



# BULL'S EYE THE ISSF IPOD ON DOPING

## A NEW AND REVISED WORLD ANTI-DOPING CODE PART III

**A NEW AND REVISED WORLD ANTI-DOPING CODE IS SET TO COME INTO EFFECT ON JANUARY 1, 2015. THIS IS THE FINAL IN A THREE-PART SERIES THAT HAS BEEN OFFERED TO IPOD READERS.**

**AS PROMISED IN THE FIRST IPOD EDITION OF THIS YEAR, THE ISSF IPOD WAS TO FOCUS ON VARIOUS TOPICS OR SECTIONS WITHIN THE CODE THAT HAVE BEEN MODIFIED FOR IMPLEMENTATION IN 2015 SO THAT ALL THE IPOD READERS COULD BE FULLY INFORMED AND WELL-VERSED ON ALL THE CHANGES THAT SHALL BE BROUGHT TO THE CODE, TO ALL INTERNATIONAL STANDARDS, AND AS A RESULT, TO THE ISSF RULES NEXT YEAR.**

**THE FIRST TWO INSTALMENTS OF THE SERIES IDENTIFIED AND EXPLAINED SOME OF THE MOST NOTABLE CHANGES BEING BROUGHT TO THE CODE AND THE INTERNATIONAL STANDARDS.**

**THIS THIRD INSTALMENT PROVIDES INSIGHT ON HOW NECESSARY COMPLIANCE TO NEW CODE WILL ALTER THE ISSF'S ANTI-DOPING RULES AND CONVERSELY AFFECT US ALL. WE HOPE THIS CONTINUES TO BE A USEFUL EXERCISE FOR ALL OF YOU.**

### **ISSF COMPLIANCE WITH THE NEW CODE: A NECESSITY**

To date, more than 630 sport organizations, including the International Olympic Committee, the International Paralympic Committee, all Olympic Sport International Federations and all IOC-recognized International Federations, National Olympic and Paralympic Committees, National Anti-Doping Organizations, and many other sport organizations have accepted the World Anti-Doping Code.

Once they have accepted the Code, all these entities must be sure to comply fully with the World Code, the International Standards and the World Anti-Doping Program as a whole. Sport organisations, including the ISSF, must undertake three steps in order to be fully compliant with the Code:

- **Acceptance,**
- **Implementation, and,**
- **Enforcement.**

Code acceptance means that a sport organization agrees to the principles of the Code and agrees to implement and comply with the Code. ISSF has done so by signing the Johannesburg declaration in November 2013 when the new Code was accepted at the World Conference for Doping in Sport.

Once a sport organization accepts the Code, it then needs to implement it. Code implementation means that a sport organization must amend its rules and policies to include the mandatory articles and principles of the Code. Therefore, ISSF must imperatively amend its current

Anti-Doping Rules and policies to include all the new mandatory articles and principles of the 2015 Code. WADA then monitors implementation of and compliance with the Code. Once they have accepted Code and started implementing it, all sport organisations, including ISSF, must enforce the Code by making sure that their own rules, policies and anti-doping activities are in compliance with the mandatory articles and other principles of the Code and related International Standards. It is only once these three steps are fulfilled that an organisation can be fully compliant with the Code.

Therefore, if ISSF does not submit a new set of Anti-Doping Rules to WADA for review and acceptance by the end of this year, ISSF will be deemed non-Code Compliant by WADA. The ramifications of this could be detrimental to ISSF.

WADA reports cases of non-compliance to its stakeholders who have jurisdiction to impose sanctions, including the International Olympic Committee (IOC). The Olympic charter was amended in 2003 to state that adoption of the Code by the Olympic movement is mandatory. Only sports that adopt and implement the Code can be included and remain in the program of the Olympic Games. In sum, there is no option! Although the current ISSF Anti-Doping Rules comply with the 2013 Code now still in effect, the ISSF Anti-Doping Rules, (like the Rules of every other International Federation, National Anti-Doping Organisation, National Olympic Committee and Government) must be modified this year in order to comply with the New 2015 Code by January 2015.

### **HOW DOES THIS COMPLIANCE EXERCISE AFFECT THE ISSF?**

ISSF needed to modify its current Rules to comply fully with the Code in 2015. And it has!

A draft set of 2015 Anti-Doping Rules has been prepared by the ISSF's legal advisors and already been submitted to WADA for approval.

WADA has confirmed approval of the submitted Rules as drafted. Therefore, the ISSF –Anti-Doping Rules will now be submitted to the ISSF Executive Council for its final approval.

Every change brought to the draft version of the 2015 ISSF Anti-Doping Rules was mandatory. Although some provisions were modified to better satisfy and reflect ISSF's policies and procedures, the legal exercise was mostly a cut and paste of the Model Rules for International Federations template which was provided by WADA to all International Federations.

There is nothing unfavourable to ISSF in the new Rules. All of the new provisions can be easily implemented.

