



IPC HANDBOOK

SECTION 2 CHAPTER 1.2.1

APPENDIX A TO THE IPC ANTI-DOPING CODE

RULES OF THE INDEPENDENT ANTI-DOPING TRIBUNAL

1. Introduction

1.1 The Independent Anti-Doping Tribunal (*Independent Tribunal*) shall have jurisdiction to hear and determine the following matters arising under the *IPC Anti-Doping Code* in accordance with these Rules of the Independent Anti-Doping Tribunal, as amended from time to time (the *Independent Tribunal Rules*):

- 1.1.1 whether or not an *Athlete* or other *Person* who is subject to the *IPC Anti-Doping Code* (a *Respondent*) has committed an anti-doping rule violation (*ADRV*) in breach of Part Two of the *IPC Anti-Doping Code* (the *IPC Games Rules*) or Part Three of the *IPC Anti-Doping Code* (the *IPC IF Rules*), and (if so) what *Consequences* should be imposed;
- 1.1.2 any application for an order that a *Provisional Suspension* should or should not be imposed (or should be lifted);
- 1.1.3 whether or not an *IPSF*, *NPC*, or other sporting body over which the *IPC* has authority has failed to comply with, implement, uphold, and enforce the *IPC Anti-Doping Code* within that organisation's or body's area of competence, and (if so) what consequences should be imposed; and/or
- 1.1.4 any cost order under Article 10.3 of the *IPC Games Rules* and Article 10 of the *IPC IF Rules*.

1.2 The *Independent Tribunal Rules* come into effect as from 1 January 2021. They may be amended from time to time in order to reflect any changes made to the *World Anti-Doping Code* or the *International Standard for Results Management*, and otherwise as required to ensure they remain fit for purpose. Any amendments shall be published by the *Secretariat* (see Article 2.4) on instruction from the *President* (see Article 2.1), specifying the date upon which such amendments shall come into effect, as well as any transitional arrangements.

1.3 Defined words and phrases used in these *Independent Tribunal Rules* (denoted by italicised text) are either defined in these *Independent Tribunal Rules* (see bold and italicised text) or else they have the meaning given to them in the *IPC Anti-Doping Code*.

1.4 Unless otherwise stated, references herein to Articles are to Articles in these *Independent Tribunal Rules*. The comments to Articles shall be used to assist in the interpretation and application of these *Independent Tribunal Rules*.

2. Independence

- 2.1 The *IPC* will appoint an independent lawyer to act as *President* of the *Independent Tribunal*. The *President* will designate another member of the *Independent Tribunal* to act as their delegate if they are conflicted in respect of a particular matter or issue or otherwise unavailable. References below to the *President* include such delegate, where applicable.
- 2.2 The *President* will identify and appoint other suitably qualified persons (based on anti-doping experience, including legal, sports, medical and/or scientific expertise) to form a pool of

persons to sit as members of the *Independent Tribunal*, from which members will be chosen to sit as a panel to hear and determine a particular case (a *Panel*).

2.2.1 The number of *Independent Tribunal* members appointed will be sufficient to ensure that hearings are conducted in a timely fashion and that there are sufficient replacement options in case of conflict of interest.

2.2.2 Only persons who are entirely independent of the *IPC* may be appointed to the

Independent Tribunal:

2.2.2.1 The following persons may not be appointed to the *Independent Tribunal* or act as clerks to a *Panel*: members of the *IPC Governing Board*; members of *IPC* commissions or committees or working groups; *IPC* staff; consultants and officials of the *IPC*; and anyone holding any equivalent position with any affiliate of the *IPC* (e.g. a National Paralympic Committee).

2.2.2.2 No member of or clerk to a *Panel* may have previously had any involvement in any *TUE* application or any *Results Management* decision relating to a case in which they are asked to sit.

2.2.3 All members of the *Independent Tribunal* will be appointed for a period of no less than two (2) years, which may be renewed at the end of that period.

2.3 The *President*, the *Independent Tribunal*, and each *Panel* shall be and remain *Operationally Independent* of the *IPC* at all times, and shall conduct their activities, including hearings and decision-making, without interference from the *IPC* or any third party.

