

2021 WORLD ATHLETICS ANTI-DOPING RULES

OVERVIEW OF KEY CHANGES FOR MEMBER FEDERATIONS

DECEMBER 2020



The World Athletics Council has adopted the **2021 World Athletics Anti-Doping Rules** (ADR)

- The WA Council adopted the 2021 World Athletics Anti-Doping Rules (2021 ADR) to commence on 1 January 2021, pursuant to the Council's powers under Article 47.2(d) of the 2019 World Athletics Constitution.
- The 2021 ADR are based very substantially on the terms of the 2021 World Anti-Doping Code (2021 Code) adopted by the World Anti-Doping Agency in November 2019. The 2021 Code comes into force on 1 January 2021 and, as a Code Signatory, World Athletics is required to ensure that the World Athletics Anti-Doping Rules (ADR) are consistent with the 2021 Code from that date.
- Many of the provisions of the 2021 Code are mandatory in nature, and must be implemented by Signatories, including World Athletics, without substantive change. There are only a few non-mandatory changes.
- The 2021 ADR is attached. What follows in this document is a high-level overview of the key changes.
- Information sessions about the new ADR will be held in January and February 2021 for Member Federations and you will receive communication about this early in the new year.
- Please immediately inform athletes and athlete support personnel within your Federation of the new code and the 2021 ADR and refer them to the following information which has been provided for athletes by WADA: [An Athlete's Guide to the Significant Changes in 2021 CODE](#)



New *anti-doping rule violations (ADRVs)* have been introduced, along with stricter application of existing rules

- **New rule protecting persons who report violations (Rule 2.10)**
 - It is now a violation to threaten another person to discourage them from reporting an ADRV or non-compliance or other doping activity.
 - Additionally, it is a violation to retaliate against a person for reporting such activity.
- **Prohibited association rule is now more strict (Rule 2.10)**
 - The rule prohibits persons from associating in a professional or sport-related capacity with an athlete support person who is serving a period of ineligibility.
 - Previously, an athlete had to receive a written warning about the athlete support person's ineligible status and the potential consequences of any association before an ADRV could be asserted.
 - Now, there is no requirement for a warning – only proof that the athlete knew that the athlete support person was ineligible.
 - The AIU will publish a list of athlete support persons in Athletics who are serving periods of ineligibility.



Tougher sanctions have been introduced in certain cases

- **Existence of ‘Aggravating Circumstances’ can increase sanction by up to 2 years**
 - The standard period of ineligibility for presence or use of a prohibited (non-specified) substance is 4 years and, under the new Code, this can be increased up to 6 years if ‘aggravating circumstances’ apply.
 - Aggravating circumstances include the use of substances on multiple occasions, engaging in deceptive conduct
- **Maximum sanction for Complicity increased to lifetime ineligibility**
 - Complicity involves aiding, abetting, conspiring or covering up an ADRV by another person.
 - Previously, the sanction range for Complicity was 2 - 4 years. This has been changed to 2 years - lifetime ineligibility.
- **Multiple violations now served consecutively in certain cases**
 - The general rule under the Code is that multiple sanctions are served concurrently (at the same time, not added together)
 - In the new Code, a prior undiscovered violation which occurred more than 12 months before the first sanctioned violation (e.g. a re-testing case), will result in a separate period of ineligibility being served consecutively to the first. Also, if a person commits a second violation during a period of ineligibility then the period for the second violation is also served consecutively.



More flexible sanctions have been introduced in other cases

- **A range of sanctions has been introduced for second violations**

- Under the current Code, a second violation = double the sanction. Under the new Code, the sanction takes into account the athlete's degree of fault for the second violation and is calculated in a range between: 1) the sanction for the first violation plus the sanction for the second violation, added together, and 2) double the sanction for the second violation.

- **Automatic reduction in sanction now available for guilty plea**

- Where a person facing a sanction of four or more years pleads guilty and accepts the violation within 20 days after the charge, there will be an automatic reduction of one year from the period of ineligibility.

