

WORLD ANTI-DOPING CODE 2021

The World Conference on Anti-Doping in Sport took place in November 2019 in Katowice, Poland where the new World Anti-Doping Code 2021 (the **New Code**) was ratified (see www.wada-ama.org/en/resources/the-code/proposed-2021-world-anti-doping-code).

The New Code will come into force on 1 January 2021.

Key Changes

The amendments in the New Code are less substantive than some previous Code revisions and are primarily of a technical nature. We have picked out four of the key changes to highlight as follows:

- 1.** A new anti-doping rule violation has been introduced at Article 2.11 of the New Code. It will now be an offence to attempt to prevent any other individual from reporting anti-doping concerns to the relevant authorities. The aim is to encourage whistleblowers to report their concerns without fear of reprisal. The sanction for this new ADRV is between two years and a life ban.
- 2.** An increase in flexibility in the sanctioning process for proven ADRVs. Taking one example, a standard sanction will be applied for the use of “substances of abuse”, such as cocaine. This is to reflect the fact that such substances are often taken Out-of-Competition and without the objective of performance enhancement. In such cases, an Athlete may receive a flat three month sanction which can be reduced to one month upon the completion of a rehabilitation program.
- 3.** A global definition of what constitutes “In-Competition” across all sports. This will be the period starting at 11:59pm on the day before the relevant competition and ending following the conclusion of the relevant competition and related anti-doping sample collection process. Certain exceptions to this are possible where a sport has unique circumstances and applies to WADA for approval for a different time period.
- 4.** A significantly updated results management process is now set out in a new International Standard. A key clarification within the revised procedures is that any decision of a NADO to ban an athlete will be automatically recognised globally in all sports by all signatories to the New Code.

In addition, new WADA working groups are to be established to consider whether thresholds are required for an ADRV to be triggered by a) the presence of certain Prohibited Substances that are often in contaminated supplements and b) trace amounts of a substance permitted Out-of-Competition when found in an In-Competition test.

Next Steps

National and international federations and national anti-doping organisations now have just under a year to ensure compliance with the New Code and the related updated International Standards.

They will therefore now need to take appropriate steps to:

- (i) review their anti-doping rules and any associated policies and procedures, with updated versions of the relevant documentation being adopted to come into force on 1 January 2021 as per the New Code;
- (ii) ensure that their existing anti-doping programs are reviewed and updated as required to ensure an effective and compliant testing program; and

- (iii) communicate with Athletes and other stakeholders who are affected by the New Code to ensure that they are appropriately notified and educated.

Onside Law attended the Conference and is able to advise on the New Code and its implementation. Please contact us if you require any assistance.



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