



# **Legal Implications of COVID-19 on Parasports and Planning Strategy**

**Asian Paralympic Committee Webinar  
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# Webinar Outline

- **Legal implications of COVID-19 on Para Sports**
- **Return to Para Sports Challenges**
- **Regulatory and administrative aspects**
- **Commercial and contractual aspects**
- **Recommendations on strategic planning**
- **Legal risks assessment and management**



# Legal Implications

- **Cancellation and postponement of parasports events**
  - **Tokyo 2020 Paralympics postponement**
  - **Philippines 2020 ASEAN Para Games cancellation**
  
- **Planning challenges**
  - **Bahrain 2021 Asian Youth Para Games**
  - **Hangzhou 2022 Asian Para Games**



# Major Issues

- **Qualification & eligibility**
  - **The IPC revised Tokyo 2020 Paralympic Games Qualification Regulations for all 22 sports**  
<https://www.paralympic.org/tokyo-2020/qualification-criteria>
- **Anti-doping control and compliance**
- **Return of Para sports events considerations**
- **Increase of the number of cases recently**
- **Para athletes may be at more risk of severe effects of COVID-19**
- **However, no scientific evidence that Para athletes in general have a higher risk of getting infected with COVID-19**



# APC Response

- **APC President message in the wake of the COVID-19 outbreak**
- **APC President series of virtual meetings with NPCs**
- **Hangzhou 2022 Asian Para Games Coordination Commission videoconference meeting**
- **Bahrain 2021 Asian Youth Para Games Working Group virtual meeting**
- **APC Webinar Series and educational initiatives**
- **First ever APC Athletes Forum for Asian Para athletes – 2 & 3 December 2020**



# IPC Guidelines

- **Consulting with IPC Medical Committee and IFs medical experts, the IPC has released guidance for athletes on the potential impact of COVID-19**
- **For medical personnel the IPC Medical Committee issued an assessment of COVID-19 risk based on specific disabilities**



# IFs Guidelines

- Many IFs (World Athletics, FIFA, ITF, etc.) have developed guidelines to National Federations and event organizers to plan for restarting sports events and also addressing regulatory issues (e.g. FIFA COVID-19 Regulatory Issues Recommendations);
- Such recommendations do not represent legal advice and set sport-specific supplementary guidance;
- In the event of ambiguity national laws, regulation and requirements should always take precedence over guidelines and recommendations by the IFs.



# Return of Para Sports

- Key considerations:
  - Health and safety of Para athletes, staff, officials and spectators is the key criteria;
  - Para sport events conditions may vary significantly – ‘one-size-fits-all’ approach is not appropriate;
  - NPCs should consult and follow local regulations and public health authorities’ requirements;
  - Events should be authorized only if organizers are able to comply with local laws and government requirements;
  - Decisions should be based on objective health information and local COVID-19 transmission rates.





# Planning of Para Events

- Local requirements should be followed;
- IPC and IF's sports specific guidelines should be consulted;
- WHO risk assessment and mitigation checklist for mass gatherings and sports events in the context of COVID-19;
- The IPC has developed IPC Classification Hygiene and Infection Control Guidelines
  - specific to the current pandemic and not intended to replace local laws, regulations and guidelines



# Risk Assessment

- **The appropriate risk assessment must be undertaken together with local authorities and governing bodies;**
- **Risk mitigations policies must be put in place to minimize any potential risk in line with national guidelines, IPC, APC & IFs specific recommendations;**
- **If national measures that preclude organization of events are imposed (re-imposed) such restrictions should be followed;**
- **Health and safety should always be the guiding principle when making decisions on running the events.**



# Anti-Doping Guidelines

- At the beginning of the pandemic the IPC adjusted its anti-doping testing program in line with the guidelines of WHO and WADA;
- WADA thereafter issued updated guidance on the resumption of athlete testing to restart or return to normal doping control;
- For all Para athletes, as per IPC Anti-Doping Code Article 20.5.2., testing can happen at any time or place during the ongoing pandemic and athletes must always be available for testing;
- The IPC Code Article 2.3 (Evading, refusing or failing to submit to Sample collection) continues to apply;
- New measures are in place to protect health of athletes and sample collection personnel. Athletes listed in the IPC Registered Testing Pool (RTP) are advised to inform the IPC if they or anyone in their close contact have been diagnosed with COVID-19 or are experiencing any symptoms.