### **WHAT CHANGES HAVE BEEN BROUGHT TO THE CODE?**

There are many changes that have been brought to the Code and they are the result of a two-year consultation process in which every stakeholder in the world was invited to submit comments on how the Code should be modified. Four separate Drafts of the Code were published before the final version was

accepted in Johannesburg in November 2013. As you are aware, the first two editions of the 2014 ISSF IPOD, have focused on all the changes being brought to the ISSF Anti-Doping Rules that can be anticipated as of January 1, 2015. You are therefore invited to read these articles if you have not read them, or revisit them prior to the end of this year in order to refresh your memory. Each of you must ensure that you are aware of and can respect your respective obligations under the ISSF Anti-Doping Rules.

Additionally, the following URL link will direct you to a formal explanatory list of changes that was posted on the WADA website [http://www.wada-ama.org/Documents/World\\_Anti-Doping\\_Program/WADP-The-Code/Code\\_Review/Code%20Review%202015/Code%20Final%20Draft/WADC-2015-draft-version-4.0-significant-changes-to-2009-EN.pdf](http://www.wada-ama.org/Documents/World_Anti-Doping_Program/WADP-The-Code/Code_Review/Code%20Review%202015/Code%20Final%20Draft/WADC-2015-draft-version-4.0-significant-changes-to-2009-EN.pdf).

## HOW WILL SOME OF THE CHANGES TO THE CODE AND INTERNATIONAL STANDARD AFFECT THE ISSF AND ITS ATHLETES?

- One could argue that the most significant change brought to the Code, and hence the ISSF Rules, is the one brought to sanctions. As explained in the 2nd edition of the 2014 IPOD, athletes can now be sanctioned for 4 years for using a prohibited substance.  
> *This means that if an athlete tests positive for a prohibited substance and cannot show how the substance entered his or her system, the Rules now provide for a 4 year sanction for a 1st anti-doping rule violation.*
- Another important change that has been brought to the Code relates to Therapeutic Use Exemptions (TUEs). Although International Federations may mutually recognize national level TUEs, the ISSF must be first informed of each TUE and be given an opportunity to not recognize the TUE where it does not believe the criteria to grant a TUE has been met. Failure to inform ISSF of the national-level TUE would also result in the TUE not being deemed valid for international competition. This provision is not novel for ISSF; ISSF had already inserted a similar provision to this in its Rules last year. In fact, ISSF is one of the sport organisations who suggested to WADA this modification be brought to the Code.  
> *This means that ISSF must be informed of any national level TUE granted to an international-level athlete and be given an opportunity to recognize, or not that same TUE. Otherwise the national TUE will not be valid for international competition.*

For ease of reference, the relevant provisions of article 4.4 are reproduced here:

- 4.4** Therapeutic Use Exemptions (“TUEs”)
- 4.4.1** The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession

or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method, shall not be considered an anti-doping rule violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

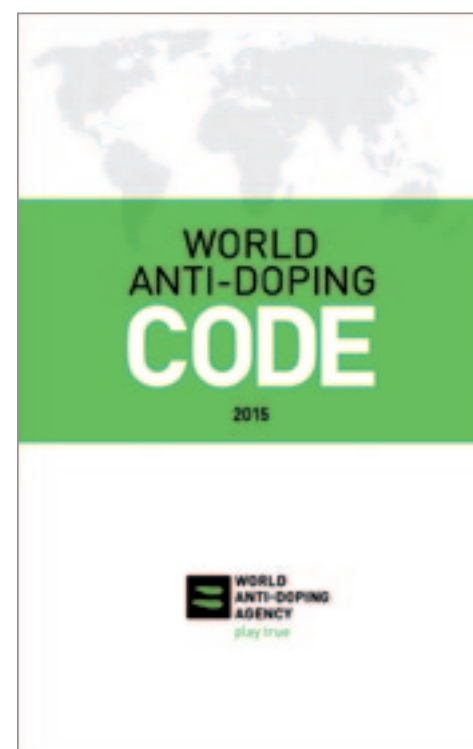
- 4.4.2** If an International-Level Athlete is using a Prohibited Substance or a Prohibited Method for therapeutic reasons:

**4.4.2.1** Where the Athlete already has a TUE granted by his or her National Anti-Doping Organization for the substance or method in question, that TUE is not automatically valid for international-level Competition. However, the Athlete may apply to the ISSF to recognize that TUE, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then the ISSF shall recognize it for purposes of international-level Competition as well. If the ISSF considers that the TUE does not meet those criteria and so refuses to recognize it, the ISSF shall notify the Athlete and his or her National Anti-Doping Organization promptly, with reasons. The Athlete and the National Anti-Doping Organization shall have 21 days from such notification to refer the matter to WADA for review in accordance with Article 4.4.6. If the matter is referred to WADA for review, the TUE granted by the National Anti-Doping Organization remains valid for national-level Competition and Out-of-Competition Testing - but is not valid for international-level Competition - pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.

