



A NEW AND REVISED WORLD ANTI-DOPING CODE PART II

A NEW AND REVISED WORLD ANTI-DOPING CODE IS SET TO COME INTO EFFECT ON JANUARY 1, 2015.

THIS IS THE SECOND IN A THREE PART SERIES THAT WILL BE OFFERED TO IPOD READERS. AS PROMISED IN THE FIRST IPOD EDITION OF THIS YEAR, FOR ITS FIRST THREE INSTALLMENTS OF 2014, THE ISSF IPOD SHALL FOCUS ON VARIOUS TOPICS OR SECTIONS WITHIN THE CODE THAT HAVE BEEN MODIFIED FOR IMPLEMENTATION IN 2015 SO THAT ALL THE IPOD READERS WILL 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 ANTI-DOPING RULES NEXT YEAR.

THE FIRST TWO INSTALLMENTS OF THE SERIES IDENTIFY AND EXPLAIN SOME OF THE MOST NOTABLE CHANGES BEING BROUGHT TO THE CODE AND THE INTERNATIONAL STANDARDS, WHILE THE THIRD INSTALLMENT SHALL PROVIDE INSIGHT ON HOW 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.

This second installment in this Series identifies further modifications that have been brought to the Code for implementation in 2015 in addition to those outlined in the last IPOD.

These modifications include:

1. Provisions affecting support personnel who are involved in doping
2. Modifications being brought to 3.
3. The increased importance bestowed upon intelligence and investigations in the course of test planning and anti-doping activities in general.

1. AMENDMENTS TO THE 2015 CODE HAVE INCLUDED PROVISIONS SEEKING TO BETTER REACH ATHLETE SUPPORT PERSONNEL WHO ARE INVOLVED IN DOPING.

More often than not, doping cases involve coaches, trainers, or other athlete support personnel. Yet, in many cases, those athlete support personnel are outside the jurisdiction of anti-doping authorities. This means that when an anti-doping rule violation is asserted, while the athlete gets a sanction, the athlete support personnel, who may have provided the substance, or encouraged that the athlete use the substance or even co-

erced the athlete into taking the substance, walks away with no consequences.

In the course of the Code Review Process, various submitted comments indicated that there was widespread support among the stakeholders to revise the Code to better address the problem of the role of athlete support personnel in doping and to include them in the potential consequences of an anti-doping rule violation so that they may also be penalized for their actions and/or inactions.

Some examples of provisions within the Code which address this topic include:

ARTICLE 20.3.5:

Establishes that one of the roles and responsibilities of International Federations (IFs) is to adopt rules which obligate their National Federations to require athlete support personnel who participate in their activities to agree to the results management authority of applicable Anti-Doping Organizations (ADOs).

This means that athlete support personnel must agree to be bound by the same Rules as athletes. Consequently, this may lead to sanctions being imposed in the case of anti-doping rule violations. Therefore, in the event that an anti-doping rule violation is asserted against any athlete support personnel, the applicable ADO will be empowered to suspend them from participating in any capacity in sport. Any decision would of course also have to be mutually recognized by all ADOs world-wide which would render

the decision far reaching. Certainly – this will have an important deterrent effect on athlete support personnel who are tempted to sway athletes into doping.

ARTICLE 20.3.10 AND 20.5.9:

Requires IFs and National Anti-Doping Organizations (NADOs) to conduct an automatic investigation of athlete support personnel in the case of any anti-doping rule violation by a minor or any athlete support personnel who has provided support to more than one athlete found to have committed an anti-doping rule violation.

This provision will also have an important deterrent effect on athlete support personnel who are tempted to sway athletes into doping.

ARTICLE 2.10:

For the athlete support personnel who has been involved in doping activities but is currently outside the jurisdiction of anti-doping authorities, the 2015 amendments add a new anti-doping rule violation article entitled "Prohibited Association."

This article makes it an anti-doping rule violation for an athlete or other person to associate in a professional or sport-related capacity with athlete support personnel who are currently ineligible, who have been convicted in a criminal, disciplinary, or professional proceeding for conduct that would constitute doping, for the longer of six years from the conviction/decision or the duration

of the criminal, disciplinary, or professional sanction imposed; or someone who is serving as a front for such a person.

Note: Before an athlete is found to have violated this article, he or she must have received notice of the athlete support personnel's disqualified status and the consequence of continued association. The athlete support personnel also has the opportunity to explain that the disqualified status is not applicable to him or her. Finally, this article does not apply in circumstances where the association is unavoidable, such as a child/parent or wife/husband relationship.

ARTICLES 21.2.6, 20.3.15 AND 20.4.13:

Under the current Code, athlete support personnel commit anti-doping rule violations by administering a Prohibited Substance or Method to an athlete, by possession of a Prohibited Substance or Method in-competition without an acceptable justification, by trafficking, or by complicity.

Therefore, the current Code does not address the use of Prohibited Substances and Methods by athlete support personnel themselves. It only addresses when they are involved with an anti-doping rule violation committed or attempted to be committed by an athlete.

