



# BULL'S EYE THE ISSF IPOD ON DOPING

## THE ANSWERS TO YOUR QUESTIONS

**THIS EDITION OF THE IPOD PROVIDES ANSWERS TO SOME QUESTIONS THAT HAVE RECENTLY BEEN DIRECTED TO THE ISSF BY ATHLETES OR MEMBER FEDERATIONS. WE BELIEVE THESE QUESTIONS ARE QUITE RELEVANT TO ALL OUR READERS AND THAT THESE ANSWERS SHOULD BE SHARED SO THAT YOU TOO MAY BENEFIT FROM THE VALUABLE INFORMATION THEY PROVIDE. PLEASE DO NOT HESITATE TO DIRECT ANY QUESTIONS YOU MAY HAVE ON ANTI-DOPING ISSUES TO THE ISSF. WE WILL GLADLY ASSIST YOU OR GUIDE YOU IN FINDING THE ANSWERS.**

### **1. WHEN DOES THE PERIOD OF SUSPENSION START IF AN ATHLETE IS BANNED? ON THE DATE OF THE DECISION, OR ON THE DATE OF THE DOPING CONTROL WHICH RESULTED IN THE ANTI-DOPING RULE VIOLATION?**

Article 10.9 of the ISSF Anti-Doping Rules is the provision which deals with the start of period of ineligibility.

The ISSF Anti-Doping Rules state that in most circumstances, the start of the suspension shall be on the date the decision is issued, but that any period of provisional suspension imposed will be credited from that date. This means that usually an Athlete's suspension would start on the date of the hearing decision providing for the ineligibility. But, in the case where an Athlete receives a Notice of a possible anti-doping rule violation (advr) and is provisionally suspended as of that same day - which is mandatory when a prohibited substance like for example a beta blocker is involved - then, once the credit is applied, the day the provisional suspension started shall become the date of the start of the period of ineligibility.

One exception to this general rule, and one circumstance when the suspension would start on the date of the test, is if in the course of the results management and disciplinary processes there were unreasonable substantial delays not attributable to the Athlete. Then, the suspension could start as early as the date of the doping control. Such an occurrence would likely never occur at the international level because the ISSF's take great pride in respecting Athletes' rights throughout the results management and disciplinary processes. However, unforeseeable legal or administrative delays may sometimes occur both at the international and national level in the course of any proceedings. In those cases it could be possible for the Athlete's sanction to be back dated as far as the date of the doping control. That choice is always left to the discretion of the hearing panel that renders the decision.

Another exception to the general rule and

which only applies if the advr involves a specified substance is if the Athlete immediately admits to the anti-doping rule violation upon receiving Notice of the possible advr. In that instance, the period of suspension could also be started as far back as the date of the doping control. Again, that determination is left to the discretion of the hearing panel that renders the decision depending on the particular facts of each individual case.

However, both of these exceptions would never apply when a provisional suspension has been imposed prior to the decision. As soon as a provisional suspension is imposed, the earliest the period of ineligibility could start is the date the provisional suspension started.

In sum, generally, the start of the period of ineligibility will be on the date of the decision. But it will then be back-dated to the date of any provisional suspension imposed, or even earlier, if the hearing panel decides that the case falls into one of the two exceptions mentioned above and if the specific circumstances of a particular case warrant it.

### **2. OUR SHOOTER HAS TAKEN SOME MEDICINE RECENTLY. CAN YOU PLEASE ADVISE US IF THIS MEDICATION IS ALLOWED?**

ISSF normally does not provide answers to such questions. Legally and administratively, the ISSF can not, should not, and must not bear that responsibility or liability.

Under the principle of strict liability it is the Athlete who is responsible for ensuring that nothing he or she ingests is prohibited. Therefore, the responsibility lies with the Athlete to check that all medication he or she may need to take is not prohibited and to properly apply for a TUE thirty days before competing - should the medication contain a prohibited substance.

Ideally, our member federations, their medical support personnel, and their Athletes and their families, should use all the search engines available to them (online and other), and alternatively direct their

questions to their National Anti-Doping Organisation (NADO) for greater assistance in this regard.

E.g. There are multiple global medication databases. WADA has the Prohibited List published on its website. Various search engines can provide the answers required. Many NADOs offer such databases on their website and will surely offer guidance if and when needed.

