

THE ISSF INFORMATION PORTAL ON DOPING- The “IPOD”

NOTICE TO EVERYONE IN THE SHOOTING SPORT FAMILY:

REVISED ISSF ANTI-DOPING RULES ARE COMING INTO EFFECT JANUARY 1 2021

This ISSF IPOD offers a summary the most relevant and interesting changes that have been made to the ISSF Anti-Doping Rules for implementation January 2021.

A full copy of the 2021 ISSF Anti-Doping Rules can be downloaded [here](#)

Why Revise the ISSF Anti-Doping Rules?

Because a new World Anti-Doping Code (Code) was accepted and ratified by all Signatories in November 2019 and will come into effect in 2021.

All Code Signatories, like ISSF, are required to undertake three steps in order to be fully compliant with the Code: acceptance, implementation, and enforcement.

Code acceptance means that a Signatory agrees to the principles of the Code and agrees to implement and comply with the Code.

Once a Signatory accepts the Code, it must then implement it. The implementation of the Code is the process that an anti-doping organization goes through to amend its rules and policies so that all mandatory articles and principles of the Code are included.

Finally, enforcement refers to the Signatory actually enforcing its amended rules and policies in accordance with the Code.

- *This is why ISSF had to amend its current ADR so that all mandatory articles and principles of the Code are included and can be successfully implemented as of January 1 2021.*

The ISSF Anti-Doping Rules (ADR) reflect the Code and are in harmonization with all other International Federations rules.

As a condition of being a Signatory, the ISSF must be fully compliant with the Code. As a condition of compliance, ISSF must adopt and implement Code compliant anti-doping rules and must also ensure that all its national federations follow them.

WADA helps all its Signatories with their drafting exercise by publishing “Model Rules”.

The new ISSF ADR are wholly based on the WADA Model Rules for International Federations.

They were drafted, sent to WADA for approval and comment and have already been approved by WADA.

Now approved by the ISSF Council the 2021 ADR are to come into effect on January 1 2021 just like the substantially identical Rules of every international federation and every Code Signatory. They can be downloaded [here](#)

The WADA Model Rules

The Model Rules reflect the Code and its related *International Standards* in force as of 1 January 2021. They have been drafted pursuant to Article 23.2 of the *Code* to help International Federations to implement the *Code* and the *International Standards* in connection with their respective sports, as an essential part of International Federations' mission in the fight against doping.

There are many clauses in these Model Rules which had to, in all circumstances, be reproduced without substantive change in the ISSF's Anti-Doping Rules.

The Model Rules also offered certain optional clauses; certain situations where the International Federation can choose between alternative options; paragraphs to be completed by each International Federation etc.

Other clauses in the Model Rules were slightly amended or reworded to best fit the ISSF's specific needs and requirements. However, the substance of all clauses needed to be preserved as they have been drafted in the *Code*.

All these modifications were overseen, suggested, and eventually approved by the WADA Compliance Department.

Questions? Communications?

If you have any questions on the changes that have been brought to the Rules, please do not hesitate to direct them to doris@issf-sports.org and ISSF will answer them asap.

What are some major changes between these Rules (based on the 2021 Code) and the old rules (based on the 2015 Code)?

There are too many changes that were made to the Code to include in this document - if you have a keen interest in this, the WADA website (www.wada-ama.org) offers various other documents outlining the rationale for these changes and the Code revision process in general.

The following are some of the most important and interesting changes from the ISSF Anti-Doping Committee's perspective.

1. **Emphasis on Health** as a Rationale for the Code (Scope)

A recent decision of the European Court of Human Rights relied on public health as a primary basis for upholding the whereabouts requirements of the Code.

As suggested by a number of stakeholders, health has been moved to the top of the list of rationales for the Code and all Anti-Doping Rules (including the ISSF's) and is specifically mentioned in the sentence following that list.

