

Procedure Regulations of the activities of The DISCIPLINARY COMMISSION with The BULGARIAN OLYMPIC COMMITTEE

1. These Procedure Regulations aims to serve as basic rules in the activities of the Disciplinary Committee (DC) with the Bulgarian Olympic Committee (BOC). Based on these Regulations, the Disciplinary Committee works for the Result Management, in case of anti-doping rules violations established, by conducting hearings of the accused Athletes, Athletes support personals and other persons involved in any part of the doping control procedure, and in other cases provided for in the Regulations on Anti-Doping Activities.
2. The Disciplinary Committee is operatively independent body in the field of sports and considers as a first instance hearing panel the anti-doping rules violations in the Republic of Bulgaria, makes decisions for the type and the duration of the sanctions and imposes them.
3. The Disciplinary Committee operates in accordance with the World Anti-Doping Code /the Code/, the International standards, the Regulations on Anti-Doping Activities, the Results Management Procedure and the present Regulations, in compliance with the principles established in the International Standard for Results Management.
4. The Procedure Regulations of the activities of the Disciplinary Committee are published on the websites of the Antidoping Center and the BOC.
5. The Disciplinary Committee is composed of nine members, divided in three quotas: juridical, medical, and sporting. The chairman and the two vice-presidents of the Disciplinary Committee shall be lawyers with at least five years of professional experience, and the members shall be three doctors with at least five years of professional experience, and three additional members - each of which with at least five years of professional experience in the field of physical education and/ or sport. Each of the Disciplinary Committee members shall be appointed for a term of office of four years and can be re-elected only once. The term of office of any Disciplinary Committee member may be terminated in advance due to:
 1. death;
 2. resignation;
 3. factual failure to fulfil his/her duties for more than 6 months;
 4. a motivated decision of the appointing body.Upon early termination of the term of office of any Disciplinary Committee member, a new member shall be appointed in his/her place for the remaining term.
- 6.1 The Disciplinary Committee shall:
 1. hold meetings and hearings of Athletes, Athlete Support Personnel and other Persons on issues related to anti-doping rule violations;
 2. make decisions on issues related to anti-doping rule violations;
 3. determine the type and duration of sanctions for the anti-doping rule violations committed and impose them.
- 6.2 In order to exercise its powers, the Disciplinary Committee shall be entitled to draw in external experts - specialists in a specific field, in cases where, for solving a specific issue, special knowledge and skills are needed, which the Committee members do not possess.

6.3 The Disciplinary Committee shall execute its activity observing the principles established in the ISRM, including the following:

1. a fair, impartial and operatively independent hearing panel;
2. a timely conduct of the hearing and, except at complex cases, the term for enacting of decision by the Disciplinary Committee shall not exceed two months of the approach to it;
3. guaranteed right to each of the parties to submit evidence, incl. to call and question witnesses (the hearing panel decides, by its discretion, whether to accept witness evidence by phone or in writing);
4. guaranteed right to the Person to be informed promptly and in a fair manner about the allegation that he/she has violated the anti-doping rules;
5. the Person shall be allowed to defend himself/herself against the charge that he/she has violated the anti-doping rules and the consequences thereof;
6. the Person shall be entitled to be represented at his/her own expense;
7. the Person shall be entitled to use an interpreter at the hearing, where the identity of the interpreter and the obligation for payment of his/her services shall be determined by the hearing panel.

7. The following persons shall be entitled to refer to the Disciplinary Committee for review and resolution of issues related to anti-doping rule violations:

1. the Executive Director of the Antidoping Centre;
2. each Code signatory;
3. WADA;
4. any person who is charged to have committed an anti-doping rules violation.

8.1 The Chairperson of the Disciplinary Committee or, in his/her absence, his/her deputy, shall appoint the composition of the hearing panel among its members to review and decide on each case.

8.2 The panel shall meet at closed sessions, unless one of the parties has requested open hearing of the dispute and the Athlete /other Person has provided his/her written consent to the same.

9.1 The parties shall be notified about the place, the date and the hour of the first session of the hearing in writing, within 7 days at least, before the date of the hearing.

9.2 The hearing panel may postpone the hearing. The parties absent from the hearing shall inform themselves of any subsequent hearings.

9.3 Upon request of one party to the proceedings, the hearing panel may request the other party to submit a document, which is in its possession, and the party requesting such document shall explain its importance for the proceedings.

10.1 The Antidoping Centre shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the Antidoping Centre has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel,

bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where the Anti-Doping Rules place the burden of proof upon the Athlete or the other Person alleged to have committed an anti-doping rule violation to rebut a presumption, or establish specified facts or circumstances, except as provided in 10.2.3 and 10.2.4, the standard of proof shall be by a balance of probability.

