

## Key Changes of the FIS Anti-Doping Rules 2021 (FIS ADR 2021)

On 1 January 2021, a new WADA Code entered into force. The FIS has therefore amended its own Anti-Doping Rules. The FIS ADR 2021, effective also since 1 January 2021, replaces the FIS ADR 2019. Here are the main changes. Please note, that this is not a legal document but an outline for your information only.

### New Anti-Doping Rule Violations

**New doping offence to protect whistleblowers:** Under the new FIS ADR 2021, it is a violation to threaten or intimidate another person with the intent of discouraging the person from reporting information to authorities about doping violations or to retaliate against another person for doing so. Everyone who attempts to obstruct whistleblowing activities may be sanctioned with ineligibility from two years to lifetime, depending on the seriousness of the violation. – art 10.9.3.3

**Separate doping offence for fraudulent conduct:** Engaging in fraudulent conduct (e.g. submitting falsified documents to an Anti-Doping Organisation) following an alleged doping offence will be treated from now on as a separate offence and an already imposed doping ban can be extended. – art 4.4.4

**Attempted Complicity:** A person who attempts to cover-up a doping offence or to engage in an Anti-Doping Rule Violation committed by another person can be sanctioned with a period of ineligibility between two years to lifetime. –art 2.9, art 10.14.1

### More flexibility of the hearing panel to determine the appropriate sanction

**Sanction mechanism:** The FIS ADR 2021 allow greater flexibility when it comes to the appropriate sanction:

- Doping bans can be increased by additional two years if "aggravating circumstances" demand a higher sanction (for example using multiple banned substances at one time or the use of a prohibited substance on multiple occasions). – art 10.4
- Doping bans can be reduced for a number of reasons:
  - One reason may be the use or possession of so-called "substances of abuse", which are substances frequently abused in society outside of the context of sport (e.g. cocaine or cannabis) and if the "substance of abuse" was used outside of competitions and not for the purposes of enhancing performance. – art 10.2.4
  - A doping ban can also be reduced up to one month if the sanctioned person completes a substance misuse treatment program approved by FIS. – art 10.2.4.1

- Another reduction of the sanction is available for so-called "protected persons" (i.e. athletes or other persons who have not reached the age of 16 years or have not reached the age of 18 years and are not included in the Registered Testing Pool or who have been determined to lack legal capacity for reasons other than age) and "recreational athletes" (i.e. athletes who have not competed at international or national level for the last five years). – art 10.6.1.3
- Finally, the sanction of an athlete who admits the doping offence may benefit from a reduction of the doping ban by one year. – art 10.7.2

## Clarifications

**Definition "in-competition":** The use of a prohibited substance or method is now considered as "in-competition" if it is carried out during the period from 11:59 pm on the day before a competition to the end of the competition and if the sample is taken in connection with this competition. – Appendix 1

**Therapeutic Use Exemption (TUE) Applications:** As of 1 January 2021, FIS automatically recognize a TUE from a National Anti-Doping Organisation without reviewing the relevant clinical information if such TUE has been reported in accordance with the applicable regulations for the purposes of international competitions. – art 4.4.3

**Additional Testing Pool:** FIS has established a so-called "Additional Testing Pool" in addition to the Registered Testing Pool, which includes athletes who are subject to less stringent whereabouts requirements than athletes included in the Registered Testing Pool. The Additional Testing Pool shall include athletes from disciplines with a low doping risk. FIS will notify the athletes before they are included in the Additional Testing Pool. In case an athlete of the Additional Testing Pool fails to provide the required whereabouts information, FIS may include this athlete in the Registered Testing Pool with the more stringent whereabouts requirements and sanctions. – art 5.5.8 – 5.5.11

Please do not hesitate contacting the FIS Anti-Doping ([antidoping@fisski.com](mailto:antidoping@fisski.com)) if you have any questions about the new FIS Anti-Doping Rules.