2. The acknowledgement of “**substances of abuse**” (Article 10.2.4)

Article 10.2.4 now provides greater flexibility to those athletes who use “substances of abuse” recreationally and then get tested in-competition with the substance still in their system. These substances include Cannabis, Cocaine, MDMA, etc.

Where the sanction used to be 4 years of 2 years ineligibility depending on the classification, as of Jan 1 2021, *if an Athlete is charged with using a “substance of abuse” and can establish that*

- (a) any ingestion or Use occurred Out-of-Competition and*
- (b) was unrelated to sport performance,*

then the period of Ineligibility shall be three (3) months Ineligibility.

This may be reduced further to 1-month period of ineligibility upon completion of a substance abuse rehabilitation program

If the substance was consumed in competition but its consumption was unrelated to sports performance, then the violation shall not be considered intentional (thereby de facto reducing the presumptive sanction for the use of cocaine for example from 4 years to 2 years, with a possibility for a greater reduction based on the Athlete's degree of fault.)

- ✓ This is a significant change and brings an element of fairness into the rules for violations that are related to the recreational use of substance that is both not performance enhancing and unrelated to sport.

3. **Fraudulent Conduct** During Results Management and Hearing Process - New Comment to Article 2.5, and New Articles 10.3.1 and 10.4

A number of anti-doping organizations have experienced problems with athletes engaging in fraudulent conduct during the results management and hearing process, including for example, submitting fraudulent documents, or procuring false witness testimony.

Under the current Code, there is no downside in terms of sanctions to an athlete who chooses to engage in this type of behavior. New subsection to Article 10.3 and the return of Aggravating Circumstances at Article 10.4 provide that an additional sanction of 0-2 years ineligibility may be imposed for this misconduct.

- ✓ The acts of falsifying documents submitted to ISSF (or another Anti-Doping Organization) and procuring false testimony from witnesses have been moved up from the comment and specifically included in the definition of Tampering.

- ✓ Although ISSF has very few anti-doping rule violations, this is an interesting article that looks to ensure that all Athletes are honest and truthful when confronted with an anti-doping rule violation.

4. Shifting of the **Burden of Proof** - Article 3.2

Modifications to Article 3.2.3 make clear that departures from the International Standard for Testing and Investigations involving Sample collection or Sample handling, or the International Standard for Results Management involving Adverse Passport Findings or Whereabouts failures or notice to the Athlete of the opening of the B Sample, which could reasonably have caused an anti-doping rule violation, shifts the burden to the ISSF to establish that the departure did not cause the anti-doping rule violation.

A comment to Article 3.2.3 explains that ISSF can satisfy its burden of establishing that the failure to give notice of the B Sample opening did not cause the Adverse Analytical Finding, by having an independent observer witness the B Sample opening.

- ✓ Other violations of anti-doping rules or policies (such as a violation of the International Standard for Education) may raise compliance issues for ISSF but may not be used as a defense to an anti-doping rule violation.

5. General Changes to **Results Management** - Articles 7 and 8

Much of the detail currently found in Article 7 has been moved into the new International Standard for Results Management and Hearings.

- ✓ ISSF's consultant in Code-Compliance is well advised of the contents of the new International Standard for Results Management and shall ensure that ISSF complies with it whenever an anti-doping rule violation (ADRV) occurs.

The fair hearing requirements in Article 8 have been expanded. Provides for an "operationally independent" Panel to deal with cases and render decisions.

These requirements are also incorporated into a new International Standard for Results Management and Hearings.

- ✓ ISSF has contracted to use the Court of Arbitration for Sport's Anti-Doping Division as its operationally independent hearing body to manage and administer all possible hearings related to ADRVs in a Code compliant way.

6. Retired Athletes **Returning to Competition** - Article 5.6

Article 5.6 provides that when an International-Level Athlete or National-Level Athlete in a Registered Testing Pool retires and then wishes to return to active participation in sport, the Athlete must not

compete in an International Event or a national Event until the Athlete has made himself or herself available for Testing by giving six months prior written notice to the ISSF.