2.4 The *IPC* may appoint one or more persons to act as the *Secretariat* to the *Independent Tribunal*, providing administrative support to the *President* and the members of a *Panel* in their discharge of their functions (but without any involvement in the deliberations of a *Panel* or in the drafting of any decisions). Such person(s) may be a member of staff of the *IPC*.

2.5 Where a party (including the *IPC*) needs to contact the *President* and/or members of the *Panel* in connection with an ongoing case, such contact shall be made via the *Secretariat*, copying all other parties to that case.

3. Composition of a *Panel*

- 3.1 Where a new matter is referred to the *Independent Tribunal*, the *President* shall appoint three *Independent Tribunal* members (including the *President*, if the *President* sees fit) to sit as the *Panel* in that matter, including at least one legally qualified member, who will act as chair of that *Panel* (the *Chair*), unless it appears to the *President* that the matter is suitable for determination by a *Panel* consisting of a sole (legally qualified) member. References below to the *Chair* include such sole *Panel* members.
- 3.2 Upon their appointment to sit on a *Panel*, each *Panel* member must sign a declaration that there are no facts or circumstances known to them that might call into question their independence or impartiality in that matter in the eyes of a reasonable and well-informed onlooker. In case of doubt, any facts or circumstances that might raise a question should be disclosed. The *Secretariat* will provide copies of those declarations to the parties when it advises them of the composition of the *Independent Tribunal* that will hear their case.

- 3.3 Each *Panel* member shall have a continuing duty to disclose to the *President* without delay any facts or circumstances arising following their appointment in a particular matter that might call into question their independence or impartiality in that matter in the eyes of a reasonable and well-informed onlooker. The *Secretariat* will provide a copy of any such disclosure to the parties.
- 3.4 Any party having any legitimate objection to an *Independent Tribunal* member being appointed to sit or continuing to sit on the *Panel* that hears the case involving that party (whether based on a disclosure pursuant to Article 3.2 or 3.3 or otherwise) must communicate it to the *President* as soon as possible, and in any event no more than seven (7) days after: (i) notification of the appointment of that *Independent Tribunal* member to the *Panel* in the case in question; or (ii) the objecting party obtaining the information on which the objection is based, whichever is later. The *President* shall rule on the legitimacy of any such objection based on all relevant circumstances, including taking into account the IBA Guidelines on Conflicts of Interest in International Arbitration. The *President's* decision shall be final.
- 3.5 If a member of the *Panel* sitting in a particular case gives notice of their desire to resign from the case, or becomes unwilling, unable, or unfit to continue to sit in the case for any reason, the *President* shall revoke that member's appointment and may either appoint a replacement or, with the agreement of the other sitting members of the *Panel* and having regard to the circumstances of the case and the stage of the proceedings, authorise the remaining sitting members to continue to hear and determine the matter alone.

4. Commencing proceedings before a *Panel*

- 4.1 Proceedings shall be commenced, and the jurisdiction of a *Panel* over a matter shall be triggered, as follows:
- 4.1.1 Where the *IPC* submits a written request to the *President* for the *Independent Tribunal* to hear and determine one or more charges that the *IPC* has brought against the *Respondent* for violation of Article 2 of the *IPC Games Rules* and/or the *IPC IF Rules*, which request must contain or be accompanied by:
- 4.1.1.1 the contact details of the *Respondent* and/or their *NPC* or *National Federation*;
- 4.1.1.2 a copy of the notice of charge(s) sent to the *Respondent* and of any initial written response sent by or on behalf of the *Respondent*;

- 4.1.1.3 any proposals the *IPC* may wish to make in relation to the conduct of the proceedings or as to whether there should be one or three persons appointed to the *Panel*;
- 4.1.1.4 any request for provisional relief; and
- 4.1.1.5 an indication as to any special features of the proceedings (including but not limited to the date of birth of any *Minors* involved in the proceedings) and/or whether expedited proceedings are required;

and the case shall be conducted in accordance with Article 6.

- 4.1.2 Where a party who has been or is being *Provisionally Suspended* under Article 7.5 of the *IPC Games Rules* and/or Article 7.3 of the *IPC IF Rules* makes an application

to the *Independent Tribunal* to have that *Provisional Suspension* lifted (or not imposed, as applicable), which application shall be conducted in accordance with Article 5.

