing Body and/or any individual affected may appeal any decision of the BOA to select, not to select or to de-select any individual nominated by the Governing Body. Any such appeal will be heard under a fast track appeals process conducted by Sport Resolutions (UK) which will take into account the fact that the appeal may well need to take place either in Vancouver or at a Preparation Camp.

Post – DRM

- 6.4 A decision to deselect after the DRM can only be appealed to the BOA (a copy of the relevant procedure can be obtained from the BOA). Any such appeal will be heard under a fast track appeals process conducted by Sport Resolutions (UK).

7. Key Deadlines

- 7.1 The parties agree to supply to the other party the following information to be received by the relevant party on or before the relevant deadline set out below:

| | |
|------------------|--|
| 1 February 2009 | Long List to be submitted by Governing Body and received by the BOA. |
| 1 August 2009 | Database Forms and Eligibility Forms to be submitted by Governing Body and received by the BOA. |
| 1 September 2009 | Short List to be submitted by Governing Body and received by the BOA. |
| 1 September 2009 | Deadline for lodging eligibility appeals to BOA Appeals Panel for athletes sanctioned for a doping offence before 1 July 2008. |
| 20 December 2009 | Final date for any Women's appeals under Clause 6.1 to be lodged with the Governing Body. |
| 15 January 2010 | Final date for any Men's appeals under Clause |

| | |
|-----------------|--|
| | 6.1 to be lodged with the Governing Body. |
| 23 January 2010 | Governing Body nominations to be received by the BOA. |
| 24 January 2010 | BOA confirmation of selection to be received by Governing Body. |
| 28 January 2010 | Final date for any appeals under Clause 6.3 to be lodged with the BOA. |

7.2 The dates set out in 7.1 above may be varied by the BOA. Any variation will be notified to the Governing Body. Furthermore the parties may agree to vary dates where appeals are pending if both parties agree it is appropriate.

8. Communication of Information

8.1 The Governing Body agrees that it has the responsibility for circulating the information contained in this agreement and its Schedule(s) and its Selection Policy documents to the athletes, team managers, coaches and other relevant individuals within its sport.

Signed by: _____

Andy Hunt
Chief Executive
For and on behalf of the
British Olympic Association

Date: _____

Signed by: _____

David Cranston
Chief Executive
For and on behalf of the
British Biathlon Union

Date: _____

Schedule 1

Vancouver 2010

BIATHLON

1. The maximum number of athletes per NOC is based on the results in the Individual, Sprint, Pursuit and Mass Start competitions in the IBU points score at the 2008 Östersund and 2009 Pyeongchang World Championships:

| | Register | Start | Total |
|--------------|-----------------|-----------|----------------------|
| | qualified place | per event | |
| MEN | | | |
| Place 1-5 | max. 6 | 4 | 30 |
| Place 6-20 | max. 5 | 4 | 75 |
| Place 21-28 | max. 1 | 1 | 8 |
| TOTAL | | | 113 |
| Place 29-* | max. 1 | 1 | on reallocation only |
| | | | |
| WOMEN | | | |
| Place 1-5 | max. 6 | 4 | 30 |
| Place 6-15 | max. 5 | 4 | 50 |
| Place 16-20 | max. 4 | 4 | 20 |
| Place 21-27 | max. 1 | 1 | 7 |
| TOTAL | | | 107 |
| Place 28-* | max. 1 | 1 | on reallocation only |

* In the event that an NOC does not fill its Olympic athlete quota, the respective competition position will be assigned by reallocation to places 29 (men) or 28 (women) and the following until the total quota is reached.

2. The BOA will accept as qualification for the 2010 Olympic Winter Games any individual man who achieves two results in 2008-2009 season or in the Olympic season within 15% of the average time of the first three athletes in the World Cup or World Championships Individual, or Sprint race (as calculated by the IBU).
3. The BOA will only accept as qualification for the 2010 Olympic Games any remaining unallocated individual women quota places, where an individual women achieves two results in 2008-2009 season and/or in the first three World Cup events of the Olympic season within 15% of the average time of the first three athletes in the World Cup or World Championships Individual or Sprint race (as calculated by the IBU).
4. The BOA will consider eligible for selection individual athletes who have been nominated under the BBU Policy for Vancouver by the agreed qualification deadline of **23 January 2010**.