- **Treatment of tampering during results management standardised**

- Under the previous Code, when Tampering occurred during the results management process (e.g. forging evidence, lying to an investigation), the consequences were very different depending on whether it occurred before or after the underlying charge was laid. In the former case, it was a sanction of 4 years to be served concurrently, in the latter, it was treated as a sanction for a second offence of 8 years to be added to the sanction for the underlying violation.
- Now, it will be standardised and in all cases treated as a first violation with an additional sanction of 2-4 years (depending on the person's degree of fault) to be added to the sanction for the underlying violation



Changes to the hearing process to ensure *fairness and independence*

- **The following changes will have limited impact on the independent Disciplinary Tribunal of World Athletics, but there may be impact for Member Federations who set up panels to hear first instance national level cases**
 - Minimum term of 2 years for hearing panel members (DT ✓)
 - Panel members for a case must be selected from a wider pool to ensure availability of members in case a conflict of interest arises (DT ✓)
 - Persons who were involved in earlier pre-adjudication phases of the process are not eligible to sit on hearing panels (DT ✓)
 - A right to a public hearing is now afforded unless the tribunal decides otherwise (DT ✗ change required)
 - Hearing panels must be operationally independent from the investigation, decision to charge and the prosecution of the case (DT ✓)
 - No interference to be made in a panel's decision-making process (DT ✓)



World Athletics will be subject to an *enhanced WADA compliance function*

- **Enhanced compliance functions of WADA set out the following matters**
 - The means by which WADA monitors compliance of signatories (such as WA) to the Code
 - The support to be given to correct non-conformities, with prosecution and sanctions a last resort
 - Disciplinary process for CAS to hear and determine allegations of non-compliance and determine consequences
 - Principles for re-instatement
- **New requirement for WA to ensure officials are bound to the Code**
 - WA must ensure that its board members, officers, directors and relevant employees are bound by the Code
 - This does not mean they are subject to testing, but ensures they are under the jurisdiction of the Code for ADRVs such as tampering, trafficking, administration, complicity
 - Member Federation officials are similarly required to be bound to the new rules



New rules to enhance protection for *athlete rights*

- **Athlete rights included as a rationale for the Code**

- Athlete rights are now referenced as a Fundamental Rationale for the Code and the athlete rights set out in the Code are summarised in a separate document entitled the Athletes' Anti-Doping Rights Act

- **International Federations must have meaningful education programs and plans**

- AIU must have an anti-doping education plan and demonstrate its implementation through monitoring and evaluation

- **Substances of Abuse now treated far more leniently**

- WADA's List Expert Group will identify certain Substances of Abuse (recreational drugs) and, if an athlete establishes that use of the substance was out-of-competition and unrelated to sport performance, a flat 3-month sanction will apply
- This can be reduced to a 1-month sanction on completion of a satisfactory rehabilitation program

- **Forfeited prizemoney must now go to other Athletes**

- When an athlete forfeits prizemoney as a result of an ADRV, and this is collected by WA, WA must take reasonable measures to distribute this prizemoney to the athletes who would have been entitled to it



Some new rules proposed that are not mandatory WADA Code changes

- **Definition of International-level athlete**

- This is largely unchanged from the previous version of the definition in the WA Anti-Doping Rules

- **Disciplinary process for Rule 15 (National federation obligations) breaches**

- These changes codify the process used by the Council to deal with the RusAF breaches in 2019 and 2020

- **Additional information to be provided by RTP athletes**

- The WADA Code provides for the minimum amount of information to be provided in a whereabouts program
- The AIU's experience is that this is insufficient and so will require extra information to be provided such as: mobile telephone number, name and details of coaches, managers, agents and clubs
- WADA has approved this list.



Summary of key new actions required of *Member Federations* (detailed in full in Rule 15 requirements)

- **Adopt rules compliant with the 2021 Code**
 - Member Federations must adopt Code-compliant rules including the new violation prohibiting acts to threaten or discourage reporting of doping and retaliation
- **Member Federation Officials bound by the Rules**
 - Member Federations must ensure that all its board members, directors, officers, committee members, and any employees who are involved in any aspect of anti-doping, are bound by the Rules. Advice will be prepared by WA to assist MFs how best to meet this requirement
- **Testing at national level**
 - Testing at national level must from now on be under the documented authority of the National Anti-Doping Organisation. Samples to be collected by the NADOs (or NOCs or RADOs where relevant) and analysed by a WADA-accredited Lab
- **Education of athletes competing in WAS events**
 - National Federations must ensure that athletes sent to WAS events are educated on anti-doping matters beforehand, such education to be delivered in co-operation with the NADO





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