- ✓ If the demand warrants, e.g. for older athletes or those who no longer wish to compete at national or international level WADA will set up an expedited procedure to grant exemptions to the six-month rule for Athletes who are clearly not international or national level competitors but wish to compete in regional shooting sport events.

7. Added Flexibility for Sanctioning **Minors**. Article 10

As of 2021, a minor (as defined in the ISSF ADR) need not establish how the prohibited substance entered his or her system in order to benefit from a reduced sanction on account of No Significant Fault or Negligence (Definition of No Significant Fault or Negligence).

For purposes of the 4-year ban for the presence, use, or possession of a non-specified substance, the burden is no longer on the minor to establish that the ADRV was not intentional (Article 10.2.1). When a minor can establish No Significant Fault or Negligence for an ADRV involving a non-specified substance, the minimum period of ineligibility imposed is now a reprimand instead of the 1 year minimum applicable to other athletes (Article 10.5.1.3).

Finally, based on feedback from athletes who are concerned about giving sanctioning flexibility to 16 and 17 year old athletes who compete at the elite level, the definition of “minor” has been modified to exclude 16 and 17 year-old athletes who are in a registered testing pool, or who have competed in an international event in the open category.

8. New Article **Results Management Agreements** – Article 10.8

The new Article, Article 10.8, replaced both “prompt admission” (Article 10.6.3 of the current ADR), and “timely admission” (Article 10.11.2 of the current ADR) – two provisions which were never properly applied.

Article 10.8 is now easier to understand and implement than its predecessors.

- ✓ In Article 10.8.1, the Athlete is now given 20 days after the B Sample result or notice of the Use or Possession charge to admit the ADRV and accept the sanction reduced by 1 year.
- ✓ Article 10.8.2 allows ISSF, the Athlete and WADA to reach a “Case Management Agreement” on the period of Ineligibility to be served in a particular case (along the lines of a plea bargain).

9. **Mandatory National Federation compliance with ISSF Anti-Doping Rules** - Articles 12.1. 12.2 and 20.3.2)

WADA has now made it an explicit mandatory compliance requirement within the Code to ensure that all national federation’s anti-doping activities comply fully with the relevant International Federations’

anti-doping rules, in this case ISSF's. Where national federations do not comply with the ISSF Anti-Doping Rules, WADA can take non-compliance actions against the ISSF.

Article 20.3.2 of the Code and ISSF Anti-Doping Rules now reads:

Roles and Responsibilities of International Federations (ISSF)

To require, as a condition of membership, that the policies, rules and programs of their National Federations and other members are in compliance with the Code and the International Standards, and to take appropriate action to enforce such compliance; areas of compliance shall include but not be limited to:

(i) requiring that their National Federations conduct Testing only under the documented authority of their International Federation and use their National Anti-Doping Organization or other Sample collection authority to collect Samples in compliance with the International Standard for Testing and Investigations;

(ii) requiring that their National Federations recognize the authority of the National Anti-Doping Organization in their country in accordance with Article 5.2.1 and assist as appropriate with the National Anti-Doping Organization's implementation of the national Testing program for their sport;

(iii) requiring that their National Federations analyze all Samples collected using a WADA-accredited or WADA-approved laboratory in accordance with Article 6.1; and

(iv) requiring that any national level anti-doping rule violation cases discovered by their National Federations are adjudicated by an Operationally Independent hearing panel in accordance with Article 8.1 and the International Standard for Results Management.

- ✓ ISSF outlines the process by which it will proceed with dealing with cases of non-compliance at Articles 12.1 and 12.2.

Questions?

You are encouraged to read [the 2021 ISSF Anti-Doping Rules](#) to get better acquainted with them.

If you have any questions on the ISSF ADR or their application, please do not hesitate to contact doris@issf-sports.org and someone from the Anti-Doping Committee will respond to your inquest.