# Regulatory and Administrative Aspects

- **Travel limitations, immigration and visa processing issues – country-specific and event-specific;**
- **Decision-making and compliance: legitimacy of online meetings, assemblies, voting and elections – revise your constitutional documents, consider amendments;**
- **Employment aspects – national stimulus packages and revised regulatory requirements;**
- **Compensation and financial support – in line with national laws and incentives of the IFs.**



# Contractual Aspects

- **Contractual relationships with sponsors, merchandisers, etc.;**
- **Contractual disputes mitigation and renegotiating strategy;**
- **Revising contractual relationships and addressing legal risks;**
- **Extension and potential renegotiating of event-related agreements (e.g. Tokyo 2020 sponsorship contracts of NPCs);**
- **Revising Force Majeure Clauses – robust and pandemic-specific;**
- **Indemnities and liability waivers;**
- **Insurance considerations.**



# Recommendations

- Develop and keep updated risk assessment and risk mitigation policy – based on national requirements and specific recommendations of the IPC, APC and IFs;
- Always coordinate events with local public health authorities and seek for statutory approvals;
- Evaluate crisis management procedures to ensure material information and necessary authorization is provided to senior management in a manner that allows them to make timely and accurate decision-making;
- In the event of ambiguity rely on health considerations and national laws requirements.



# Recommendations (cont.)

- Prepare a guideline for testing, potential mandatory quarantine, isolation and reporting in line with national requirements, indicating penalties for non-compliance and non-cooperation;
- Develop legal processes as a part of Risk Mitigation Policy and templates for legally required notifications and logistical considerations;
- Develop and collect COVID-19 and Health Self-Declaration with the explicit consent of the athletes for data collection, mandatory quarantine/isolation and medical treatment, indemnity and release of liability statements.



# Recommendations (cont.)

- Develop comprehensive communication plan and emergency updates policy;
- Consider approving of communications materials, first response statements, social media announcements and guidance to staff engaged with the press;
- Ensure there is a comprehensive and updated contacts and emergency list.





# Recommendations (cont.)

- Ensure there is a checklist of contracts and running obligations;
- Revise force-majeure and indemnity clauses;
- Pay attention to notice provisions in the force majeure clause;
- Consider applicable laws and dispute resolution mechanism;
- Consider other relevant commercial provisions – e.g. termination for convenience, warranties, release of liability, duty to mitigate damages, etc.;
- Consider establishing a contact point within your organization to review and renegotiating relevant agreements.



# Recommendations (cont.)

- Consider applicable requirements for collecting, processing and storing personal medical information;
- Review and undertake cybersecurity preparations for extended remote access to networks or data of your organization;
- Test your remote access capabilities and incident response plans;
- Review decision-making and compliance protocols – ensure legitimacy of online meetings and voting. Revise constitutional documents, consider amendments, if necessary.



# Recommendations (cont.)

- Essential insurance coverage is recommended;
- Insurance policy should cover interruptions due to pandemic, travel restrictions and events cancellation;
- Document your claims and all evidence.



# Takeaways

- ✓ Health and safety of Para athletes, staff, officials and spectators is the key criteria;
- ✓ NPCs should consult and follow local regulations and public health authorities' requirements;
- ✓ NPCs should consult with the sport-specific guidance and recommendations of the IPC, APC, IFs;
- ✓ In the event of ambiguity national laws, regulation and requirements should take precedence;
- ✓ Comprehensive risk management and mitigation plan should be developed addressing potential risks

***Disclaimer: This presentation does not constitute legal advice nor shall be treated as an official position of the Asian Paralympic Committee.***



**Thank you for your attention!  
Stay safe!**