**4.4.2.2** If the Athlete does not already have a TUE granted by his/her National Anti-Doping Organization for the substance or method in question, the Athlete must apply directly to the ISSF for a TUE in accordance with the process set out in the International Standard for Therapeutic Use Exemptions. If the ISSF denies the Athlete's application, it must notify the Athlete promptly, with reasons. If the ISSF grants the Athlete's application, it shall notify not only the Athlete but also his or her National Federation and/or Anti-Doping Organization. If the National Federation and/or Anti-Doping Organization considers that the TUE granted by the ISSF does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter

to WADA for review in accordance with Article 4.4.6. If the National Federation or Anti-Doping Organization refers the matter to WADA for review, the TUE granted by the ISSF remains valid for international-level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If the National Federation or Anti-Doping Organization does not refer the matter to WADA for review, the TUE granted by the ISSF becomes valid for national-level Competition as well when the 21-day review deadline expires.

- Many other amendments to the Code were made in an attempt to provide greater clarity and fairness to certain provisions in order to better balance the interests of International Federations (IFs) and National Anti-Doping Organizations (NADOs). These amendments will impact the ISSF's relationship with NADOs and hopefully foster to more communication and cooperation with them.



IFs and NADOs both play a critical role in the fight against doping. The efforts of both should be collaborative and coordinated. If they are not, the system is less effective and in many cases it is the clean athletes who suffer. So, some of the Code amendments that have been included in the ISSF Anti-Doping Rules reflect these efforts and seek to better clarify and balance the responsibilities of IFs and NADOs. Needless to say, many of these amendments also can have a direct impact on athletes.

Some of these are:

**Article 5.3:**

The rule that a National Anti-Doping Orga-

nization may not test during an International Federation or Major Event Organization without that organization's agreement, or as a last resort, approval from WADA, has been limited to Event Venues (as defined by the International Federation or Major Event Organization).

>This expands the NADO's testing rights and means that athlete may be subject to testing by different anti-doping organisations during or before an Event.

#### Articles 5.2.6 and 7.1.1:

Where an International Federation or Major Event Organization delegates Testing to a National Anti-Doping Organization, then that National Anti-Doping Organization may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organization's expense.

>Again, this means that athlete may be subject to additional testing by different anti-doping organisations during or before an Event, especially when intelligence gathering and test planning indicates these tests could be propitious to the relevant organisation's testing program.

#### Article 7.1.2:

Whereabouts violations under Article 2.4 may include a combination of filing failures and missed tests reported by either an International Federation or National Anti-Doping Organization. Article 7.1.2 clarifies that the authority to conduct results management on account of the whereabouts violations is the responsibility of the Anti-Doping Organization with whom the Athlete files his or her whereabouts information.

>Therefore, athletes who are in both their national RTP and international RTP need to ensure that they promptly and correctly submit their whereabouts information and that they are at the location indicated on this informa-

tion. Any combination of 3 missed tests and/or whereabouts failures in 12 months reported by either of the ISSF, the athlete's NADO or WADA may result in an anti-doping violation.

- Some amendments have been brought to the International Standards for Testing and Laboratories that have rendered the management of an athlete Steroid Passport possible for the ISSF.

As of 2015, every ISSF athlete tested whose doping control information in recorded into ADAMS (the web based anti-doping system) will automatically have a steroidal passport. For each urine sample collected, an athlete's steroid profile will be either be created, measured and/or monitored by all WADA accredited Laboratories.

As soon as the Laboratory Results are matched with a doping control form in ADAMS, the "Adaptive Model" will be automatically applied to detect Atypical Passport Findings. The Adaptive Model is an algorithm that calculates whether the result, or results over time in the case of a longitudinal profile, is likely the result of a normal physiological condition. An Atypical Passport Finding is generated in ADAMS if the athlete's T/E ratio is out of the individual range generated by the Adaptive Model. An Atypical Passport Finding will require further investigation and could result in an anti-doping rule violation.

The primary benefit of the athlete steroid passport for ISSF and all anti-doping organizations is that the steroidal data and automation in ADAMS may alert ISSF on athletes who may be cheating, and provide intelligence from urine samples

already being collected to improve the effectiveness of its anti-doping program.  
>This means that as of 2015, every athlete tested in shooting sport will have a steroid profile to his or her name, and all further test results will be measured and compared over time to determine if an atypical finding, and potentially an anti-doping rule violation, can be asserted against this athlete.

#### SUMMARY

Because of the New 2015 World Anti-Doping Code, the exercise of once again modifying the ISSF Anti-Doping Rules was not only necessary, it was mandatory.

The ISSF Anti-Doping Rules have therefore been modified, and subject firstly to WADA's approval, which has been confirmed, and then secondly to the ISSF Executive Council's approval, they will be ready to be implemented as of January 1, 2015.

Once the Rules have been approved by the Executive Council, they will be posted on the ISSF website for all of you to consider and get acquainted with in anticipation of 2015.

**The ISSF hopes and trusts that this three part series has been informative and educational for all IPOD readers. Should you have any further questions on the application and implementation of the 2015 Code, please do not hesitate to direct them to the ISSF at [doris@issf-sports.org](mailto:doris@issf-sports.org).**

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