Athletes should carefully check all the ingredients of any medication they take. If you are not sure, ask professionals, undertake any necessary research online or other, contact the manufacturer directly, call upon qualified individuals etc.

If after making all the necessary and mandatory efforts you are still not sure - Don't take it!

### **3. DO NADOS AUTOMATICALLY ACCEPT ISSF TUES OR DO ATHLETES WHO PARTICIPATE IN BOTH NATIONAL AND INTERNATIONAL EVENTS NEED TO HAVE TWO TUES?**

Article 15.4.1 of the WADA Code and 16.1 of the ISSF Rules reads as follows:

Subject to the right to appeal provided in Article 13, therapeutic use exemptions results of any Signatory which are consistent with the Code and are within than Signatory's authority, shall be recognized and respected by all other Signatories. That article, also known as the mutual recognition provision of the Code and the ISSF Rules should, in effect, make the recognition of ISSF TUEs at the national level automatic - unless expressly stated otherwise in the NADOs Rules.

There are some NADOs who require that a TUE be issued by their own TUE Committees. However, generally, NADO's anti-doping rules do not hold such express exclusions. For the most part, an international TUE should be recognized at the national level and an international level Athlete should not have to submit two different TUEs.



International Athletes who possess an ISSF TUE and who are not sure about whether or not their NADO requires them to apply for a TUE at the national level, in addition to the TUE granted by ISSF, should direct that question to their NADO to avoid the occurrence of an inadvertent anti-doping rule violation.

On this subject, it is imperative to note once again that the ISSF Anti-Doping Rules do expressly state at article 4.4.4 that:

National level Athletes who intend to participate in any ISSF Event must obtain a TUE from the ISSF (**regardless of whether the Athlete previously has been granted a TUE at the national level**). In accordance with the International Standard for TUEs and upon the evaluation of a properly documented application, the ISSF may grant an additional international level TUE to those Athletes for this same substance(s).

Therefore any national level Athlete who starts to compete at the international level and obtains an ISSF ID, must apply for and be granted a TUE from ISSF prior to competing at the international level. Failure to do so could result in an anti-doping rule violation being asserted against the Athlete and a sanction being imposed.

For the most part, Article 4.4.4. of the ISSF Anti-Doping Rules is included to ensure that no international level Athlete can hold a TUE for a beta blocker - which are prohibited at all times in shooting. As stated in article 4.4.5 of the ISSF Anti-Doping Rules:

**The ISSF shall never and under no special circumstances grant a TUE for the use of a beta-blocker to Athletes who compete or intend to compete at the international level.**

In sum, so long as an Athlete's NADO has Code-compliant anti-doping rules with mutual recognition provisions, the ISSF's international level TUE should be recognized and valid at the national level. And, in all circumstances, a national level Athlete who becomes or plans to become an international level Athlete **must reapply for a TUE with ISSF**. Finally, a TUE for the use of beta blockers will never be recognized and never be granted to any Athlete by the ISSF.

#### **4. IN THE CASE OF A POSITIVE A SAMPLE WHEN THE ANALYSIS WAS PERFORMED BY A LABORATORY IN A COUNTRY FAR AWAY FROM THE ATHLETE, IS IT POSSIBLE FOR THE B SAMPLE ANALYSIS TO BE PERFORMED BY ANOTHER LABORATORY CLOSER TO THE LOCATION OF THE ATHLETE?**

The International Standard for Laboratories (ISL) is clear on the matter.

Article 5.2.4.3.2.2 of the ISL states that: The "B" Sample confirmation shall be performed in the same Laboratory as the "A" Sample confirmation.

This means for example that even if the Athlete is located in Canada and that the laboratory that conducted the analysis of the A sample is in Thailand, the Athlete cannot request for the B sample to be opened

and analysed by the laboratory in Canada. It must be opened and analysed in Thailand at the same laboratory that performed the A sample analysis. Of course, the Athlete and/or his or her representative, a representative of the Athlete's member federation, and a translator shall be authorized to attend the "B" confirmation.