- 4.1.3 Where the *IPC* submits a written request to the *President* for the *Independent Tribunal* to hear and determine a case that the *IPC* is bringing against an *IPSF*, *NPC* or other sporting body over which the *IPC* has authority for failure to comply with, implement, uphold, and enforce the *IPC Anti-Doping Code* within that organisation's or body's area of competence in accordance with Article 12 of the *IPC Games Rules* or *IPC IF Rules*, which case shall be conducted in accordance with Article 7.
- 4.2 Copies of all documents sent by a party to the *President* further to Article 4.1 must be served simultaneously on the other party to the case and on any other parties entitled to notification of the same under the *IPC Anti-Doping Code*.
- 4.3 In each case, the *Panel* shall determine the dispute in accordance with the *IPC Anti-Doping Code* and these *Independent Tribunal Rules*, and in full compliance with the *World Anti-Doping Code* and the *International Standard for Results Management*, with German law applying subsidiarily. In the case of any conflict between the *World Anti-Doping Code* and/or the *International Standard for Results Management* on the one hand and the *IPC Anti-Doping Code* and these *Independent Tribunal Rules* on the other hand, the *World Anti-Doping Code* and/or the *International Standard for Results Management* shall prevail. In the event of a conflict between the *IPC Anti-Doping Code* and these *Independent Tribunal Rules*, the *IPC Anti-Doping Code* shall prevail.
- 4.4 The *President* shall have the power, whether on the application of a party or of the *President's*
own motion:
 - 4.4.1 to consolidate the proceedings with other substantially similar or related *Independent Tribunal* proceedings and/or order that concurrent hearings be held in relation to such proceedings (including but not limited to cases in which proceedings are brought against a *Respondent* for a violation of the *IPC Games Rules* and the *IPC* also has *Results Management* authority under the *IPC IF Rules*);
 - 4.4.2 to award interim relief or order other conservatory measures on a provisional basis before the *Panel* has been convened; and
 - 4.4.3 to impose or to lift a *Provisional Suspension* pursuant to Article 5.2 before the *Panel*

has been convened.

- 4.5 Where the parties settle the case, by way of a settlement embodied in a documented decision rendered by consent of the parties, the parties shall immediately notify the *Panel* and the proceedings will terminate forthwith. For the purpose of this Article, permission or consent by the *Panel/President* is not required.

5. Applications relating to *Provisional Suspensions*

- 5.1 Article 7.5.3.2 of the *IPC Games Rules* and Article 7.3.3.2 of the *IPC IF Rules* permit a party who has been or is being *Provisionally Suspended* to apply to the *Independent Tribunal* for an order that no *Provisional Suspension* should be imposed, or that a *Provisional Suspension* already imposed by the *IPC* should be lifted.

5.2 Where a ruling is required in relation to a *Provisional Suspension* before a *Panel* has been convened for the matter, the *President* shall determine the application.

5.3 The application shall be heard on an expedited basis, provided that:

5.3.1 any submissions shall be made in writing and/or, if the *Panel* or *President* under Article 5.2 (as applicable) so orders, orally during a telephone conference. There shall be no right to personal attendance before the *Panel/President*, unless it is so ordered by the *Panel/President*; and

5.3.2 the *Panel/President* shall give the *IPC* an opportunity to comment on the

Respondent's submissions prior to deciding the application.

5.4 Decisions on *Provisional Suspensions* may be appealed as set out in the *IPC Anti-Doping Code*.

5.5 Where the *Provisional Suspension* is upheld, the *IPC* shall promptly commence proceedings against the party that has been *Provisionally Suspended*, in accordance with Article 4.1.1.

6. Conduct of *ADRV* proceedings

6.1 The seat of all *Panel* proceedings shall be Bonn, Germany. However, if an oral hearing is required (i.e., where the *Chair* decides that a matter cannot be decided on the papers alone):

6.1.1 as a general rule a *Panel* will hold such hearings not in person but rather remotely/virtually, i.e., by videoconference or teleconference or similar communications equipment that allows all persons participating in the hearing to hear each other at the same time; and

6.1.2 where a hearing is (exceptionally) held in person, it may be held in Bonn or else at an alternative location chosen by the *Chair*, having heard from the parties on the issue.

6.2 The parties shall be entitled to be represented by legal counsel or any other representative(s) in all proceedings under the *Independent Tribunal Rules*, at their own expense.