10.2 Facts related to anti-doping rule violations may be established by any reliable means, including admissions; in doping cases, the following rules of proof shall be applicable:

10.2.1 Analytical methods or Decision Limits approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any Athlete or other Person seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within 10 (ten) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

10.2.2 For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level.

10.2.3 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories; the Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred, which could reasonably have caused the Adverse Analytical Finding; if the Athlete or the other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the Antidoping Centre shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

10.2.4 Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or in the Anti-Doping Regulations shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation; provided, however, if the Athlete or other Person establishes that a departure from one of the specific International Standard provisions listed below could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or whereabouts failure, then the Antidoping Centre shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the whereabouts failure:

a. departure from the ISTI related to Sample collection or Sample handling, which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical

Finding, in which case the Antidoping Centre shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;

b. departure from the ISRM or ISTI related to an Adverse Passport Finding, which could reasonably have caused an anti-doping rule violation, in which case the Antidoping Centre shall have the burden to establish that such departure did not cause the anti-doping rule violation;

c. a departure from the ISRM related to the requirement to provide notice to the Athlete of the B Sample opening which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case the Antidoping Centre shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;

d. a departure from the ISRM related to Athlete notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the Antidoping Centre shall have the burden to establish that such departure did not cause the whereabouts failure.

10.2.5 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction, which is not the subject of a pending appeal, shall be irrebuttable evidence against the Athlete or other Person to whom the decision pertained of those facts unless the Athlete or other Person establishes that the decision violated principles of natural justice.

10.2.6 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Athlete or other Person who is asserted to have committed an anti-doping rule violation based on the Athlete's or other Person's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or the Antidoping Centre.

11. At the Disciplinary Committee hearings, written minutes shall be taken. Upon request, the parties may receive a copy of such minutes.

12.1 Decisions of the panel shall be taken by majority.

12.2 The decision shall be in writing and contain a date, jurisdiction and applicable rules, detailed factual background, the anti-doping rules violation committed, applicable Consequences and motives, modes and terms of appeal for the Athlete or other Person, as well as signatures.

12.3 The decisions shall be promptly notified by the Disciplinary Committee to the Antidoping Centre.

13. The competence of the members of the Disciplinary Committee is based on factors including the continuous improvement of their knowledge and skills.

14. In the procedure of every case, the Disciplinary Committee correctly provides the qualification, professional skills and experience of the members of the hearing panel

appointed to hear the specific case to the parties. The parties shall be informed of their right to challenge the appointment of any hearing panel member if there are grounds for potential conflicts of interest within seven (7) days from the ground for the challenge having become known.

15. In the procedure for consideration of the relevant case, the Disciplinary Committee shall be obliged to maintain in any form its independence, inherent in its function.

16. The Disciplinary Committee should not provide legal advices.

17. The Disciplinary Committee shall act impartiality. During the procedure, the members of the Disciplinary Committee, participating in the hearing panel, are obliged to protect themselves from prejudices and biases based on the personal qualities of the parties, their past or their presentation in the procedure. Upon the appointment to the hearing panel, each hearing panel member shall sign a declaration that there are no facts or circumstances known to him/her which might call into question their impartiality in the eyes of any of the parties, other than any circumstances disclosed in the declaration. If such facts or circumstances arise at a later stage of the hearing process, the relevant hearing panel member shall promptly disclose them to the parties.

18. The members of the Disciplinary Committee are obliged to keep secrecy about the circumstances that have been entrusted to them or have become known to them during the procedure of resolving the files/ cases, as well as to keep carefully the documentation on the cases. The employees of the Disciplinary Committee have the same obligation.

19. In case of termination of the functions, the members of the Disciplinary Committee shall not be considered released from their obligation to observe professional secrecy related to their activities during their term of office.

20. The members of the Disciplinary Committee shall not disclose information obtained during their term of office unless a special law requires that action.

21. The Technical Secretary of the Disciplinary Committee shall send to the parties all relevant papers, communications and summonses to the addresses indicated by them or to the addresses of their duly authorized representatives. The document is also considered delivered when the recipient has refused or has not appeared at the post office to receive it, if the post office certifies this.

22. The abovementioned documents may also be sent to the parties or their representative by e-mail, the receiving should be certified by the technical secretary of the Disciplinary Committee. Under the same conditions, the parties and the involved specialists may send to the Disciplinary Committee any statements, pleas, conclusions and others.

23. The Disciplinary Committee may promote its activities in an appropriate manner through the BOC's website.

24. The Disciplinary Committee processes the personal information in accordance with applicable data privacy regulations, including the International Standard for the Protection of Privacy and Personal Information. The closed case's files shall be kept for the longer of the

following two periods: 10 years from the announcement of the decisions or for the period of the sanction imposed. After the expiration of this term, the files shall be destroyed, except for the decisions and the reasons for them, which shall be kept forever.

25. The Technical Secretary of the Disciplinary Committee, in the line of the Chairman's instructions, keeps a book of the decisions with all attached, in which summaries of the reasons of the decisions with fundamental importance, are entered. The book is available to all interested parties in accordance with applicable data privacy regulations, including the International Standard for the Protection of Privacy and Personal Information.

26. The meeting of the Disciplinary Committee are held at the address: Sofia, 4 Angel Kanchev Str. (Headquarters of the Bulgarian Olympic Committee), which is also an address for correspondence, using the material and technical base of the Bulgarian Olympic Committee at this address free of charge.

27. These Procedural Rules have been developed in accordance with Art.31, para.1 of the Regulation on Anti-doping activities (in force from 1 January 2021).

28. In the event of conflict between these Procedural Regulations and the Regulation on Anti-Doping Activities or the Code, the Regulation on Anti-Doping Activities or the Code shall prevail. These Procedural Regulations may be amended at the proposal of the Chairman of the Bulgarian Olympic Committee in case of significant changes in the regulations.