The new Article 21.2.6, has been added to the Roles and Responsibilities of athlete support personnel, which provides that "Athlete Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification." A violation of this article by an athlete support personnel is still not an anti-doping rule violation, but it does give rise to disciplinary action under sport disciplinary rules. To enforce this, Articles 20.3.15 and 20.4.13 require International Federations and National Olympic Committees to have disciplinary rules in place which prevent athlete support personnel who violate Article from providing support to athletes.

2. THE 2015 CODE AMENDMENTS PLACE ADDITIONAL EMPHASIS ON THE CONCEPTS OF SMART TEST DISTRIBUTION PLANNING, AND SMART MENUS FOR SAMPLE ANALYSIS.

Currently, not all ADOs collect both blood and urine samples, nor do they all direct the WADA-accredited laboratories to conduct full menu analysis on all samples collected, nor do they conduct an even amount of intelligent testing proportionate to the risk of doping in their sport. In short, testing is disproportionate between all IFs and all NADOs.

Risk assessment and the Technical Document for Sport Specific Assessment (TDSSA)

Indeed, some ADOs do minimal or no testing for Prohibited Substances or Prohibited Methods which are likely to be among the most beneficial in particular sports. In some cases,

this minimal testing may be justified, where those substance would be of no benefit in a particular sport; in other cases, the lack of testing is problematic since certain substances for which testing is not being conducted are very beneficial for specific sports.

The 2015 Code amendments address this problem by providing that WADA, in consultation with IFs and other ADOs, will adopt a Technical Document that identifies those Prohibited Substances or Prohibited Methods that are most likely to be abused in particular sports and sport disciplines. That document will be used by ADOs in test distribution planning and by laboratories in the analysis of samples.

A risk assessment of the use of particular substances in each sport is rendered necessary in order to ensure that testing is intelligent and worthwhile. Specific articles Code which address this topic include Articles 5.4.1 and 5.4.2 and 6.4.

ADOs are to use the risk assessment component of the Technical Document as the basis for developing their Test Distribution Plan (TDP). The sample analysis menu component of the Technical Document shall therefore be the basis for sample analysis in particular sports and disciplines. An ADO may always direct the laboratory to analyze a sample for a broader range of substances, but a more narrow range of substances is only authorized where the ADO has satisfied WADA that "because of the particular circumstances of its country or sport, as set out in its test distribution plan, less extensive analysis would be appropriate".

This will be the case for ISSF with regards to blood testing and analysis: The TDSSA assessment is based on the physiological risk of doping on a particular sport; the performance enhancing benefit of blood doping on a particular sport and the various general risk factors of blood doping in a particular sport.

ISSF and most individuals involved with shooting sport know that blood doping poses very little threat to shooting and that as a result a minimal percentage of blood testing, or non-at all would apply. So, as part of the preparation for the TDSSA, when WADA circulated a questionnaire to all IFs a few months ago asking them about their sport and granting them an opportunity to offer a risk assessment of doping in their specific sport, the ISSF clearly stated that blood doping was of no real benefit in shooting sport in an attempt to totally circumvent this new obligation.

The final TDSSA document will essentially impose upon each IF, including the ISSF, a certain minimum percentage of testing for blood. However, it will only be known later this year what minimum percentage of blood testing will be imposed on ISSF as part of its 2015 testing program.

3. THE 2015 CODE AMENDMENTS SUPPORT THE INCREASING IMPORTANCE OF INVESTIGATIONS AND USE OF INTELLIGENCE IN THE FIGHT AGAINST DOPING.

Intelligence and investigations are now a major and mandatory component of all ADOs testing programs and the fight against doping in sport in general.

The current Code makes it clear that anti-doping rule violations can be proved by any reliable means. This includes both analytical and non-analytical evidence obtained through investigations. Many of the most high-profile successes in the fight against doping (like for example the Lance Armstrong case) have been based largely on evidence obtained either by ADOs or the civil authorities through the investigations process.

Throughout the Code revision process, there was a strong consensus among the stakeholders that the role of investigations in the fight against doping should be highlighted in the Code and that cooperation of governments and all stakeholders in anti-doping rule violation investigations is important. As a result many changes in the Code have reflected this consensus.

Perhaps what can be perceived as the most telling indication that intelligence is now at the forefront of WADA's mission is that the International Standard for Testing, (the document which has always outlined the steps involved before, during and after the doping control and testing processes, including Registered Testing Pools and filing of whereabouts) has been renamed: it is now called the International Standard for Testing and Investigations (ISTI).

Therefore, along with the modifications to the Code, extensive modifications to the International Standard for Testing have been made so that they reflect all the modifications brought to the Code. Accordingly, the ISTI has been expanded to underline the importance of investigative work prior to establishing, while implementing and in undertaking Code-compliant intelligence gathering protocols, in maintaining Code Compliant Testing Plans and in carrying out Code-compliant testing practices and doping control procedures.