6.3 The non-attendance of any party or its representative(s) at a hearing, after proper notice of the hearing has been provided, shall not prevent a *Panel* from proceeding with the hearing in such party's absence, whether or not any

written submissions are received from or on behalf of that party in lieu of their attendance.

- 6.4 The working language of the proceedings shall be English. The *Respondent* shall be entitled to organise and use a translator, who should be independent, in the proceedings at the *Respondent's* own expense. Any party wishing to rely upon documents written in a language other than English must produce official English translations of such documents at their own expense.
- 6.5 The *Panel* shall have all powers necessary for, and incidental to, the discharge of its responsibilities under the *IPC Anti-Doping Code* and these *Independent Tribunal Rules*, including (without limitation) the power, whether on the application of a party or of its own motion:
 - 6.5.1 to rule on its own jurisdiction;

- 6.5.2 to award interim relief or other conservatory measures on a provisional basis subject to final determination;
- 6.5.3 to impose or to lift a *Provisional Suspension* in accordance with Article 5;
- 6.5.4 to appoint an expert to assist or advise the *Panel* on a specific issue or issues, such expert to be and remain impartial and independent of the parties, and the costs of such expert to be borne by the parties or in such manner as directed by the *Panel*;
- 6.5.5 to expedite or to adjourn, postpone or suspend its proceedings, upon such terms as it shall determine, where fairness so requires;

[Comment to Article 6.5.5: For example, a hearing could be expedited on the eve of a major Event where the resolution of the ADRV is necessary to determine the Athlete's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]

- 6.5.6 to extend or abbreviate any time-limit specified by the *Independent Tribunal Rules*, by the *IPC Anti-Doping Code*, or by the *Panel's* own orders;
 - 6.5.7 to conduct such enquiries as appear necessary or expedient in order to ascertain the facts;
 - 6.5.8 to order any party to make any property, document or other thing in its possession or under its control available for inspection by the *Panel* and any other party; and
 - 6.5.9 subject to the consent of the original parties, to allow one or more third parties to intervene or be joined in the proceedings, to make all appropriate procedural directions in relation to such joinder or intervention, and thereafter to make a single final decision or separate decisions in respect of all parties.
- 6.6 In all cases involving a three-member *Panel*, the *Chair* may make procedural rulings alone should they see fit.
- 6.7 As soon as practicable after the formation of the *Panel*, the *Chair* (having heard from the parties or not, as the *Chair* sees fit) shall issue directions to the parties in relation to the procedure and timetable to be followed in the proceedings. In particular, the directions may:

- 6.7.1 fix the date, time, and venue of any oral hearing.
- 6.7.2 establish a schedule for the exchange of written submissions and evidence in advance of the hearing, including confirmation by the *IPC* of the details of its case on the charge(s) and on *Consequences*, confirmation by the *Respondent* of the details of their defence and/or mitigation, and provision for the *IPC* to reply (if it sees fit) to the *Respondent's* defence and/or mitigation;

[Comment to Article 6.7.2: If the anti-doping rule violation(s) is/are admitted and only the Consequences are disputed, the Respondent shall submit their case on Consequences first and the IPC shall then respond.]

- 6.7.3 make such order as the *Chair* deems appropriate in relation to the manner and form in which any witness or expert evidence should be produced, provided that:

- 6.7.3.1 a party intending to rely upon the evidence of a witness or expert must serve a statement or report setting out the proposed evidence of such witness or expert at a date in advance of the hearing that is specified by the *Chair*; and
 - 6.7.3.2 the *Chair* shall have the power to allow, refuse or limit the evidence or appearance at the hearing of any witness or expert; and
- 6.7.4 make such order as the *Chair* deems appropriate in relation to the disclosure of relevant documents and/or other materials in the possession or control of either party; provided that, save for good cause shown, no documents and/or other materials shall be ordered to be disclosed in relation to the laboratory analysis resulting in an *Adverse Analytical Finding* beyond the documents that are required (in accordance with the *International Standard for Laboratories*) to be included in the laboratory documentation pack.
- 6.8 All hearings shall be conducted on a private and confidential basis, attended only by the parties to the proceedings and their representatives and witnesses, as well as the representatives of any third party/ies permitted under the *IPC Anti-Doping Code* to attend in order to participate in and/or to observe the proceedings. However, either party may request that an oral hearing be held in public, although a request by the *IPC* for a public hearing will not be granted unless it is supported by the *Respondent*, while a request by the *Respondent* for a public hearing may be denied in the interests of morals, public order, national security, where the interests of *Protected Persons* or the protection of the privacy of the parties so require, where publicity would prejudice the interests of justice, or where the proceedings are exclusively related to questions of law.
- 6.9 The procedure to be followed at an oral hearing shall be at the discretion of the *Chair*, provided always that the hearing must be conducted in a fair manner, with a reasonable opportunity provided for each party to present their case and the evidence on which it is based, and to challenge the case presented against them and the evidence on which it is based. The *Panel* shall have discretion as to whether to receive evidence from witnesses and may question a witness and control the questioning of witnesses by a party.
- 6.10 Unless otherwise specified in the *IPC Anti-Doping Code*, the burden of proof shall be on the party asserting the claim or fact in issue, and the standard of proof to be met shall be the balance of probabilities. The *Panel* shall have the power to decide on the admissibility and relevance of and the weight to be given to any evidence (including the testimony of any fact or expert witness) and shall not be bound by any judicial or evidential rules in relation

to such matters. Facts may be established by any reliable means, including admissions.

- 6.11 If any party fails or refuses to act in accordance with the directions applicable to the proceedings, the *Panel* will first give that party the opportunity to make submissions in relation to that failure or refusal. The *Panel* may then, in its discretion, impose any one or more of the following consequences in respect of that failure or refusal: (i) a refusal to allow evidence to be submitted/relied on and/or submissions made (for example, if evidence is submitted late); (ii) an order that the case be dismissed or a defence or submission struck out. The *Panel* will also be entitled to draw adverse inferences from such failure or refusal, and it will not be a valid excuse to rely on any privilege against self-incrimination and any such privilege is deemed to have been waived.

- 6.12 In principle, an oral hearing shall consist of: (i) an opening phase, where the parties are given the opportunity to present their respective cases; (ii) an evidentiary phase, where the evidence is assessed and lay and expert witnesses are heard; and (iii) a closing phase, where the parties are given the opportunity to present their final arguments in light of the evidence. Once the parties have completed their respective submissions, the *Panel* shall retire to determine its decision in private. The parties are not permitted to produce further written pleadings after the conclusion of the hearing, unless the *Panel* so orders.
- 6.13 The *Panel* shall announce its decision to the parties in writing, dated and signed by the *Chair*, as soon as possible after the hearing. The decision must not purport to be limited to a particular geographic area or sport and must address and determine the following issues:
- 6.13.1 the basis of the *Panel's* assumption of jurisdiction over the matter and the rules it has applied to determine the matter;
 - 6.13.2 its factual findings, explaining the evidence on which those findings are based and (where applicable) why it considers the evidence meets the applicable standard of proof;
 - 6.13.3 (where applicable) whether the *Panel* determines that the *Respondent* has committed the ADRV(s) charged by the *IPC*, including the factual basis for such determination, and (where applicable) the specific Articles of the *IPC Games Rules* and/or the *IPC IF Rules* that have been violated;
 - 6.13.4 (where applicable) what *Consequences* the *Panel* is imposing, identifying the specific provisions on which a *Consequence* (including any reduction or suspension) is based, and providing reasons justifying the *Consequences* imposed. In any case in which the *Panel* exercises a discretion conferred on it under the *IPC Anti-Doping Code* as to *Consequences*, the decision shall explain in detail the basis on which the *Panel* has determined that such discretion was triggered as well as the basis for the manner in which it exercised that discretion. Where a period of *Ineligibility* is imposed, the decision shall also specify the start date of that period of *Ineligibility*;

[Comment to Article 6.13.4: In a case arising under the IPC Games Rules only, where the IPC is acting only in its capacity as a Major Event Organization and not also as the international federation of the sport in question, the Panel shall determine only applicable Disqualification(s) under Articles 9 and 10.1 of the IPC Games Rules, with any resulting forfeiture of medals, points and prizes. Any further Consequences beyond

Disqualification(s) will fall to be determined under the anti-doping rules of the international federation of the sport in question. In a case arising only (or also) under the IPC IF Rules, where the IPC is acting (or also acting) as the international federation of the sport in question, the Panel will determine all of the Consequences to be applied in accordance with Articles 9 and 10 of the IPC Games Rules and the same Articles of the IPC IF Rules.]