But, if the Athlete declines to be present or the Athlete's representative does not respond to the invitation or if the Athlete or the Athlete's representative continuously claim not to be available on the date of the opening, despite reasonable attempts by the Laboratory to accommodate their dates, the Testing Authority or the Laboratory shall proceed regardless and appoint an independent witness to verify that the "B" Sample container shows no signs of tampering and that the identifying numbers match that on the collection documentation.

At a minimum, the Laboratory Director or representative and the Athlete or his or her representative or the independent witness shall sign Laboratory documentation attesting to the above and this shall be sufficient at all times to satisfy the criteria of the International Standard for Testing.

#### **5. I HAVE RECEIVED AN EMAIL FROM ISSF STATING THAT I AM IN THE INTERNATIONAL LEVEL RTP. WHAT IS THIS? WHY AM I NOW IN IT?**

RTP means Registered Testing Pool.

The term Registered Testing Pool (RTP) refers to the pool of top level Athletes established by the ISSF (and/or their relevant NADO) who are subject to both In-Competition and Out-of-Competition testing as part of the ISSF's or their NADO's test distribution plan.

In accordance with its Anti-Doping Rules, the ISSF's RTP consists of the Top 5 men and women in every category at any given time in the calendar year.

Once an Athlete enters the Top 5 in the rankings he or she will be included in the ISSF RTP. Athletes stay in the testing pool until the end of the calendar year (December 31), even if they drop out of the Top 5. On January 1 of every year the testing pool starts anew and includes only the Athletes who are in the Top 5 on January 1.

Therefore, you are now in the RTP because you are currently ranked by ISSF in the Top 5 of your category. Under the ISSF Anti-Doping Rules, the WADA Code and the International Standard for Testing (IST), every International Federation and National Anti-Doping Organisation must have a Registered Testing Pool. Article 5.1.1 of the Code states that the ISSF must plan and conduct an effective number of in-competition and out-of-competition tests over Athletes over whom ISSF has jurisdiction, including but not limited Athletes who are in their RTP. Article 5.2.2 of the ISSF Anti-Doping Rules echoes that responsibility.

Athletes who are in the ISSF RTP must provide their whereabouts on a quarterly basis, including all training camps and schedules. They must also provide a 60 minute time slot for which they can be available for testing every day of the year. Any failure to submit timely and accurate whereabouts information, or any failure to be present at the location and time indicated on the whereabouts information submitted, can result in sanctions. Please be reminded that it is possible for Athletes to be both in the ISSF's international level RTP and their NADO's national level RTP.

#### **6. WHY DO I HAVE TO SUBMIT MY WHEREABOUTS INFORMATION?**

In accordance with article 5.5 of the ISSF Anti-Doping Rules, any Athlete who is included in a RTP shall be subject to the whereabouts requirements set out in the IST.

Specifically, article 5.5.2 and 15.3 says that Athletes who have been identified by ISSF (or their NADO) for inclusion in the RTP shall provide accurate, current location information.

Therefore, as an Athlete identified for inclusion in an RTP, you have the responsibility under the WADA Code and the ISSF Anti-Doping Rules (and your NADO's) to submit your whereabouts information.

The purpose of whereabouts is two fold. First, it allows for ISSF (or your NADO) to test you whenever and wherever based on your information. Second, it makes you accountable for providing proper and accurate information. This is especially important because should you not provide your whereabouts on three occasions in 18 months, you could be sanctioned for up to two years under the applicable Rules. Similarly, if you are not at the location and time indicated on your whereabouts three times in 18 months, you also risk being suspended for up to two years. These two responsibilities are interchangeable, so if for example you fail to provide your whereabouts once, and have missed two tests because of submitting wrong whereabouts info or not being where you should be, you could be still suspended for up to two years.

All Athletes are therefore reminded to make certain that they provide timely, accurate and up to date whereabouts information and that they are always present at the location indicated on their whereabouts information as submitted in ADAMS.

ISSF acknowledges that submitting whereabouts information can sometimes be cumbersome. Yet, this is one of the responsibilities that you have of being a top level Athlete. Please be assured that the information provided by you via ADAMS is maintained in strict confidence at all times. It is used exclusively for the purpose of planning, coordinating or conducting testing and shall be destroyed after it is no longer relevant for those purposes.

**ISSF hopes this has provided satisfactory responses to all these important inquests.**

Janie Soublière BSS, LLM, LLB.

Legal Consultant, Anti-Doping in Sport