Some examples of the increased role of investigations reflected in the Code amendments include:

ARTICLES 5 AND 5.8:

The title of Article 5 has been changed to Testing and Investigations and Article 5.8 describes each Anti-Doping Organization's investigations and intelligence-gathering responsibilities.

For example 5.8.1 reads that Anti-Doping Organizations shall ensure they are able to do each of the following, as applicable and in accordance with the International Standard for Testing and Investigations: Obtain, assess

and process anti-doping intelligence from all available sources to inform the development of an effective, intelligent and proportionate test distribution plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s) (...)

ARTICLES 20.3.6, 20.4.4, 21.2.6 AND 21.2.5:

The roles and responsibilities of International Federations, National Olympic Committees, Athletes, and Athlete Support Personnel have been expanded to require cooperation with Anti-Doping Organizations investigating anti-doping rule violations.

ARTICLE 22.2:

The expectations of Signatories with respect to governments have been expanded to include governments putting in place legislation, regulation, policies or administrative practices for cooperation in sharing of information with Anti-Doping Organizations.

ARTICLES 10.6.1.2 AND 10.6.1.3:

The article on reduction of sanctions for Substantial Assistance has been amended to allow WADA to give assurance to an athlete or other person willing to provide Substantial Assistance that the agreed-upon reduction in the period of Ineligibility cannot be challenged on appeal; that in appropriate circumstances, the disclosure of the Substantial Assistance may be limited or delayed and that in exceptional circumstances, WADA may approve a Substantial Assistance agreement that provides for no period of Ineligibility. For assistance provided to a criminal or disciplinary body to result in Substantial Assistance treatment under the Code, the information must also be made available to the Anti-Doping Organization with results management responsibility.

ARTICLE 17:

The statute of limitations has been extended to ten years from the eight year statute found in the current Code. Recent events demonstrate

that sometimes it takes a long time before sophisticated doping schemes can be uncovered.

As such, in light of these new modifications to the Code, henceforth, intelligence must be part of any ADO's anti-doping strategy and is necessary for implementing an efficient TDP.

If you are wondering how intelligence gathering and intelligent testing can be defined, essentially, it is a question of properly organizing various types of information and assimilating it so it becomes meaningful. Once that information is identified, it must be used properly and smartly in the implementation of each ADO's testing program, including the ISSF's.

HOW DO ALL THE AFORE-MENTIONED MODIFICATIONS TO THE CODE AND ISTI IMPACT THE ISSF?

Firstly, the ISSF will certainly ensure that its Rules are properly modified so as to reach out and have an impact on athlete support personnel.

ISSF is committed to sanctioning athlete support personnel who encourage, facilitate or coerce athletes into taking prohibited substances and will not hesitate to proceed with disciplinary action when justified.

Secondly, and again with the concept of intelligence and investigations at the forefront of the new ISTI and related Code articles, ISSF will place further emphasis on quality of testing vs. quantity of testing. It is clear that WADA no longer just wants testing quotas to be met – they would rather that smarter testing be conducted based on intelligence and deterrence.

The ISSF is going to continue to budget for a substantial amount of in-competition and out-of-competition testing. But the goal is now to make the expenditure worthwhile by being more intelligent about it and utilizing all tools and information, available via numerous

means and ways, in order to meet this goal.

Finally, the ISSF recognizes that the purpose behind the ISTI's imposition of Test Distribution Plans (TDP) is to ensure that each IF develops an effective, intelligent and proportionate TDP in reference to its sport and the risk of doping within it. To this end, the ISSF 2014 TDP has been developed and implemented based on a thorough risk assessment including results, pool of athletes, demographics, in-competition vs. out-of-competition testing, injury lists, submitted whereabouts information etc.

For the last few years, ISSF has been consistently developing and implementing a very intelligent TDP based on all these factors and will continue to do so in the coming years. However, areas where we will strive to improve will be a better coordination of testing. We hope to accomplish this by fostering better communications with NADOs, Event Organisers and on-site Technical Delegates. Further, an ongoing evaluation of the ISSF TDP will be undertaken throughout every testing calendar year and the TDP shall be modified when needed to best meet all WADA, ISTI and ISSF requirements.

This concludes this second installment of our Three-Part Series on the New 2015 World Anti-Doping Code.

The next installment in this Series shall focus on how all the Code modifications will directly and indirectly impact the ISSF and all ISSF athletes, and ISSF Member Federations by way of the ISSF Anti-Doping Rules.

In the meantime if you have any questions on the 2015 Code, please do not hesitate to send them to us at doris@issf-sports.org so that we can address them as part of this Series.

Janie Soublière BSS, LLM, LLB.

Legal Consultant, Anti-Doping in Sport



KROMER PRECISION TARGETS

P.O. Box 429
CH-5600 Lenzburg 1
Switzerland
Phone: ++41 62 886 33 30
Fax: ++41 62 886 33 31
E-Mail: schiessen@kromer.ch
Internet: www.kromer.ch

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