6.13.5 any costs order, provided that:

- 6.13.5.1 the costs incurred by the *Panel* in hearing and determining the matter shall be borne by the *IPC*. They shall not be shifted to the *Respondent* in any circumstances;
- 6.13.5.2 where the *Panel* finds that an argument advanced by a party was frivolous or otherwise entirely without merit, the *Panel* may award costs as it deems appropriate against that party. Otherwise, however,

each of the parties shall bear its own costs, legal, expert or otherwise, and the *Panel* shall not have the power to order any other party to pay such costs; and

- 6.13.6 the rights of appeal from the decision arising under the *IPC Anti-Doping Code*, and the applicable deadlines for the exercise of those rights.

[Comment to Article 6.13.6: A preliminary or procedural ruling by the Panel shall not be subject to appeal, unless: (i) such ruling is dispositive (i.e. it amounts to a final resolution of the matter); or (ii) such ruling, though non-dispositive of itself, is subsequently incorporated into a final decision. If (i) or (ii) applies, the ruling may be appealed in accordance with Article 13 of the IPC Games Rules and/or the IPC IF Rules.]

- 6.14 Within five (5) days of the transmission of the decision to the parties, a party may ask the *Panel* to rectify any clerical or typographical error, or any error or omission of a similar nature contained in the decision. The *Panel* will give the other party an opportunity to comment on the request for correction. The *Panel* may further make any correction on its own initiative before publication.
- 6.15 The *Secretariat* shall send copies of the decision to the parties and to any other person that has a right of appeal against the decision. If any person with a right of appeal so requests (in order to determine whether to appeal), the *IPC* will provide it with a copy of the case file pertaining to the decision.
- 6.16 The *IPC* will publish the decision further as required or permitted by the *IPC Anti-Doping Code*, and will also report it promptly into ADAMS. Subject thereto and to Article 6.8, proceedings under these *Independent Tribunal Rules* are confidential, and no member of the *Panel*, party, third party observer or witness may disclose any facts or other information relating to the proceedings.

7. Conduct of non-compliance proceedings

- 7.1 A *Panel* convened to hear and determine a case for non-compliance brought in accordance with Article 4.1.3 shall have all of the powers of a *Panel* convened to hear and determine an *ADRV* case under Article 4.1.1; provided that it shall always be ready to fashion and adapt the procedure that it follows in the non-compliance case as necessary to ensure that each party's rights to due process are respected and each party receives a fair hearing.

8. Miscellaneous

- 8.1 Where an issue arises that is not otherwise provided for in the *IPC Anti-Doping Code* or these *Independent Tribunal Rules* or German law, the

President or (with the agreement of the *President*) the *Chair* shall resolve the matter as they see fit.

- 8.2 Any deviation from any provision of these *Independent Tribunal Rules* and/or any irregularity, omission, technicality or other defect in the procedures followed by the *President* or any *Panel* will not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.
- 8.3 None of the *President*, the *Secretariat*, the members of a *Panel*, and any expert appointed to assist a *Panel*, shall be liable to any party for any act or omission carried out in the discharge or purported discharge of their functions as such unless that act or omission is shown to have been carried out in bad faith.



- 8.4 Any notice or other communication required to be given by or to a party pursuant to these *Independent Tribunal Rules* must be given in writing and must be sent by e-mail. In relation to a *Respondent* who is a member of an *NPC*, such notice or other communication may be sent by e-mail to the *NPC* of which they are a member or to which they are affiliated, and will be deemed received by the *Respondent* when it is received by the *NPC*, which shall be responsible for ensuring the notice or communication is passed on without delay to the *Respondent*.
- 8.5 Any time limits fixed under these *Independent Tribunal Rules* or by order of a *Panel* shall begin to run on the day after the day on which the notice triggering the time limit is received. Official holidays and non-working days (in any location) are included in the calculation of time limits except that if the time period ends on a non-working day, then it will be deemed to end on the next working day in Bonn, Germany. Any reference to "days" in these *Independent Tribunal Rules* shall be construed accordingly. The time limit shall be deemed respected if the notice or other communication is sent before midnight (Central European Time) on the day on which the time limit expires.